

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 12 FEBRUARY 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, 15 FEBRUARY 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, 12 FEBRUARY 2019**

PRESENT

P Prendergast
B Ashwood
T Capobianco
T Cappellucci
M Rea

Manager Statutory Planning
A/Planning Services Coordinator
Manager Building Services
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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U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton – Attadale – Alfred Cove
 Category : Operational
 Application Number : DA-2018-821
 Property : Lot 1 (46B) Burke Drive, Attadale
 Proposal : Three Storey Single House
 Applicant : JCorp Pty Ltd TA/ Perceptions – Adam Quintiriani
 Owner : Yanil Luo
 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 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>when 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>

U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE, ATTADALE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought for the construction of a three storey dwelling at Lot 1 (46B) Burke Drive, Attadale.
- The proposal satisfies the relevant provisions of Local Planning Scheme No. 6 (LPS6) and the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes), applicable Local Planning Policies and applicable Council Policies with the exception of building height and site works, for which assessment against the Design Principles of the R-Codes is sought.
- The application was advertised to affected land owners in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 *Planning Process and Decision Making*. Four submissions were received outlining concerns relating to building height and site works.
- 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 development approval be granted subject to conditions.

**Figure 1 – Aerial Photography**

U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE, ATTADALE (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
LPS Zoning : Residential
R-Code : R12.5
Use Type : Residential
Use Class : Permitted

Site Details

Lot Area : 703sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : No
Street Furniture (drainage pits etc) : Not applicable
Site Details : Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 15 February 2019

DETAIL

Planning approval is sought for the construction of a three storey dwelling at Lot 1 (46B) The Esplanade, Attadale.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable Local Planning 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
Maximum height (concealed roof)	9m	10.3m	Requires assessment against the Design Principles in Clause 5.1.6 P6 of the R-Codes	Development Advisory Unit (DAU)

U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE, ATTADALE (REC) (ATTACHMENT)

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Site works and retaining walls.	0.5m	1.75m (south east)	Requires assessment against the Design Principles in Clause 5.3.7 & 5.3.8 of the R-Codes.	Development Advisory Unit (DAU)

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Part 4 of the R-Codes
 Support/Object: Four objections received

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

Submission Number	Summary of Submission	Support/Objection	Officers Comment	Action (Condition/Uphold/ Not Uphold)
1	The variation to building height exceeds a height caveat on the title.	Objection	Governed under the <i>Transfer of Land Act 1893 (WA)</i>	Not Uphold
2	The variation to building height is not in keeping with the existing character of the area.	Objection	Refer comments section of this report	Not Uphold
3	The variation to building height will have a building bulk impact. The variation to building height will impact views. The variation to building height exceeds a height caveat on the title.	Objection	Refer comments section of this report Refer comments section of this report Governed under the <i>Transfer of Land Act 1893 (WA)</i>	Not Uphold
4	The variation to building height and site works will overshadow	Objection	Refer comments section of this report	Not Uphold

**U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE,
ATTADALE (REC) (ATTACHMENT)****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.

COMMENTBuilding Height

A modest portion of the proposed building exceeds the 9m maximum building height by 1.3m. This portion is located to the front of the proposed dwelling, and its impact has been assessed against the Design Principles of Clause 5.1.6 of the R-Codes. It is considered that the over height portion satisfies the design principles as;

- This is a heavily sloped site, with a fall across it from rear to front of in excess of 6.5m.
- The adjoining properties to the south west (rear) are significantly higher than the subject site. Any adverse amenity impacts that might derive from the over height portion towards these properties are mitigated by the significant change in levels between them and the application site. The proposed dwelling is designed to have a single storey interface at the rear towards those properties to the south west, and the height of the building at that interface is significantly lower than the maximum height tolerances of the City's Local Planning Policy. As such the real impact of the proposed dwelling on the rear properties is negligible. (ref Figure 2 below).

U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE, ATTADALE (REC) (ATTACHMENT)

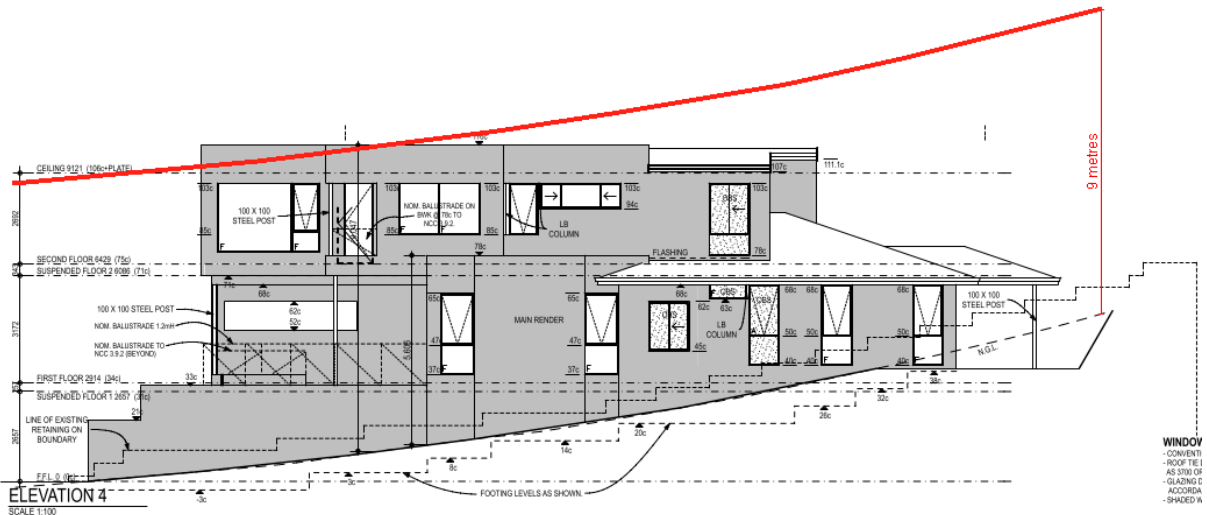


Figure 2 – The maximum building height is shown extrapolated in red. Note the maximum potential height of 9m, together with the actual proposed building height at the rear of the property.

- The side lot boundary setbacks for the development are compliant with the R-Codes, therefore the physical distance between the proposed development and the adjoining properties will help mitigate the bulk impact.
- The proposed development is setback well in excess of the required primary street setback, and this will mitigate any bulk impact towards the street.
- The residential character of the locality is one of substantial homes looking out towards the Swan River, all located on the slope down to Burke drive from Stoneham Road. The proposed dwelling is designed and sited on the lot to ensure that this character is retained.
- The adjoining property to the east is set at a higher ground level than the subject site which ensures that the over height portion of the proposed dwelling has no adverse visual or residential amenity impact towards that property. The proposed development is fully compliant when assessed against the overshadowing provisions outlined by CI 5.4.2 of the R-Codes.

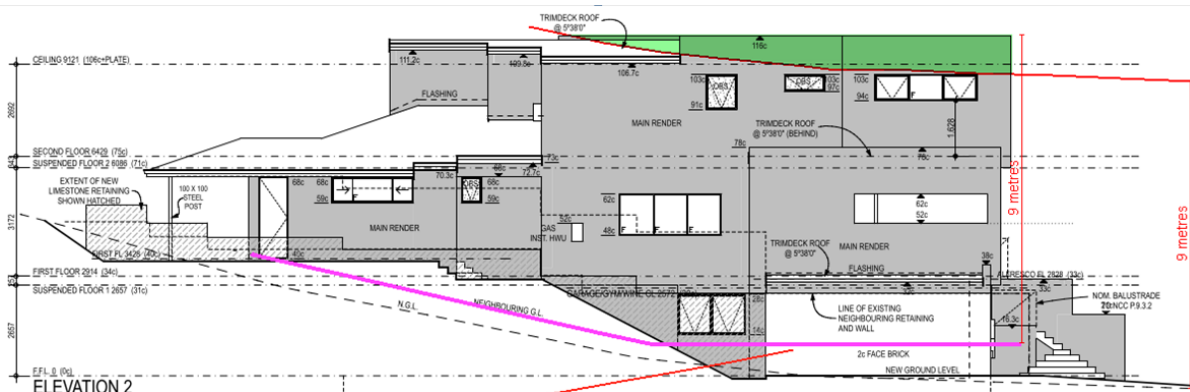


Figure 3 – Elevation showing over height portion (marked in green) and height of proposed residence when measured from the actual ground level of the adjoining property to the east. (marked in pink).

**U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE,
ATTADALE (REC) (ATTACHMENT)**Site Works

Given the level change and fall across the site, site works and associated boundary retaining wall are required/proposed. The resultant retaining is a maximum 1.75m above the natural ground level at one point on the lot, and this has also been assessed against the associated Design Principles of the R-Codes. It is considered that the development responds well to the R Code design principles as:

- The development steps up from front to rear to reflect the existing topography of the site.
- Nominal site works within the front setback areas ensure the built form interacts appropriately with the streetscape.
- The dividing fence which will be constructed above the proposed retaining will ensure the privacy between opposing properties.
- The existence of a raised planter lined with mature vegetation on the adjoining properties lot boundary also serves to mitigate any adverse impact from the proposed retaining wall.
- The impact of the site works is further mitigated as the adjoining property has a raised ground level reducing the perceived impact of the site works by approximately 0.5m.
- The proposed development is well articulated along its eastern side which reduces any adverse bulk impacts that might otherwise result.

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

Based on the above, the amended development application is considered to satisfy the provisions of LPS6, the R-Codes and Local Planning Policy. On this basis, it is recommended that the amended proposal be approved subject to conditions.

**U19/0515 – THREE STOREY SINGLE HOUSE AT LOT 1 (46B) BURKE DRIVE,
ATTADALE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. 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 LPP-3.1: *Residential Development* to the satisfaction of the Manager Statutory Planning.
3. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of LPP-3.1: *Residential Development*, to the satisfaction of the Manager Statutory Planning.
4. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree and 0.5m from the adjoining lot boundary. 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 Manager Statutory Planning.
5. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development, to the satisfaction of the Manager Statutory Planning.
6. 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.

Advice Notes

1. Please be advised that any wall above the approved site works is considered to form part of the dividing fence and is required to conform to the maximum heights defined under the City's Local Law: By-Laws relating to Fences.