

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 17 DECEMBER 2019

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, 20 December 2019

**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, 17 DECEMBER 2019**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
G Davey
M Flanagan

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

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U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT) (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Category : Operational
 Application Number : DA-2019-1063
 Property : 85A, 85B & 85C Kintail Road, APPECROSS
 Proposal : Four Grouped Dwellings
 Applicant : Mr S O'Reilly
 Owner : Mr S O'Reilly
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

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>

U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for four grouped dwellings at 85A, 85B & 85C Kintail Road, Applecross. Each grouped dwelling comprises of an undercroft, ground and first floor and a roof top terrace. The subject site currently contains three single storey grouped dwellings. The grouped dwellings are proposed to be demolished and the site subdivided into four survey strata lots as part of this proposal.
- The proposal satisfies the relevant provisions of Local Planning Scheme No.6 (LPS6), the Deemed-to-Comply provisions of the R-Codes and applicable Council Policies with the exception of Street Setback (Unit 4), building height, garage width (Units 2 & 3), and site works 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 affected landowners & occupiers. Five submissions were received outlining concerns relating to, overshadowing, privacy, bulk, traffic, noise, solar access, and open space.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of State Planning Policy 7.3 Residential Design Codes (Volume 1).
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 1017sqm
 Retention of Existing Vegetation : No retention of onsite vegetation
 Street Tree(s) : Yes
 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, 20 December 2019

DETAIL

Planning approval is sought for four grouped dwellings which comprise of an undercroft, ground and first floor and a roof top terrace at 85A, 85B & 85C Kintail Road, Applecross. The application details have been assessed against 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

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Building Height	9.0m	Western Elevation Unit 1 10.129m Unit 1 & 2 Pergola 9.882m Unit 3 Pergola 10.172m Unit 4 Pergola 10.272m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

Development Requirement (Continued)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Building Height		Unit 1 Stairwell 9.872m Unit 2 & 3 Stairwell 10.142m Unit 4 Stairwell 10.172m Unit 4 Rear Privacy Screen 11.72m		

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Primary Street Setback	Av 4m Min 2m	Refer to Comment Section	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Truncation Setback	1.0m	0.1m - 0.6m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Garage width	60%	63%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Site works	0.5m	0.760m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

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Commentary in this report will focus on the proposed height variation only. The remaining matters listed above have been assessed under the relevant design principles of the R-Codes, and are supported on that basis, subject to the imposition of a condition of planning approval in respect of visual privacy requirements.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making
 Support/Object: Object

The proposed building height exceeds the maximum external wall (concealed roof) height outlined in Local Planning Policy 1.9 and as such this matter requires a performance assessment under the relevant design principles of the R-Codes. The other matters which require a performance assessment are not considered to have a negative impact on amenity of adjoining landowners or occupiers and therefore were not the subject of advertising.

A summary of the content of the objections received and an officer's response is provided in the table below.

Submission Number	Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	Building Height	Refer to the comments section of this report.	Not Uphold
	Privacy	Meets Deemed-to-Comply	
	Open Space	Meets Deemed-to-Comply	
	Traffic (Unit 4)	This has been reviewed by the City's traffic engineers and modifications have been made to the crossovers. The crossover now complies with the Deemed-to-Comply provisions.	

U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

Submission Number (Continued)	Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
2	Building Height	Refer to the comments section of this report.	Not Uphold
	Construction Materials	A condition of planning approval will require details of the exterior colours, materials and finishes are to be submitted to the City for approval.	Condition
	Parking	Meets Deemed-to-Comply	Not Uphold
	Proximity to the intersection of Kintail Road & Matheson Road.	Refer to traffic comments in submission No.1.	Not Uphold
	Roof Top Terrace	Meets Deemed-to-Comply.	
3	Building Height	Refer to the comments section of this report.	Not Uphold
	Privacy & Solar Access.	Meets Deemed-to-Comply	Not Uphold
4	Building Height	Refer to the comments section of this report.	Not Uphold
	Open Space, Side Setbacks & Visual Privacy.	Meets Deemed-to-Comply	Not Uphold
5	Building Height	Refer to the comments section of this report.	Not Uphold
	Visual Privacy Overshadowing & Parking.	Meets Deemed-to-Comply	

U19/0527 - FOUR GROUPED DWELLINGS AT LOT 888 (85A, 85B & 85C) KINTAIL ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

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 are 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 with the exception of;

1. the external wall height limit referenced in *LPP1.9- Building Height*; and
2. *Clause 1 – Setback of Building and Clause 3 - Garage Width referenced in LPP 3.1 – Residential Development*

which require consideration against the Design Principles of the R-Codes (see comment section below).

COMMENT

Development approval is sought for the construction of four grouped dwellings which comprise of an undercroft, ground and first floor and a roof top terrace at 85A, 85B & 85C Kintail Road, Applecross. The subject site currently contains three single storey grouped dwellings. The grouped dwellings are proposed to be demolished and the site subdivided into four survey strata lots as part of this proposal.

Building Height

The design principles contained in Clause 5.1.6 Building Height of the R-Codes seek to ensure that a building, by virtue of its height, does not result in an adverse impact on the amenity of adjoining properties or the streetscape, in terms of access to direct sun, access to daylight for habitable rooms and access to views of significance.

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The tallest section of wall on the eastern side, abuts a carport and common property driveway on the adjoining property. The setback of this wall meets the Deemed to Comply standards of the R-Codes. In addition, the upper floor of the adjoining property which faces toward this development is setback further than the ground floor. It is therefore considered that the bulk impact is acceptable due to the separation between the dwellings.

In terms of the streetscape, the original plans showed cladding on the roof top terrace along the street frontages which resulted in additional bulk and mass when viewed from the street. The plans have been amended to reduce bulk when viewed from the two streets which can be seen below in Figure 4 and 5.

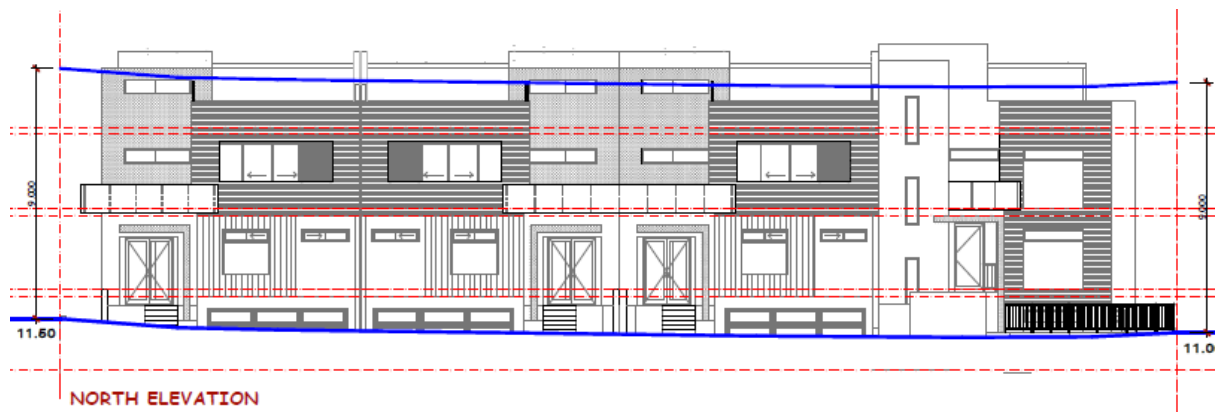


Figure 4 – current proposal

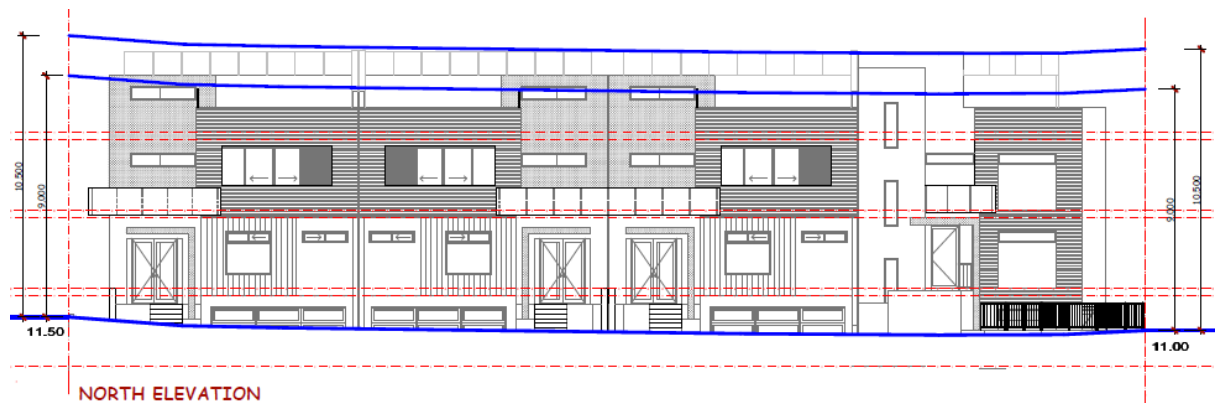


Figure 5 – previous proposal

The proposed height does not reduce access to views of significance which are in the direction of the river to the east and west of the property. This is on the basis that land to the north and to the west has a higher topography which will potentially reduce views of significance rather than this proposed development. Furthermore, the bulk of the proposed building is within the maximum height tolerances of the policy, therefore there is no adverse affect on access to views of significance for the submitter's properties as a result of the height.

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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 opportunity to call this matter up for formal Council consideration.

CONCLUSION

The proposed development is considered to satisfy the provisions of LPS6, the R-Codes and Local Planning Policy. On that 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. The privacy screening/obscure glazing shown on the approved plans shall meet the Deemed to Comply standards of Cl. 5.4.1 of the Residential Design Codes. The privacy screening/obscure glazing shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing 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 development shall be serviced by a concrete or brick paved vehicle crossover with:
 - a maximum width of 4.5m;
 - located a minimum of 3m 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.
6. 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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7. The approved drawings show that the proposed crossover will interfere with a City of Melville stormwater manhole/drainage pit. Prior to the construction of the proposed crossover, arrangements are to be made for the installation of a trafficable lid or relocation of this infrastructure in accordance with the City's specifications to the satisfaction of the City.
8. 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 Street 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.
9. 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.
10. 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.

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11. 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.
12. 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.
13. 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.
14. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the city.
15. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
 - any other matters likely to impact upon the surrounding properties or road reserve.Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.
16. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.

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17. All external clothes drying facilities shall be screened from view of the primary and secondary street, to the satisfaction of the City.

Advice Note

1. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is advised that the following street numbers have been provisionally allocated to the proposed development:

Current Street Address	Proposed Street Address
No. 85A, B & C (Lot No.888) Kintail Road, Applecross	No. 85A, (Lot No.1) Kintail Road, Applecross
	No. 85B (Lot No.2) Kintail Road, Applecross
	No. 85C (Lot No.3) Kintail Road, Applecross
	No. 124 (Lot No.4) Matheson Road, Applecross

It is recommended that the Applicant confirm these street numbers with the City prior to the completion of building works/upon final approval of the subdivision. At this time, the City will notify Landgate, Australia Post, Alinta Gas, Western Power and the Water Corporation of the new address details. Please note that Australia Post requires letterboxes to be located on the street to which the property is addressed.