

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 13 OCTOBER 2020

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, 16 OCTOBER 2020



**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, 13 OCTOBER 2020.**

PRESENT

P Prendergast
M Scarfone
G Russell
T Cappellucci
R Boswell
M Flanagan

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

TABLE OF CONTENTS

U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET, ARDROSS (REC) (ATTACHMENT).....	4
U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)	13

U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET, ARDROSS (REC) (ATTACHMENT)

Ward : Central Ward
 Category : Operational
 Application Number : DA-2020-786
 Property : Lot 1 (73A) Alness Street, Ardross
 Proposal : Grouped Dwelling
 Applicant : Residential Building WA
 Owner : Kotia Sandila & Ferro Herwanto
 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 (eg 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>

**U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ARDROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In July 2020, a development application for a two-storey grouped dwelling was lodged.
- The proposed development satisfies the relevant provisions of Local Planning Scheme No.6 (LPS6), the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes (Volume 1) (the R-Codes) and applicable local and council policies with the exception of lot boundary setbacks and garage width for which a performance assessment is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making to the surrounding affected landowners. One submission was received during the consultation period outlining concerns relating to a lot boundary setback variation.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the Residential Design Codes.
- It is recommended that approval be granted subject to conditions.

**Figure 1 – Aerial Photography**

**U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ARDROSS (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R60
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	320sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	No
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 16 October 2020.

DETAIL

Development approval is sought for a two storey grouped dwelling at Lot 1 (73A) Alness Street, Ardross. The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

Local Planning Scheme and Local Policy Requirements – N/A

R-Code Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Side Setback Ground-floor (North-west)	1.5m	1.3m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
Side Setback First-floor (North-west)	2.8m	2.1m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
Side Setback First-floor (South-east)	2.8m	2.1m	Requires assessment using Design Principles	Development Advisory Unit (DAU)
Garage Width	60%	74%	Requires assessment using Design Principles	Manager Statutory Planning (MSP)

U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET, ARDROSS (REC) (ATTACHMENT)

The focus for this report is the first-floor side setback on the south-east of the site that is the subject of the objection received. All other matters outlined above are considered to meet the relevant design principles of the Residential Design Codes, are not the subject of any submission, and are recommended for approval on that basis.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment 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 content of the objections received and an officer's response is provided in the table below.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The reduced setback is excessive for an 8m wide block.	Refer to comments section of this report.	Not Uphold
Reduced solar light/ventilation and amenity impact.	Solar access is compliant with the deemed-to-comply provisions of the R-Codes.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant has 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 the 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 associated with this proposal

**U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ADDRESS (REC) (ATTACHMENT)**

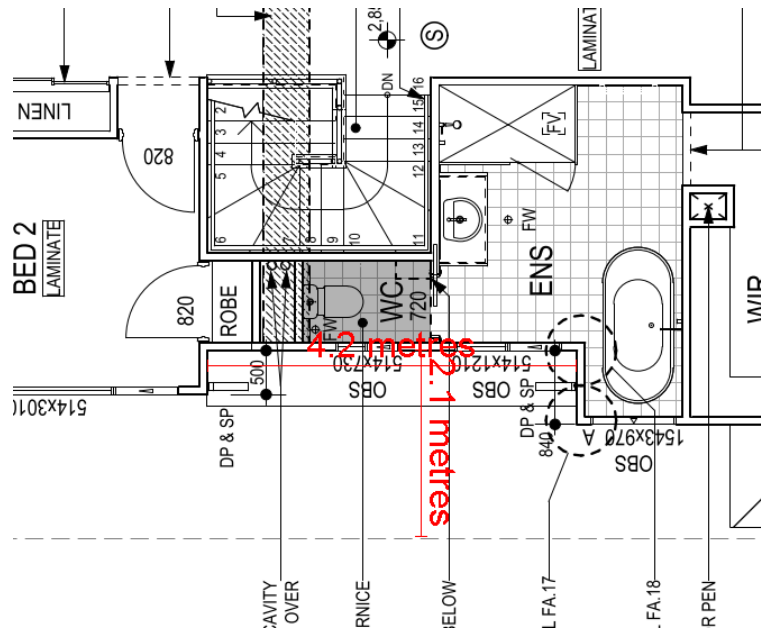


Figure 2: Setback variation identified

The proposed side setback is considered to meet the Design Principles of CI 5.1.3 *Lot Boundary Setback* of the R-Codes for the following reasons:

- The proposed development is of a similar size and scale to the neighbouring dwellings on this street;
- The neighbouring site is currently vacant and no development application has been lodged with the City for this property. Future development on this site can be designed to ensure that a satisfactory relationship will result when both lots are developed;
- The shadow cast from the proposed dwelling meets the deemed-to-comply criteria of the R-Codes; and
- The proposal meets the deemed to comply provisions of the R-Codes in terms of visual privacy.

U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ARDROSS (REC) (ATTACHMENT)



Figure 3: South west street view



Figure 4: North west street view

**U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ARDROSS (REC) (ATTACHMENT)****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

The application is considered to satisfy the provisions of LPS6, the Design Principals of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved 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 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.**
4. **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 4.5m;
 - 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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.**
5. **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.**
6. **Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 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 shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**

**U20/0541 - PROPOSED GROUPED DWELLING AT LOT 1 (73A) ALNESS STREET,
ARDROSS (REC) (ATTACHMENT)**

- 8. 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.**

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2020-1040
 Property : Lot 17 (68) Ullapool Road, Mount Pleasant WA 6153
 Proposal : Addition to Single House
 Applicant : Summit Homes
 Owner : Nicholas Mansfield
 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

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<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for an alterations and additions to an existing single house at Lot 17 (68) Ullapool Road, Mount Pleasant
- 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 (the R-Codes) and relevant local planning and council policies.
- The height of the proposed development requires a performance assessment having regard to the relevant provisions of the R-Codes and was advertised to the adjoining owners and occupiers in accordance with Part 4 of the R-Codes and Draft Local Planning Policy 1.1 'Planning Process and Decision Making'.
- Two submissions were received both objecting to the proposed building height.
- Notwithstanding the objections, 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

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R20
Use Type	:	Residential
Use Class	:	Permitted

**U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Site Details

Lot Area	: Subject lot -782 sqm
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, 16 October 2020.

DETAIL

In August 2020, a development application was lodged for the addition of a third storey to the existing two storey residence at Lot 17 (68) Ullapool Road, Mount Pleasant.

The application has been assessed against the provisions of LPS6, 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.

Local Planning Policy 1.9 – Height of Buildings Policy

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 2.1 Permitted Building Height	Concealed Roof - Maximum height of 9.0 metres	Maximum height of 9.3 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Required pursuant to Draft LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
Support/Object:	Two objections received.

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

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposed height does not comply with the maximum height limit stipulated in Clause 2.1 of LPP 1.9 Height of Buildings	The proposed building height variation has been assessed against the Design Principles of the R-Codes and is supported. Refer details in report below.	Not Uphold

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 the decision may be subject to review 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

Building Heights

The existing dwelling on the subject site is single storey when viewed from Ullapool Road and two storeys when viewed from the rear.

The proposed alterations and additions, involve the reconfiguration of the existing ground floor and the addition of a lounge, master bed, ensuite and balcony. The upper floor addition will result in the building presenting as two storeys to Ullapool Road and three storeys to the rear.

**U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

In accordance with Local Planning Policy 1.9 – Height of Buildings Policy (LPP 1.9), the height of the building is measured at the highest point at any part of the development immediately above natural ground level. Accordingly, the maximum height of the proposed works is measured at 9.3 metres and is located in the south eastern corner of the proposed addition. This maximum height of 9.3m applies only to a small portion of the proposed development. Figure 3 and 4 below demonstrate that this is a modest variation, and show that the bulk of the new addition is at a height on or below the maximum deemed to comply building height requirement of 9.0m.

The proposed addition is considered to meet the Design Principles of the R-Codes for the following reasons;

- The subject site is located within a portion of Mt Pleasant where the topography of the land falls away sharply towards the river. Many of the existing buildings within close proximity to the subject site are three storeys, taking advantage of views towards the Canning River and the Darling Scarp to the east. The proposed additions are therefore considered to be consistent with the existing streetscape along Ullapool and Park Roads;
- As shown in Figure 2, the addition is concentrated in the centre of the lot a minimum of 12 metres from the front boundary, 10 metres to the rear and 5 metres to the south. These setbacks exceed the deemed to comply requirements of the R-Codes and serve to ensure that building bulk towards adjoining lots and the streetscape is minimised;
- There are no visual privacy or overshadowing variations created by the proposed addition, as each of these aspects meet the relevant deemed-to-comply provisions of the R-Codes;
- Views of significance to the Canning River are towards the east and there will be no loss of views from any of the adjoining properties as a result of this development. Furthermore, the proposed additional storey is designed to focus views towards the river and not into neighbouring properties; and
- The proposed additions result in the dwelling presenting as two storey as seen from Ullapool Road, this is consistent with the existing streetscape on the western side of Ullapool Road.

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)



Figure 2: Site plan overlay of the subject application the neighbouring properties. Those which objected to the proposal are shown in yellow. All of the boundary setbacks, cone of vision setbacks and shadow are compliant in relation to the surrounding neighbours

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

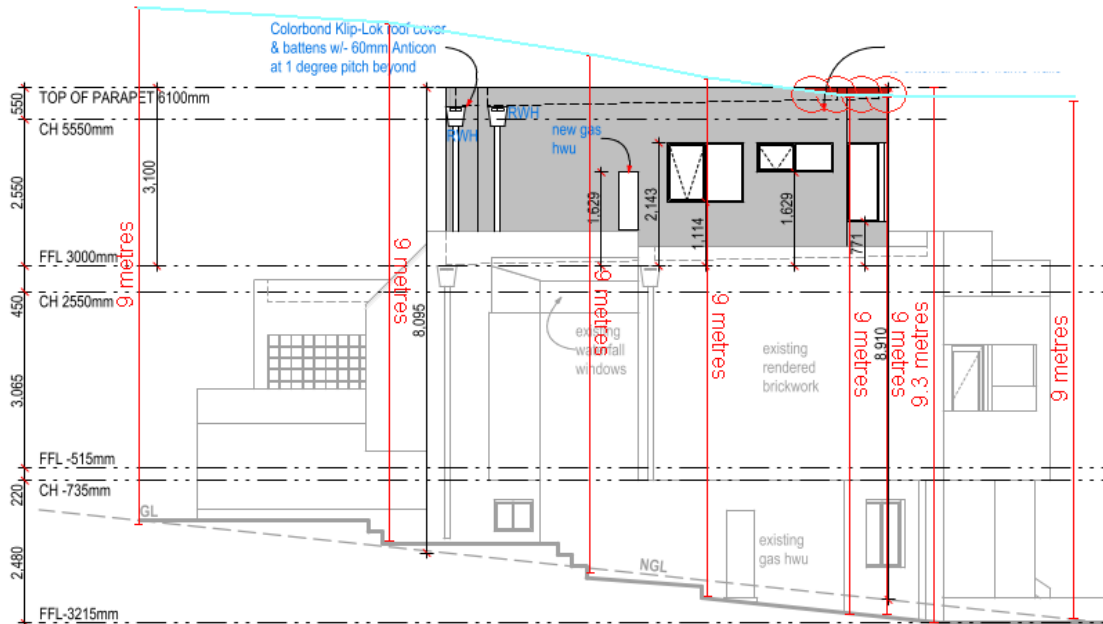


Figure 3: Southern elevation of the proposed works. The blue line denotes the deemed to comply height limit of 9 metres and the red shading denotes the modest section of wall above the deemed to comply limit.

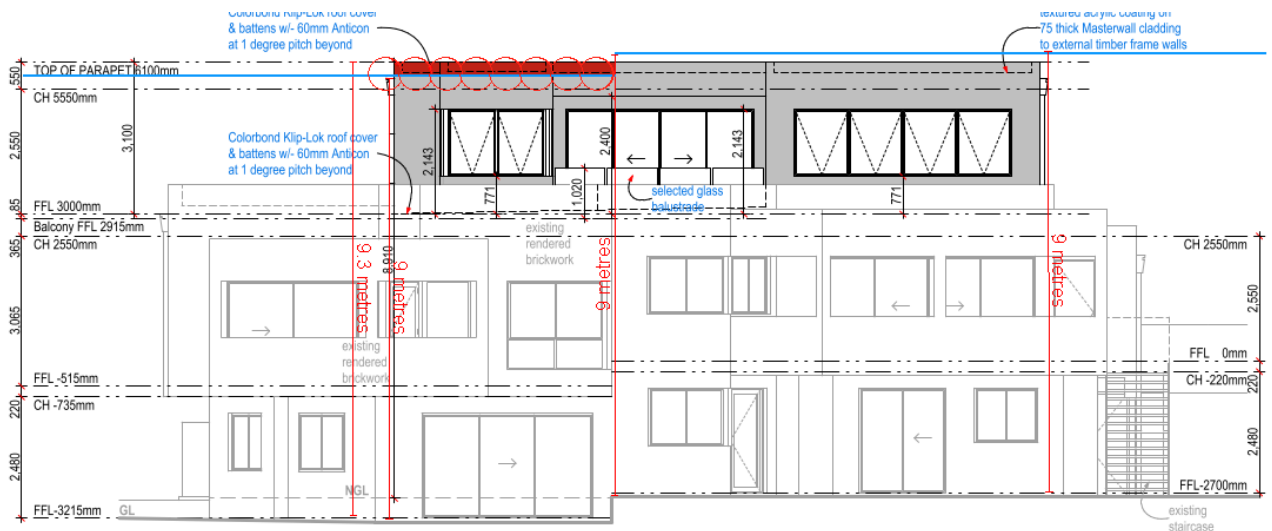


Figure 4: Eastern Elevation of the proposed works. The blue line denotes the deemed to comply height limit of 9 metres and the red shading denotes the modest section of wall above the deemed to comply limit.

**U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**



Figure 5: View of the subject site from Ullapool Road



Figure 6: View of the subject site from the alfresco area of 6 Park Road

U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)



Figure 7: View of the subject site from the yard of 2B Park Road



Figure 8: View of Canning River from the existing balcony

**U20/0542 - ADDITION TO EXISTING SINGLE HOUSE – LOT 17(68) ULLAPOOL ROAD,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

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 as amended 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 in accordance with the City's stormwater design guidelines.**
- 3. 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.**