

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 14 SEPTEMBER 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 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, 17 SEPTEMBER 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, 14 SEPTEMBER 2021**

PRESENT

P Prendergast
M Scarfone
L Crake
B Ashwood
T Cappellucci
B Foster

Manager Statutory Planning
Planning Services Coordinator
A/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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**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Approval is sought for Alterations and Additions to the existing single house at Lot 600 (No. 12) Beach Street, Bicton.
- The subject application has resulted from a current appeal to the State Administrative Tribunal (SAT) for a review of the City's previous decision to refuse planning application DA-2020-1506 – Boundary Wall and Patio (11 February 2021).
- 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 Part 4 of the R-Codes and Clause 3.4 of *Local Planning Policy 1.1 'Planning Process and Decision Making'*, the proposed development was advertised to the adjoining owners and occupiers.
- During the consultation period one submission was received citing concern with the bulk and scale of the proposed boundary wall.
- 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

**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R 17.5
Use Type	: Residential
Use Class	: Permitted

Site Details

Lot Area	: 1043m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: yes
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, 17 September 2021.

DETAIL

In November 2020 a Development Application (DA-2020-1506) was lodged for Additions and Alterations to the property. This application was refused for the following reasons:

1. The proposed development would, by virtue of its height and length, result in an adverse impact on the levels of residential amenity enjoyed by occupiers of 14 Beach Street.
2. The proposed development, by virtue of its height and length, fails to meet the development standards contained in Clause 6 of *Local Planning Policy 3.1 - Residential Development* or the Design Principles contained in Clause 5.1.3 Lot Boundary Setback of State Planning Policy 7.3 Residential Design Codes Volume 1.

The applicant chose to seek a review of this decision and lodged an appeal to the SAT. As a part of the SAT process the City engaged in mediation with the applicant which has resulted in a number of amendments to the proposed development. In view of this, the SAT has now issued a direction under Section 31 of the *State Administrative Tribunal Act 2004* for the City to reconsider its previous decision. The amendments to DA-2020-1506 include a reduction in the height and length of the boundary wall, the introduction of visually permeable design elements and an additional screening structure setback from the boundary wall.

The amended 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.

**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)**

State Planning Policy 7.3 Residential Design Codes Vol. 1

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 Lot Boundary Setbacks	Eastern boundary Screening Structure – 1m	Screening Structure – 0.601m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 Boundary Walls C3.2 (ii)	Max. 3m Average 3m Length 9m	3.3m 3.25m 25m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

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: Object

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<ul style="list-style-type: none"> The structure appears large and imposing. The parapet wall is too long. Details of materials are unclear. 	Objection	Refer to the comments section of this report.	Not Uphold

**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)****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 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*.

The matter is listed for State Administrative Tribunal directions hearing on 29 October 2021.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal. Any continued appeal to the SAT, including the possibility of a hearing, will be dealt with by the City's Planning Officers.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risks or environmental management implications with this application.

POLICY IMPLICATIONS

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

COMMENT

The proposed development includes the provision of a boundary wall treatment along the shared boundary between the subject site at No 12 Beach Street, and the neighbouring property at No 14. This boundary treatment has an overall length of 25m, and presents in three distinct sections including:

- A boundary wall sited along the northern portion closest to the Beach street frontage. This wall portion is 6.9m in length at a height of 1.8m when measured from the higher retained ground level associated with No 14 Beach Street. The wall is proposed to be complemented by a screen structure to be sited atop of the wall. This screen will be visually permeable with slats providing 50% permeability.
- A patio structure located in a central position within the overall length. This portion of boundary wall is 11.5m in length, and has a maximum height of 3.3m (reduced to an effective height of 2.9m due to the change in ground levels between No 12 and 14).

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- A boundary wall located to the south of the proposed patio portion. This has a length of 6.6m and a height of 1.8m when measured from the higher retained ground level associated with No 14 Beach Street. A 50% permeable screen structure at a height of 0.4m is also proposed to be added. This portion of wall abuts an outdoor living area of the adjoining property. The proposed boundary wall at this point is also proposed to be complemented by a free standing screen structure. This is setback approximately 0.6m from the boundary at a maximum height of 2.9m.

Figure 2 below depicts the various boundary wall elements as described above. The fact that the whole wall length is seen in terms of the three sections, this in itself has the effect of mitigating the overall impact of the wall, breaking up the length, and providing variations to the height.

The indicative finish of the wall and screening are noted on the plans and further details of the exterior colours, materials and finishes will be submitted to the City prior to commencement of works (as a condition of planning approval).

The plans submitted as an outcome of SAT mediation include a number of amendments to the proposed development as previously refused, namely the reduction in height of the northern and southern walls that flank the proposed patio section. The solid portions of these walls are proposed at an effective height of 1.8m when considered from the adjoining property at No 14. The addition of a 0.4m high screen whilst increasing the overall height of the walls to 2.2m is considered to have limited additional impact by virtue of the 50% visual permeability that is proposed. The further inclusion of a free standing screening structure sited approximately 0.6m off the boundary to the southern side of the patio whilst not proposed as part of the earlier refused proposal, will provide the desired level of privacy between the two homes without detracting from the visual amenity of either.

The proposed boundary wall has been assessed against the provisions of the R Code design principles, and is considered to be acceptable, notwithstanding the submission received opposing it for the following reasons:

- The boundary wall redesign with reduced height walls and visual permeable elements mitigate adverse bulk impacts.

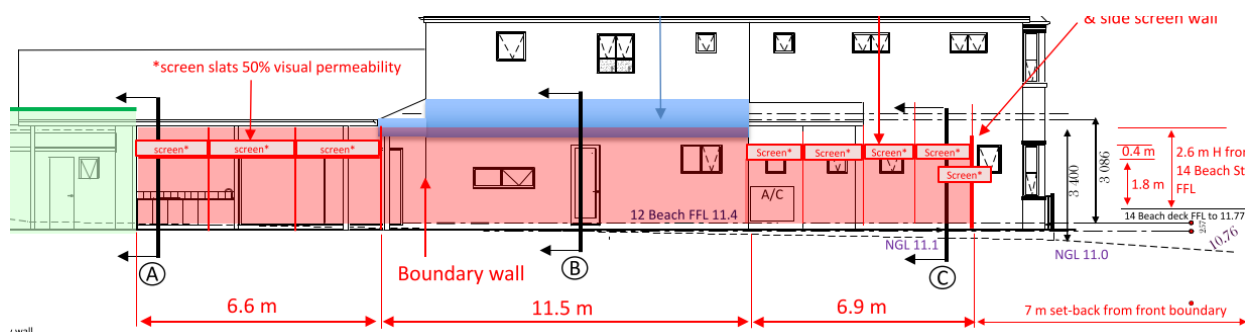


Figure 2 - Eastern Elevation

**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)**

- The orientation and design of the wall being along the eastern boundary minimises adverse impacts associated with access to light and ventilation. In addition, the western side elevation of the adjoining property at No 14 does not contain major openings within it, and the area at the side of that property whilst laid out with hard landscape features does not function as an outdoor habitable space. In view of this, the adverse impacts that would potentially be associated with a wall of the proposed length and height are mitigated.
- The proposed boundary wall/fencing contributes to increased visual privacy between properties.

In respect to the proposed free standing screening structure, this is assessed under the provisions of the R Codes (rather than LPP 3.1) due to the proposed setback being in excess of 0.6m from the side boundary.

The screening structure is located parallel to the side boundary adjacent to an alfresco area on the adjoining site.

The screening structure is supported under the design principles for the following reasons:

- The structure is located adjacent to the outdoor living area on the adjoining property - which will contribute to increase privacy amenity between sites.
- The setback of this structure by virtue of its orientation and light weight nature ensures access to light and ventilation.
- The screen structure is located behind a boundary wall/fence mitigating undue adverse bulk impacts.

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 the 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 development be granted, subject to conditions.

**U21/571 ALTERATIONS AND ADDITIONS TO SINGLE HOUSE – LOT 600 (NO. 12)
BEACH STREET, BICTON (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. The development shall be constructed and thereafter retained in accordance with the plans hereby approved, unless otherwise approved in writing by the City. The screening structure setback from the boundary shall remain freestanding.
2. All stormwater generated on site is to be retained on site.
3. Prior to the commencement of the development, details of the exterior colours, materials and finishes are to be submitted to and approved in writing by the City. The development shall thereafter be constructed in accordance with those approved details.
4. 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.