

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 10 NOVEMBER 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, 13 NOVEMBER 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, 10 NOVEMBER 2020**

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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U20/0543 - PROPOSED SINGLE HOUSE – LOT 21 (39) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2020-722
 Property : Lot 21 (No. 39) The Esplanade, Mount Pleasant WA 6153
 Proposal : Single House
 Applicant : Jason Hong, Target Homes WA
 Owner : Mr B Zhao and Mrs Y Zhao
 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>

U20/0543 - PROPOSED SINGLE HOUSE – LOT 21 (39) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for a single house at Lot 21 (No. 39) The Esplanade, 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 proposed development requires a performance assessment in relation to building height, vehicular access and retaining walls and as such 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 of which object to the proposed building height.
- 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 Photo of Subject Site

BACKGROUND

Scheme Provisions

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

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Site Details

Lot Area : Subject lot - 2438 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, 13 November 2020.

DETAIL

In June 2020, a development application was lodged for a single house at Lot 21 (No. 39) The Esplanade, Mount Pleasant.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. The proposal satisfies all of the relevant deemed-to-comply provisions with the exception of those matters listed below, which require assessment against the Design Principles of the R-Codes.

Residential Design Codes

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.3.5 C5.3 Driveway Design	Vehicle Access via the secondary street (where possible)	Vehicle access proposed off the Esplanade (primary street)	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

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Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.3.7 C7.1, C7.3 Site Works and C5.3.8 C8 Retaining Walls	Maximum 0.5 metres of excavation/fill within 3m street alignment	Maximum 1.53 metre high retaining wall within 3m street alignment of Rookwood Street and The Esplanade	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
	No excavation/fill greater than 0.5 metres within 1.0 metre of a lot boundary	Maximum 1.0 metre high fill and retaining wall within 1.0 metre of northern lot boundary and 1.5 metres high along Rookwood Street.		
	No retaining walls higher than 0.5 metres within 1.0 metre of a lot boundary			
Clause 5.4.1 C1.1 Visual Privacy	Unenclosed active habitable spaces cone of vision setback 7.5 metres from lot boundaries	First Floor Verandah setback 6.1 metres from the northern lot boundary	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
		Second Floor Verandah setback 5.9 metres from the northern lot boundary		

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	Overall height - Maximum 10.5 metres	Maximum 12.2 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

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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 objections received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposed height is excessive and does not comply with the City's maximum height restrictions for private dwellings in the area. The building size will affect views of the river.	The proposed building height variation is supported against the Design Principles of the R-Codes and is supported. Refer to comments section.	Not Uphold
A precedent for future dwellings may be set to allow dwellings to build higher than current planning regulations. Notes other situations in the City where height restrictions have been waived and believe this creates a degree of uncertainty, concern and mistrust in the community.	The R-Codes are a performance based planning document which allows for designs to be considered in relation to their site context. The approval of this development is not considered to set a precedent for future development. The proposed building height variation is supported against the Design Principles of the R-Codes and is supported by this assessment..	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 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*.

U20/0543 - PROPOSED SINGLE HOUSE – LOT 21 (39) THE ESPLANADE, MOUNT PLEASANT WA 6153 (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

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

COMMENTBuilding Heights

The subject site has a upwards slope of approximately 13 metres from its lowest point at The Esplanade to its highest point at the south west corner of View Road. Views of the Canning River and the Darling Scarp are available to the east. The applicant has responded to the topography of the land through the following design measures:

- Locating the garage and ground floor below the existing natural ground level of the land;
- Retaining walls along the northern and southern boundaries are stepped as far as practically possible to follow the natural contours of the site and reduce the bulk impact on the adjoining properties and the streetscape;
- The finished floor level of the first floor level is consistent with the contours below, resulting in equal cut and fill in this area;
- The loft and associated roof terrace is located within the space traditionally occupied by a pitched roof ensuring this space does not pose excess building bulk; and
- The building presents as three storeys with a loft to The Esplanade and two storeys at the rear of the lot as viewed from part of Rookwood Street and View Road.

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. In this case the building height to the eaves and the overall height have been measured in accordance with Figures 2-5 below which demonstrates a portion of the proposed roof is above the maximum building height.

The perspective images, in figures 6 and 7 below are provided by the applicant to demonstrate the section of the roof which requires a Design Principle assessment and demonstrates the impact of the roof height on the adjoining properties.

The proposed building height requires a performance assessment and as such the application was advertised to the adjoining landowners on 4 August for a period of 14 days.

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As detailed in the Stakeholder Engagement section above two objections were received in relation to the building height. On 2 October 2020, the applicant amended the plans to reduce the overall height of the building to 12.2 metres. Notwithstanding, the proposal exceeds the deemed to comply building height in LPP 1.9 and as such this aspect of the application requires an assessment against the Design Principles.

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

- The building presents as three storeys, with an undercroft garage to The Esplanade. This is consistent with other dwellings within the locality. The building reduces in height to two storeys at the rear of the subject site. This built form is consistent with other dwellings within the locality, particularly those dwellings which front onto The Esplanade as seen within Figures 13-14 and therefore does not have a negative impact on the streetscape or the adjoining properties;
- The proposed dwelling is centred in the site and provides greater than required street setbacks from The Esplanade, Rookwood Street and View Road to minimise the impacts of visual building bulk. The portion of roof above the overall 10.5 metres forms a small part of the development as seen within Figures 2-9. The roof design incorporates a traditional roof pitch, ensuring this does not have a bulk impact on the streetscape or surrounding properties;
- Due to the orientation of the building and its setbacks from the adjoining properties, it does not impact on access to daylight or ventilation. The shadow from the property will fall onto Rockwood Street to the south and not onto any adjoining properties; and
- The properties on the southern side of Rookwood Street have a view to the Canning River to the east. The increase in the overall building height of the development does not minimise or reduce the adjoining residential properties' access to these views as the siting of the development in the centre of the site, with larger than required setbacks to The Esplanade and Rookwood Street reserve allows for these to be maintained.

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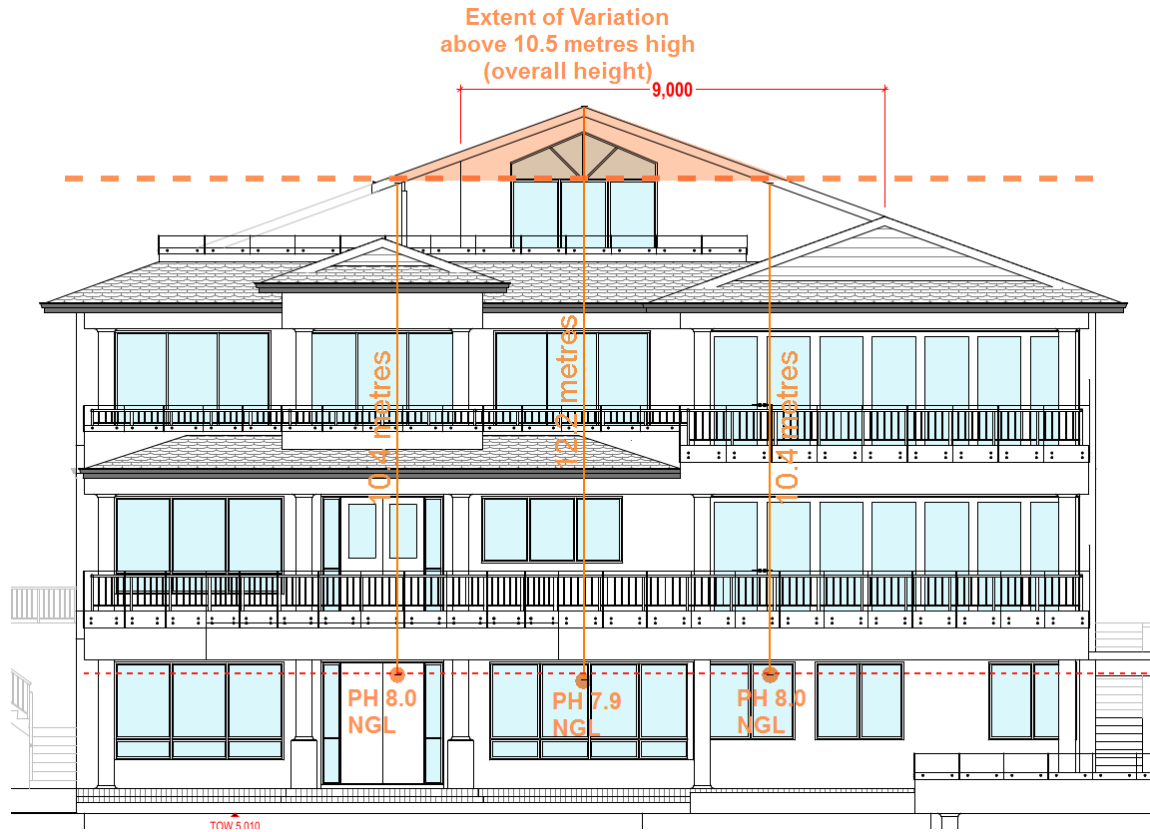


Figure 2 - Elevation plan of the subject dwelling identifying the portion of dwelling exceeding the overall 10.5 metre building height.

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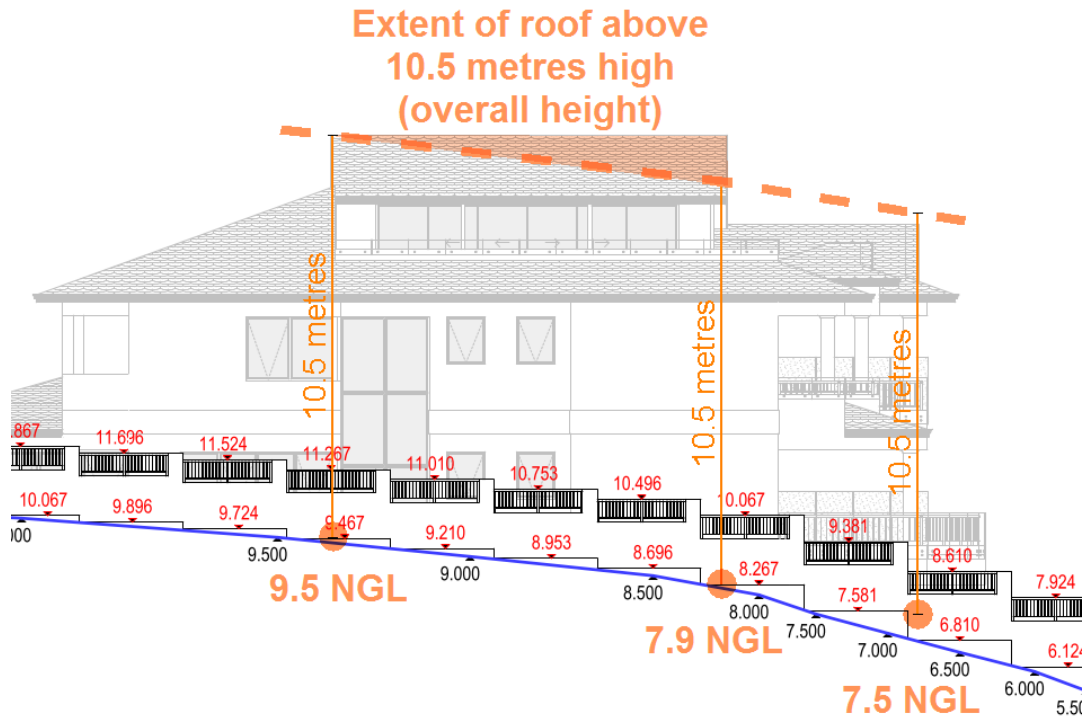


Figure 3 - Elevation plan of the subject dwelling identifying the portion of dwelling exceeding the overall 10.5 metre building height.

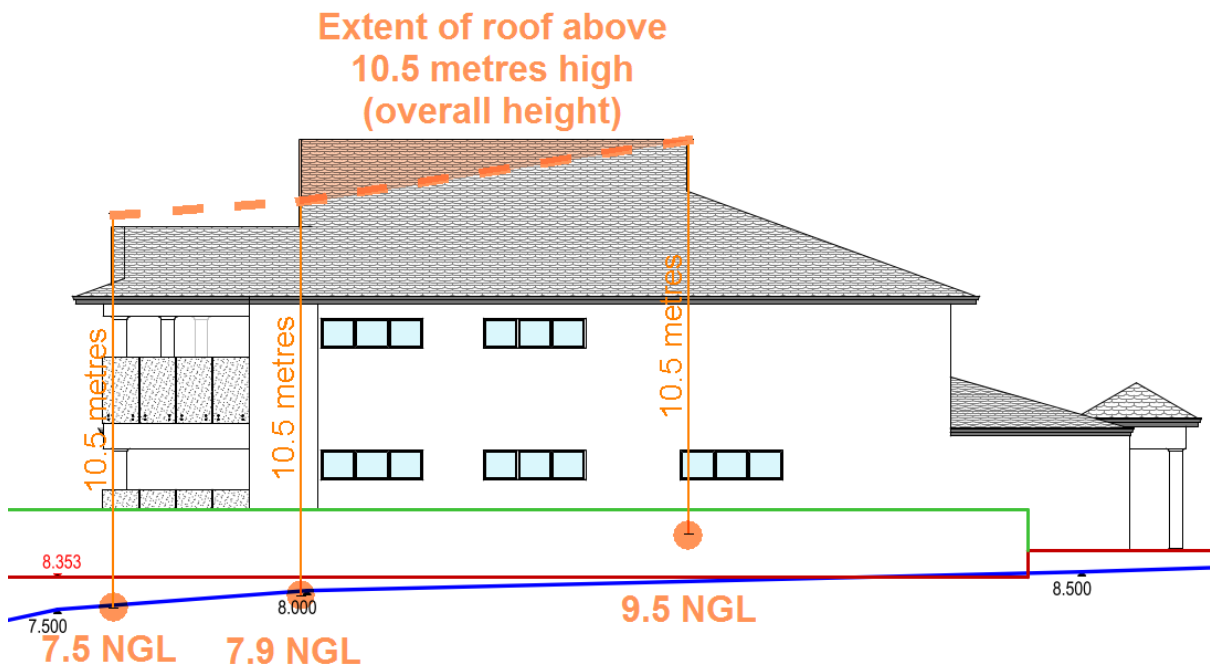


Figure 4 - Elevation plan of the subject dwelling identifying the portion of dwelling exceeding the overall 10.5 metre building height.

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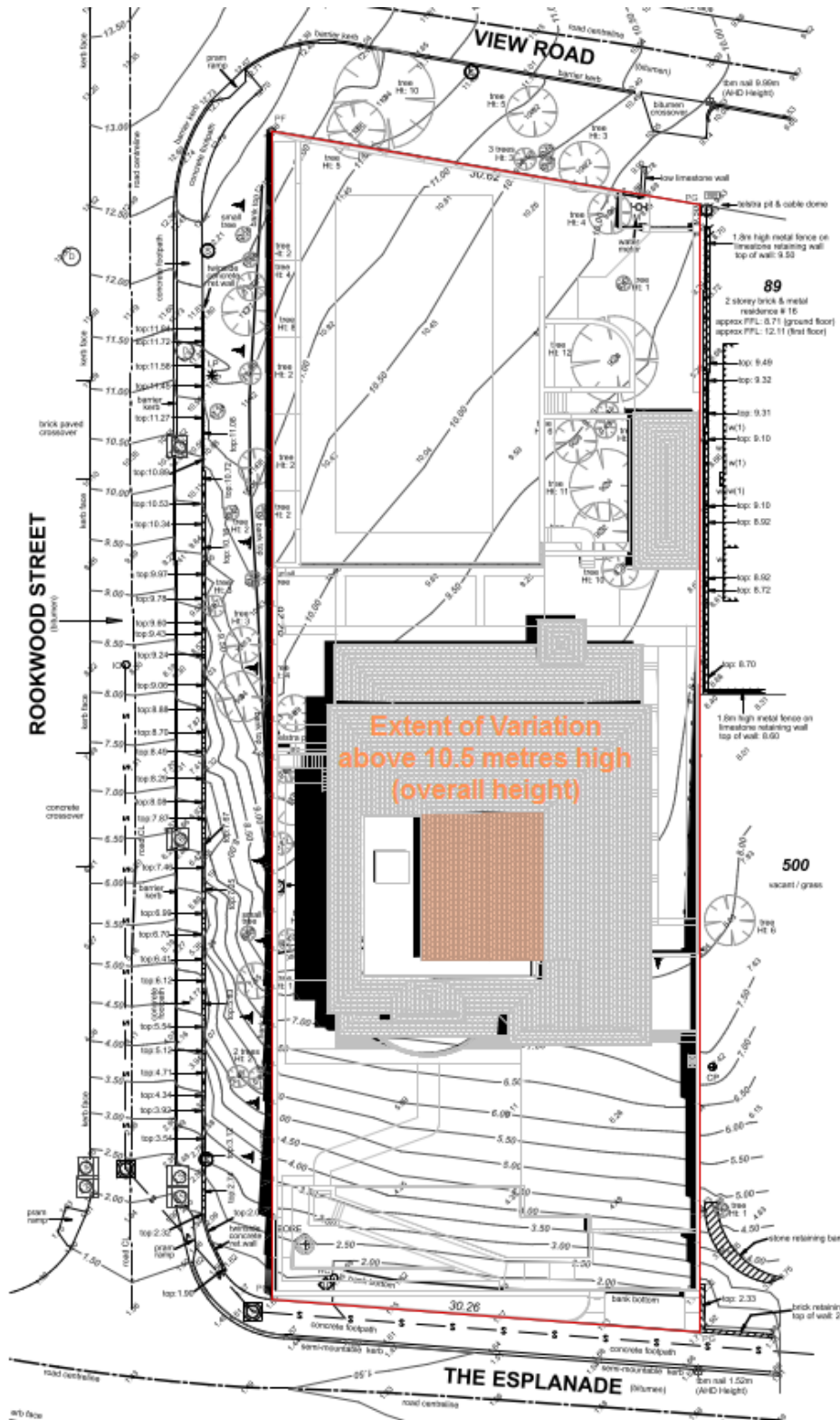


Figure 5 - Roof plan of the subject dwelling identifying the portion of dwelling exceeding the overall 10.5 metre building height.

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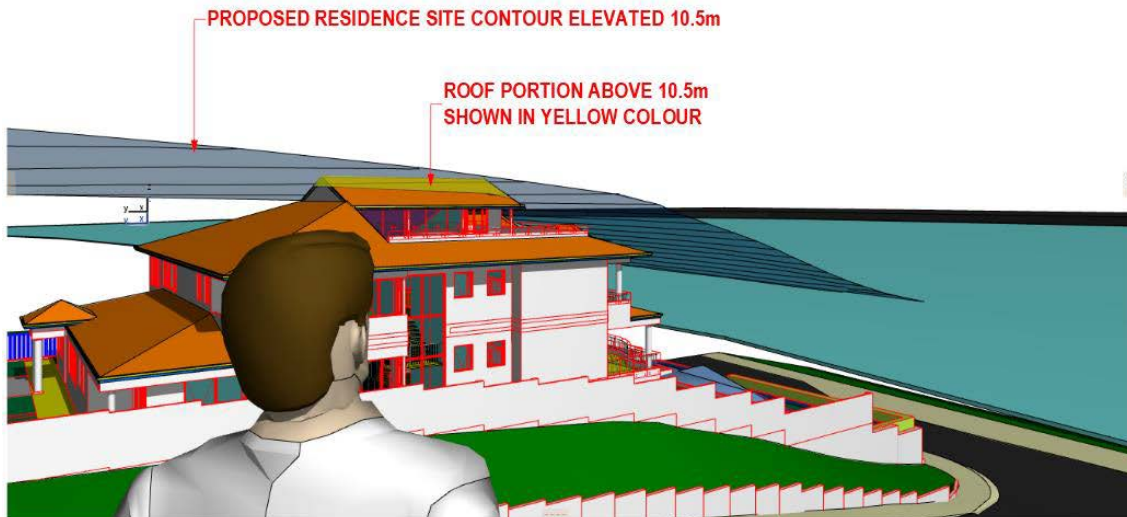


Figure 6 – Applicant's perspective view of the proposed dwelling as viewed from the balcony at 22 Rookwood Street, Mount Pleasant.

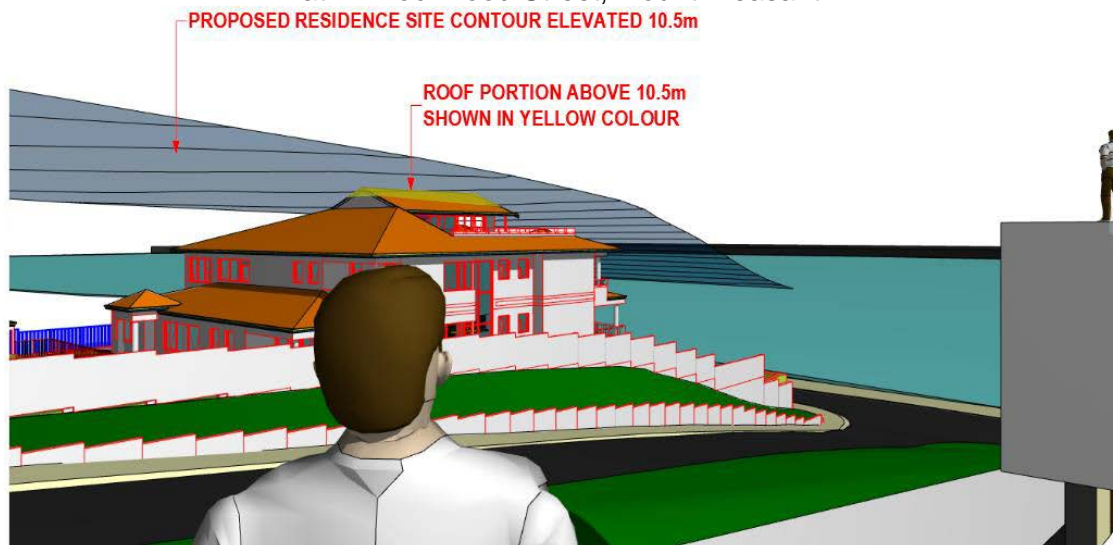


Figure 7 – Applicant's perspective view of the proposed dwelling as viewed from the verandah at 1/20 Rookwood Street, Mount Pleasant.

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Figure 8 – Perspective view of the proposed dwelling as viewed from The Esplanade.



Figure 9 – Perspective view of the proposed dwelling as viewed from View Road.

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Figure 10 – View of the subject site from The Esplanade.



Figure 11 – View of dwellings to the south, (1/20 and 22 Rookwood Street) as viewed from the subject site.

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Figure 12 – View of the subject site and the Canning River from the dwellings to the south at 1/20 and 22 Rookwood Street.



Figure 13 – Panoramic view of the subject site, the Canning River and the dwellings (1/20 and 22 Rookwood Street).

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Figure 14 – Panoramic view of the built form along The Esplanade facing the Canning River.

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 proposed four storey dwelling with an undercroft garage and tennis court has been assessed and is considered to comply with the relevant planning framework, including the design principles of the R-Codes. It is therefore recommended that the development be approved subject to the imposition of 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, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**

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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;
 - located a minimum of 2m away from the outside of the trunk of any retained 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.

5. The infill panels of street walls and fencing marked in red on the approved plans within the primary street setback area (The Esplanade) and secondary street setback areas (Rookwood Street and View Road) 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.
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. 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)

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- 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.
10. 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.