

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 15 FEBRUARY 2022

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, 25 FEBRUARY 2022



**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 FEBRUARY 2022**

PRESENT

P Prendergast
M Scarfone
T Cappellucci
G Davey

Manager Statutory Planning
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.

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U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Category : Operational
 Application Number : DA-2021-1134
 Property : Proposed Lot 1 (No.58) River View Terrace, Mt Pleasant
 Proposal : Grouped Dwelling
 Applicant : Mr N Sadeghi
 Owner : Mr N Sadeghi
 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>

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought for a proposed three storey grouped dwelling at 58 River View Terrace, 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 (R-Codes) and relevant local planning and council policies.
- In accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making, the proposed development was advertised to the adjoining owners and occupiers.
- Six submissions were received during the advertising period. Objections related to the building height, height of retaining walls and street setbacks;
- A series of amended plans were provided in response to concerns raised by the City and submitters and the application was readvertised. One objector has withdrawn their concern as a result of the revised plans however, the remaining objections are unresolved, despite the amended plans received.
- Notwithstanding the objections 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 of subject site

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Grouped Dwelling
Use Class	: 'P' Permitted

Site Details

Lot Area	: 528sqm (Proposed)
Retention of Existing Vegetation	: N/A
Street Tree(s)	: Yes, to be retained
Street Furniture (drainage pits etc)	: Yes
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 25 February 2022.

DETAIL

In October 2021, a development application was lodged for a three Storey Grouped Dwelling with a roof terrace at (Proposed Lot 1) 58 River View Terrace, Mount Pleasant.

In its assessment of the development proposal, the City has negotiated a number of amendments to the design of the dwelling, specifically in respect of building height, visual privacy, site works, removal of verge tree and street setbacks.

The application has been assessed against the provisions of LPS6, LPP3.1, and the relevant provisions of the R-Codes. A performance assessment is required in respect of the matters listed below.

Local Planning Scheme and Local Policy Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Secondary Street setback C2.2 / LPP3.1 Residential Development Policy	Average 3m/Min 1.5m	Average First and Second Floor 2.8m	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

Development Requirement (Cont.)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
C2.2 / LPP3.1 Truncation setback Residential Development Policy	Average 3m/Min 1.5m	1.5m	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services
CI 5.1.6 – Building Height / LPP 1.19 Height of Buildings	Concealed Roof 9m	Wall along on the northern boundary at 9.65m & 9.9m	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.2.4 – Street Walls and Fences / LPP3.1 Residential Development	Infill Panels 1.8m Solid up to 1.2m	Infill Panels Up to 2.4m Solid up to 1.3m	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services

State Planning Policy 7.3 – Residential Design Codes Volume 1

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Clause 5.3.7 C7.1 Site Works	Maximum 0.5 metres fill within front setback area.	1.4m fill setback (opposite garage) & nil setback 1.0m from the northern boundary line.	Requires assessment using Performance Criteria	Manager Planning Services
Clause 5.1.3 C3.1 Lot Boundary Setbacks	Guest/wir setback 1.5m (East)	Setback of 1.3m	Requires assessment using Performance Criteria	Manager Planning Services
	Bedroom/ens setback 1.7m (East)	Setback of 1.3m	Requires assessment using Performance Criteria	Manager Planning Services

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

Development Requirement (Cont.)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Clause 5.4.1 – Visual Privacy	Outdoor Living Area raised more than 0.5m above the natural ground level	Raised up to 1.4m	A condition of planning approval will require screening along the northern side.	Manager Planning Services
	Roof Top Terrace setback requirement 7.5m	Less than 7.5m from eastern boundary line.	Requires assessment using Performance Criteria	Manager Planning Services

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 3.4(a)
 Support/Object: 6 Submission were received.

The submission received has objected to the proposal citing a range of concerns. A summary of the objections received and the City's response is provided in the table below.

Summary of Issues Raised	Comment	Action (Condition/ Uphold/ Not Uphold)
Height of the building is not compliant and results in loss of views	The proposed development is considered to meet the relevant design principles of the R-Codes. Refer to the comments section of this report.	Not Uphold
Street Setbacks	The proposal is considered to satisfy the design principles of the R-Codes Refer to the comments section of the report below.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)**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 are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

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

COMMENTBuilding Height

The proposed dwelling has been designed in a manner which responds to the topography of the site as well as taking advantage of the site's elevated position and river views. This part of Mt Pleasant has undergone significant change over the past decade with many of the older dwellings being demolished and replaced. While the majority of new dwellings are two storeys there are some existing three storey dwellings in the vicinity. The proposed dwelling is considered to be consistent with the existing and desired streetscape character of the area on that basis.

Local Planning Policy 1.9 Building Height (LPP1.9) states that the deemed to comply concealed roof height is 9 metres. The development proposes wall height up to 9.9 metres and therefore requires an assessment against the relevant Design Principles contained in State Planning Policy 7.3 Residential Design Codes Volume 1. The proposed concealed roof height is considered to deliver an acceptable outcome in this case as:

- The bulk impact to adjoining properties is acceptable given the building itself is articulated with windows and finished to a high quality standard. The building mass is focused on the street corner with openings orientated primarily towards the street and river.
- The bulk impact of the building to the neighbouring properties on the south side of Cowrie Crescent is reduced by virtue of the topography of the area. The natural ground level of neighbouring sites is approximately 2.5 to 3.0 metres higher than that on the subject site. In addition the southern elevation is below 9.0 metres in height and is compliant with the deemed to comply standards.

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- The over height walls on the north and eastern elevation are setback such that they meet or exceed the setback requirements of the R-Codes. This serves to mitigate any adverse bulk impact. The northern elevation is setback 7.5 metres from the rear balcony ensuring it meets the deemed to comply provisions in terms of privacy.
- Given the development is located on the southern side of the adjoining property and is setback 7.5m from the shared boundary, access to direct sun and daylight is not of concern.

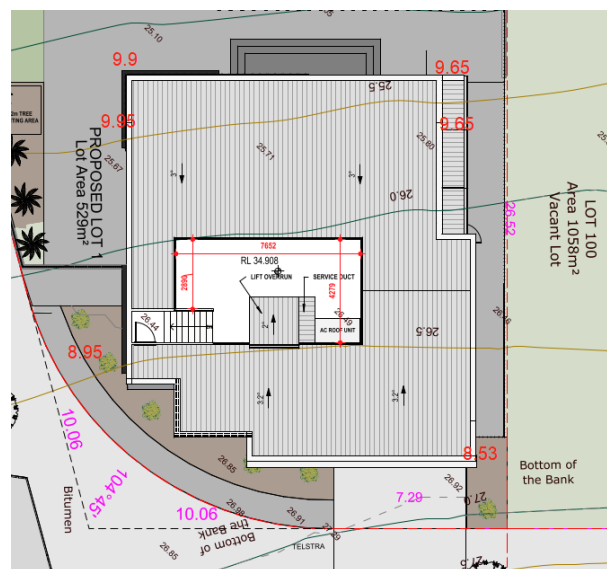


Figure 2: Building Heights

- The proposed lift overrun is sensitively located towards the centre of the site and has been assessed as a minor projection as per the provisions of LPP1.9. The balustrade to the roof terrace has also been assessed as a minor projection under LPP1.9. In order to ensure this balustrade will not have a bulk impact on the street, a condition has been applied to ensure this is constructed of clear glazing as noted on the plans.

Street Setbacks

Under the provisions of LPP3.1 a minimum setback of 1.5 metres and an average of 3.0 metres is required to the secondary street. The proposed minimum setbacks are met in this case however the average requires a performance assessment. This reduced average is primarily caused by the unusual lot shape which curved at the street corner rather than truncated. The proposed setback is supported against the Design Principles for the following reasons:

- The façade of the dwelling is well articulated via the use of windows, a mix of materials, landscaping and a range of building setbacks. This assists in reducing the size and scale of the building therefore reducing the visual impact of the dwelling on the streetscape.

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- There is adequate privacy and open space provided in front of the dwelling for both the ground and upper floors of the dwelling; and
- There is sufficient space for parking, landscape, safety clearances for easements and utilities given the ground floor minimum and average setbacks have been achieved.

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 opportunity to call this matter up for formal Council consideration.

CONCLUSION

This application for a three storey grouped dwelling at Lot 1, 58 River Terrace, Mount Pleasant has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Overall, the proposal has been amended to partially address the concerns raised by the submitters and meet the relevant Design Principles of the R-Codes. Therefore, these amendments proposed as part of this application are considered to be an acceptable outcome, and the development is recommended for approval subject to the following 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.**
- 4. 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.**

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

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. 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.

7. 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.
8. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development 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:
 - 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 of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
 - 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 or refuelling of equipment or 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; or
 - The parking of vehicles or machinery.

U22/0579 – PROPOSED GROUPED DWELLING – LOT 100 (NO.58) RIVER VIEW TERRACE MOUNT PLEASANT (REC) (ATTACHMENT)

9. Where a driveway meets the street, walls or fencing within sight line areas are Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
10. 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.
11. Prior to the initial occupation of the development, the opening along the northern and eastern elevations of the Outdoor Living Area (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of *State Planning Policy 7.3 Residential Design Codes Volume 1*. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
12. The privacy screening shown on the approved plans shall meet the Deemed to Comply standards of Cl. 5.4.1 of *State Planning Policy 7.3 Residential Design Codes Volume 1*. The privacy screening shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.
13. The balustrades to the roof terrace shall be constructed of clear glazing unless otherwise approved in writing by the City.
14. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.