

## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

**TUESDAY, 17 AUGUST 2021**

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](mailto: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 AUGUST 2021



**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 AUGUST 2021**

**PRESENT**

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

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.**

**TABLE OF CONTENTS**

U21/0568 – Three Storey single house – Lot 61 (No.36B) Raymond Street, Mount Pleasant  
(REC) (ATTACHMENT) ..... 4

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2021-580  
 Property : Lot 61 (No.36B) Raymond Street, Mount Pleasant  
 Proposal : Three Storey Single House  
 Applicant : Timeless Home Designs  
 Owner : Paul and Linda Mackin Brown  
 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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a proposed three storey single house at Lot 61 (36B) Raymond Street, 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.
- Submissions were received which object to the proposed height and length of the boundary walls, boundary setbacks and the level of shadow cast.
- 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

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

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

**Site Details**

Lot Area	:	465m <sup>2</sup>
Retention of Existing Vegetation	:	No
Street Tree(s)	:	No
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, 20 August 2021.

**DETAIL**

In May 2021, a development application was lodged for a three storey single house at Lot 61 (No.36) Raymond Street, Mount Pleasant.

In response to concerns raised by the City, revised plans were submitted in July 2021 which reduced the overall length of the boundary walls along the southern boundary. These amended plans are the subject of this report.

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 Lot Boundary Setbacks	Southern boundary First floor Ensuite – WIR - 1.5 metres	1.05 metres	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
	Southern boundary First floor Ensuite – PDR2 – 2 metres	1.55 metres		
	Northern boundary Ground floor Dining room – 1.5 metres	1.2 metres	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
	Northern boundary First floor stairway – master bedroom - 2.1 metres	1.8 metres	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
	Northern boundary First floor Master Suite – Balcony at Void - 2.8 metres	2.4 metres	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
	Northern boundary Third floor – Stairway - 1.4 metres	1.4 metres	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.2.2 Landscaping for Single House, Grouped and Multiple Dwellings	landscaping in street setback area <50% impervious surfaces	Impervious area is greater than 50% of the setback area	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 3 Garage Width	Front load Two Storey dwellings Maximum garage width 60% of frontage	63%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 4 Fences and Street Walls	Walls located within the front setback area are to be visually permeable above 1.2 metres	Portion of the southern fence solid to 1.8m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 6 Boundary Walls Cl.3.2(ii)	Total length of 9 metres or 1/3 of the balance of the lot boundary behind the front setback	Cumulative length of southern boundary walls at 22.7 metres or 53.7% of the balance of the lot boundary	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes

Neighbour's Comments Supplied: Yes

Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6

Support/Object: 1 objection was received

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The setback of the non-compliant upper floor setbacks cause a bulk and shadow impact to the property at 38A Raymond Street	Refer to the comments section of this report.	Not Uphold

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Cont.)</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
The proposed boundary walls will cause a bulk and shadow impact to the property at 38A Raymond Street	Refer to the comments section of this report.	Not Uphold
The boundary walls will create a cramped and uncomfortable feeling when within the driveway	Refer to the comments section of this report.	Not Uphold
The boundary walls will lead to the removal of the existing dividing fence	This is not a material planning consideration, any change to the dividing fence is covered under the Dividing Fences Act 1961.	Not Upheld
The home should be compliant in regards to all aspects advertised.	The R-Codes provides a comprehensive basis for the control of residential development across Western Australia. The deemed to comply provisions of the R-Codes represent one path to approval. A performance assessment against the design principles which allows for design to respond to the site is the other equally legitimate path for an applicant to take. For the reasons outlined in this report, the proposal is considered to meet the relevant design principles and is recommended for approval.	Not Upheld
The proposed three storey home will be out of character with the locality	The height of the proposed development is compliant with the City's LPP 1.9 Height.	Not Upheld
The colorbond roof of the alfresco will reflect into their property	The R-Codes do not restrict the permitted materials to be used on a building nor does it seek to control reflection into adjoining properties. Colorbond is a common material used across the state.	Not Upheld
The proposed height will diminish to streetscape and will set a precedent for building height	Refer to the comments section of this report.	Not Upheld

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
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 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.

**COMMENT**

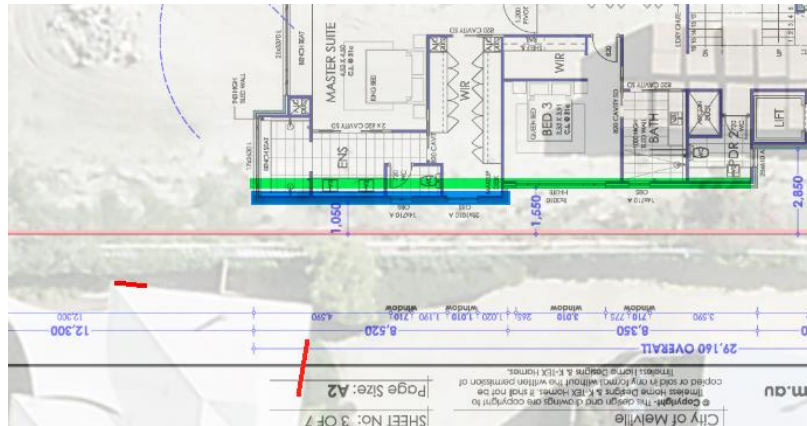
Southern Boundary setbacks

*Ensuite – WIR and PDR 2 – Ensuite*

Table 2B of the R-Codes requires setbacks of 1.2 metres and 2.0 metres for the first floor length of walls from the Ensuite – WIR and the PDR 2 – Ensuite. The development displays setbacks of 1.05 metres and 1.55 metres respectively. These variations require an assessment against the relevant design principles and are considered supportable for the following reasons:

- As seen from Figure's 2 and 3 below, the length of walls are at an oblique angle when viewed from the neighbour's living room. This angle will aid in reducing the bulk impact of the proposed dwelling onto the residents when within their lounge room. The wall is articulated through the use of windows along the subject walls, reducing their visual impact;
- As noted in the boundary walls section below, the subject site is lower than its neighbour to the south, which has the effect of limiting its perceived height and therefore its visual bulk;
- The applicant has designed the dwelling with a 12 metre rear setback aligning this with the neighbour's access leg. This allows for the resultant shadow to largely fall onto the access leg and largely avoiding their habitable spaces. The neighbour's backyard will be free from shadow and the northern window of the lounge room is largely unaffected. In addition, the level of shadow cast is compliant in regards to 5.4.2 Solar Access; and
- These walls do not contain any major openings and as such are compliant in regards to 5.4.1 Visual Privacy.

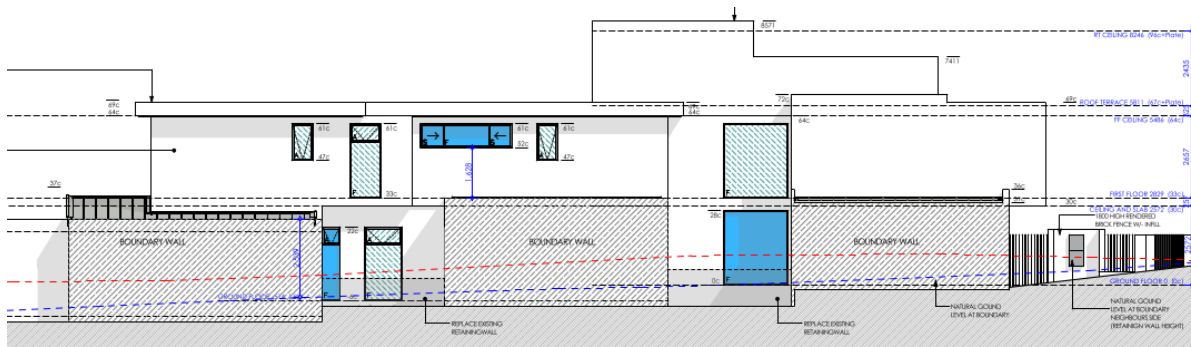
**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 2: First floor plan of the proposed development. The approximate location of the lounge room windows are highlighted in red.**



**Figure 3: Floor plan of 38A Raymond Street with North being towards top of page. Windows are highlighted in red.**



**Figure 4: Southern elevation of the proposed development. Note the lack of major openings on the upper two floors. The ground level of the southern neighbour is delineated in red and the ground level of the subject site is in blue.**

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

Boundary Walls

As per the deemed to comply provisions of Clause 3.2(ii) of the R-Codes total length boundary walls permitted in areas coded R20 and above is 9 metres or 1/3 of the balance of the lot boundary behind the front setback. In this instance the application proposes boundary walls of a cumulative length of 22.7 metres or 53.7% of the balance of the lot boundary. Given this length, these walls do not meet the deemed-to-comply criteria and instead require a performance assessment. They are considered to meet the Design Principles of the R-Codes for the following reasons:

- As seen in figure 4 below, the majority of the boundary wall's length abuts the neighbour's driveway and vehicle manoeuvring area. These areas are not active habitable space and therefore, there will be no adverse amenity impacts as a result. In addition, the three walls have been broken up with 4 metre wide courtyards between each. This will aid in breaking up the perceived bulk of the proposed development onto the approach to the neighbours dwelling. Whilst the kitchen wall is located adjacent to the neighbour's living room, the oblique angle that a viewer will have from this room will minimise the impact.
- Building up to the side boundary is considered to be an effective use of space on smaller lots. The proposal is designed to create consolidated outdoor living area on the south western boundary whilst avoiding unusable space along the southern boundary;
- As seen in figure 3 and 4, the subject site is at an approximately 1 metre lower than the neighbour's property. When viewed from the neighbour's property, these walls will be substantial lower than when viewed from the subject site, reducing their impact further; and
- There are no overshadowing variations created by the proposed boundary wall, as each of these aspects meets the relevant deemed-to-comply provisions of the R-Codes.

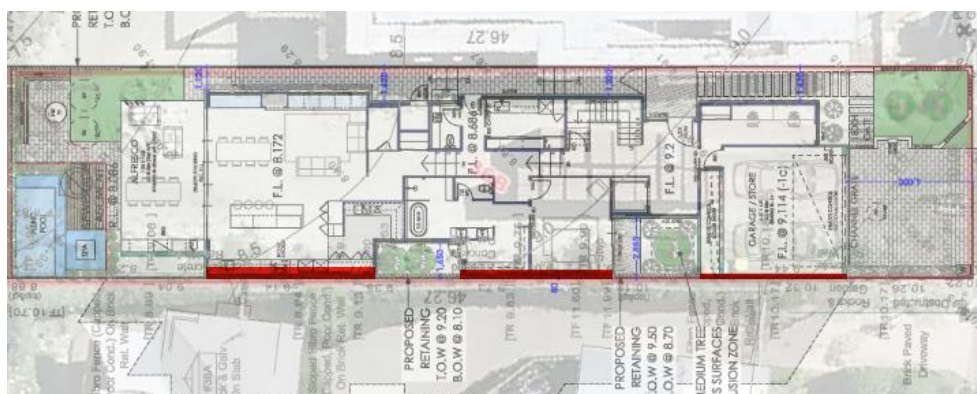


Figure 5: Site plan of the subject site with the boundary walls highlighted in red.

U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)



Figure 6: View of the neighbour's northern boundary from the subject site. This area will be the approximate location of the kitchen boundary wall.



Figure 7: View of the vacant subject site. Note the difference in land levels between the subject site and the neighbouring properties on the left.

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 8: View northeast of the interface between the subject lot and the two storey house under construction at 36A Raymond Street.**



**Figure 9: View south east to the dwelling at 38 Raymond Street. The access leg servicing 38A Raymond Street is behind the super six fence.**

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (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 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, 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.
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;
  - A maximum width of 4.5m;
  - 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.

5. 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.
6. Where a driveway meets the street, walls or fencing within sight line areas (including the adjoining property to the south) are to meet the requirements contained under clause 5 of *LPP3.1 Residential Development*, to the satisfaction of the City.

**U21/0568 – THREE STOREY SINGLE HOUSE – LOT 61 (NO.36B) RAYMOND STREET,  
MOUNT PLEASANT (REC) (ATTACHMENT)**

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. 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.
9. Prior to the initial occupation of the development, the opening along the south western elevation of the master suite (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.
10. The privacy screening/obscure glazing 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/obscure glazing shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.
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.