

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 31 MARCH 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, 3 APRIL 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, 31 MARCH 2020**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
R Tu

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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U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2020-23
 Property : Lot 113 (No. 8) Sedwick Street, Attadale WA 6156
 Proposal : Two Storey Dwelling
 Applicant : Bellagio Homes Pty Ltd
 Owner : Ashley Fyfe McFarland and Theresa Nicola McFarland
 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> |

U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for a two storey single house at lot 113 (8) Sedwick Street, Attadale.
- The proposed development has been assessed against City of Melville Local Planning Scheme No. 6 (LPS No.6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- The proposal satisfies all the relevant deemed to comply provisions contained in the local planning framework with the exception of lot boundary setback, lot boundary wall height and lot visual privacy for which a performance assessment is required.
- The lot boundary wall height was considered to have a potential adverse impact on the adjoining property and as such this aspect of the proposed development was advertised to the potentially affected neighbour in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. One objection was received relating to the amenity impact of the building in terms of overshadowing and loss of outlook to the street.
- 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

**U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET,
ATTADALE (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 - 816 sqm |
| Retention of Existing Vegetation | : | No |
| Street Tree(s) | : | Not applicable |
| 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, 3 April 2020

DETAIL

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 satisfies all of the relevant Deemed-to- Comply provisions of the R-Codes with the exception of those matters listed below.

U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

R-Code Requirements

| Design Element | Deemed to Comply standard | Proposed | Comments | Delegation to approve variation |
|---|----------------------------------|-----------------|--|--|
| Lot Boundary Wall Height Maximum (Garage Wall) | 3m | 3.4m | Requires assessment against the Design Principles of the R-Codes. Refer details in report below. | Development Advisory Unit (DAU) |
| Visual Privacy – Front Balcony over North Boundary | 7.5m | 2.4 | Assessed as acceptable having regard to the relevant Design Principles of the R-Codes | Manager Statutory Planning (MSP) |
| Lot Boundary Setback – Ground Floor Rear Boundary | 6m | 3.1m | Assessed as acceptable having regard to the relevant Design Principles of the R-Codes | MSP |
| Lot Boundary Setback – Ground Floor South Boundary (Garage) | 1.1m | 1m | Assessed as acceptable having regard to the relevant Design Principles of the R-Codes | MSP |
| Lot Boundary Setback – First Floor North Boundary (Balcony) | 2.8m | 2.5m | Assessed as acceptable having regard to the relevant Design Principles of the R-Codes | MSP |

Further commentary in this report is provided in respect of the development elements that are the subject of an objection only.

U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

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 an officer's response is provided in the table below.

| Summary of Issues Raised | Officer Comment | Action (Condition/ Uphold/ Not Uphold) |
|---|---|--|
| The extra height is non-essential and should be lowered to the compliant height | Refer to the comments section of this report. | Not Uphold |
| Increase shadowing | <p>The proposed two storey development incorporates a master bedroom, walk in robe and en suite running parallel to the adjoining property. Due to the orientation and height of the dwelling, this portion of wall casts a longer shadow than the boundary wall which is the subject of this objection.</p> <p>The additional wall height proposed to the garage wall on the ground floor does not contribute to the overall overshadowing impact from the whole development, noting that the development meets the deemed to comply standards contained in Clause 5.4.2 'Solar access for adjoining site' of the R-Codes.</p> | Not Uphold |
| Reduced amenity due to reduced outlook from living areas. | Refer to the comments section of this report. | Not Uphold |

U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants was required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will 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 is no strategic, risk, or environmental management implications with this application.

POLICY IMPLICATIONS

The proposed lot boundary wall height exceeds the maximum referenced in *LPP3.1 – Residential Development* and therefore requires consideration against the Design Principles of the R-Codes.

COMMENT

Maximum Lot Boundary Wall Height

8 Sedwick Street, Attadale is zoned Residential under the provisions of Local Planning Scheme No. 6 with an assigned density coding of R15. Under the provisions of LPP 3.1 'Residential Development' lot boundary walls in areas with a density code of less than R20 are permitted to have a boundary wall 3.0 metres high and 9.0 metres long. The proposed garage wall is 3.4 metres high and 9 metres long and therefore requires an assessment having regard to the design principles contained in Clause 5.1.3 'Lot boundary setback' of the R-Codes;

- The proposed wall is setback approximately 10 metres from the front boundary and will be screened by the existing dense vegetation on the adjoining property (See photos below). The proposed dwelling is designed with a large upper floor section which protrudes forward of the ground floor, this design feature ensures that the garage is not a dominant feature and also ensures that the proposed boundary wall will not have a negative impact on the streetscape.
- The bulk impact to the adjoining dwelling will be minimised by the existing vegetation on the adjacent site. While the proposed wall will be visible from the lounge room window of the adjoining property this window opening serves as the secondary window to that room with its main (primary) window facing toward the street.
- There are no visual privacy issues as the boundary wall has no openings.

U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET, ATTADALE (REC) (ATTACHMENT)

COMMENT (Continued)

- As noted in the table above the proposed development meets the deemed to comply provisions of Clause 5.4.2 of the R Codes 'Solar access for adjoining sites'. The shadow cast towards the adjoining property is a result of the wall from the two storey house itself, noting that the setback of that wall meets the relevant deemed to comply standards. There, the proposed height of the boundary wall will make no difference to the amount of sun received to the major opening of the adjoining property.

Figure 2: Area of impact to neighbouring property



**U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET,
ATTADALE (REC) (ATTACHMENT)**

Photo 1: Neighbouring property 10 Sedwick Street



Photo 2: View from adjoining property to proposed parapet



**U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET,
ATTADALE (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.**
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. **The development shall be serviced by a concrete or brick paved vehicle crossover with:**
 - **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 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. **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.**
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.**

**U20/0531 - TWO STOREY SINGLE HOUSE - LOT 113 (NO. 8) SEDWICK STREET,
ATTADALE (REC) (ATTACHMENT)**

- 7. 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.**
- 8. 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.**