

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 15 SEPTEMBER 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, 18 SEPTEMBER 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, 15 SEPTEMBER 2020**

PRESENT

M Scarfone
B Ashwood
T Cappellucci
M Flanagan

A/Manager Statutory Planning
A/Planning Services Coordinator
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.

TABLE OF CONTENTS

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6
(29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT) 4

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2020-990
 Property : Lot 6 (No.29) Wichmann Road, ATTADALE WA 6156
 Proposal : Additions and Alterations to Existing Single House
 Applicant : Keith Cameron Brown
 Owner : S D Brogden and G M E Brogden
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mark Scarfone
 Acting 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>

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for minor additions and alterations to an existing single house at Lot 6 (No.29) Wichmann Road, Attadale.
- The proposed alterations include the removal of the existing carport and the construction of a new garage, front fence and a pergola.
- 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 proposed development was advertised to the adjoining owner in accordance with Part 4 of the R-Codes and Local Planning Policy 1.1 and an objection was received.
- 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

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)**BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R15
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	Subject lot - 911 sqm
Retention of Existing Vegetation	:	Yes
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, 18 September 2020.

DETAIL

In August 2020, a development application was lodged for additions and alterations to an existing single storey house at Lot 6 (No.29) Wichmann Road, Attadale. The application proposes the construction of a garage, front fence and pergola, as well as the demolition of the existing carport. The garage is proposed to be built up to the North West lot boundary and is 3 metres in height and 9 metres in length. Under the provisions of Local Planning Policy 3.1 'Residential Development' a boundary wall of this size is acceptable subject to being setback 6 metres from the front boundary. As the proposed wall is setback 5 metres from the front boundary it requires a performance assessment.

The application was 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.

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

Local Planning Policy 3.1- Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 3.2(ii)- Boundary Walls (for land zoned less than R20)	Minimum street setback of 6 metres	Street setback of 5 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 LPP 1.1 Planning Process and Decision Making Clause 1.7.6
Support/Object:	One objection received.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposed development is inconsistent with other setbacks on the street and will therefore have a negative impact on the streetscape	Refer to the comments section of this report.	Not Uphold
The height of the proposed boundary wall will "box me in"	The proposed boundary wall height is compliant with Local Planning Policy 3.1.	No 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 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*.

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)**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

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies and the R-Codes with the exception of the front setback of the boundary wall set out in *LPP3.1 – Residential Development*. This requires consideration against the Design Principles of the R-Codes (see comments section below).

COMMENT

As per LPP3.1, boundary walls in areas coded less than R20, meet the deemed to comply requirements provided they are behind the street setback line set out in Table 1 of the R-Codes. For lots with a density code of R15, such as the subject site, the street setback line is 6.0 metres from the property boundary. With a proposed setback of 5 metres, the proposed garage boundary wall does not meet the deemed-to-comply criteria and instead requires a performance assessment. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The existing built form along Wichmann Road is varied in terms of its age and architectural style. It contains a mix of single house and grouped dwellings, a range of lot widths, a range of front setbacks and both single storey and two storey dwellings. The streetscape also includes a number of carports and other structures which are located in front of existing dwellings. The architect has designed a visually interesting garage to ensure the development has a positive impact on the streetscape. This has been accomplished through the use of limestone finishes, timber cladding and an arbour entry feature statement.
- There are no visual privacy or overshadowing variations created by the proposed boundary wall, as each of these aspects meets the relevant deemed-to-comply provisions of the R-Codes; and
- As seen below in Figure 2 & 3, the adjoining property has two ground floor windows facing the street and another facing the subject lot. All three windows are setback from the boundary by at least 4.5m. The window facing south east towards the subject lot will face the portion of the proposed boundary parapet that is behind the street setback line. Although a portion of the boundary wall will be visible from the adjoining properties two street-facing windows, the view of the wall will be oblique rather than direct, reducing the bulk impact of the wall.

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

In addition to meeting the Design Principles of the R-Codes it is observed that the proposed boundary wall to the garage has a maximum height of 3 metres and a length of 9 metres, dimensions which are less than the deemed-to-comply provisions of the R-Codes which allow for a maximum wall height of 3.5 metres, an average wall height of 3 metres and a maximum length of 9 metres. On this basis the bulk impact of the proposal is considered acceptable. It is also observed that garage wall would meet the deemed to comply provisions if it was setback from the side boundary by 1 metre. This side setback would not result in a meaningful improvement to the amenity of the streetscape or the adjoining neighbour as it could still be constructed without windows and the City can not insist on this space being landscaped.

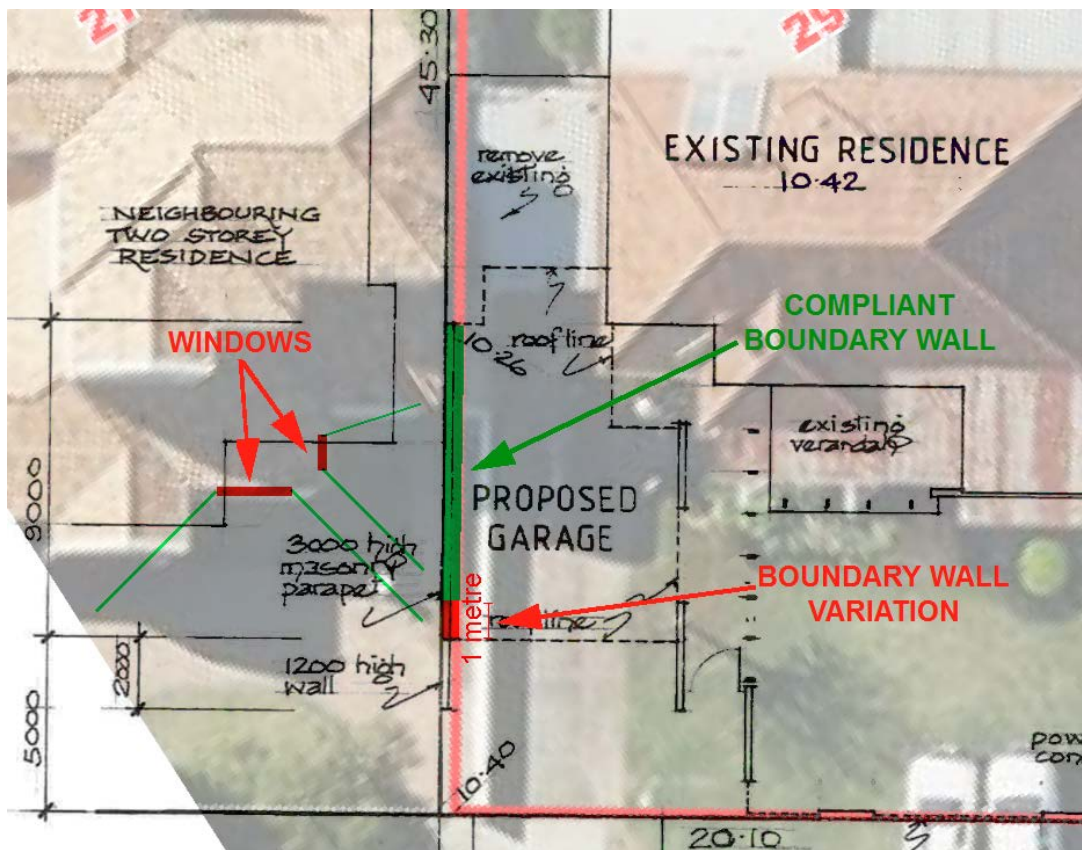


Figure 2: Proposed garage boundary wall marked relative to adjoining properties ground floor windows

**U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6
(29) WICHMANN ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)**



Figure 3: Close up view of the neighbouring property. The windows highlighted in yellow will have an oblique view of the non-conforming section of wall.



Figure 4: View of the subject dwelling from Wichmann Road.

U20/0538 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE AT LOT 6 (29) WICHMANN ROAD, ATTADALE WA 6156 (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. 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.**
- 4. Any street walls and fences, (including the height of any retaining walls) as marked in red on the approved plans, 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.**
- 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. 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.**