

9 August 2018

Western Australian Planning Commission

***Via elodgement portal***



Dear Sir/Madam

**RE: WAPC REF NO. 631-18 – AMENDED PLAN NO. 14 (LOTS 7 AND Y271) FLORENCE ST, WEST PERTH**

We write regarding application for survey strata subdivision for No. 14 (Lots 7 and Y271) Florence Street, West Perth (subject land). [REDACTED] represents the landowners [REDACTED] in this regard. [REDACTED] has a contract to purchase the subject land.

The amended plan has been submitted to address concerns with lots sizes and clause 4.2.4 of Development Control Policy 2.2 Residential Subdivision as stated in the email from the WAPC on 31 July 2018.

#### **BACKGROUND**

It is imperative, in considering this proposed survey strata subdivision, that the following fundamental aspects are considered in any deemed to comply or design principles assessment:

- The development of this site for residential purposes facilitates the removal of a 'light Industrial' factory unit that includes enamel dipping and other processing of metals. Although this operation has reduced in intensity in recent times this does not cause the approved non-conforming use to be extinguished. Full operation of the 'light Industrial' use would be significantly detrimental to the residential amenity of the locality.
- The rear lot is currently land locked, with the only currently access to a gazetted road through Lot 7 Florence St, but to achieve a 3m access for survey strata development the dwelling would need to be removed.
- In giving consideration to the matters under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for any development approval, the land has significant constraints due to a historical anomaly of a portion being a land locked land parcel and the existence of the 'light industrial' factory unit.
- This development will now form one large grouped dwelling development as it no longer needs a green title subdivision to provide a separate lot at the rear for multiple dwellings, this triggers the house retention and visitor parking as part of the larger grouped dwelling development for 12 lots (this proposal with the 5 lots as part of WAPC No. 980-17) – meaning 2 visitor bays are required.

- Assurances were given from the City of Vincent's administration in a meeting held on 1 May 2018 (prior to mediation at the State Administrative Tribunal for a Multiple Dwelling proposal refused by the Development Assessment Panel) that Multiple Dwellings could be permitted on this site under the new Town Planning Scheme No.2. During mediation the State Solicitors officers did not agree with the City's (and our legal representatives) position and as such we are in a very difficult position to unlock a significantly complex and constrained redevelopment site.
- The Scheme change (from Town Planning Scheme No. 1 to No. 2 on 16<sup>th</sup> May 2018) and differences between assertions of the Local Government and State Solicitor in regards to permissibility of multiple dwellings meant we lost an opportunity to have a density bonus applied to this land parcel under the Town Planning Scheme No. 1, as per WAPC Approval 980-17. We therefore seek special consideration for this site as we work through the constraints and difficulties in developing this land parcel.

### **PROPOSED AMENDMENTS**

As per advice from the WAPC the plan has been amended as follows:

- Removal of a lot to ensure compliance with the minimal lots size of 160m<sup>2</sup>, therefore ensuring compliance with the minimum and average lot sizes, even though there are numerous triggers to allow for a reduction in the lot size by 5% on one lot.
- Removal of access easements with a larger 3m access way including a passing area to allow for vehicles to pass at the entry (this could be secured by easements or in the management statement) and ensures compliance with Clause 5.3.3 C5.6.

### **PROPOSED DEVELOPMENT (UPDATE TO SECTION 3 OF PREVIOUS REPORT)**

The proposed development, as amended, now consists of:

- Extension and upgrade of Sheridan Lane to facilitate gazetted road access.
- A common property area at the end of Sheridan land for visitors and manoeuvring.
- Seven (7) grouped dwelling lots between 160m<sup>2</sup> - 185.6m<sup>2</sup>.
- 982m<sup>2</sup> balance lot for retention of heritage dwelling and WAPC Approval No. 980-17.
- 3m wide accessway that includes passing bay over manoeuvring area for Lot 1.

### **JUSTIFICATION FOR THE AMENDED SURVEY STRATA SUBDIVISION**

- This subdivision facilitates the retention of the front dwelling as land is given up to extend Sheridan Lane to allow for access from the north and ensure the retention of the front dwelling; therefore a 3m access leg applies.
- Visitor parking is provided for the overall grouped dwelling development with 2 bays secured at the entry for 12 dwellings as per R codes clause 5.3.3 C3.2 and clause 6.3.1 of the Explanatory Guidelines.

- Should the WAPC wish to assess against the Design Principles of clause 5.3.5 of the R Codes the following additional justification is provided:
  - **Vehicle Access Safely** – The development current can only be accessed via Florence Street, this proposal gives up land to provide for safe vehicle access directly from Sheridan Lane instead of a long access leg from Florence St, only 2.7m wide in parts where adjoining the house.
  - **Reduce Impact of access point on the streetscape** – This proposal does this by facilitating second access to this development to more evenly distribute the traffic onto two gazetted roads. This significantly reduces the impact on the Florence Street streetscape, the only streetscape that currently exists adjoining the land.
  - **Legible Access** - Under the scenario where access is to be from Florence Street there would potentially be a long access leg of up to 64m to Lot Y271. This planning proposal materially makes access more legible as the rear portion will have direct access from a gazetted road (instead of being 64m to Florence St), by giving up land free of cost to extend Sheridan Lane.
  - **Pedestrian Safety** – For reason outlined above in relation to the giving up of land to facilitate gazetted road access, this development will provide a safe movement network for pedestrians, and this will be augmented by a *Way Finding Strategy* to be formulated as part of the Development Application for the built form.
  - **Minimal Crossovers** – The development minimises crossovers and is significantly constrained by the existing lot and road layouts. Access could be removed from Sheridan land and one crossover could be utilised from Sheridan lane, but this would be to the detriment of the overall development.
  - **High Quality Landscaping features** – This is imperative to this inner City development with an objective for 12% deep soil zone in the City's Draft Built Form Policy, this will aimed to be achieved as part of the Development Application.
- In assessing the constraints to the site and the protection of an existing dwelling, removal of a factory unit in the residential area and giving up of land free of cost to gain access to a landlocked land parcel the following matters are particularly relevant to the consideration of a Grouped Dwelling proposal by the Local Government (or indeed any decision maker) and therefore should be given consideration for the Survey Strata Subdivision application as they are intrinsically linked:
  - *“(k) the built heritage conservation of any place that is of cultural significance & the effect of the proposal on the cultural heritage significance (l) of the area in which the development is located”*

The development includes retention of the front house.
  - *“(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality...”*

The removal of the non-confirming use means the lots created will facilitate residential development, much more compatible in the residential setting than an existing 'Light Industrial' factory unit.

- *(n) the amenity of the locality including the following —*

- (i) environmental impacts of the development;*

- (ii) the character of the locality;*

- (iii) social impacts of the development;*

Here will be significant improvements to the residential amenity and character of the locality by the removal of the factory unit.

- *(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*

The removal of a potentially contaminating activity will significantly enhance the developments positive impact on the natural environmental and water resources.

- (w) the history of the site where the development is to be located;*

As has been detailed there are a number unique historical factors that give rise to special consideration of any application on this land including the historical anomaly that a portion of the land is land locked, it sits between traditional single storey workers cottage in the north and 1960's elevated three storey walk up flats in the south, east and south east, and the site currently contains a medal factory that manufactured medals as long ago as for the ANZACS.

## **CONCLUSION**

We thank you for consideration of the amended plans and trust you appreciate the difficulties in developing this land parcel and will provide a holistic assessment of the planning framework and design principles and conditionally approve the survey strata subdivision.

With all this in mind, we do not expect this amended plan to give rise to any need for any additional referrals (apart from the City of Vincent) as we reduced the proposal by one lot and service authority advice would remain unchanged.

Thank you for considering our amended plan. If you have any questions or queries please feel free to contact the undersigned via email to [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]