

# Planning and Development Reports

**Committee Consideration – 12 August 2014**  
**Council Resolution – 26 August 2014**

## Table of Contents

Item No.	Page No.
PD28.14	
(Lot 315) No. 12 Leura Street Nedlands –Additions (Three-Storey) to Office-Professional .....	2
PD29.14	
(Lot 109) No. 60 Vincent Street Nedlands –Proposed Additions (Two Storey Garage and Attic) to Single House .....	11

<b>PD28.14</b>	<b>(Lot 315) No. 12 Leura Street Nedlands – Additions (Three-Storey) to Office-Professional</b>
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<b>Committee</b>	12 August 2014
<b>Council</b>	26 August 2014
<b>Applicant</b>	Design Management Group
<b>Landowner</b>	Genteel Nominees Pty Ltd
<b>Officer</b>	Mr T L Geddes – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	LE4/12 : DA2014/112

## 1.0 Executive Summary

This proposal is for three storey additions to an office with several variations to the planning requirements. The development site is zoned residential R25, with an Additional Use of Office (A46).

It has been referred to Council for determination as officers do not have delegation to determine an application under instrument of delegation 6A, where objections have been received.

The development does not meet the requirements of Table III – Land Permitted for Additional Uses of Town Planning Scheme No. 2 (TPS 2) in relation to its side and rear setbacks, plot ratio and the landscaping of these setbacks and does not meet the car parking requirements of Schedule III. As per clause 5.4.1.3 of TPS2, the standards of table III are able to be varied upon application, however it is considered that the proposed variations will have a significant effect upon the amenity of the locality in relation to the external appearance of the development and the traffic generated.

As a result, the application is recommended for refusal, for the following reasons.

## 1.1 Recommendation to Committee

**Council refuses an application for additions (three-storey) to office-professional at (Lot 315) No. 12 Leura Street Nedlands, in accordance with the application dated 13 March 2014 and amended plans received on 5 June 2014, for the following reasons:**

1. The proposed setbacks, increased plot ratio and reduced landscaped area are inconsistent with the provisions of clause 5.4 of Town Planning Scheme No. 2 (Table III) as they are considered to have an effect upon the amenity of the surrounding locality and are not supported by the City.
2. The proposed setbacks, increased plot ratio and reduced landscaping area are inconsistent with the provisions of clause 5.5.1 of TPS2 (Preservation of Amenity) as it is considered to have an adverse effect upon the amenity of the surrounding streetscape and is not in keeping with the general character of the locality.
3. An insufficient number of car bays are provided for the office – professional use as per TPS2 Schedule III which will adversely affect the surrounding neighbours.
4. The proposal is not orderly and proper planning as it is inconsistent with the zoning of the property.

## 1.2 Strategic Plan

KFA: Natural and Built Environment

## 2.0 Background

<b>Property address</b>		(Lot 315) No. 12 Leura Street Nedlands (the <b>site</b> )
<b>Lot area</b>		458m <sup>2</sup>
<b>Zoning / Reserve</b>	<b>MRS</b>	Urban
	<b>TPS2</b>	Residential R25 (A46 – Additional use of Office)

In March 2014, the City received an application for a three-storey additions to the rear of the subject site, with the existing two storey office on site being retained and the additions being attached to the rear. The proposal was amended several times in order to meet the building height requirements of the Town Planning Scheme, as these requirements are non-discretionary.

The site has frontages to Leura Street to the east and Hampden Lane to the west and adjoins two residentially zoned properties to the north and south as per the attached locality plan (**Attachment 1**). These properties have been approved for an additional use of office (A23 and A24).

It is noted that the subject site is located in an area which was to be subject to the Hampden Road Hollywood Neighbourhood Centre Built Form Policy and Guidelines, however these guidelines were not adopted by the City of Nedlands and the proposal is required to be assessed against the standard requirements of the Scheme for sites with approved additional uses.

## 2.2 Legislation / Policy

- *Planning & Development Act 2005*;
- City of Nedlands Town Planning Scheme No. 2 (**TPS2** or **Scheme**); and
- Council Policy – Neighbour Consultation.

## 3.0 Consultation Process

### 3.1 What consultation process was undertaken?

Required by legislation (Scheme / R-Codes):

Yes ☒ No ☐

Required by City of Nedlands policy (Neighbour Consultation):

Yes ☒ No ☐

### 3.2 How and when was the community consulted?

Community consultation period:	7 May 2014 – 21 May 2014
Pursuant to this consultation, five (5) objections were received, relating to various aspects of the proposal (discussed below).	

## 4.0 Budget / Financial Implications

The application is for works constructed on a private lot, and therefore has no budget or financial implications for the City.

## 5.0 Risk Management

Not applicable.

## 6.0 Discussion

### 6.1 Planning Assessment

The proposal involves additions to the existing office on the subject site, as depicted in the submitted plans (**Attachment 2**). The surrounding area is zoned residential with the sites on the eastern side of Leura Street, including the subject site, exhibiting permitted additional uses (primarily office). These sites are all subject to the requirements of Table III of TPS2. The properties on the Western side of Leura Street are all single dwelling houses (No. 1 Leura Street has an approved additional use of Church, but is now used in a residential capacity).

The proposal involves three storey additions to the existing office, with car parking to the front setback and to the rear of the site off Hampden Lane.

Variations to the planning requirements are as follows:

- 1m setbacks to the north and south side boundaries in lieu of 5m (the proposal also involves support piers to the property boundary);



- b) 2m setback to the rear laneway (Hampden Lane) in lieu of an average setback of 8m (minimum of 5m);
- c) Plot ratio of 0.73 in lieu of 0.5 (334m<sup>2</sup> in lieu of 228.5m<sup>2</sup> or an increase of 46%);
- d) It is noted in the Scheme requirements that no car parking is to be permitted in the front setback without special Council approval and rear and side setbacks are to be primarily landscaped buffers. The proposal involves car parking to the front setback and does not propose landscaping to the side and rear setbacks;
- e) The proposal involves 14 on-site car bays in lieu of 16 bays as required under Schedule III of the Scheme. It is noted that additional car parking bays are proposed to be located on the property verge.

The following assessment of the variations is based upon the specific Town Planning Scheme requirements.

### 6.1.1 Town Planning Scheme (Table III) Requirements

#### a) *Northern (side) setback – 1m in lieu of 5m*

The proposal involves a setback of 1m to the northern boundary in lieu of 5m. It is noted that the adjoining (single storey) office is built up to the boundary, however, it is considered that the external appearance of the proposed development will be overly imposing and negatively impact the adjoining properties due to the bulk of the structure.

#### b) *Southern (side) setback – 1m in lieu of 5m*

The administration comment with regard to this variation is consistent with that listed above, noting that the impact of the bulk and scale of the proposed structure will further negatively impact the property to the south due to the loss of winter sunlight and ventilation access to the adjoining property.

#### c) *Eastern (rear) setback – 2m in lieu of min. 5m (8m average)*

The proposed rear setback is considered to negatively impact upon the amenity and use of Hampden Lane. The majority of properties with access from this section of Hampden Lane are set back from the property boundary, with two (2) of the Leura Street properties exhibiting single storey garages on the laneway boundary.

The proposal involves a three storey high office/car parking 2m from the rear boundary and the proposal is considered to have a negative impact upon the locality and to be inconsistent with the current zoning of the property, which permits an office use subject to the requirements of Table III. The rear setback is

#### d) *Plot ratio – 0.73 in lieu of 0.5*

The proposed plot ratio exceeds that permitted for the lot under the requirements of TPS2 Table III by 46%. Under the existing planning requirements, a floor area of approximately 230m<sup>2</sup> could be supported as of right, while the proposal involves 334m<sup>2</sup>. It is considered that the proposal is inconsistent with the zoning of this property (residential with an approved office use subject to the relevant scheme requirements) and therefore does not meet the requirement of clause 5.5.1 of TPS2, relating to the preservation of amenity. The proposal is considered to exceed what would be normally expected by adjoining properties.

e) *Landscaping requirements*

Under the Scheme requirements for non-residential uses, setbacks are to be landscaped to the satisfaction of the Council and in the Additional Use requirements, it is noted that car parking is not to be permitted in the front setback area and rear and side landscaping areas are to be “*primarily landscape buffers*”. The proposal does not involve any landscaping and proposes car parking bays to the primary street setback area.

It is considered that the lack of landscaping contributes to the impact of the proposed development upon the amenity of the locality, leading to an overly bulky and imposing appearance upon the streetscape and adjoining properties. If greater property setbacks were to be conformed with and landscaping proposed, the impact of this development would be softened.

### 6.1.2 Car Parking Shortfall

The Scheme at Schedule III requires an office use to provide car parking at a minimum rate of 4.75 bays per every 100m<sup>2</sup> of gross leasable floor area. Based on the gross leasable floor area proposed, a minimum of 16 car bays are required.

This application proposes a total of 16 on-site car bays located at the front and to the rear of the office building. Refer to **Attachment 2** (proposal plans) for the proposed car parking configuration.

This application proposes a 2 bay deficit 12.5% shortfall to the Scheme's car parking requirement. Clause 5.4.1.4 of the Scheme allows Council to vary the car parking requirements, taking into account the following:

- The number of bays to be roofed or covered
- The number of bays to be below natural ground level
- The access to each space and the adequacy of vehicle manoeuvring areas
- The effect on the amenity of the adjoining premises
- The provision of pick up and settling down bays

The application proposes that 10 bays are to be covered and no pick up or loading bays are proposed.

The subject lot is located in an area which has been identified by the City as having limited availability of car parking. Therefore it is essential that uses in this area have

sufficient car parking on-site to meet the parking demand generated by the use. This application proposes a 2 bay shortfall to the minimum number of bays required by the Scheme for an office use.

The applicant is also proposing 4 parking bays within the road reservation, however these bays cannot be taken into account when assessing the required car parking for the site. It is considered that there is inadequate supply of parking provided on-site to satisfy the parking demands of an Office use in the proposed building and the addition of formalised bays on the property nature strip further intensifies the impact of the proposed structure upon the streetscape and should not be supported. This area of Leura Street is zoned as Residential under TPS2 and it is not considered that formalising parking bays on the nature strip to support this development is consistent with this zoning.

### 6.1.3 Preservation of amenity

TPS2 clause 5.5.1 (Preservation of Amenity) states (emphasis added):

*“...Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”*

In response, it is considered that the proposed development will adversely affect the amenity of the surrounding area (as discussed earlier). The external appearance of the development is not acceptable (as discussed earlier). The traffic congestion and noise generated will not be at an acceptable level when taking into account the existing character of the area and it is considered that the proposal involves the over-development of the site when assessed against the current requirements for the site. Accordingly, the proposal is considered to adversely affect the amenity of the surrounding area, and is not supported by the City.

### 6.1.4 Orderly & proper planning

TPS2 clause 6.5.1 (Determination by Council) states (emphasis added):

*“The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.”*

In response, the proposal does not comply with Scheme provisions, with discretionary variations which are not supported. Accordingly, it is considered that the proposal does not represent orderly and proper planning, and is not supported by the City. The proposal is considered to be inconsistent with the current zoning of the site and is more in keeping with a development which would be expected in an area specifically zoned for Office use.

In order to facilitate developments of this intensity in this area, a TPS amendment would be the correct procedure. This would provide consistent future guidance for property owners of the Additional Use sites and residential sites.

Any changes to the current requirements need to be adopted by the Council and this has not yet been done. The City must assess development against the planning requirements as they currently stand, rather than against potential changes which have yet to be considered.

## 6.2 Submissions

Below is a summary of comments received from the neighbour consultation, which have been taken into account in the Discussion section of the report.

Summary of comments received	Officer's technical comment
<b>Issue:</b> "Ad hoc" development contrary to the current scheme requirements will negatively affect adjoining landowners.	It is agreed that the planning requirements for this area need to be applied in a consistent manner against the current Scheme requirements and the proposed variations to the Scheme requirements are not supported. The proposal has been assessed in accordance with the current requirements for the site and the City's recommendation is based upon this assessment.
<b>Issue:</b> "Piecemeal" approach to individual applications leads to uncertainty regarding the future planning of the area.	The City is required to assess applications as they are received against the requirements as they currently stand. In this case, it is considered that the proposal is inconsistent with the zoning of the subject site and is therefore not supported.
<b>Issue:</b> Reduced rear setback will have a negative impact upon adjoining properties vehicular access and may lead to fence damage due to reduced turning circles.	The proposal involves only support piers to the rear of the property at the ground floor level as per <b>Attachment 2</b> (proposal plans). The upper floor offices are to be set back at 2m and as this level is raised approximately 2.5m above the laneway level, vehicular movement is not considered to be impeded.
<b>Issue:</b> The reduced setback to the rear will impact visibility on Hampden Lane and impose a large building bulk on adjoining properties;	The proposal involves only support columns at the ground floor and it is not considered that these structures will negatively impede sightlines. The

	comment with regard to the bulk of the proposed structure is supported, as the proposal is considered to have a negative impact upon the adjoining properties and laneway.
<b>Issue:</b> The proposed side setback will negatively access sunlight access for adjoining properties, “ <i>creating a dark walkway to our offices</i> ” and will reduce ventilation;	This comment is supported as the size of the proposed development and the lesser setback to the southern boundary results in a loss of direct sunlight to the property to the south, especially in winter. The proposal will directly affect the amenity of this property with regard to sunlight access.
<b>Issue:</b> The proposed plot ratio increase will negatively impact adjoining properties	The proposed plot ratio increase (46%) results in increased impacts to the adjoining properties due to the increased car parking requirements and is linked to the large, bulky appearance of the development to adjoining properties.
<b>Issue:</b> The reduced number of onsite car bays will lead to an exacerbation of the existing parking shortage in the locality and will create an aesthetic and logistic impact.	The proposed car parking shortfall is related to the increase in floor area over that permitted under the requirements of Table III. The applicant has proposed to provide further car parking bays on the property verge in order to combat this deficit, however it is considered that this will further intensify the impact of the proposed development on adjoining properties as noted earlier.
Note: A full copy of all relevant consultation feedback received by the City has been given to the Councillors prior to the Council meeting.	

## 7.0 Conclusion

The Scheme provisions relating to additional uses, especially in residential zones are placed in order to limit the impact of such a use upon a predominantly residential area. The increased setbacks, reduced plot ratio (in comparison to the Scheme requirements for non-residentially zoned sites) and landscaping provisions permit small offices to operate in a residential zone with a minimal imposition upon the amenity of the locality. The proposed use does not meet the majority of the listed requirements under the Scheme for additional use sites and it is considered that the proposal will negatively impact the amenity of the Leura Street streetscape and is inconsistent with the current planning requirements.

In comparison to what could potentially be expected by adjoining landowners with regard to the current planning requirements for this site and adjoining sites, the

proposal is not considered to be in accordance with the prevailing development context for Leura Street.

It is considered that the proposed development could potentially be supported on a site in an area specifically zoned to be utilised for office development. The current zoning of the site is not considered to be capable of supporting such intensive development and it is considered that the impact of this development upon the streetscape in relation to the traffic generated and the external appearance of the development will be too great. Although this site was to be subject to specific Design Guidelines, these requirements were not adopted by the Council, and as a result the development must be assessed in accordance with the planning requirements as they currently stand.

Accordingly, the application is recommended to the Council for refusal.

## **8.0 Attachments**

1. Locality Plan
2. Proposal Plans



City of Nedlands

The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

12 Leura Street

Tuesday, July 15, 2014

1:250



03 June 2014

Planning Department  
City of Nedlands  
71 Stirling Highway  
NEDLANDS WA 6009

CITY OF NEDLANDS	
DIVISION	
Document #	
File #	
- 5 JUN 2014	
Redirect	
Action	ACK NRN OTHER
Enclosed	

dm|g

**ARCHITECTURE**

DESIGN MANAGEMENT GROUP PTY LTD  
twelve leura street nedlands wa 6009  
telephone +61 8 9287 7999  
facsimile +61 8 9287 7977  
info@dmgastralia.com.au  
www.dmgastralia.com.au

Dear Thomas,

**RE: DMG Office Extension, 12 Leura St, Nedlands – Planning Application**

Please find enclosed amended drawings (2 x A1 copies):

- A02.02 Rev D
- A02.03 Rev D
- A03.01 Rev D

The amended documents reflect the requested maximum height of the building to be 8.5 metres from the centroid natural ground level on site (RL 15.14) to comply with the Town Planning Scheme 2.

We believe that all the other requirements have been addressed and we request for the Planning Approval to be issued.

Should you have any queries regarding this application or require any further information please don't hesitate to contact the undersigned on (08) 9287 7999.

Yours Sincerely,

**DESIGN MANAGEMENT GROUP PTY LTD**



Lindsay Allen  
Principal



NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing work. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.

#### NOTE:

- ALL EXISTING EXPOSED EXTERNAL BRICKWORK TO BE SAND RENDERED AND PAINTED.

- REFER TO ELECTRICAL LAYOUT DRAWINGS FOR NEW LOCATIONS OF POWER POINTS AND GPO'S.

- ALL OLD GPO'S AND LIGHT SWITCHES TO BE REPLACED WITH NEW ONES.

- CARPET TILES TO BE RE-USED WHERE POSSIBLE AND WHERE NEEDED.

- NEW SELECTIONS OF DOOR LEVERS AND LATCHES TO BE INSTALLED TO EXISTING DOORS.

#### LEGEND

EXTENT OF WALL NEW STUD FRAMED WALL. INSTALL MATCHING CORNICES AND SKIRTINGS. 13mm THICK PLASTERBOARD LININGS. PAINT FINISH.

EXTENT OF NEW BRICK WALL. SAND RENDER AND PAINT TO EXTERNAL. PLASTER AND PAINT TO INTERNAL.

EXISTING COLUMN

NEW STEEL COLUMN. TO ENG'S DETAILS.

BRICK UP WINDOW OPENING. SAND RENDER AND PAINT FINISH EXTERNAL. PLASTER AND PAINT TO INTERNAL.

REPLACE GLASS TO WINDOW. TRANSLUCENT.

FEATURE CLADDLED FRAMED WALL TO DETAIL. SEE A7 SERIES DRAWINGS.

NEW UNISEX ACCESSIBLE TOILET AND SHOWER. REFER TO CABINETWORK DRAWINGS & SCHEDULES FOR LAYOUT, FITTINGS AND FINISHES.

NEW FRAMED STAIR. TIMBER TREADS AND RISERS. INSTALL STAIR NOSING STRIPS, BALUSTRADES, HANDRAILS AND TACTILE INDICATORS TO COMPLY WITH AS1428.1 - 2009.

NEW PIVOT ENTRANCE DOOR WITH SIDELIGHT.

NEW OPENINGS WITH TIMBER ARCHITRAVE.

STEEL FRAMED WALL. ATTACH LASER CUT SCREEN TO EXTERNAL. TO DETAIL.

200 x 50 ALUM. RHS (SQUARE EDGE) VERTICAL LOUVRES. POWDER COATED. SELECT. COLOUR.

PAVE TO MATCH THE PAVERS ADJACENT

TO FIRST FLOOR NEW OPEN OFFICE:  
- FRAMED STRUCTURE OPEN OFFICE. CLADDLED EXTERNALLY WITH MAXLINE 340 CLADDING.  
- FLOOR FINISH TO BE CARPET TO MATCH EXISTING.

TO NEW RETREAT & TEA PREP:  
- NEW CABINETWORK TO TEA PREP. REFER TO CABINETWORK DRAWINGS & SCHEDULES FOR LAYOUT, FITTINGS AND FINISHES.  
- TILE FLOOR FINISH.  
- RELOCATE HOT WATER URN TO NEW TEA PREP.

TO NEW FEMALE TOILET:  
- REFER TO CABINETWORK DRAWINGS & SCHEDULES FOR LAYOUT, NEW CABINETWORK, FINISHES AND INFORMATION ABOUT NEW FIXTURES.  
- INSTALL LAMINEX TOILET PARTITION & DOOR.

TO MALE TOILET:  
- REFER TO CABINETWORK DRAWINGS & SCHEDULES FOR LAYOUT, NEW CABINETWORK, FINISHES AND INFORMATION ABOUT NEW FIXTURES.  
- INSTALL LAMINEX TOILET PARTITION & DOOR.

NEW DOOR.

TO BOARDROOM:  
- REFER TO CABINETWORK DRAWINGS & SCHEDULES FOR LAYOUT, FIXTURES AND FINISHES.  
- INSTALL MATCHING CARPET TILES AT AREA WHERE WALL WAS REMOVED.

NEW STAIR WELL. CFC CLADDLED.

FEATURE CLADDLED FRAMED WALL ATTACHED TO EXISTING EXTERNAL WALL. SEE ELEVATIONS AND DETAILS.

INSTALL NEW COLORBOND FENCE.

TO NEW SECOND FLOOR OFFICES:  
- FRAMED STRUCTURE OPEN OFFICE. CLADDLED EXTERNALLY WITH MAXLINE 340 CLADDING.  
- FLOOR FINISH TO BE CARPET TO MATCH EXISTING.

TO FIRST FLOOR LEVEL ONLY. WEBFORGE GRATE SUPPORTED BY PFC FRAMES TO ENG'S DETAIL. INSTALL MONOWILLS HANDRAILS TO PLANT DECK. PAINT FINISH TO HANDRAILS.

NEW TIMBER FLOOR FINISH. EXTENT SHOWN HATCHED.

NEW STEEL BEAM ABOVE SUPPORTED BY STEEL COLUMNS. TO ENG'S DETAILS. BOX EXPOSED COLUMNS WITH PLASTERBOARD.

REPLACE GLASS TO WINDOW. CLEAR.

NEW OFF THE SHELF LETTER BOX. PROVIDE CONCRETE FOOTING.

LAY NEW ROOF SHEET TO MATCH EXISTING.

NEW ROOF SHEET TO FALL TO NEW BOX GUTTER

INSTALL SPLIT A/C. RE-USE EXISTING A/C.

#### NETT LEASABLE FLOOR AREA

GROUND FLOOR  
EXISTING: 87m<sup>2</sup>

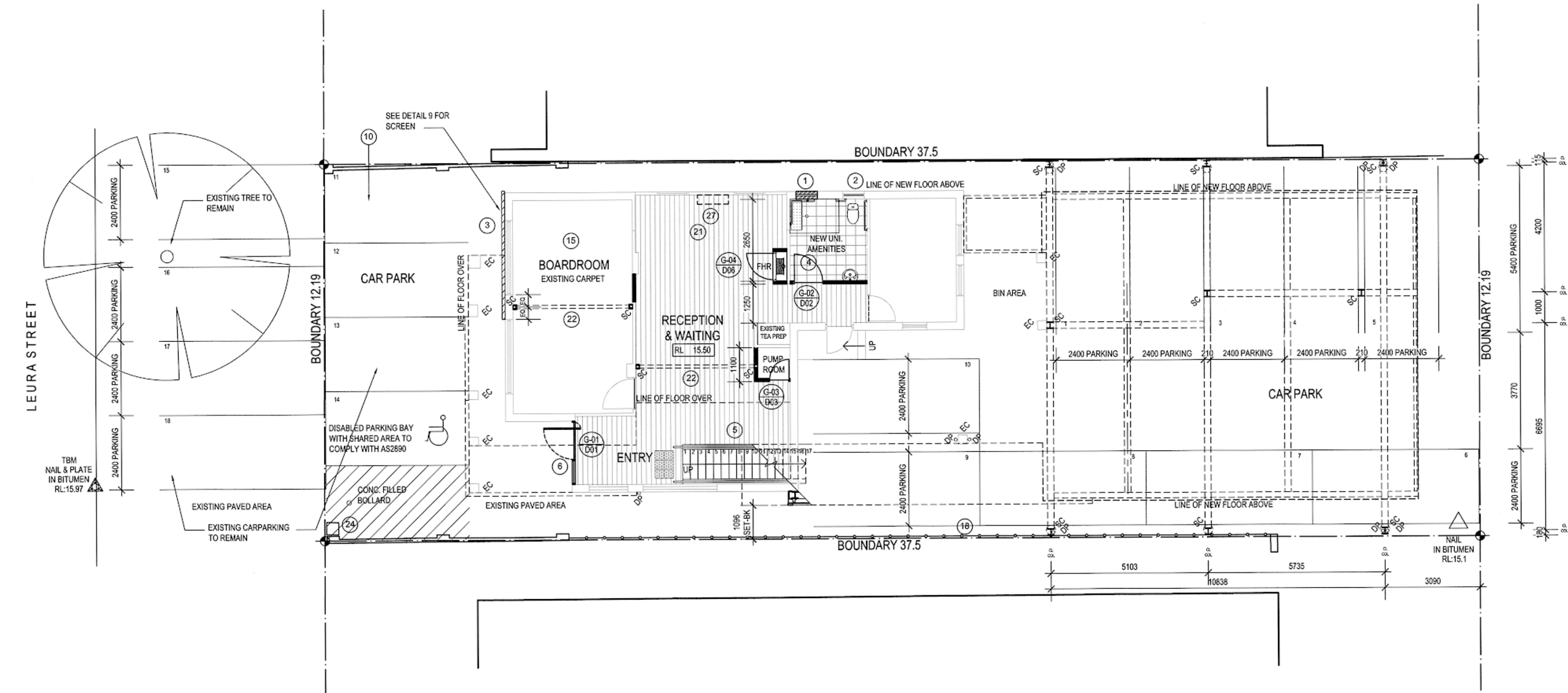
FIRST FLOOR  
EXISTING: 85m<sup>2</sup>  
NEW ADDITION: 103m<sup>2</sup>

SECOND FLOOR  
NEW ADDITION: 59m<sup>2</sup>

TOTAL: 334m<sup>2</sup>

CAR PARKING: 17 BAYS TOTAL  
16 STANDARD BAYS  
1 DISABLED BAY

North  
FIRST FLOOR NEW WORKS PLAN  
SCALE 1:100



North  
GROUND FLOOR NEW WORKS PLAN  
SCALE 1:100

#### DA APPLICATION



DESIGN MANAGEMENT GROUP twelve leura street nedlands wa 6009  
telephone +61 8 9287 7599 | facsimile +618 9287 7977  
contact@dmgastralia.com.au | www.designmanagement.com.au

#### PROJECT

DMG OFFICE EXTENSION  
12 LEURA ST  
NEDLANDS

#### TITLE

NEW WORKS PLANS  
GROUND & FIRST FLOOR

SCALE DRAWN CHECKED  
1:100 LJ LA

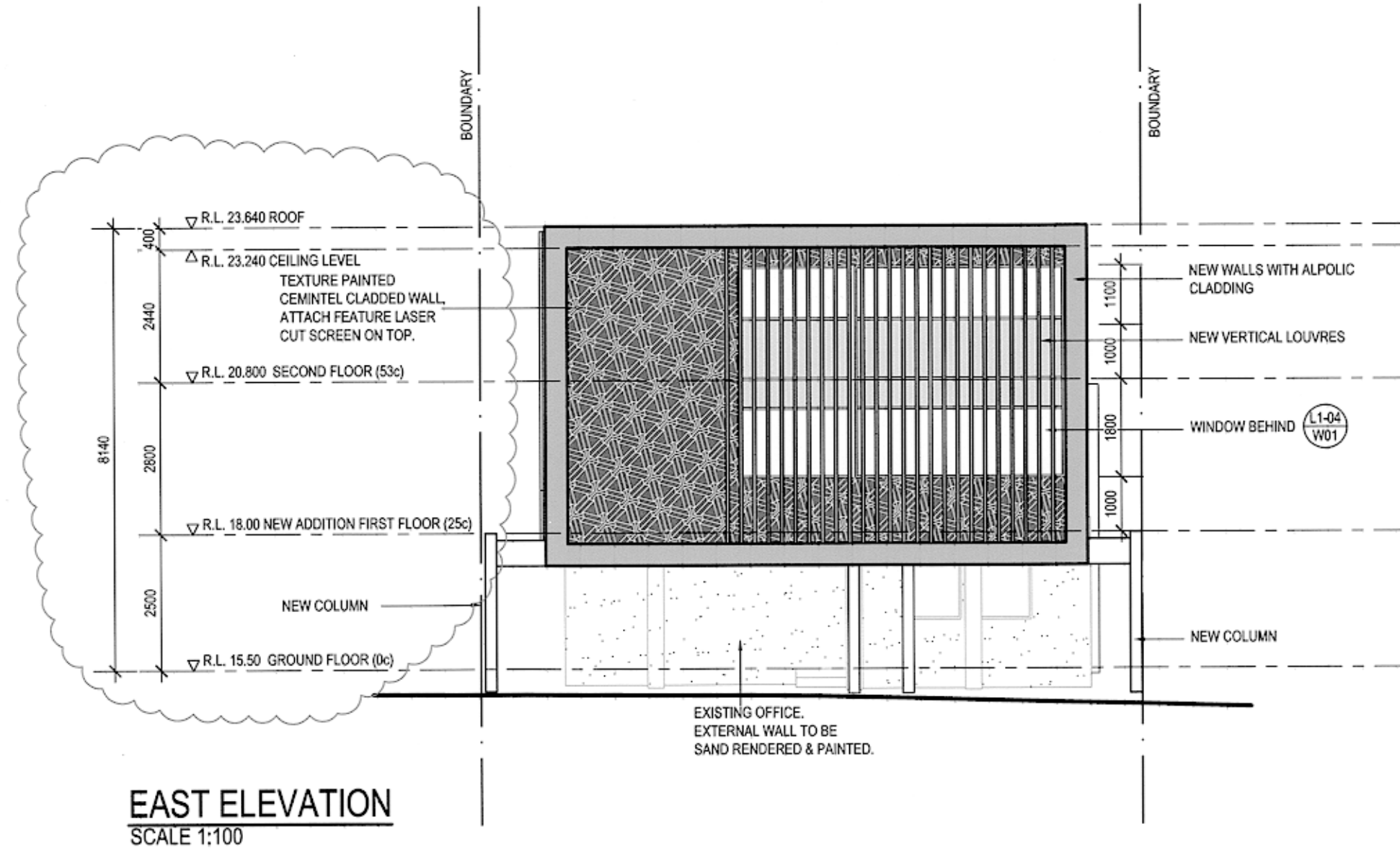
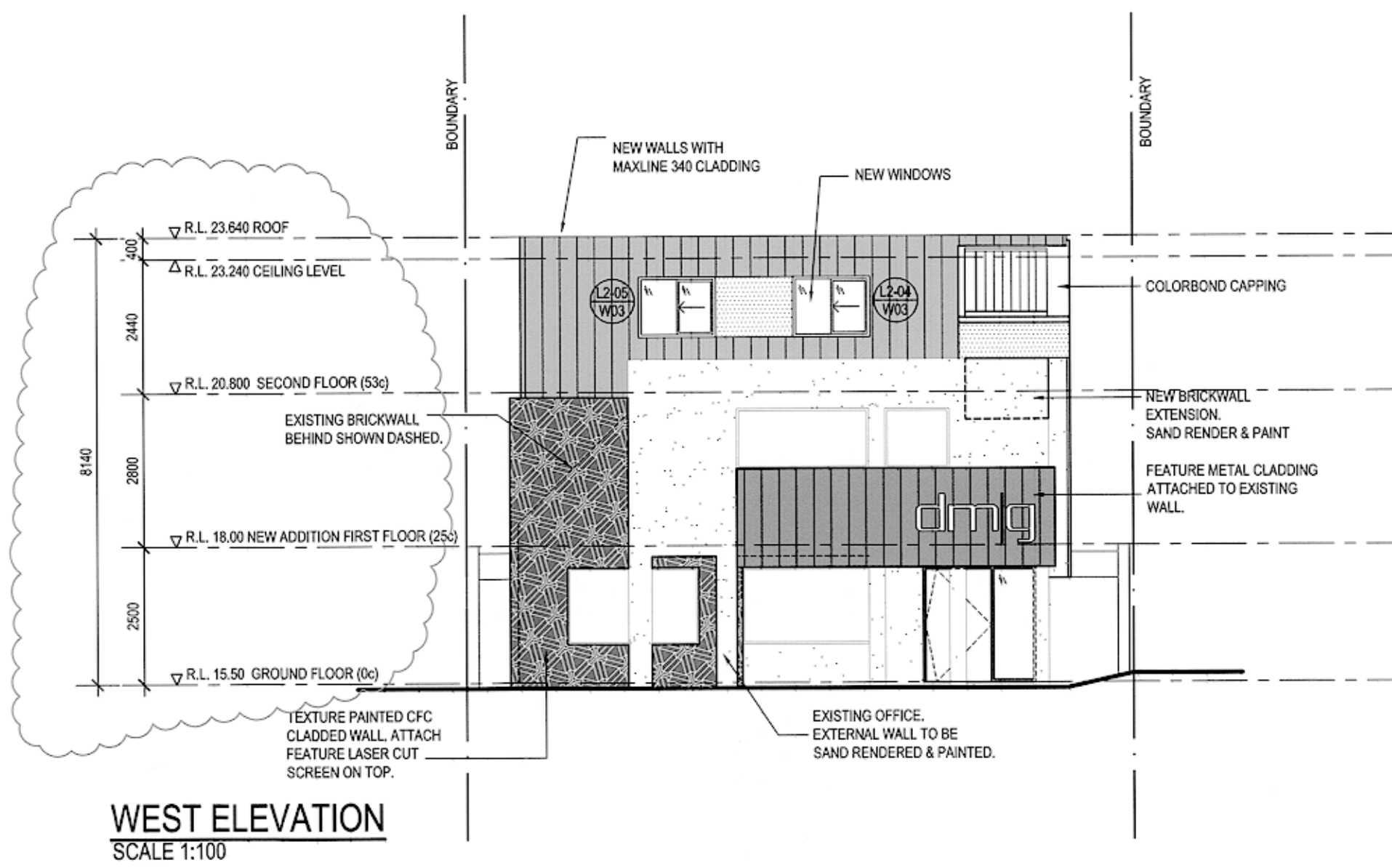
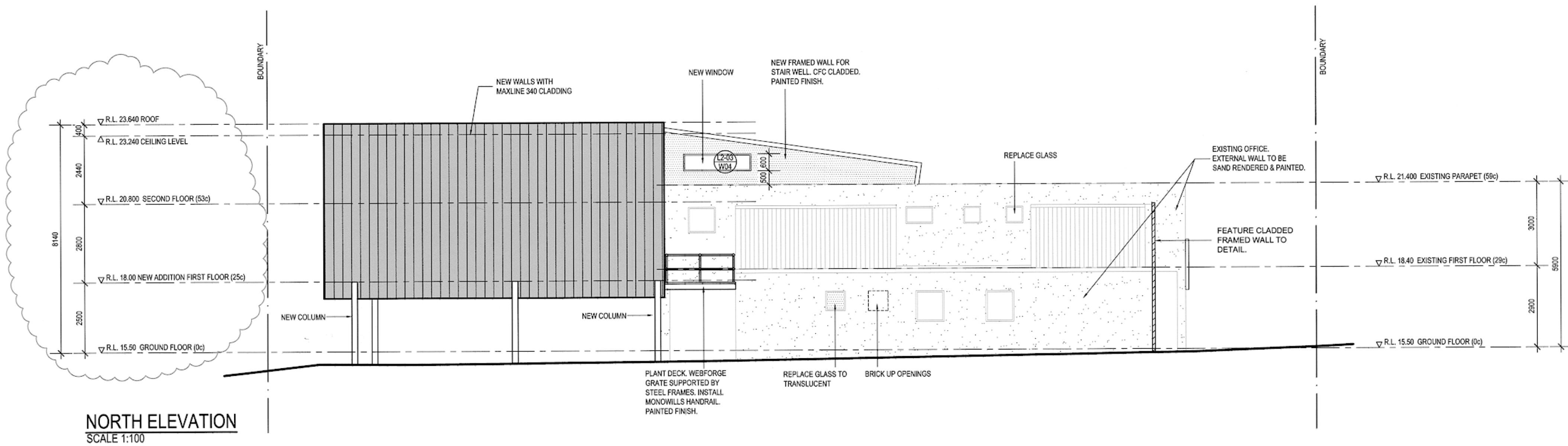
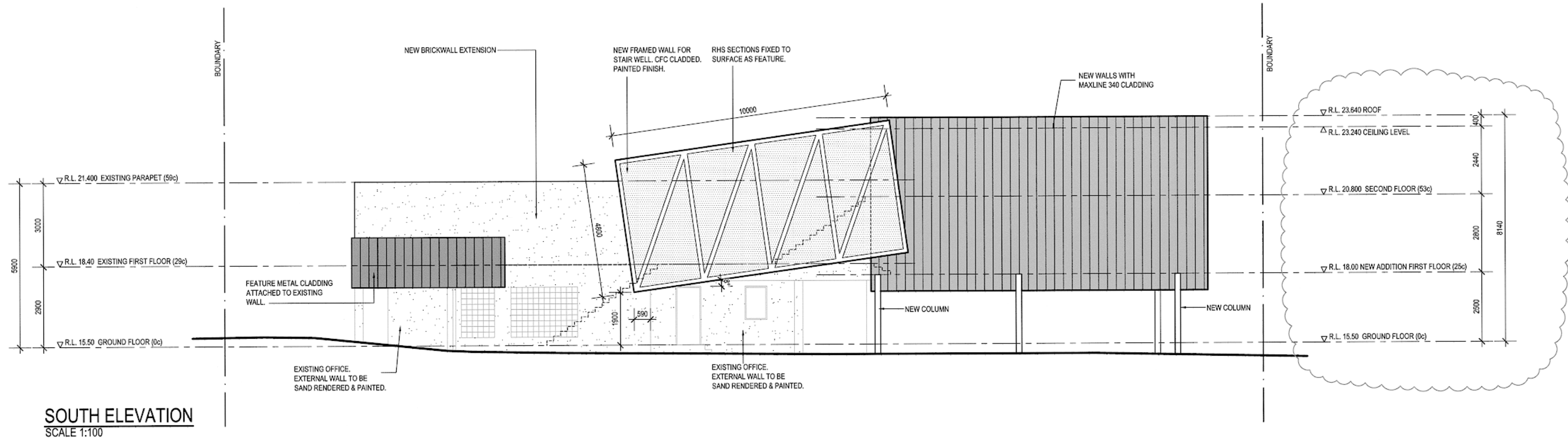
PROJECT DRAWING ISSUE  
13008 A02.02 D

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D	03.06.14	DA APPLICATION	LJ	LA
C	22.05.14	DA APPLICATION	LJ	LA
B	22.04.14	DA APPLICATION	LJ	LA
A	12.03.14	DA APPLICATION	LJ	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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## DA APPLICATION



DESIGN MANAGEMENT GROUP twelve leura street nedlands wa 6009  
telephone +61 8 9287 7999 | facsimile +618 9287 7977  
contact@dmgaustralia.com.au | www.designmanagement.com.au

## PROJECT

**DMG OFFICE EXTENSION**  
12 LEURA ST  
NEDLANDS

## TITLE

## ELEVATIONS


SCALE	DRAWN	CHECKED
1:100	LJ	LA

PROJECT	DRAWING	ISSUE
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13008 A03.01 D

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<b>PD29.14</b>	<b>(Lot 109) No. 60 Vincent Street Nedlands – Proposed Additions (Two Storey Garage and Attic) to Single House</b>
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<b>Committee</b>	12 August 2014
<b>Council</b>	26 August 2014
<b>Applicant</b>	President Constructions
<b>Landowner</b>	Dr. V Talbot
<b>Officer</b>	Mr T L Geddes – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Director Signature</b>	
<b>File Reference</b>	VI5/60 : DA2014/181

## 1.0 Executive Summary

This proposal is to remove an existing single carport and erect a garage & storage attic to a single dwelling house with several variations to the planning requirements.

The application has been referred to Council for determination as officers do not have delegation to determine an application under instrument of delegation 6A, where specific objections have been received.

It is considered that the garage, if approved at the current setback from Princess Road will present a safety risk as it does not provide adequate sightlines for vehicle movement. It is noted that a garage at No. 63 Vincent Street was approved with the same setback (0.5m) from Princess Road, however this garage was replacing a previously approved structure and maintaining an existing situation, while the proposed garage at 60 Vincent Street will be creating a new potential safety hazard.

If the proposed garage were to be setback 1.5m from Princess Road to provide adequate sightlines, it is considered that the structure meets the relevant design principles of the R-Codes relating to boundary setbacks and secondary street setbacks and is able to be approved.

Hence the proposal is recommended for refusal, with an alternate recommendation for approval with the condition that the garage be moved back to 1.5m from Princess Road to provide adequate sightlines in accordance with the R-Codes Visual Sightline Requirements (clause 5.2.5).

## 1.1 Recommendation to Committee

**Council refuses the application for additions (garage & storage attic) to single house at (Lot 109) No. 60 Vincent Street Nedlands, in accordance with the**

**application dated 30 April 2014 with amended plans received on 1 July 2014, for the following reasons:**

- 1. The proposal does not meet the deemed-to-comply requirements or Design Principles of R-Codes clause 5.2.5 – appropriate sight lines are not provided and the proposal presents a safety risk.**
- 2. The proposal will not be orderly and proper planning**

**Or alternatively;**

**Council approves the application for additions (garage & storage attic) to single house at (Lot 109) No. 60 Vincent Street Nedlands, in accordance with the application dated 30 April 2014 with amended plans received on 1 July 2014, subject to the following conditions:**

- 1. The development shall at all times comply with the approved plans.**
- 2. The proposed structure is to be set back 1.5m from the Princess Road boundary (south).**
- 3. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.**
- 4. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.**
- 5. Concrete footpaths shall be retained across crossovers.**
- 6. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.**
- 7. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.**
- 8. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**

**Advice Notes specific to this approval:**

- 1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**

2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.

Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

3. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

## 1.2 Strategic Plan

KFA: Natural and Built Environment

## 2.0 Background

<b>Property address</b>		(Lot 109) No. 60 Vincent Street Nedlands (the <b>site</b> )
<b>Lot area</b>		1037m <sup>2</sup>
<b>Zoning / Reserve</b>	<b>MRS</b>	Urban
	<b>TPS2</b>	Residential at R10 density

In April 2014, the City received an application for a garage and storage attic to the rear of the subject site. An objection to the proposed structure was received pursuant to the consultation undertaken in relation to the proposed setbacks to the structure.

The site is located at the corner of Vincent Street and Princess Road. The proposed garage is located to the rear of the site, 0.5m from the Princess Road boundary and 2.9m from the western site boundary, adjacent to 61 Louise Street.

As the property is located at a street corner, the rear boundary of the site (opposite the Vincent Street frontage) functions more similarly to a side setback and it is considered to be appropriate to permit such structures to be located in this area in comparison to the rear areas of properties bounded on all sides by other residential properties. The storage attic located above the garage is not considered to be a habitable room due to the low ceiling height of the structure.

The photographs in **Attachments 3 and 4** depict the location of the development and its relationship with the surrounding built environment. The applicant has

provided a submission justifying the proposal and providing examples of similar adjacent development (refer to **Attachment 4**).

## 2.2 Legislation / Policy

- *Planning & Development Act 2005* (the **Planning Act**).
- Metropolitan Region Scheme (**MRS**).
- City of Nedlands Town Planning Scheme No. 2 (**TPS2** or **Scheme**).
- Residential Design Codes of WA 2013 (**R-Codes**).
- Council Policy – Neighbour Consultation.

## 3.0 Consultation Process

### 3.1 What consultation process was undertaken?

Required by legislation (Scheme / R-Codes): Yes ☒ No ☐

Required by City of Nedlands policy (Neighbour Consultation): Yes ☒ No ☐

### 3.2 How and when was the community consulted?

Two-storey notification sign:	21 May – 4 June 2014
Community consultation period:	16 May – 30 May 2014
One (1) objection and one (1) letter of support for the proposal were received, the objection related to the impact of building bulk, impact upon privacy and the impact of the proposed development upon the streetscape.	

## 4.0 Budget / Financial Implications

The proposal is for works to be constructed on a private lot, and therefore has no budget or financial implications for the City.

## 5.0 Risk Management

Not applicable.

## 6.0 Discussion

The proposal involves the removal of a single carport and the construction of a garage and storage attic structure to the rear (opposite the Vincent Street frontage) of the existing dwelling on the subject site, as depicted in the submitted plans (**Attachment 1**). The Applicant's letter describes the proposal in more detail and provides their justification for the proposal in relation to the existing development in the locality (**Attachment 3**).

Variations to the planning requirements are as follows:

- a) Rear (east) boundary setback to the garage/attic of 2.9m in lieu of 6m;
- b) Secondary street (south) setback to the attic of 0.5m in lieu of 3m; and

- c) Secondary street (south) setback to the garage of 0.5m in lieu of 1.5m.

In addition, community consultation has resulted in one objection being received, relating to the impact of the building bulk, impact upon privacy and the impact of the structure upon the nearby streetscape.

The original proposal involved the proposed structure being located 1.5m from the southern boundary, however subsequent to this objection, the property owner chose to amend the proposal to relocate the structure to be 0.5m from the southern boundary onto Princess Road and reduce the height of the garage by approximately 1m to 5.4m. It is noted that No. 63 Vincent Street, opposite the subject site had a garage approved at the same setback from Princess Road in 2007, however this proposal involved the replacement of an existing approved structure of similar dimension at the same setback.

The following assessment of the variations is based upon the design principles of the R-Codes in relation to building setback and the sightline requirements of the R-Codes.

## 6.1 Specific Planning Considerations

### 6.1.1 Building setbacks – Rear boundary (east)

The proposal involves a setback of 2.9m to the proposed garage in lieu of 6m as required under the 2013 amendment to the R-Codes. The R-Codes were amended to specifically exclude garages from those structures which can be considered to be outbuildings and be permitted in the rear setback under clause 5.4.3 of the R-Codes (Outbuildings).

The following assessment is based upon the design principles of the R-Codes in relation to lot boundary setbacks:

*“P3.1 Buildings set back from lot boundaries so as to:  
Reduce impacts of building bulk on adjoining properties;*

#### **Administration Comment:**

It is considered that the effect of building bulk upon adjoining properties will be insignificant, as the ‘rear’ setback of the subject site is less sensitive due to it effectively acting as a side setback due to the location of the secondary street (Princess Road). With regard to the adjoining property at 61 Louise Street, the garage is adjacent to a carport and storage structure (refer to **Attachment 3**), with no major openings onto habitable rooms or outdoor living areas abutting the proposed structure. It is considered that the rear setback of this site is less sensitive than standard residential lots due to the open and public nature of this area.

With regard to the local streetscape, the character of this section of Princess Road is considered to be primarily service related, with many of the properties taking vehicular access from Princess Road in lieu of the primary street. In addition, the street exhibits many similar parking structures (excluding 63 Vincent, set back



approximately 1.5m from the Princess Road boundary) and the proposed structure is considered to complement this streetscape, provided it is set back so as to provide adequate sightlines. The recommended conditions involve moving the structure away from Princess Road in order to maintain adequate sightlines.

*Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*

**Administration Comment:**

Direct sun will be available to major openings and outdoor living areas of the neighbouring properties, due to the orientation of the lots, the shadow cast by the structure will overshadow Princess Road at midwinter. With regard to afternoon sun, the shadow from the structure will primarily fall over the carport on the adjoining lot. The proposed 2.9m setback from the eastern boundary will provide for the adequate ventilation of both properties.

*Minimise the extent of overlooking and resultant loss of privacy of adjoining properties.*

**Administration Comment:**

The proposal complies with the visual privacy requirements of the R-Codes as the structure is considered to be of a non-habitable nature. If the structure were to be assessed against the visual privacy requirements of the R-Codes, the proposal would comply with the deemed-to-comply requirement. The upper floor of the garage is to be used for storage.

In this instance, it is considered that this section of the proposal complies with the listed design principles, and therefore is supported by the City.

**6.1.2 Secondary Street Setback – Southern Boundary**

Under clause 5.2.1 of the R-Codes, garages are permitted to be set back 1.5m from secondary streets, and under clause 5.1.2 other structures are to be set back 3m from these boundaries. The proposal involves a 0.5m setback to the garage and the storage attic above the garage. The following assessment is based upon the relevant design principles of the R-Codes:

*“P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:*

*Contribute to, and are consistent with, an established streetscape;*

**Administration Comment:**

The prevailing streetscape along Princess Road is consistent with the proposal (refer **Attachment 3** – site photographs) with many properties exhibiting garage and parking structures in a similar location. No. 63 Vincent Street exhibits a garage of similar scale located adjacent to the Princess Road frontage. If the setback to the

structure is to be increased to allow adequate visual sightlines, it is considered that the proposal can be supported as it is consistent within the existing streetscape.

*Provide adequate privacy and open space for dwellings;*

**Administration Comment:**

As per the above assessment, privacy will not be impacted by the structure due to its non-habitable nature. The subject site has provided open space in accordance with the requirements of the R-Codes (minimum 60%) and is considered to have adequate open space to support landscaping in order to potentially ameliorate the impact of the proposed structure.

*Accommodate site planning requirements such as parking, landscape and utilities; and*

**Administration Comment:**

The proposed structure has been proposed in order to provide two covered car parking bays behind the front setback of the site and as noted above, there is more than adequate space on site for landscaping.

*Allow safety clearances for easements for essential service corridors.*

**Administration Comment:**

The proposal is set back adequately (2m) from the sewer line which runs to the rear of the site.

*P2.2 Buildings mass and form that:*

*Uses design features to affect the size and scale of the building;*

**Administration Comment:**

The proposal has been designed in order to fit with the existing dwelling and is proposed to be roofed with similar materials and to maintain the pitch of the roof of the existing dwelling on site. It is considered that as the garage is designed to be consistent with the remainder of the dwelling and this consistency will aid in ameliorating the impact of the structure.

*Uses appropriate minor projections that do not detract from the character of the streetscape;*

**Administration Comment:**

The proposal does not involve minor projections into setback areas and so this provision does not comply.

*Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*

**Administration Comment:**

The bulk of the proposed garage is ameliorated by the proposed window to the storage attic above and the proposed garage door is of a standard width and is not considered to be of an excessive impact upon adjoining properties and the streetscape.

*Positively contributes to the prevailing development context and streetscape.”*

**Administration Comment:**

As noted above, the proposed structure is consistent with other similar garage structures in the street and will form a part of an established development context for this area, relating to the location of garages, carports and parking areas adjacent to Princess Road (refer to **Attachment 3** – site photographs). If the setback to the structure is to be increased to allow adequate visual sightlines as per the alternate recommendation, it is considered that the proposal can be supported.

### **6.1.3 Setback of Garages and Carports**

Clause 5.2.1 of the R-Codes provides a further design principle in relation to the above, relating to the provision of adequate sightlines: “*The setting back of carports and garages to maintain clear sight lines along the street and not detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street*”. This assessment criteria can be considered in three parts, discussed below:

**Administration Comment:**

*Sightlines* - The current proposal does not provide adequate sightlines along the street at its current setback (discussed in detail in section **6.1.3** of this report). Accordingly, it is recommended that the proposal either be refused in its current form, or approved, subject to the garage being set back at 1.5m from the Princess Road frontage.

*Streetscape impact* - As discussed above, the structure is considered to be consistent with the current streetscape and there are examples of similar structures along Princess Road (refer to **Attachment 3** – site photographs).

*View of dwellings* - The proposed structure is set back away from the main dwelling and is not considered to obstruct the viewing of the dwelling from the street.

### **6.1.4 Vehicular Movement – sightlines**

Under the R-Codes Visual Sightlines requirements, within 1.5m of a vehicle access point, solid structures are to be truncated or reduced to no higher than 0.75m from ground level in order to maintain safe sightlines for vehicular movement. Under the

current proposal, sightlines will be impeded by the proposed structure as it is proposed to be located 0.5m from the secondary street.

The listed design principle under the R-Codes states that: *“unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, street, rights-of-way, communal streets, crossovers and footpaths”*. It is considered that the application as proposed will not maintain safe sight lines in accordance with the R-Code requirements.

Due to the pedestrian footpath located directly adjacent to the subject site, it is important to maintain safe sightlines. It is considered that it would not be appropriate to support the garage as proposed, and amend the structure to be set back 1.5m from the boundary as per the sightline and garage setback requirements of the R-Codes.

## 6.2 General Planning Considerations

### 6.2.1 Preservation of amenity

Scheme clause 5.5.1 (preservation of amenity) states (emphasis added):

*“...Council may refuse to approve any development if in its opinion the development would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.”*

In response, it is considered that the proposed development does not adversely affect the amenity of the surrounding area, as it is consistent with the development context. The external appearance of the development is standard; and traffic congestion and noise will be typical.

Accordingly, the proposal is not considered to negatively impact the amenity of the locality and the proposal is recommended for approval if the structure is set back from the Princess Road boundary in accordance with the R-Codes Visual Sightline Requirements.

### 6.2.2 Orderly and proper planning

Scheme clause 6.5.1 (determination by council) states (emphasis added):

*“The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the orderly and proper planning of the area.”*

In response, it is considered that the proposal currently does not constitute orderly and proper planning, as adequate sightlines are not maintained. Accordingly, the proposal is not supported, unless the secondary street setback is to be increased as per the alternate recommendation to provide adequate sightlines.

### 6.3 Submissions

Below is a summary of comments received from the neighbour consultation, which have been taken into account in the Discussion section of the report. The applicant has also provided a submission in relation to the comments received and the general development context of the site and locality (refer **Attachment 4**).

Summary of comments received	Officer's technical comment
<b>Issue: Building Bulk</b> The structure will have an overly bulky impact upon the adjoining properties.	It is considered that the impact of the bulk of the proposed structure is to be minimal as it is adjacent to a carport and storage area on the directly adjoining property (61 Louise Street) and is set back approximately 15m from the properties to the north.
<b>Issue: Privacy</b> The proposed structure will negatively impact upon the privacy of adjoining properties.	It is noted that the proposed structure is non-habitable in nature, and is located primarily abutting Princess Road. The lower floor is to be used for car parking, while the upper floor attic is to be used for storage. It is noted that the storage area of the garage will not provide adequate headroom to be used as a habitable room.
<b>Issue: Impact Upon Streetscape</b> The structure will negatively impact the amenity of the surrounding streetscape.	As noted above, the structure is considered to be consistent with the surrounding streetscape due to the location of multiple carports and garages on surrounding properties in similar areas to the proposed.

### 7.0 Conclusion

The proposal is for a garage and storage attic at No. 60 Vincent Street, Nedlands. The structure is to be located within the rear setback and closer to Princess Road than permitted by the R-Codes setback and visual sightline requirements. It is noted that due to the location of the secondary street along the southern boundary of the lot, the 'rear' setback of the site is able to function in a manner more similar to a side boundary setback due to the less sensitive and public nature of the area.

It is considered that the garage, if approved at the current setback from Princess Road will present a safety risk as it does not provide adequate sightlines for vehicle movement. If the proposed garage were to be set back 1.5m from Princess Road to provide compliant sightlines, it is considered that the structure meets the relevant design principles of the R-Codes relating to boundary setbacks and secondary street setbacks and is able to be approved.

The proposed structure is not considered to have a significant impact upon privacy or the access to sunlight and ventilation to adjoining properties, and it is considered that the if the setback to the proposed structure is increased to provide adequate

sight lines, the development will be consistent with the form and scale of other developments adjacent to the development site.

The proposal is not currently set back far enough to provide adequate visual sightlines and is therefore recommended for refusal. However, if the structure is to be approved, it is recommended that it be moved back to 1.5m from the secondary street in order to provide safe sightlines as per the alternate recommendation.

## **8.0 Attachments**

1. Locality Plan
2. Plans (location, survey, site, floors, elevations and sections)
3. Photographs of the site and surrounds
4. Applicant's submission



City of Nedlands

The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

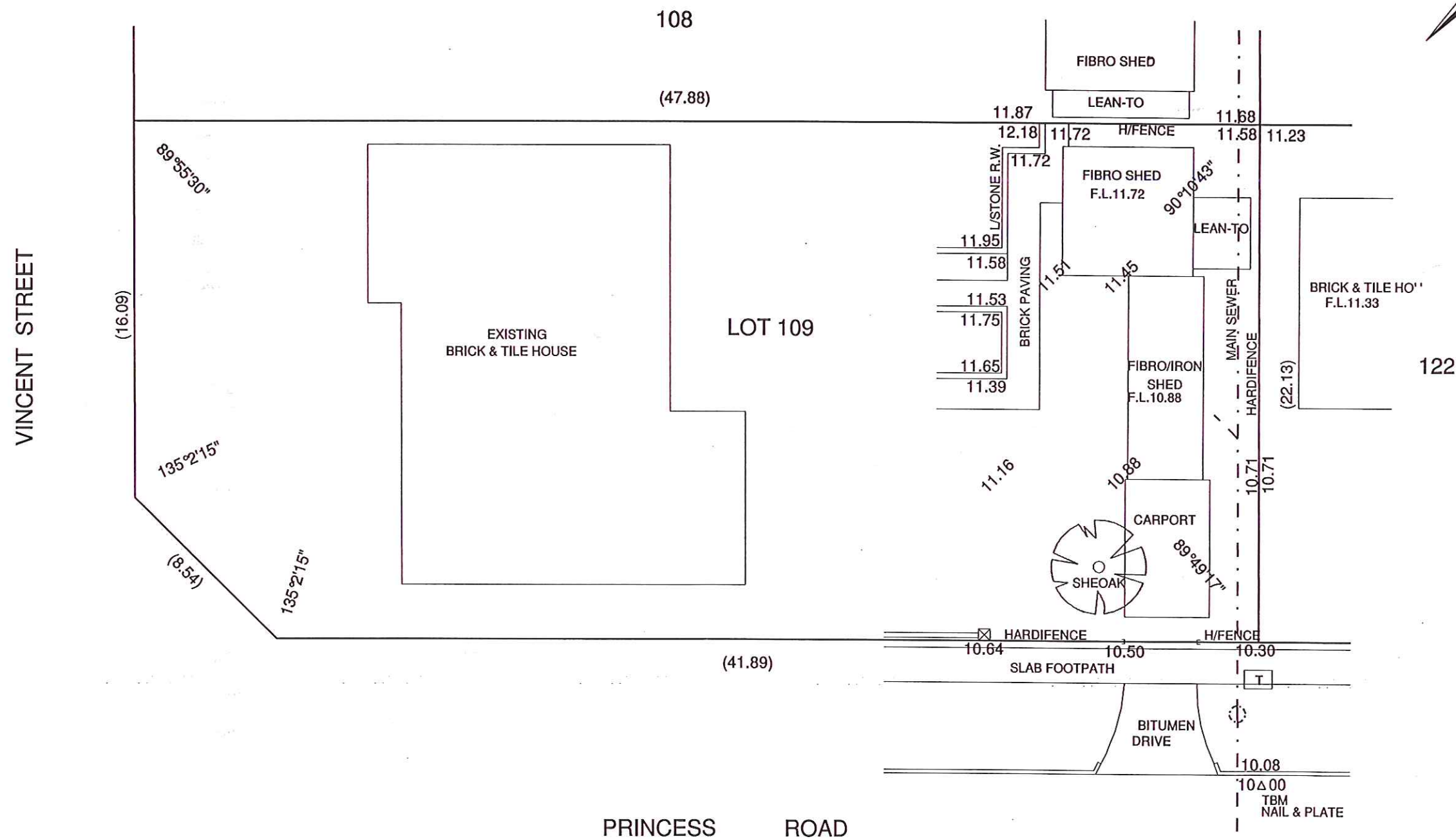
60 Vincent Street

Tuesday, July 15, 2014

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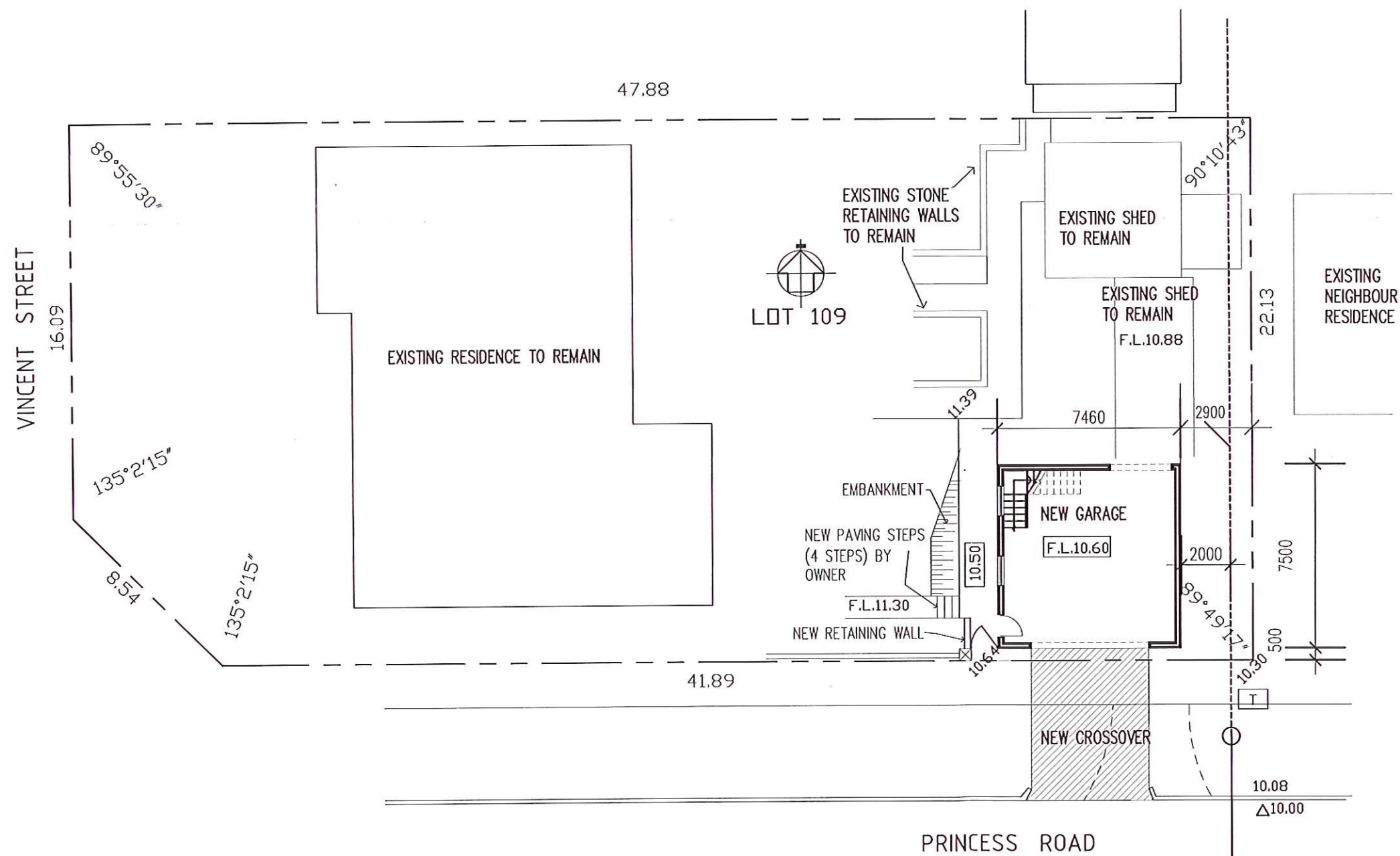




SURVEYED J.R.F.	PRESIDENT CONSTRUCTIONS	8 DAVIES STREET NORTHBRIDGE WA 6003 T (08) 9328 1111 F (08) 9227 5206 E ptopsurveys@bigpond.com	PATERSON TUDOR OWEN & PARKER
DRAWN R.T.O.			
SCALE 1:200	SITE SURVEY OF LOT 109 VINCENT STREET, NEDLANDS.	CONSULTING SURVEYORS	
DATE 24.9.2013			
JOB NO 8599/14			
DATUM AHD			



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01 JUL 2014



SITE PLAN 1:200

PROPOSED DETACHED GARAGE ADDITION  
FOR VICTOR TALBOT  
AT  
60 VINCENT STREET NEDLANDS

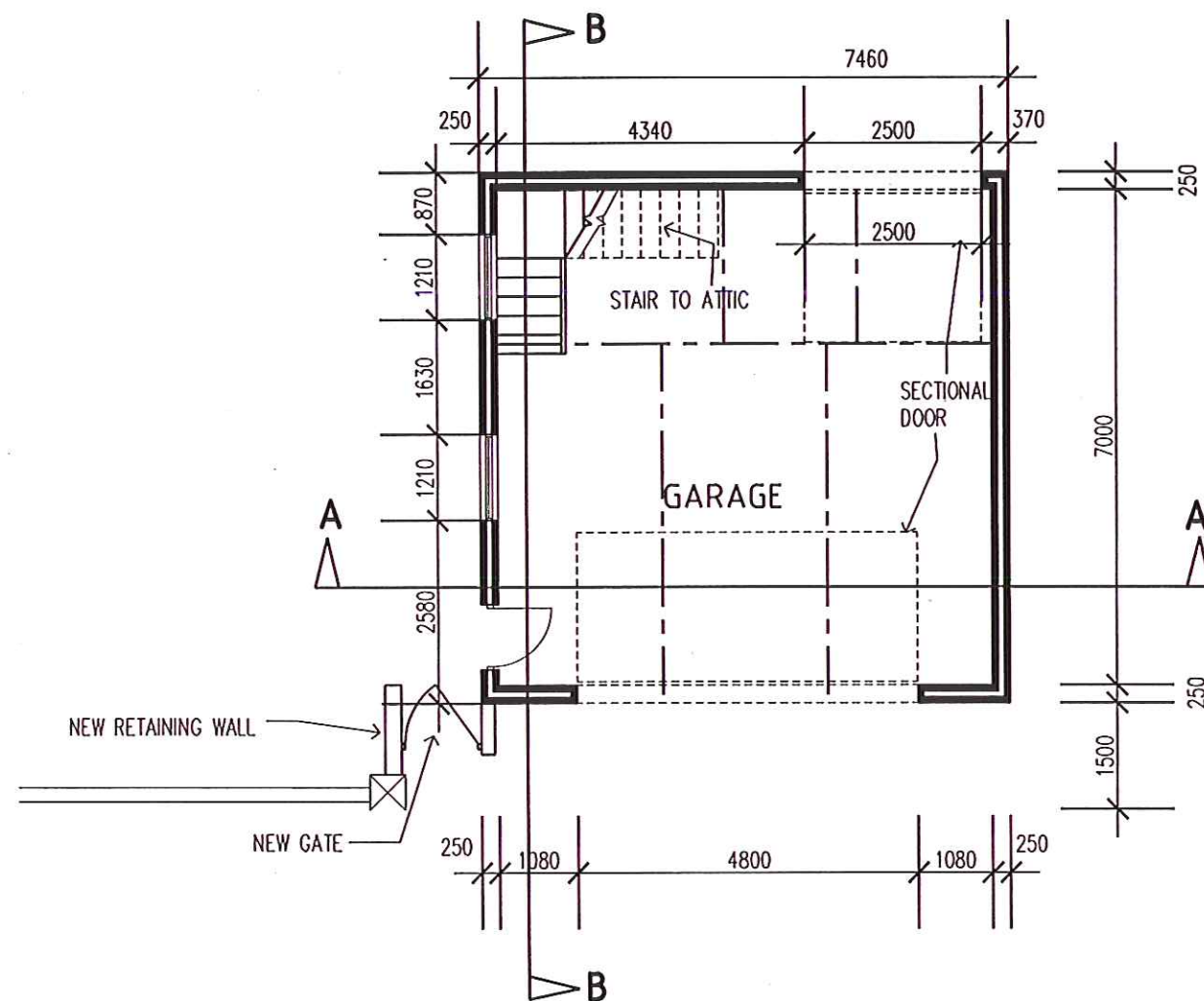
**KAN FONG ARCHITECT** ARAIA  
126 FRASER ROAD APPLECROSS 6153  
MOB: 0432 420 893 FAX: 9364 7887

The Contractor shall verify and be responsible for all dimensions on site before fabrication.  
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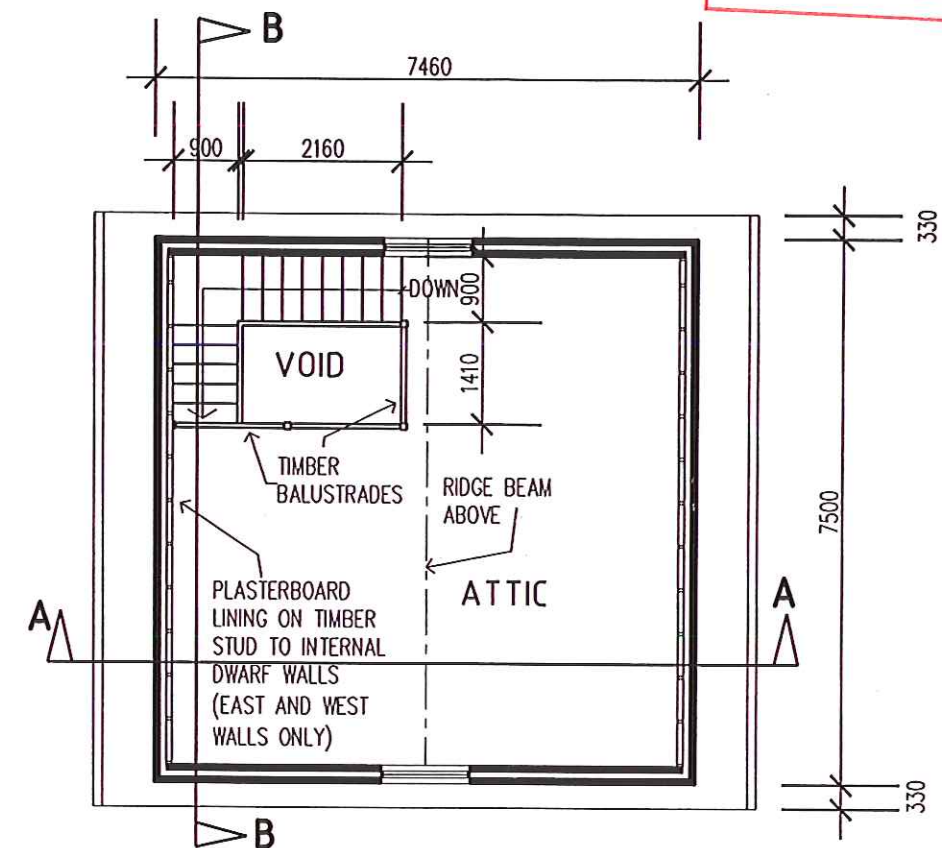
SITE PLAN

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07-11-2013



PROPOSED DETACHED GARAGE ADDITION  
FOR VICTOR TALBOT  
AT  
60 VINCENT STREET NEDLANDS

**K** KAN FONG ARCHITECT ARAIA  
126 FRASER ROAD APPECROSS 6153  
MOB: 0432 420 893 FAX: 9364 7887

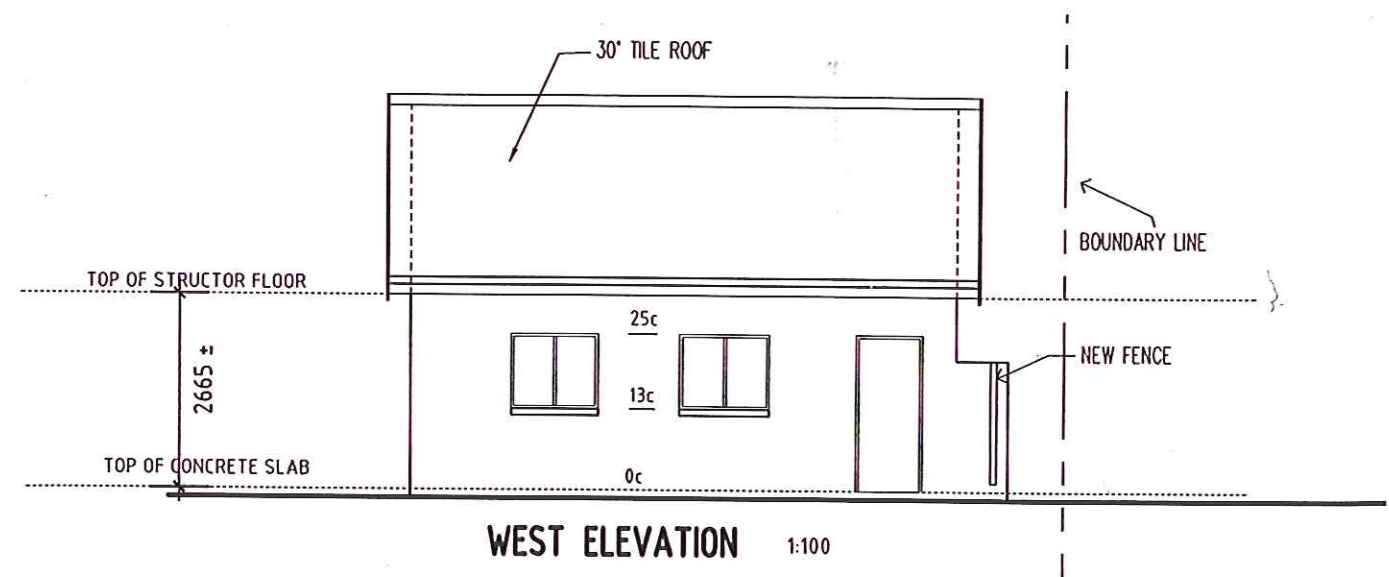
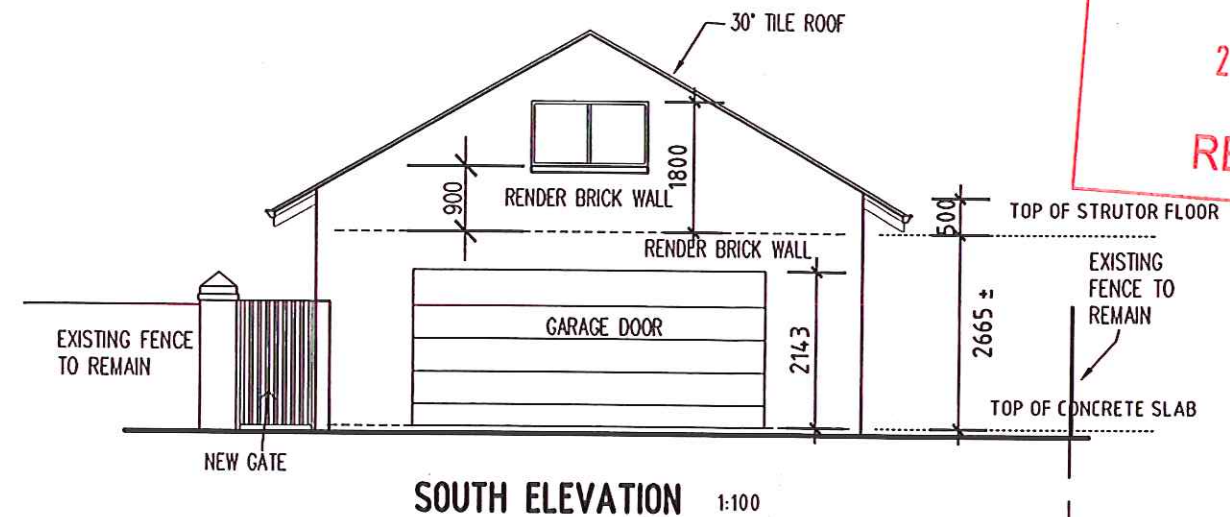
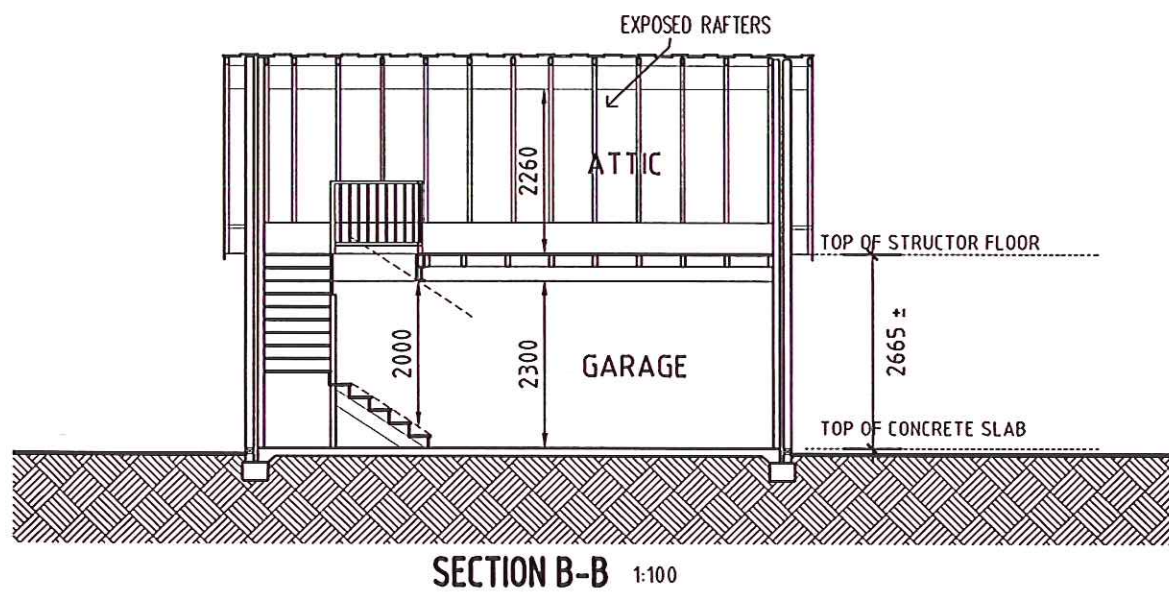
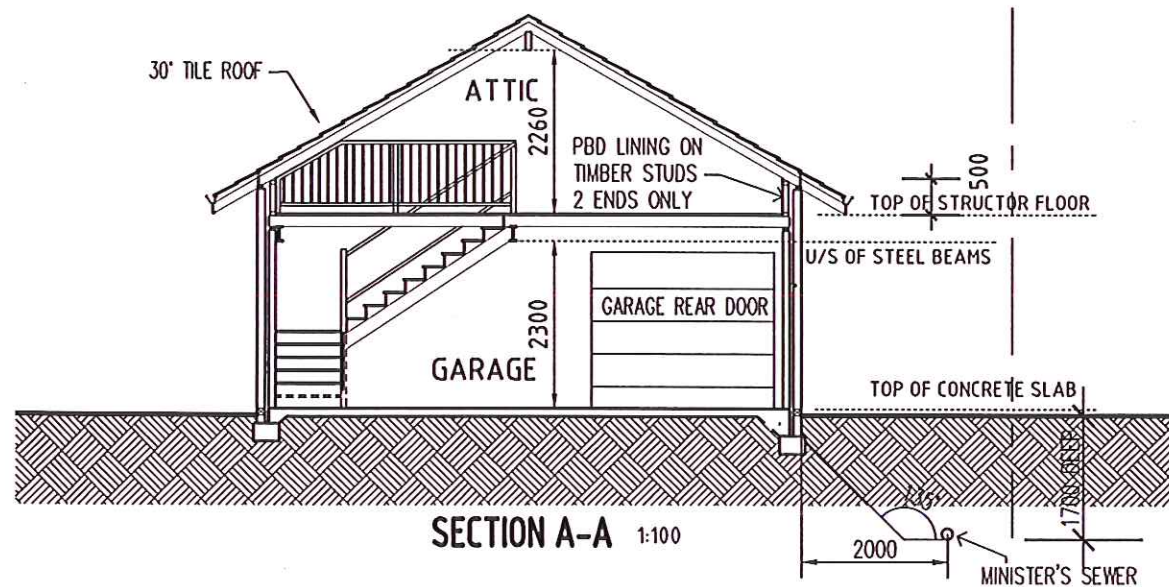
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FLOOR PLAN

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07-11-2013

PROPOSED DETACHED GARAGE ADDITION  
FOR VICTOR TALBOT  
AT  
60 VINCENT STREET NEDLANDS

**KAN FONG ARCHITECT** ARAIA  
126 FRASER ROAD APPLECROSS 6153  
MOB: 0432 420 893 FAX: 9364 7887

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SECTIONS & ELEVATIONS

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DATE NOV 2013		





*Figure 1: carport opposite proposed garage at 62 Vincent Street, approved at a 1.5m setback from Princess Road.*



*Figure 2: gate for carport at 62 Vincent street opening opposite proposed garage.*





*Figure 3: Carports at 130 Princess Road and 65 Vincent Street are located close to the street frontage.*



*Figure 4: The garage at No. 63 Vincent Street was approved at a 0.5m setback from Princess Road as it was replacing an existing double garage.*



*Figure 5: Further image depicting the garage at No. 63 Vincent Street.*





*Figure 6: Further image depicting the setback of the garage at No. 63 Vincent Street from the street boundary.*



*Figure 7: Carport/Garage located at 62 Doonan Road approximately 1.5m to the Princess Road frontage.*





*Figure 8: Further image of the second carport/garage at 62 Doonan Road.*



*Figure 9: Garage located at 64 Doonan Road located approximately 5m from the Princess Road frontage.*





*Figure 10: Garage located at No. 63 Louise Street approximately 1.5m from the Princess Road frontage.*





*Figure 11: No. 61 Louise Street – Depicts side of the dwelling adjacent to the proposed development (note lack of major openings); Shows carport and storage structure.*



*Figure 12: Further image of carport at No. 61 Louise Street approved 1.5m from the Princess Road frontage.*

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Mr. Thomas Geddes  
Planning Officer  
Administration Centre  
71 Stirling Highway  
Nedlands  
WA 6009

(Dr) Victor Talbot  
60 Vincent Street  
Nedlands  
WA 6009

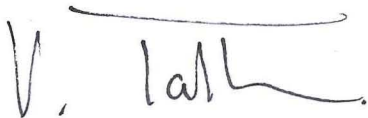
8 July 2014

**Subject: Planning No. 60 Vincent Street Nedlands - Close of  
Advertising: Objections to Proposal**

Dear Mr. Geddes,

On June 4 you sent an e-mail to my Builder, Mr. Albert Pang, regarding the above. In turn, Mr. Pang forwarded me the e-mail for my response and suggested that I forward my response directly to you. Accordingly, please find my attached response.

Yours sincerely,

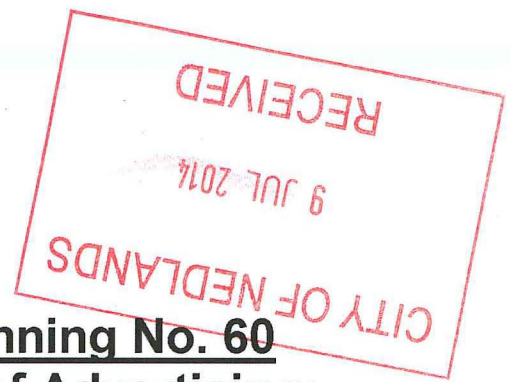
A handwritten signature in black ink, appearing to read 'V. Talbot', with a horizontal line above the name.

(Dr) Victor Talbot

ph 93891870



## **Attachment**



### **Garage Building Application: Planning No. 60** **Vincent Street Nedlands - Close of Advertising:** **Objections to Proposal: Owner's Response to** **Objections**

#### **Preliminary Comments**

- 1 I have lived at 60 Vincent Street for 36 years and have a very good working relationship with my neighbors. Consequently, I was surprised that a neighbour had objected to my proposal for an aesthetic garage, which will cost me in total, approximately \$100,000, will add considerable monetary value to surrounding properties, will intrude into nobody's privacy and is consistent with the heritage style of the residence.
- 2 Council's letter refers to the objector's property: It backs onto my property. The only property that does that is 61 Louise St., which has recently changed hands. Rightly or wrongly, I assume the objections to my proposal come from 61 Louise St. and Council, or 61 Louise St. alone.
- 3 The Builder submitted the proposal on my behalf. The architect drew up the plans. My advice to both was, that the plan was for a garage for two cars, with some work area and storage in the roof. How this proposal was considered by Council officers to be for a two-story dwelling mystifies me. I also informed a Council Officer of this matter before the assessment. Additionally, I requested the Council officer to put the proposal out for public review, so as to avoid any further misunderstandings.
- 4 I am an advocate of good corporate governance (transparency of process and equality for all). I headed up the industrial assessment division for the EPA during my 34 years as a public servant. This involved assessing the largest industrial projects in WA and dealing with appeals for the Minister for Environment. Additionally, I represented WA on the International Committee that wrote the National Water Quality Management Strategy for Australia and New Zealand. Accordingly, I am more than familiar with project assessment, appeals, and the aesthetics of the built environment.

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## Response to objections during public review

I will outline my response to Council's letter/ e-mail by addressing matters relating to 61 Louise St. and also precedents set by Council (or the Minister for Planning) regarding existing approvals for garages/ carports close to site of the proposal.

In brief, I consider that the grounds for objections are:

- 1 spurious and not supported by any qualitative or quantitative evidence;
- 2 inconsistent with the broad planning direction, which Government and Opposition intend taking, following amalgamation of the Western Suburbs' Councils, which is scheduled to commence next year; and
- 3 most importantly, is vexatious and hypocritical.

General comment: 61 Louise St. was given approval to double in size many years ago. It is now a very large, bulky building, which stretches from Louise St. around into Princess Rd, to within 2m of my boundary on Princess Rd. (Photos 1a, b & c). This privilege to increase the residence size, apparently empowers the current owner to object to me building a two-car garage, with storage capacity in the roof, which opens unto Princess Rd.

It is noted that the original residence on 61 Louise St. is a fine old building (Photo 1a, RHS). In comparison, the extension on the LHS is a quick and cheap extension, inconsistent with the heritage value of the old building. To make matters worse, recently Council approved corrugated iron verandahs and a carport to be built around much of the combined residence. The end result of these developments is an aesthetic eyesore. This matter will be dealt with later.



9 JUL 2014



Photo 1a. This photo shows a streetscape view of the massive size of 61 Louise St. (building bulk). Note the vegetation has been removed, the size of the new carport (LHS) and the height of the new veranda (centre behind the tree). Note also that the carport is within 2m of my boundary fence (LHS) and interrupts any view of the proposed garage from any window of 61 Louise Street.





Photo 1b. Streetscape and bulk view impacts from Princess Rd. and Louise St. corner (close-up shot).



Photo 1c. Streetscape and bulk view impacts from Princess Rd. and Louise St. corner (wide shot).



## Grounds for objections

Council's letter (em) outlines objections to the proposal, but does not *supply supporting evidence*. Accordingly, it is assumed that the grounds are subjective and emotional.



The grounds are:

- 1) The **height** of the proposed garage will unduly impact in terms of building bulk upon the rear of adjoining properties.
- 2) The **privacy** of the adjoining property will be negatively impacted.
- 3) The proposed structure will have a **negative impact upon the streetscape**.

I will address each objection separately. Narrative, fact and photographs will support comments and conclusions.

## Response to each objection

### Height

The height of the proposed garage will be approximately 5.3m high from *footpath level*. To achieve this, the site will be excavated to footpath level throughout (or below if necessary). The site slopes downwards towards the footpath with a drop of about 0.7m across the area of the proposed garage (Photo 2a & b)



Photo 2a shows the slope of the proposed site relative to the boundary fence and 61 Louise St. (Princess Rd. side). The sand will be excavated to the same level as the footpath.





Photo 2b. Another aspect of the slope of the block relative to the footpath, 61 Louise St's new carport and its house.

61 Louise St.

61 Louise St. has recently built a large carport, which is inconsistent with the style of its house and surrounds (Photo 3a & b). I assume Council approved it. The carport is between 3.5 – 4.0 high from footpath level. It is worth noting that the carport is built on an upwardly sloping site away from the footpath. The combination of the slope and height of the carport is approximately 1.0 m lower than that of the proposed garage, which will be built at footpath level. It will be less than 1.0m if the proposed site is excavated.



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Photo 3a show the massive size and appearance of the new carport at 61 Louise St.



Photo 3b shows the carport was built on the rising block, which elevates it relative to the proposed garage.



63 Vincent Street



63 Vincent St has recently built a massive house with a 5m high garage, which is 0.2-0.3m in from the boundary wall on Princess Rd. and 0.6m in from the footpath. I assume Council or the Minister for Planning approved it (Photos 4a, 4b, 4c & 4d). This garage has been built with taste, is consistent with the style of modern residences in Nedlands, its height is 0.3m lower than the proposed garage, has very little setback and draws no negative comment for neighbors. It is presumed, rightly or wrongly, that the space under the roof is likely to be used for storage. I have no problem with that, as it is an appropriate use of space.



Photo 4a show 63 Vincent St. Note the 5m high garage on the LHS of the property. Note also its proximity to the footpath.





Photo 4b shows the front of the 5m high garage at 63 Vincent St., which opens onto Princess Rd. Note its proximity to the footpath and the bulk of the buildings behind it. This garage is the approximate size of the proposed garage for 60 Vincent St.



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Photos 4c and 4d shows the setback of this 5m high garage on 63 Vincent St. It is set back 0.2-0.3m from the boundary wall (Not parallel with the boundary wall) and 0.6m from the footpath.



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Why the proposed garage height is 5.3m high.

The owner of 60 Vincent Street is making every effort to keep the style of the residence and proposed garage consistent for heritage reasons. Accordingly the slope on the roof of the proposed garage will be 30 degree, as per the residence. This has the effect of making the elevation at the apex of the proposed garage higher and slender. This effect can be compensated for by excavating the site, so that the elevation of the apex is 5m high, consistent with the garage at 63 Vincent Street.



Photo 5a shows the 30 degree slope of the roof of this 1937 residence. Note the part of the residence actually in view in this photo was built in 1990, but was made to look old so that the old house and extension were consistent in style and taste. Accordingly, the owner intends the same for the proposed garage.





Photo 5b. This is another aspect of the house showing the slope of the roof of 60 Vincent Street. Note that the verge is maintained for bird life, unlike many of the neglected verges along Princess Road.

Photos 6a and b below show the high voltage power line, which passes immediately outside the entrance to the site of the proposed garage. It is about 10-12m high and services the rate payers of Nedlands, Dalkeith, and Claremont, who have underground power at my expense. Note the streetlight pole is adjacent to the power pole. If one considers the heights of these poles in conjunction with the height of the garage at 63 Vincent Street, the height of the proposed garage, at this location should be acceptable.





Photo 6a shows the high voltage power pole and light pole in front of the site of the proposed garage. Note the massive height of both.

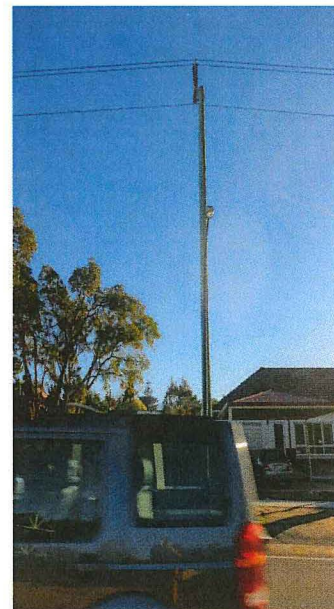


Photo 6b. These photos are taken across the road in front of the site of the proposed garage. Note the height of the poles relative to the carport, which is between 3.5m to 4m high.



## Conclusion

The height of the proposed garage is approximately the same height as the approved garage at 63 Vincent Street, and will be no more than 1m higher than the carport at 61 Louise Street. Given the height of the high voltage power line pole and lighting pole in front of the proposed site, and the effort being made by the owner to keep the heritage value of the residence and proposed garage (slope of roof), the height of the proposed garage should be deemed to be acceptable. Accordingly, the height of the proposed garage will not unduly impact in terms of building bulk upon the rear of adjoining properties as its carport blocks the view of the proposed garage. This matter will be further discussed in the response to the privacy issue below.





### Privacy

I do not understand 61 Louise St's concern re privacy issues. 61 Louise St. has been extended to within 2m of my boundary fence (Photo 7) without consideration for my privacy. When the person bought the property, this should have been obvious.

There's no proposal for a garage window to overlook 61 Louise St. Nor could 61 Louise Street see the proposed garage from its side window, as its carport and its boundary fence block out all views. Furthermore, there's no window at the boundary side of 61 Louise Street (Photo 8e).



Photo 7 shows the proximity of 61 Louise St. to the boundary fence of my property. It also shows the size of the carport, the visual intrusion into my property and onto the streetscape and the level above the footpath. It is noted that the exact location of the carport relative to the house does not align with the plan forwarded to me by Council for comment. It's too far forward. I also note that the pier to the LHS is 1.7m away from the main sewer line between Vincent Street and Louise Street: Has this been approved?

61 Louise St. has installed two surveillance camera on the corners of its property. One is located in a place that allows surveillance over much of my garden (Photo 8a & 8b). I was never asked if that was acceptable when it was installed, nor given the opportunity to comment. In contrast, **in the spirit of openness, I requested**, Council to put my proposal out for public comment to keep everybody happy.





Photo 8a shows the location of the surveillance equipment at the back of 61 Louise St. relative to my property. It clearly shows that it invades my privacy.



Photo 8b shows a close up of the surveillance equipment from my property

I too like privacy. When 61 Louise St. recently built three Council approved structures (two verandas and a carport), I did not realise that they would have such visual impact from my property. Nor did I realise that 61 Louise St. would build a (back / side) veranda (approximately 30m long) and a carport, which appears to be inconsistent with plans, which Council posted me for comment (Photos 9a, 9b, 9c, 9d & 9e). Incidentally, I understand that 61 Louise St. was sent a letter from Council earlier this year, following complaints from residents, not including me, that its garden was a fire hazard.



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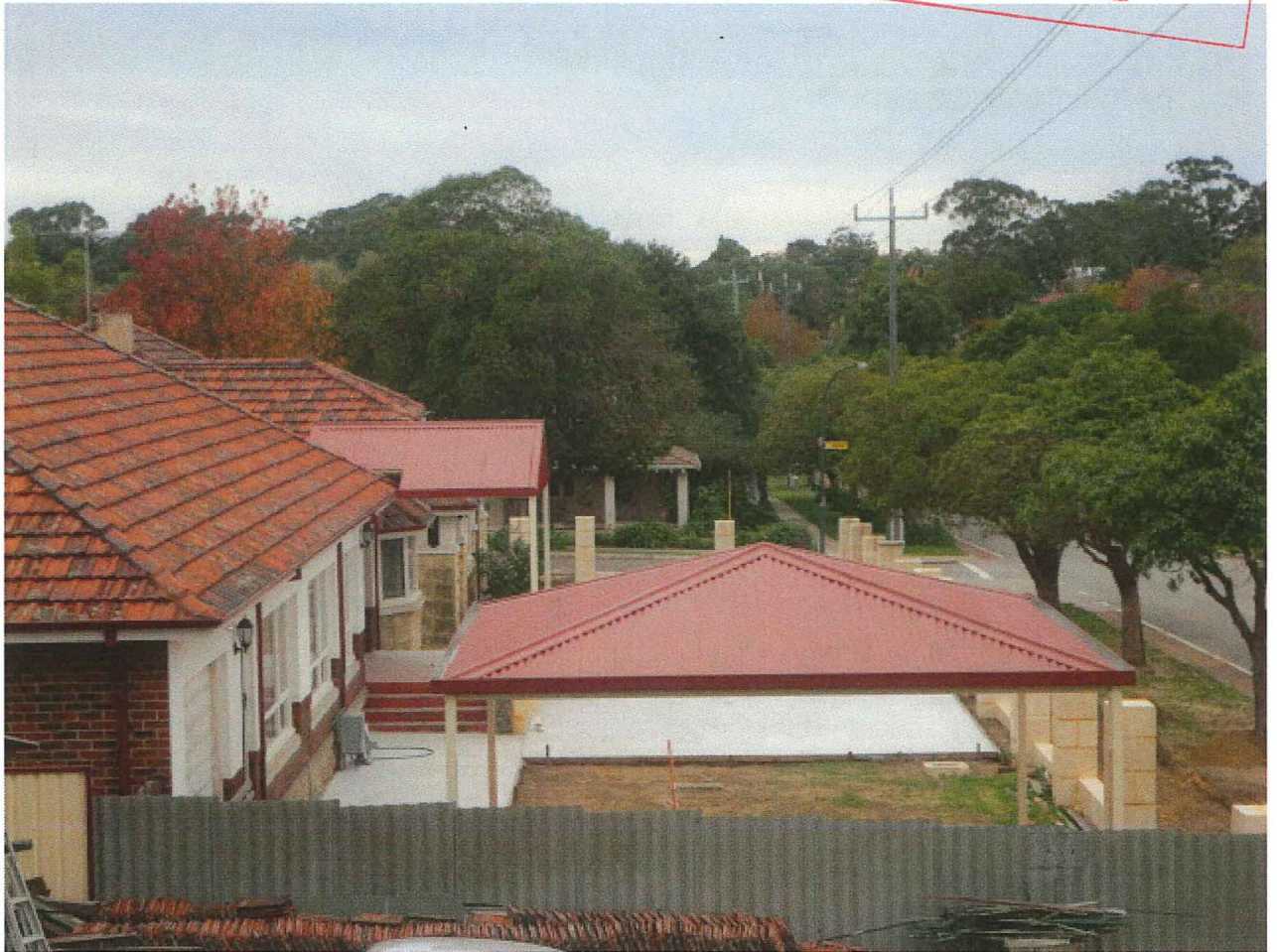


Photo 9a. A view of 61 Louise St. from my house: (*Visual Impacts*). Note the inconsistency in styles of the house, the carport, the veranda, the concrete garden with little vegetation. Also, note the slope on the block, which raises the height of the carport.



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Photo 9b. shows a line of sight view from my house (in the background) across 61 Louise St. The proposed garage would go some way to blocking out this eyesore and provide me with some privacy.



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Photo 9c shows a front on view of the new veranda. It's built on fill and concrete. It is likely to be much higher than my proposed garage. As per the carport, it may also have drainage issues.



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Photo 9d shows the massive veranda (approx. 30m long) recently built at the back/side of 61 Louise St. The veranda comes within less than 2m of my property. The extent of this veranda was not on the plan, which Council posted me for comment. Note the concrete base. It may have drainage issues in a prolonged heavy rain.

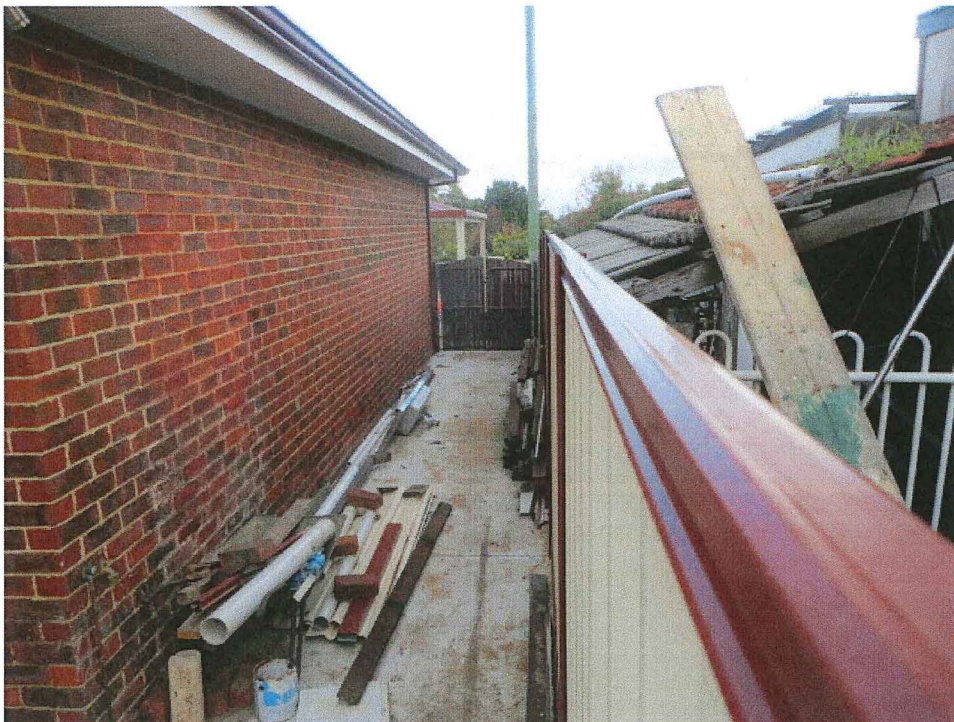


Photo 9e shows the back of 61 Louise St. and my boundary fence. Note the concrete: It may have drainage issues. Also note that there is no window facing my boundary fence.



I object to being told that my proposal causes a privacy issue when its height is approximately the same as that approved for 63 Vincent St, and is only approximately 1m higher than the carport build at the back of 61 Louise St. The irony is, the carport at 61 Louise St. would block out all window views of the proposed garage at 61 Louise St. It may also offer me some privacy from eyesore which I currently put up with.



## **Conclusion**

**No evidence has been presented to show that privacy is an issue for any neighbour. Ironically, if I do not get planning permission to build my proposed garage to the approximate height proposed, then I will be the person with privacy and visual impact issues from my neighbor!**

## **Negative impact upon the streetscape**

Whilst it may not be a popular view, I was told lately by a member of the Claremont Council that Claremont and Nedlands are dormitory suburbs, which service the employment needs of the City of Perth. The segment of Princess Rd. between the roundabouts at Vincent and Princess, and Dalkeith and Princess is becoming a thoroughfare. It is probably one of the busiest 200m stretches of road in Nedlands, south of the Stirling Hwy. At peak periods the traffic can back up at each roundabout to the point of standstill outside the proposed garage site (as per 61 Louise St. and 63 Vincent Street).

This stretch of road caters for most heavy traffic (e.g. concrete trucks, demolition trucks, delivery trucks and buses etc.), which services Nedlands, Dalkeith and parts of Claremont. There is a constant stream of traffic at peak periods (Photo 10a & 10b). In addition there is bus stop on the opposite side of the road to the proposed site (Photo 10c) and very high voltage power line, which services Nedlands and Dalkeith beside the proposed site. (Photos 6a & 6b).



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Photo 10a shows continuous traffic outside proposed garage site during peak period.

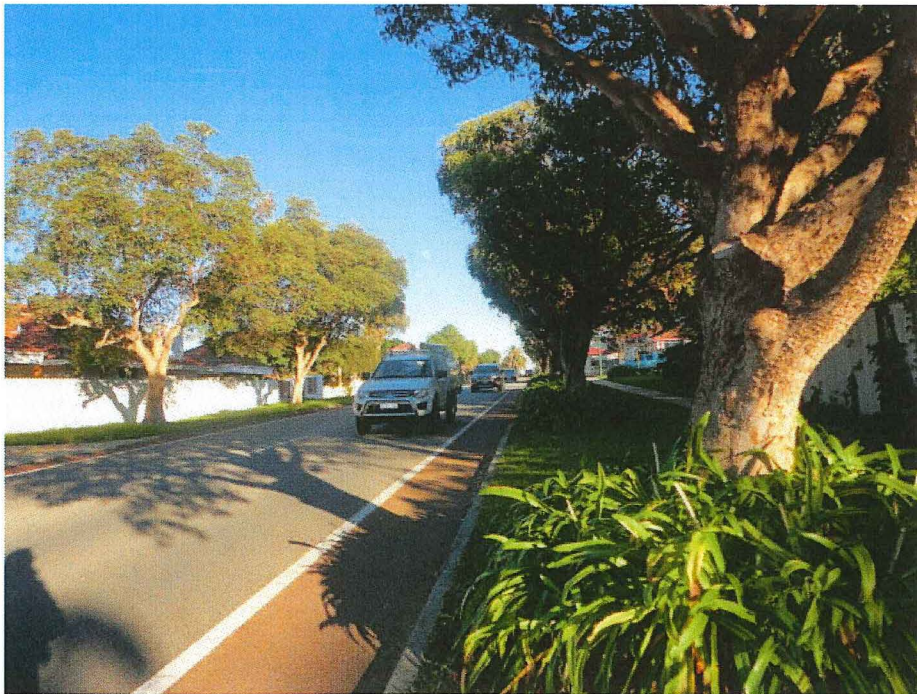


Photo 10b. Example of traffic at the corner of Louise St and Princess Road.





Photo 10c. The photo shows the bus stop across from the proposed site for the garage.

When the Western Suburbs Councils are amalgamated, infill will follow. This section of thoroughfare will become even busier during peak periods and school times. To argue that the appearance of the proposed garage will negatively impact this very busy streetscape is absurd, particularly in the light of:

- 1 The visual impact of 61 Louise St;
- 2 the heavy vehicle traffic on Princess Rd;
- 3 the 10m tall high voltage power line pole and street light pole outside the proposed garage;
- 4 the bus stop opposite the proposed site; and
- 5 the rather ordinary appearance of other garages along this stretch of road (Photos 12a-d) including a potential subdivision at the corner of Princess and Dalkeith. Also three new metal carports adjacent to my house have been approved by Council. I am curious as to what Council is trying to achieve by approving such unsightly low budget structures (Photo 13a-d).

When one considers:

- 1 the size of the buildings approved by Council on Vincent St. (Photo 11, just one of many examples: I can supply more); and
- 2 the mass of house, concrete garden and the recent additions to 61 Louise St;



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it is hard to take such an objection about streetscape seriously. If one were to believe that there would be a streetscape issue on Princess Road, it would be that there are three widths of footpath between Vincent St. and Dalkeith Rd.(300m stretch) and a roundabout at the corner of Vincent and Princess, which is breaking up, not to mention the state of Council's verge and footpath maintenance.



Photo 11 shows how a newish large building (RHS) overlooks a traditional house on Vincent St. (LHS). To make this approval more interesting, the house was built on one side of a duplex block (probably 1/8 acre in size). It is physically attached to an old small duplex house on the other part of the block. Adjacent neighbors have very strong views about this approval.

For the purposed of relativity, photos 12a, b, c & d show the streetscape views of garages and fences along the stretch of road between the Louise Street and Dalkeith Road.



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Photo 12a. Garage and broken fence on corner of Princess Rd. and Louise St.



Photo 12b shows garage at corner of Princess Road and Mountjoy Rd.  
Note it is on the boundary.





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Photo 12c shows the massive wall and massive structure on the corner of Princes Road and Mountjoy Road.



Photo 12d shows the old petrol station on the corner of Princess Road and Dalkeith Road, which could be subdivided.



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Photo 13a. An approved metal carport at 62 Vincent St.



Photo 13b. An approved metal carport at 65 Vincent St.





Photo 13c. An approved metal carport at 61 Louise St.



Photo 13d. An approved stylish garage at 63 Vincent St. Contrast this with the carports above.



## **Conclusion**

No evidence has been presented to support the assertion that building the proposed garage would have a negative impact upon the streetscape of Princess Road. The proposal is consistent with approvals given to other bulk structures in the area.

## **Setbacks: Somebody misunderstood my proposal**

The above matter was discussed with a Council Officer before the proposal went out for public review. It was stressed that the proposed building was a garage with storage space in the roof and **was not** a dwelling. Accordingly, setbacks for a dwelling are irrelevant to this proposal. This proposal clearly falls within the approval already granted to 63 Vincent Street. **It is noted that I specifically asked Council to release the proposal for public review, as I have nothing to hide.** I fully support the principles of public involvement, transparency of process and equality amongst ratepayers. Interestingly, if the proposal is unacceptable, why was there only one submission, and in my view, was vexatious and spurious.

## **Future Course of Action**

I propose that:

- 1 Only one amendment be made to the original proposal. The amendment is that the proposed garage be brought closer to the footpath, consistent with the approval granted to 63 Vincent St. The details of 63 Vincent St are provided above and in the amended plan submitted to Council;
- 2 that the proposal be presented to Full Council with this letter covering the 'response to issues raised' and 'amendment';
- 3 it be minuted that all Council members received and reviewed the full proposal, including my response to objections raised and my amendment; and
4. if Full Council rejects the amended proposal, I will appeal to the Minister for Planning's Appeals Tribunal.