

19 May 2020

Chief Executive Officer
City of Armadale
Locked Bag 2
ARMADALE WA 6992

Dear Sir/Madam

**APPLICATION FOR DEVELOPMENT APPROVAL
PROPOSED NEW SINGLE DWELLING (TWO STOREY)
LOT 169 (No.12) DUMAS DRIVE, BEDFORDALE
CITY OF ARMADALE**

We act on behalf of the landowners and Germano Designs as their consultant town planners and refer to the Application for Development Approval lodged with the City of Armadale seeking approval for the construction of a new single dwelling on Lot 169 (No.12) Dumas Drive, Bedfordale.

In assessing the application, it is requested that the City give due consideration to the following information prepared in support of the application:

BACKGROUND INFORMATION

The subject land is located in the northern part of the Bedfordale locality, approximately 3.9 kilometres east of the 'Armadale Activity Centre', approximately 1.6 kilometres west of Churchman Brook Reservoir and on the south-eastern corner of the intersection of Dumas Drive and Kimber Rise. The subject land is located within the 'Churchman Brook Estate' which is characterised by large lots with single dwellings and associated outbuildings. It is significant to note that there are a number of substantial homes have been constructed (i.e. large dwellings) within this part of the estate (including two storey dwellings).

Lot 169 is irregular in shape, comprises an area of 3,482m² and comprises a significant fall in natural ground levels down the site from approximately 297 metres along the land's south-eastern rear boundary to approximately 290.4 metres along the land's north-western front boundary (a fall of approximately 6.6 metres) (see Site Plan).

The land is currently vacant/unused and does not contain any physical improvements. Notwithstanding this, the land does comprise some scattered native vegetation and a number of mature trees. It should be noted that there are a number of trees within the building envelope area that require removal in order to accommodate the development of any building within this space (see Figure 1 – Aerial Site Plan).

Previous Development Applications (Refusal)

The landowner submitted a similar development application with the City of Armadale seeking approval to construct the single dwelling and associated structures (including an ancillary accommodation dwelling). On 5 July 2019, the City issued a refusal of the application due to a number of non-compliant matters and the absence of information in support of the proposal (Ref: 10 2019 173 1).

Following a review of the reasons for refusal, the landowner and designer held further discussions with the planning officers at the City of Armadale and made a number of changes to the design layout of the

new dwelling to address the various issues raised by the City in its decision. These changes include and are not limited to the following:

- i) Relocation of the dwelling within the prescribed building envelop area, which will accommodate sufficient setbacks for all new structures from the lot boundaries;
- ii) Removal of one (1) crossover, with the sole vehicular access point now being located on the secondary street (i.e. Kimber Rise) in accordance with Element 5.3.5 C5.1 (Vehicular access') of the R-Codes. In addition, the driveway has been located further away from the southern side boundary of the property to allow for a good separation with between the driveway and the adjoining property;
- iii) Removal of the ancillary dwelling;
- iv) The building height being reduced (including both wall and ridge heights);
- v) Retention of existing vegetation where possible; and
- vi) Provision of additional details/information in support of the application (i.e. retaining walls, sand pads and trees to be retained).

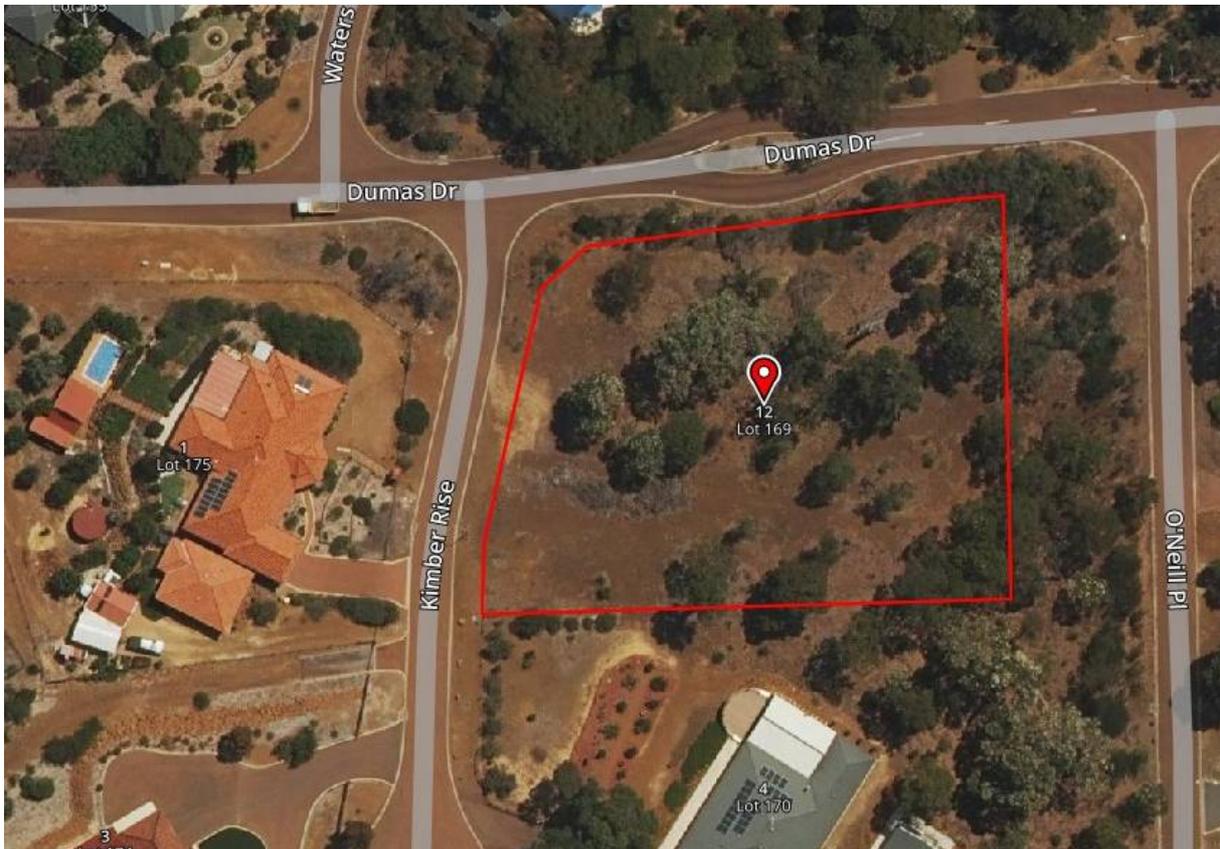


Figure 1 – Aerial Site Plan

STATUTORY REQUIREMENTS

The subject land is currently classified 'Rural' zone under the provisions of the Metropolitan Region Scheme (MRS). The zones and reservations prescribed by the MRS are intentionally broad categories and not precisely defined or limited in order to enable a flexible approach to strategic regional town planning. The proposed use of the land for 'Single House' purposes is considered to be consistent with the current 'Rural' zoning classification under the MRS and may therefore be approved.

Lot 169 is classified 'Special Residential' zone under the City of Armadale's current operative Town Planning Scheme No.4 (TPS No.4). The land is located within Development Area No.11 entitled 'Churchman Brook' and is part of the 'Churchman Rook Road Overall Structure Plan'. Clause 4.3.1(a) of TPS No.4 states that buildings on land classified 'Special Residential' zone are to accord with the R5 density coding. In this instance, a building envelope applies to the subject land to control setbacks to lot boundaries. The proposed dwelling on the land is located within the designated building envelope area.

Under the terms TPS No.4 the use class 'Single House' is listed in the Zoning Table as being a permitted "(P)" use on land classified 'Special Residential' zone.

Council's stated objectives for all land classified 'Special Residential' zone under TPS No.4 are:

- a) *To provide for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible for the enjoyment of residents as well as the maintenance of ecological and landscape values.*
- b) *To ensure development is sited and designed to achieve an integrated and harmonious character within each of the estates*

It is contended the proposed development and use of the subject land for the purpose of a 'Single House' is consistent with the objectives of the land's current 'Special Residential' zoning classification in TPS No.4 for the following reasons:

- It will provide for the establishment of a single dwelling that comprises sufficient setbacks to boundaries (within the designated building envelope) and the retention of existing mature trees on the land to provide landscaping and a retain a rural setting;
- It is consistent with other substantially sized dwellings constructed within the estate that comprise large street setbacks and dwellings with two (2) or more storeys;
- It will allow for the dwelling to accommodate a large family unit to reside on the land and enjoy the rural setting;
- It will enable the future occupants of the dwelling to enjoy the surrounding natural environment by allowing for the preservation of trees and provide sufficient space to enable the planting of additional vegetation that will enhance the estate and the natural environment; and
- It will result in the dwelling being sited on the land that harmonises with the surrounding estate by providing a character style dwelling with large setbacks to boundaries.

Lot 169 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a bushfire prone area. A BAL assessment has been prepared by WABAL in support of the application.

DEVELOPMENT STANDARDS

The design of the new single house on the subject land has been formulated with due regard for the relevant 'deemed to comply requirements' of the City of Armadale's current operative Town Planning Scheme No.4 (TPS No.4) including all associated local planning policies with the exception of the following:

- i) City of Armadale Local Planning Policy PLN 2.4 – 'Tree Preservation';
- ii) City of Armadale Local Planning Scheme No.4, Clause 4.3.2 – 'Building coverage'; and
- iii) R-Code Element 5.16 C6 – 'Building height'.

Having regard for the abovementioned matter, we hereby submit the following information for the City's consideration in determining the application.

City of Armadale Local Planning Policy PLN 2.4 – ‘Tree Preservation’

The application proposes the removal of approximately three (3) existing mature trees outside of the building envelope for the subject land in lieu of retaining the trees in accordance with the ‘deemed to comply requirements’ of the City’s Local Planning Policy PLN 2.4.

It should be noted that this application also proposes the removal of numerous trees that are currently located within the building envelope area that restricts/prevents the land from being developed. Unfortunately, the removal of these trees is necessary to physically accommodate the construction of a dwelling/building within the designated building envelope area. Figure 2 illustrates the trees that will be retained and removed on the subject land.

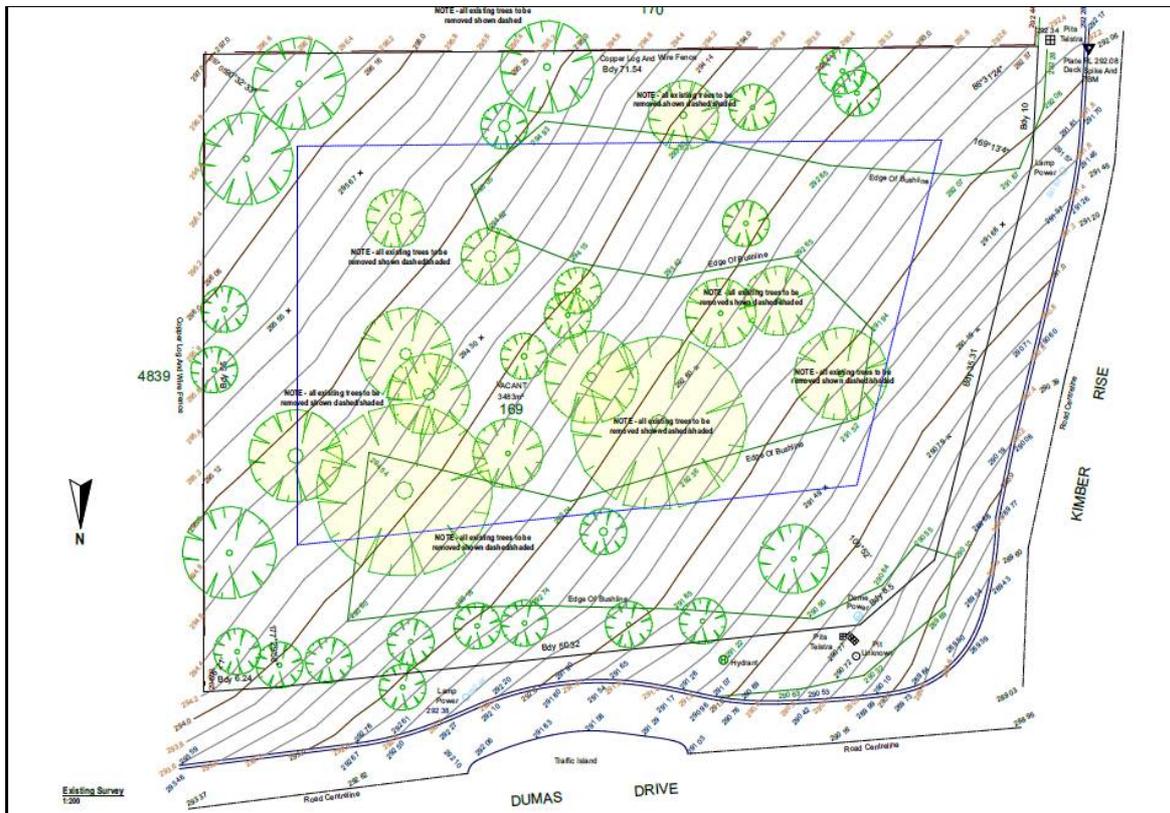


Figure 2 – Those trees to be removed (highlighted in yellow shading) and those trees to be retained.

In determining the proposal to remove various mature trees outside the building envelope area, the following justification is provided for the City consideration of the application:

1. The application proposes the removal of approximately three (3) trees located outside of the building envelope area to accommodate the construction works associated with the new dwelling and a portion of the new driveway. It should be noted that the rear portion of the dwelling (site) will be ‘cut’ into the land to limit the impact of the building height of the building on the surrounding area. The associated site works have been limited as much as possible to reduce the extent of tree removal. This outcome is far better than the previous plans prepared for the site which resulted in the greater extent of tree removal.
2. As previously mentioned, the subject land comprises an excessive fall in levels down the site which is a constraint on any future development. Given this fact, the proposed development requires extensive earthworks (both cut and fill) to accommodate a flat building pad. These works will have

an adverse impact on some of the trees within and on the edge of the envelope. As such, these trees will require removal as part of the construction works.

3. Notwithstanding the above, the application does propose to preserve/retain approximately twenty (20) existing trees currently located outside of the designated building envelope area in order to limit the erosion of vegetation and to assist with retaining tree canopy coverage of the land. The retention of these trees, combined with the large setbacks of the dwelling, will assist with preserving a rural setting for the building on the land.
4. Landscaping (small trees/shrubs) will be planted along the proposed driveway to soften any impact the hardstand area may have on the surroundings.
5. If required, the City could impose an appropriately worded condition on any approval granted that the landowner is required to plant a number of mature trees (i.e. three trees) within those areas outside of the building envelope area prior to the occupation of the dwelling. This will allow for the replacement of those trees being removed outside of the building envelope area.
6. In considering this application, the City should note that a number of other residential developments on various adjoining and adjacent properties have extensively removed vegetation to accommodate any development on the land. This includes the clearing of land outside of the relevant building envelope area to accommodate the development (both a dwelling and driveway). Figure 3 illustrates that the clearing of land (whilst not preferable) is required and is common throughout the estate in order to accommodate a dwelling within the relevant designated building envelope area. As such, the proposed dwelling on Lot 169 is consistent with this approach and previous decisions made by the City of Armadale.

Having regard for all of the above it is contended that the proposed removal of a number of mature trees on the land is required to facilitate the construction of the new dwelling on the land, will not undermine the rural character of the area, is consistent with other developments approved within the estate that required the selective removal of trees to accommodate building construction and may therefore be approved by the City.

City of Armadale Local Planning Scheme No.4, Clause 4.3.2 – ‘Building coverage’

The application proposes that the new single dwelling on the subject land will comprise a site coverage of 697.7m² in lieu of a maximum site coverage of 500m² permitted by the 'deemed to comply requirements' of Clause 4.3.2 of the City's LPS No.4.

In determining the suitability of the abovementioned variation, the following justifications are provided for the City's consideration:

1. The proposed variation to the site coverage for the new dwelling is considered to be minor given this size of the subject land and given other similar developments within the immediate locality. As such, it is contended that the proposal will not result in the dwelling having an adverse impact on the local streetscape or the adjoining properties in terms of bulk and scale.
2. The proposed new dwelling has been designed to be located within the designated building envelope area. In addition, the proposed development meets the 'deemed to comply requirements' of Element 5.1.4 C4 ('Open space') of the R-Codes for land coded R5.
3. The new dwelling will comprise a varying front setback and will include design features (i.e. varying materials, cladding and open verandah areas), which will provide articulation and visual interest when viewed from the street. This is in conjunction with the proposed retention of various mature trees throughout the site (along the outer edge of the envelope) which will assist with softening the appearance of the dwelling when viewed from the street and adjoining properties.
4. In addition to the above point, the dwelling will comprise large setbacks to both the primary and secondary streets to assist with preserving the rural character/setting of the site. In addition, the dwelling has been designed to be cut into the slope of the land, which will assist with limiting the bulk of the dwelling when viewed from the adjoining properties or streets.

5. The proposed new dwelling on Lot 169 meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 (i.e. 'Solar access for adjoining sites') of the R-Codes and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.
6. It is contended that the proposed outdoor living area provided for the new dwelling is sufficient for the needs of its future occupants, with sufficient space being provided around the dwelling to provide usable open spaces.
7. The proposed new dwelling has been designed to comprise major openings habitable rooms and various balconies orientated towards the local streets to provided improved passive surveillance and an active frontage to the public realm.
8. A review of other residential developments nearby have identified that a number of dwellings within the estate comprise greater than 500m² of site coverage. Figure 3 illustrate a number of dwellings along Kimber Rise that comprise an array of outbuildings, ancillary dwellings being constructed on these lots in addition to a single dwelling that would comprise a total combined area of 500m².
9. The proposed new dwelling on Lot 169 has been designed to effectively use all available space on the land.

Having regard for the above it is contended that the variation to the maximum permitted site coverage of the land does not undermine the stated objectives of the land's 'Special Residential' zone, it provides for sufficient space for the new dwelling to benefit the future occupants and may therefore be approved by the City.



Figure 3 – Existing residential development within Kimber Rise that have cleared vegetation within throughout the site.

R-Code Element 5.1.6 C6 – ‘Building height’

The application proposes that the following aspects of the new dwelling will not meet the ‘deemed to comply requirements’ of Element 5.1.6 C6 of the R-Codes:

- i) The front portion of the new dwelling will comprise a maximum wall height of 7.669 metres from natural ground level (NGL) in lieu of a maximum allowable height of 6.0 metres for a dwelling comprising a pitched roof structure. It is significant to note that the rear portion of the dwelling will comprise a maximum height of 4.9 metres from NGL; and
- ii) The new dwelling will comprise a maximum ridge height of 10.778 metres from NGL in lieu of a maximum allowable height of 9.0 metres for a dwelling comprising a pitched roof structure.

In determining the suitability of proposed building height variations in the context of the relevant ‘design principles criteria’ contained at Element 5.1.6 of the R-Codes, the following justifications are provided for the City’s consideration:

“Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *adequate access to direct sun into buildings and appurtenant open spaces;*
- *adequate daylight to major openings into habitable rooms; and*
- *access to views of significance.”*

1. The proposed variation to the maximum building height restriction only relates to the front portion of the dwelling, with a majority of the rear portion of the dwelling meeting the ‘deemed to comply requirements’ of Element 5.1.6 C6 of the R-Codes.
2. The proposed new dwelling on Lot 169 will improve passive surveillance over both the Dumas Drive and Kimber Rise streetscapes by comprising major openings to habitable rooms and a balconies overlooking the streets. It is contended that the dwelling has been designed to comprise a sufficient front setback and an active frontage to enhance the appearance of the dwelling on the local streetscape.
3. The proposed new has been designed to fit within the prescribed building envelope and therefore provided sufficient setback to all lot boundaries to avoid the dwelling having any adverse impacts on the local streetscape or the adjoining properties in terms of bulk and scale. In addition, the large boundary setbacks allow for view corridors to be retained towards the north-west for any dwellings to the rear of the subject land.
4. The dwelling has been designed to include large balconies and architectural features along its facades to assist with providing articulation for the dwelling and provide some visual interest when viewed from the public realm.
5. Lot 169 is characterised by a 6.6 metre fall down the property, which is excessive (see site feature survey). Given this significant variation in the natural ground level down the whole site, the new dwelling has been designed to ‘cut’ into the land (rear segment of the property) to minimize any potential negative impacts on the adjoining properties in terms of overall building height.
6. The land directly behind Lot 169 is a nature strip with O’Neill Place beyond. With this in mind, the ‘view of significance’ enjoyed by Lot 169 and all adjoining residential properties is the Perth Metropolitan Area to the north-west. Despite the proposed variation to the maximum permitted wall and ridge heights for the new dwelling on Lot 169, the variation is considered negligible and therefore unlikely to compromise or in any way diminish the ‘view of significance’ currently enjoyed by any adjoining residential properties to the east or south-east of the subject land (see Figure 4). This is bolstered by the fact that the dwellings east of the subject land (along O’Neill Place) comprise a higher level than Lot 169 and the current levels of mature native vegetation along O’Neill Place, which obstructs any views to the north-west. Given this vast difference in levels, it is contended that the views towards the Metropolitan Area from those properties along O’Neill Place

would not be impacted upon by the new dwelling as those dwellings east of the subject land will view over the proposed new dwelling on Lot 169 (See Figure 5).

7. It should be noted that the height of the rear portion of the new dwelling on Lot 169 complies (two storey component), in fact the height is well below the maximum permitted building height (i.e. 4.9 metres from NGL in lieu of an allowable 6.0 metres). Given this fact, the proposed dwelling will not have an adverse impact on 'views of significance' for those dwellings east of the subject land.
8. In light of the above points, it is contended that the proposed new dwelling on Lot 169 will not have an impact on the adjoining properties to the east viewing to the north-west.
9. The R-Codes do not take into consideration lots with excessive falls or the need to provide sufficient internal ceiling heights to accommodate the required services of the dwelling. Given the significant fall of the land (i.e. 6.6 metres), it should be recognized and acknowledged that there is a predisposition to greater variations to the building height arising from the land's future possible development. Notwithstanding this argument, the proposed variation to the proposed building height is unlikely to have any detrimental impacts upon the local streetscape or the amenity of the adjoining residential properties. This is achieved by providing a compliant rear portion of the dwelling whilst the front portion of the dwelling comprises the over height component to reduce any key impacts on the properties to the rear along O'Neill Place.
10. The application proposes to retain a number of trees on the land and provides the opportunity to plant new mature trees to enhance the appearance of the dwelling when viewed from the public realm. In addition, the vast setback of the dwelling from the street provides for sufficient clearance from the street and will soften any impact the dwelling may have on the local streetscape in terms of bulk and scale.
11. The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and it will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.



Figure 4 - View corridors from the existing dwellings to the east. The views of those dwellings along O'Neill Place will not be impact upon by the new dwelling on the subject land.



Figure 4 – The western side of O'Neill Place comprises significant native vegetation that will obstruct views to the north-west as road level(left photo). Meanwhile the dwellings on the eastern side of O'Neill Place comprise a level well above the road and are higher than the proposed level of the new dwelling on the subject land.

Having regard for all of the above it is contended that the proposed building height variation for the new dwelling on Lot 169 satisfies the 'design principles criteria' of Element 5.1.6 of the R-Codes, will not have an adverse impact on the immediate locality, will not impact access to views of significance for other dwellings within the estate and may therefore be approved by the City.

CONCLUSION

It should be recognised that the subject land comprises a significant fall in levels that constrains the development of the land and results in a number of variations that require consideration by the City on merit. It is contended that the current design of the new dwelling has addressed a number of issues previously raised by the City as part of its refusal issued on 5 July 2019.

Notwithstanding the above, the current design of the new dwelling will improve the local streetscape, provide an iconic dwelling within the estate, assist with providing improve passive surveillance of the public realm and will meet the needs of the family residing with the dwelling. The variations being sought as part of this application are considered to have merit and will not result in the dwelling having an adverse impact on the local streetscape in terms of bulk and scale.

In light of the above information and justifications, we respectfully request the City's favorable consideration and conditional approval of the application to construct a new single house on Lot 169 (No.12) Dumas Drive, Bedforddale in accordance with plans prepared in support of this application.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact me on 0407384140 or carlof@people.net.au.

Yours faithfully,

Carlo Famiano
Town Planner
CF Town Planning & Development

cc Mr Joe Germano (Germano Designs)

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