

Hon George Gear JP

Mayor

Elected Councillors

City Of Melville

Dear Mayor and Councillors.

I write on mine and my wife's behalf apropos the proposed development at 4 Tweeddale Rd Applecross. I am also authorised to represent the interests in this matter of other adjoining neighbours Mr & Mrs Davey and Sellyna Putri ILiadi also adjoining the development proposed for 4 Tweeddale Rd Applecross. It will probably serve no useful or constructive purpose at this point to enumerate every hostile act enacted by your planning officers Flanagan and Prendergast in their determined stance to stonewall our objections and get this proposal which they both apparently strongly support, granted as soon as possible.

My wife and I were away up North during the latter part of September and early October 2020. On our return we discovered a letter apparently hand delivered by Mr Flanagan in our absence advising us of a proposed adjoining development which amongst other things involved the loss of approximately 75% of currently accepted setback criterion.

By this time the period allowed for objections had almost expired. I wrote and requested an extension of time which, after a strident exchange of rancorous emails between myself and Planning Officers we managed to extract an extension of time of 7 days. With the complications of Covid and Christmas approaching we had no hope of appointing a Planning Consultant to mount a professional rebuttal based on technical grounds. It is worth noting the hubristically dictatorial tone of Mr Prendergast. Amongst other comments he even had the temerity to forbid me from contacting the adjoining owner. I shall leave the gist of my response to your imagination. From that point on it has been a real struggle to get any meaningful information from Council. Mr Flanagan wrote to us advising us of the dates for forthcoming Council meetings earmarking discussion of the subject proposed development. There was mention of deputations at these meetings which in our ignorance of these matters we had assumed would simply mean us turning up to show our opposition by our presence. Naturally in the fullness of time I realised it offered us the lost by now, opportunity of presenting our case to Council at the Agenda briefing session. **The date advised to us of the actual Council meeting was also incorrect.** I believe there was no malice in that just human error by Mr Flanagan, but it still compounded our timing problems in getting a professional presentation ready for this meeting.

Our consultant running late by now of course contacted Mr Flanagan to obtain some basic information only to be told as the objection period had expired, he would not be allowed access to the online data site. Our consultant then decided to physically examine the hard copy information. He was rejected on the grounds he did not carry written authorisation from myself to gain access to the information. That lost us more time. I do not understand why planning officers needed my authority to give access to a development application next door to us which had been open on line. We are not quite at the end of this litany of sheer bureaucratic oppression. I am informed our consultant called Mr Flanagan to make some enquiries about setback issues only to be told he's wasting his time as the issue of setbacks had already been determined by Council at a previous meeting (a meeting which we were totally unaware of until now) and it was not scheduled to be debated again. As your planning officers are aware, I am the founder of what was once one of the largest developers in WA. I have never come across such determined underhand stonewalling by planning officers to neutralise perfectly reasonable objections to a proposed injurious act by a local

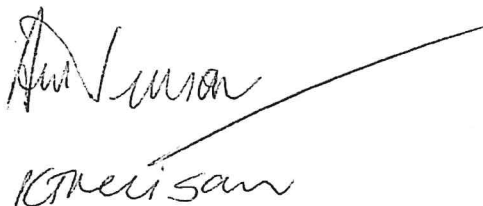
authority. This proposal is nothing less than robbing significant value from current owners by reducing setbacks by almost 75% to add equally significant value to an incoming developer a purely commercial issue set to favour a developer against the interests of owners and current ratepayers. That prospect we find totally incomprehensible and unacceptable. We understand Planning officer Flannagan entertains the view that setbacks are not an entitlement and may be pillaged at will by incoming developers. Setbacks provide adjoining neighbours with protection against loss of natural light, excessive shadowing and promote the peaceful enjoyment of their property.

We request Council to deliberate and act with reasonableness and equitable consideration for our rights as property owners and ratepayers. This matter may be resolved amicably by redesigning within current setback guidelines.

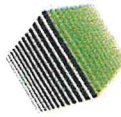
AA and KJ Trevisan

6 Tweeddale Rd

Applecross.

Handwritten signatures of AA and KJ Trevisan. The signature for AA is written above a long horizontal line, and the signature for KJ is written below it.

16/3/2021



### Response to Proposal to Develop

**U21/0551**

**6 GROUPED DWELLINGS**

**Lot 12 (4) Tweeddale Rd APPLECROSS WA 6153**

BuildingLines has been commissioned to represent Mr Anthony Trevisan of 6 Tweeddale Rd APPLECROSS in respect of a development proposal at Lot 12 (4) Tweeddale Rd APPLECROSS.

In review of available documentation including the plans for the proposal, the Reports and Recommendations for the Development Advisory Unit (DAU) Meeting held on 9 February 2021 and the Canning Bridge Activity Centre Plan (CBACP), the following matters arise for closer consideration by the Council.

#### Street Setbacks

The CBACP allows for a minimum of 3m setbacks in Q1 Kintail Quarter, as shown on the map on page 6 of CBACP and Land Use is designated Residential Up to 4 Storeys, H4 . Desired Outcomes 4 *Street Setbacks* (DO4 - page 29) addresses street setbacks. 4.6 states that H4 in Q1 "shall have a minimum 3 metre setback to street boundaries". The proposed plans show a setback of 2m as shown:

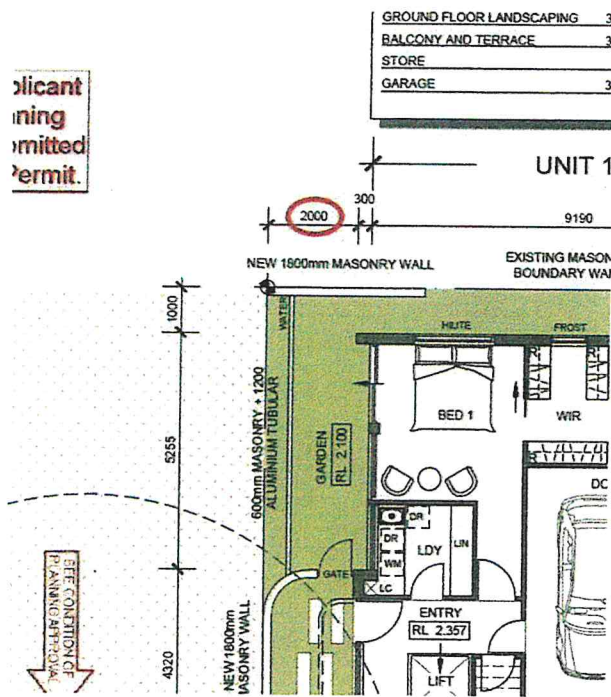
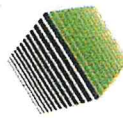


Figure 1: Proposed Street Setback



Allowance for variation to the 3m in the CBACP is not present and given the nature of the development of Q1 over time, this variation is not only unwarranted but could contribute to the setting of a precedent that would be counter to the vision and objectives of the CABCP. As per Desired Outcome (DO4) for Street Setbacks in CBACP, It is not unreasonable to suggest the variation constitutes a departure from the active frontages of the streetscape that currently exists on the north side of Tweeddale Rd. As shown in Figure 2, all other street frontages along that side of the road are at or before the minimum 3m. This proposal would interrupt that line of street frontages.



Figure 2: Street Setbacks along the north of Tweeddale Rd showing the intrusion of the proposal on the active street frontages.

We note that the street frontage development requirement was identified in the 9 February DUA report as being 2m in lieu of 3m and delegated to the Manager Statutory Planning for approval of the variation.

This matter was not advertised.

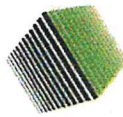
### Side Setbacks

The CBACP deals with side and rear setbacks at Element 5. Desired Outcome 5 (DO5.6) states that "Side and rear setbacks for all development with int the...H4 Zones shall be...4 metres for any lot which is equal to or grateer than 16 metres in width."

The 9 February DUA Report correctly notes that the side setbacks are 1m to 3m at ground level on the west boundary in lieu of 4 metres and 1m to 4m on the east boundary in lieu of 4m. At some points on the east boundary, the 4m is achieved.

This discrepancy was advertised and objections were obtained by the City and noted in the DUA Report.

In consideration of the variation to the CBACP, the DUA meeting opted to recommend the reduced minimums. It is clear the City is desirous of vibrant activity within the Canning Bridge



precinct. Our client is not opposed to such a vision. Our client is also cogniscent that major openings from the east or the west are not present. However, the severity of the reduction in side setbacks appears unwarranted. The north of Tweeddale Rd is on the northern cusp of the CBACP. As such, the drastic reduction in minimum side setbacks does not promote positive amenity for the residents on either side and once again, sets a precedent that does not seem reasonable.

The desired setbacks would create distances between grouped dwellings in Q1 of up to 8m. As it is, the distance between the current residents building and the proposed building will be between 2.5m and 6.5m. This is not seen as working in the current resident's best interests or those of future residents who may find such reduced setbacks imposing.

As already stated, the residents in the area are not opposed to the development per se. They believe a reasonable and compromising approach to the development should be taken so that the rules are seen to apply with reasonable variation.

It is recommended to the Council that it pause to reflect on the implications of this recommendation and consider the possible unintended consequences of approval.

Response Prepared By  
Colin Waddell  
Director