

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 11 MAY 2021

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY, 14 MAY 2021



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 11 MAY 2021**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
A Di Nella

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
Senior Planning Officer
Senior Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
WA 6156 (REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2021-414
 Property : Lot 6 (No. 161) Moreing Road, Attadale WA 6156
 Proposal : Proposed Single House
 Applicant : M W Urban
 Owner : A R Carcione
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
WA 6156 (REC) (ATTACHMENT)**

KEY ISSUES/SUMMARY

- Development approval is sought for a proposed single house at Lot 6 (No. 161) Moreing Road, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 3.4(a) of Draft Local Planning Policy 1.1 'Planning Process and Decision Making', the proposed development was advertised to the adjoining owners and occupiers. One of the adjoining property owners provided the City with an objection relating to the garage parapet wall height, removal of their dividing fence, potential security issues with no fencing during construction and devaluation of property values.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
WA 6156 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R40
Use Type	: Residential
Use Class	: Permitted

Site Details

Lot Area	: Parent Lot – 1007sqm Strata Lot – 511.84sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: Yes, to be retained
Street furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 14 May 2021.

DETAIL

The application has been assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below.

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.4 C4 – Open Space	45% Open Space	39.86% Open Space	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

Local Planning Policy 3.1- Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Boundary Walls Cl.3.2(ii)	Average wall height of 3 metres	Average height of Garage boundary wall at 3.15 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
WA 6156 (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comments Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and
 Decision Making Clause 1.7.6
 Support/Object: One objection received

A summary of the objection received and a response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The wall will impact the sunlight and ventilation entering the front of our property.	Refer to the comments section of this report	Not Uphold
The garage should be built at a standard size of 2.5 metres in height, not 3.3 metres and 1.5 metres away from the boundary wall.	Refer to the comments section of this report	Not Uphold
The proposed garage parapet being built to our property boundary resulting in the removal of modification of the existing dividing fence.	The R-Codes permits boundary walls being built with a 0mm setback from any side lot boundary. The proposed Garage parapet wall will be 0.6m setback from the southern boundary to ensure the existing dividing fence is maintained.	Not Upheld
Any change to the existing fencing would be a security breach	This is not a material planning consideration. Temporary fencing will likely be installed during the construction phase to prevent direct access into the subject lot undergoing construction.	Not Upheld
Devaluation of property values	Property value is not a material planning consideration.	Not Upheld

U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
WA 6156 (REC) (ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic, risk, or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications for the City relating to this proposal.

COMMENT

Lot Boundary Wall Height

As per Clause 3.2(ii) boundary walls in areas coded R20 and above are to have an average and maximum wall height of 3 metres and 3.5 metres respectively. With an average wall height of 3.1m, the proposed boundary wall does not meet the deemed-to-comply criteria, and albeit a very minor variation, a performance assessment against the design principles of the R Codes is required. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The wall makes an effective use of space whilst not compromising the amenity of the adjoining southern property. The proposed boundary wall is located next to the neighbour's carport and driveway area and a small portion of the dwelling without any window openings (refer Figures No. 2 and 3 below). These areas are not active habitable space and therefore, there will be no adverse amenity impacts as a result of the garage parapet wall;
- As seen in Figure 3, the habitable room on the adjoining dwelling is oriented in an easterly direction, giving it views towards the street. The view of the proposed boundary wall from this window will be on an oblique angle minimising the bulk impact of the boundary wall.
- Due to the orientation of this window, the proposed boundary wall will not block direct sunlight into the room. It is also noted the existing carport casts a shadow onto this window;

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- The location of the boundary wall from a streetscape perspective is acceptable as the wall is setback behind the minimum 4 metre street setback line; and
- The boundary wall does not contain any window openings, ensuring the development does not pose any overlooking concerns.

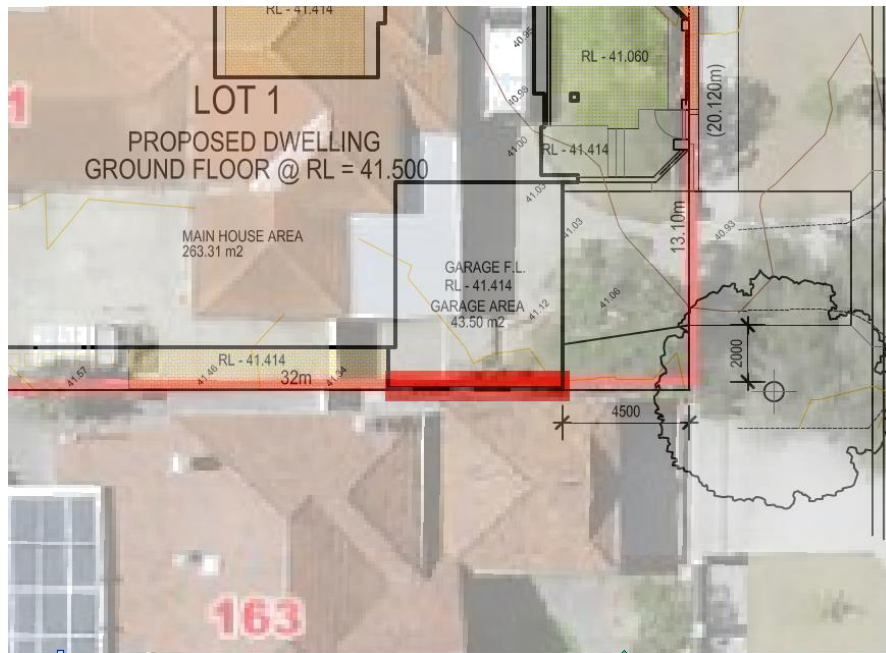


Figure 2: Aerial image showing carport (highlighted in red) abutting neighbour's carport/driveway area



Figure 3: View of the neighbouring property's carport and driveway area. The proposed garage parapet wall will be located abutting this area.

**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
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ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

CONCLUSION

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;**
 - a maximum width of 6m;**
 - located a minimum of 2m away from the outside of the trunk of any street tree; and**
 - a minimum of 1m from any existing street infrastructure.**

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

- 4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**
- 5. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in State Planning Policy 7.3 Residential Design Codes Volume 1, to the satisfaction of the City.**
- 6. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.**
- 7. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**

**U21/0562 – PROPOSED SINGLE HOUSE LOT 6 (NO. 161) MOREING ROAD, ATTADALE
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8. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
10. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
 - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
 - Open-cut trenching or excavation works (whether or not for laying of services)
 - Changes to the natural ground level of the verge
 - Location of any temporary buildings including portable toilets
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.