

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 6 JUNE 2023**

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, 9 JUNE 2023**



**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, 6 JUNE 2023.**

**PRESENT**

M Scarfone  
T Geddes  
G Davey

A/Manager Statutory Planning  
A/Planning Services Coordinator  
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 has 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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**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross - Mt Pleasant  
 Category : Operational  
 Application Number : DA-2023-270  
 Property : Lot 103 (No.55A) Ullapool Road, MOUNT PLEASANT  
 Proposal : Use not listed - Holiday House  
 Applicant : C Tinley  
 Owner : C Tinley  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No Previous Items.  
 Responsible Officer : Mark Scarfone  
 Acting 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 &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"/>	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>

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a Use Not Listed – Holiday House at Lot 103 (No. 55A) Ullapool Road.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 1.21 – Short Stay Accommodation (LPP1.21), and the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- The proposed development requires a performance assessment in relation to two Preferred Characteristics of the LPP1.21.
- The application was advertised in accordance with the provisions of Local Planning Scheme No. 6 (LPS6) and LPP1.21. In response, three objections were received relating to the proposed use as short stay accommodation.
- Notwithstanding the three objections received, it is considered that the development is acceptable when assessed against the relevant objectives and development standards contained in LPP1.21.
- It is recommended that approval be granted for twelve months subject to conditions.



**Figure 1 – Aerial Photography**

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Single House
Use Class	: Permitted

**Site Details**

Lot Area	: 454sqm
Retention of Existing Vegetation	: Not Applicable
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, 9 June 2023.

**DETAIL**

In April 2023 a development application was lodged for a use not listed – holiday house in an existing two-storey single house at Lot 103 (No. 55A) Ullapool Road.

Under the provisions of the City of Melville Local Planning Scheme No. 6 (LPS6) the subject site is zoned 'Residential' with a density coding of R20. A use not listed is a use that is not specifically referred to in the zoning table and cannot reasonably be determined as falling within a use class referred to in the zoning table 3. LPP 1.21 clarifies that short term accommodation is a different use from residential and will be treated as a use not listed until such time as changes can be made to LPS6 to accommodate these. listed. In considering a use not listed regard is to be given to the objectives of the zone as well as any other relevant planning document. In this case the key document for assessment is LPP1.21.

**STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Use Not Listed
Support/Object:	Object

In accordance with the LPS6 and LPP1.21 the application was advertised for a period of 14 days commencing 1 May 2023 and concluding 16 May 2023. Consultation was undertaken online and via direct written correspondence to the owners/occupiers of the adjoining properties.

A total of 3 submissions were received during the advertising period, all objecting to the proposal.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

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

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
1	Concerns raised regarding noise impacting on their bedroom. Impact on quality of life. Steady stream of holiday makers coming and going.	Object	The site management plan outlines rules that occupiers must abide by whilst staying at the accommodation. Refer to clause Noise and Amenity,	Not Uphold
2	Who will monitor this and who do we contact if we have any issues with the occupants?  The peace and quiet has been enjoyable for all of us, and we also work from home, and we worry that this might also cause some disruption.	Object	A condition will require the owner to provide phone number and email address to surrounding neighbours that any incidents can be dealt with in a timely manner.	Condition
3	Short term accommodation contributes to rent price increases, destabilises housing security, and reduces the stock for first home buyers and families.	Object	This is not a material planning consideration	Not Uphold

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (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 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 are no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

**COMMENT**City of Melville Local Planning Scheme No. 6

In accordance with the provisions of Table 3 – Zoning Table of the LPS6, 'Holiday House is a use not listed which is not permitted unless the decision maker exercises its discretion by granting approval after advertising in accordance with Cl.64 of the deemed provisions. In considering the discretionary nature of the use proposed, it is necessary to take into consideration not just the land use table in LPS6, but also the zone objectives table of LPS6 and any relevant state and local planning policies, which include in this case, *LPP 1.21*

The objectives of the Residential Zone relevant to this development are as follows:

- 1. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
- 2. To provide for a range of non-residential uses, which are compatible with and complementary to residential development to promote sustainable residential development; and*
- 3. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

In relation to Objective 2, it is considered that the 'Holiday House use can, subject to the imposition of conditions of planning approval, co-exist with existing adjoining residential uses without compromise to the levels of residential amenity currently enjoyed by occupiers of such properties. The fact that the proposed Holiday House will provide a service which draws patronage from outside the City of Melville area is considered to promote the objective of creating a more sustainable residential environment in this location and increase economic activity in the locality.

The proposed land use is considered to meet the objectives of the Residential zone in terms of building design and compatibility with the surrounding residential land uses. As such in land use terms the proposed development is supported in principle.

**Local Planning Policy 1.21 'Short Term Accommodation'**

Prior to the adoption of LPP 1.21 Short Term Accommodation, the City considered short stay accommodation, whether that be a single house, grouped dwelling or an apartment, meeting the definition of a dwelling under the R-Codes. As such development approval was not required for these uses.

In response to community concerns about the lack of clarity in relation to short stay accommodation, LPP 1.21 has been developed to assist in the assessment of short stay accommodation proposals across the City.

LPP 1.21 establishes definitions for various forms of short-term accommodation, and assessment criteria to ensure appropriate location and management of short-term accommodation uses. A key objective of the policy is to ensure appropriate location and management of short-term accommodation that protects the amenity of residential areas or nearby residents.

The subject site contains a single house on a free hold lot. The proposed accommodation will not be hosted by the landowner as they will live off site. On that basis the best definition for the proposal in LPP 1.21 is Holiday House and this term is used throughout the report. An assessment of the proposed Holiday House in accordance with the provisions of LPP 1.21 is provided in the table below.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

Local Planning Policy 1.21 ‘Short Stay Accommodation’ Provisions

<b>Requirement</b>	<b>Comment</b>
Clause 1 ‘General’	Proposal requires a performance assessment against these provisions.  Refer to comment section below titled ‘General’ for further commentary.
Clause 2 ‘Site Characteristics’	Proposal requires a performance assessment against these provisions.  Refer to comment section below titled ‘Site Characteristics’ for further commentary.
Clause 3 ‘Number of Persons’	Proposal meets the requirements of LPP 1.21. Refer to comment section below titled ‘Number of Person’ for further commentary.
Clause 4 ‘Car Parking’	Proposal meets the requirements of LPP 1.21. Refer to comment section below titled ‘Car Parking’ for further commentary.
Clause 5 ‘Signage’	No signage has been proposed as part of this application.
Clause 6 ‘Site Management Plan’	Proposal meets the requirements of LPP 1.21. Refer to comment section below titled ‘Site Management Plan’ for further commentary.
Clause 7 ‘Public Consultation’	Has been undertaken in accordance with the Planning Regulations and the LPP. Refer the Public Consultation section above.
Clause 8 ‘Temporary Approval’	Where necessary to allow ongoing monitoring of the impacts of short term accommodation, the approval period may be limited in accordance with Clause 72 of Schedule 2 of the Regulations. Refer to comment section below titled ‘Temporary Approval’ for further commentary.
Clause 9 ‘Compliance with Other Legislation’	Proposal meets the requirements of LPP 1.21. Refer to comment section below titled ‘Compliance with Other Legislation for further commentary.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

**General**

LPP 1.21 establishes that short term accommodation is a distinct land use and requires development approval from the City. Whilst it is recognised and acknowledged that the introduction of new land use definitions and associated land use permissibility requirements for application across the various zones of the City will require an amendment to the City’s LPS6, in the interim the LPP establishes that the City will treat short term accommodation use as a use not listed under LPS6. The LPP also establishes that un-hosted uses have the potential to have a greater amenity impact than hosted land uses and that the accumulation of un-hosted uses on an individual site may have an adverse impact on amenity.

The current proposal is for the owners of the dwelling to have the option to use the dwelling as accommodation for family members who reside in the country or as holiday house advertised on platforms such as AIR BNB. Holiday Houses are classed as un-hosted short term accommodation under LPP1.21.

**Site Characteristics**

LPP 1.21 provides several criteria which for the purposes of assessment against the LPP provisions constitute preferred and undesirable property characteristics. Where a short stay accommodation use is proposed within a residential zone, the assessment undertaken will consider the extent to which the various preferred and undesirable property characteristics are satisfied.

*Preferred Property Characteristics:*

- (a) *Location within, abutting or opposite to mixed use centres.*
- (b) *Well served by footpaths, dual access paths and public transport.*
- (c) *Located on Local Distributor and District Distributor Roads.*

<b>2.0 Site Characteristics</b>	
<b>Preferred Characteristics</b>	
a. Location within, abutting or opposite to mixed use centres.	It is noted that the site is not located within the preferred locations. However, the site is considered to be acceptable due to the site being within 150m of a high frequency bus route located on Reynolds Road which has direct buses to Westfield Booragoon, the small shopping complex at the corner of Canning Hwy & Reynolds Road, Canning Bridge Structure Plan Area and Canning Bridge Bus/Train Inter-Change.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

<b>2.0 Site Characteristics (Continued)</b>	
<b>Preferred Characteristics</b>	
b. Well served by footpaths, dual access paths and public transport.	The site is well served by a foot path leading to a high frequency bus route 150m away on Reynolds Road. The subject site also has good access to the Perth bicycle network via the Kwinana Freeway and the Swan River and Canning River.
c. Located on Local Distributor and District Distributor Roads.	It is noted that Ullapool Road is not classed as Local or District Distributor Road and as such does not meet this preferred property characteristic as outline by the LPP. However, the site is located 150m away from Reynolds Road which classified as a District Distributor Road. Ullapool Road provides a key north south link through Mt Pleasant and provides for access to Canning Highway as well as Canning Bridge via Sleat Road. Additional traffic associated with the use will not cause a negative amenity impact on the locality.

*Undesirable Property Characteristics*

- (a) *Properties located within cul-de-sacs.*
- (b) *Properties located on battle-axe style rear lots*
- (c) *Properties comprising grouped or multiple dwelling developments with shared access arrangements.*

<b>2.0 Site Characteristics</b>	
<b>Undesirable Property Characteristics</b>	
a. Properties located within cul-de-sacs.	– The site is not located within cul-de-sac.
b. Properties located on battle-axe style rear lots.	The property is not a battle axe lot.
c. Properties comprising grouped or multiple dwelling developments with shared access arrangements.	The property is not a grouped dwelling or multiple dwelling.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)*****Number of Persons***

The site management plan provided with the proposal sets out the maximum occupancy rate for the dwelling as no more than 6 guests at any one time.

This aspect of the development is considered to comply with the requirements of LPP1.21 as this level of occupancy is consistent with a single house.

***Car Parking***

LPP 1.21 states that car parking shall be provided as per the R-Codes or the relevant activity centre plan. No changes to parking arrangements are proposed as a part of the proposed change of use application.

All parking associated with the proposed holiday house is contained within the garage. The car parking provisions are fully compliant with the R-Codes.

This aspect of the development is considered to comply with the requirements of LPP1.21.

***Site Management Plan***

A site management plan has been submitted as part of this application which covers all the requirements set out in this clause 6 of the proposed local planning policy.

This aspect of the development is considered to comply with the requirements of LPP1.21

***Temporary Approval***

Given the proposed short stay accommodation meets 4 out of the 6 site characteristics contained in LPP 1.21, it is recommended that a temporary approval be granted for a 12-month period. This will enable the City to assess the application again and consider any complaints which may have been lodged in the 12-month temporary approval period and any comments submitted during the future consultation period.

***Compliance with Other Legislation***

Operation of short stay accommodation uses may trigger the need for compliance with other legislation such as the Health Act and/or requirements under the National Construction Code.

With respect to the National Construction Code (NCC), there has been consideration as to whether the use of an apartment for short stay accommodation triggers a change in the classification of the building. Under the NCC a typical apartment building is a Class 2 building whereas a building such as a hotel is Class 3. Differences between Class 2 and Class 3 requirements include higher standards in relation to fire safety.

**U23/0606 – PROPOSED USE NOT LISTED HOLIDAY HOUSE LOT 103 (NO.55A)  
ULLAPOOL ROAD, MT PLEASANT (REC) (ATTACHMENT)**

The NCC does not provide clarification that the use of a dwelling/apartment for short stay accommodation triggers a requirement that a building be constructed to Class 3 requirements. The current interpretation is that the length of time a person stays in a dwelling (long term residential or short stay accommodation) does not alter the classification of the building, given that it is still a dwelling.

**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 application is considered to satisfy the provisions of LPS6, and Local Planning Policy 1.21 Short Stay Accommodation. On this basis, it is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- 1. This development approval is valid for a period of 12 months from the date of this approval. On or prior to this date, the Holiday House is to be ceased and a further development approval is required.**
- 2. The short stay accommodation is to be operated in accordance with the stamped Site Management Plan dated 8 June 2023, to the satisfaction of the City.**

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Operational  
 Application Number : DA-2023-178  
 Property : Lot 218 (No.80) Moreing Road, Attadale  
 Proposal : Three Storey House  
 Applicant : Dorian Morelli  
 Owner : Beau Rowles and Penny Taylor  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No Previous Items  
 Responsible Officer : Mark Scarfone  
 Acting 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 &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"/>	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>

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a three storey single house at Lot 218 (No.80) Moring Road, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes) and relevant local planning policies including Local Planning Policy 3.1 – Residential Development.
- The proposed development requires a performance assessment in relation to lot boundary setbacks, building height, site works and visual privacy.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, four (4) submissions were received.
- Notwithstanding the objections received, it is considered that the development in regard to boundary setbacks, building height, site works and visual privacy is acceptable when assessed against the relevant design principles of State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes).
- It is recommended that approval be granted subject to conditions.



**Figure 1 – Aerial Photography**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R15
Use Type	: Single House
Use Class	: Permitted

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

**Site Details**

Lot Area	: 891m <sup>2</sup>
Retention of Existing Vegetation	: No
Street Tree(s)	: No
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, 9 June 2023.

**DETAIL**

In March 2023, a development application was lodged for three storey Single House at Lot 218 (No. 80) Moreing Road, Attadale.

In response to concerns raised by the City and neighbours, revised plans were submitted in May 2023. These amendments included further reduction in site works and relocation of the cabana and pool to the northern side of the lot. The amended plans submitted in May 2023 are the subject of this report.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 - Residential Design Codes Volume 1

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
5.1.3 Lot boundary setbacks Cl. 3.1	6m (R15 – rear setbacks)	1.5m	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.3.7 Site Works Retaining Walls C7.2	0.5m fill or cut	Cutting >0.5m	Requires a performance assessment against the Design Principles of the R-Codes.	MSP
5.4.1 – Visual Privacy	Master Bed – 6m Family – 6m	3.3m	Requires assessment using Performance Criteria	MSP

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

Local Planning Policy

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
LPP1.9 Building Height	Eaves - 8m Maximum Height – 10.5.	8.3m Southeast Corner  8.1m Northeast Corner	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)

The officer comment below is limited to building height, site works and rear setback matters only as these were the subject of the objections received to this application. Despite the objections, the proposed development is considered to meet the relevant design principles and supported on that basis.

**STAKEHOLDER ENGAGEMENT**

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: 1 Letter of Support & 4 Letters of Objection

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

The summary of comments below is based on the original plans submitted and advertised to the neighbours

<b>Summary of Issues Raised</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Concerns raised regarding lot boundary setback increasing shadow onto the adjoining property	The proposed lot boundary setbacks satisfies the relevant design principles as outlined in the comments in the report below.	Not Uphold
Concerns raised regarding height.	The proposed building height meets the relevant design principles as outlined in the comments in the report below	Not Uphold

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Continued)</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Concerns raised regarding site works.	All site works involving fill is now less than 500mm above the natural ground level and therefore meets the relevant deemed-to-comply requirements of the R-Codes. The development also proposes extensive cut in to facilitate the proposed undercroft garage. This cut meets the deemed to comply provisions of the R-Codes.	Not Uphold
Concerns raised regarding privacy.	Windows facing the objector's properties comply with the deemed-to-comply provisions of the R-Codes, Volume 1. A design principles assessment is required in relation to visual privacy on the northern side of the property. No objections have been raised by the neighbour and this overlooking is considered to meet the relevant design principles.	Not Uphold

As a result of the concerns raised in consultation, three of the neighbours met onsite with the owner and building designer to discuss the key issues. As a result of the meeting, 1 changes were made to the development which included the following:

- reducing the height of the cabana,
- reducing the height of the rear site works,
- flipping the cabana and moving the swimming pool to the northern side of the lot.

As a result of these amendments three of the submitters withdrew their objections to this proposal. Notwithstanding these changes, the application is still required to be presented to DAU as the one objection remains unresolved.

## **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 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*.

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

**COMMENT**

The subject proposal is for a three storey Single House. Due to the topography and design of the proposal this presents as a two storey dwelling from the street.

The surrounding dwellings exhibit a wide range of residential building styles, ages, setback, and heights. It is noted that two and three storey buildings are common in the Attadale area and there are many examples of these within proximity to the site. The proposed dwelling is therefore considered consistent with the existing and desired streetscape character of the area.

The proposed dwelling has been designed in a way which responds to the topography of the site. In particular, the revised design ensures that minimal retaining and site works are required at the rear of the site, protecting the amenity of the surrounding landowners.

**Rear Lot Boundary Setback**

The development proposes a 1.5 metre rear boundary setback, where a 6 metre deemed-to-comply setback applies for R15 coded properties. The subject site shares a rear boundary with the rear unit of No.4 Henley Place which is a two storey grouped dwelling and has been constructed within the 6m rear setback area.

The design principles of Clause 5.1.3 of the R-Codes seek to reduce the impact of building bulk on adjoining properties, maintain visual privacy, maintain amenity for outdoor living areas and contribute to the streetscape.

The proposed eastern boundary setback is considered to meet the design principles for the following reasons:

- Regarding building bulk, this has been reduced via removing site works more than 0.5m above the natural ground level, reducing the overall height of the cabana and the provision of a 1.8m high dividing fence which screens the bulk of the cabana wall, refer to Figure 2.

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**

- The orientation and the height of the cabana will ensure that no access to direct sunlight and ventilation to the adjoining properties will be restricted as the majority of shade cast by the building will fall to the south.
- The finished floor level of the cabana does not exceed 0.5m above the natural ground level, ensuring the development does not pose any overlooking concerns.

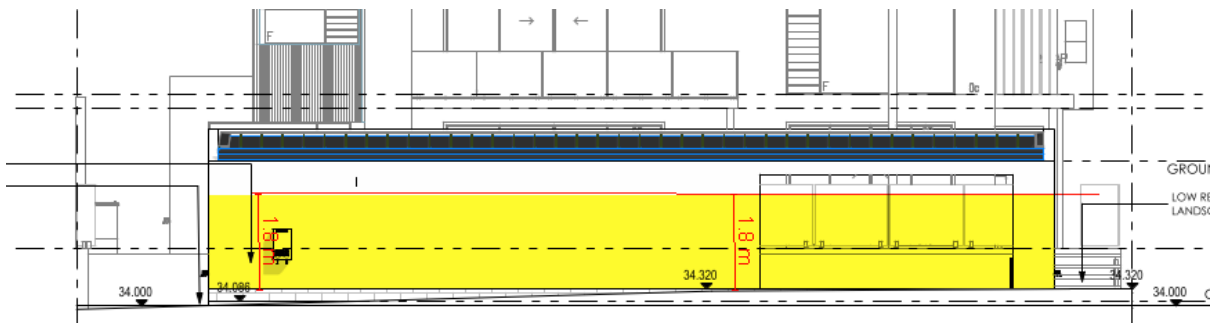


Figure 2: Rear Cabana Elevation & Indicative Dividing Fence

**Building Height**

The proposed building height requires a performance assessment having regard to the design principles contained in Clause 5.1.6 'Building Height' of the R-Codes. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining properties and maintains access to views of significances where appropriate.

The proposal meets the design principles for the following reasons:

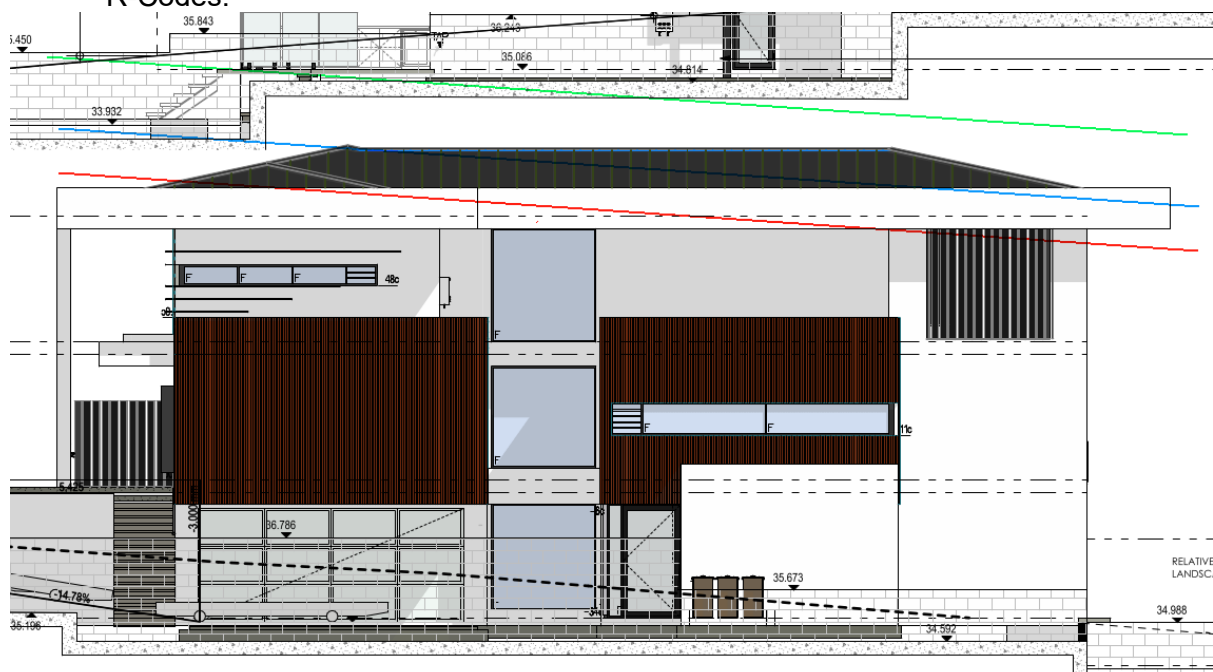
- The proposed building is well articulated, using varied setbacks, floor to ceiling windows, landscaping and a mix of materials which combine to reduce the bulk impact on to the adjoining properties. Furthermore, the portions of the wall which exceed the building height are well setback from the boundary lines and are compliant the setback provisions of the R-Codes.
- Sunlight access to the adjoining buildings and appurtenant open spaces will not be limited beyond the deemed-to-comply requirement of 25% of the adjoining site area. In particular, the shade cast by the portions of wall which exceed the deemed-to-comply wall height requirement will be contained within that cast by the overall height of the building which complies with maximum building height requirements.
- With respect to the streetscape, the development presents as a compliant height to the street, with the portion of wall which exceeds the deemed-to-comply wall height being to the rear of the property and resulting from the fall of the land away from the Moreing Road frontage. It is considered that the development has been designed so as to minimise the element which does not meet the deemed-to-comply requirement.

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- The term ‘views of significance’ is not defined, nor is detail provided in the explanatory sections of the R-Codes. It is therefore the City’s role to determine as to whether or not the proposed development maintains access to views of significance. Figure 3 below indicates the 3 building heights permitted under LPP1.9 Building Height. Red line 8m to Eaves, Blue line 9m to a Concealed Roof and Green line 10.5m Maximum Height. This demonstrates that the variation to the height is minor and will not impose any major impacts on views of significance to the adjoining properties.

In relation to the surrounding properties, the following is noted:

- The dwellings to the south are single storey and would not enjoy views over the site which would not be limited by a wholly compliant building,
  - dwellings to the north have a higher topography (contour lines),
  - views from the rear properties will not be impacted upon as their view corridor is to the east as the topography falls away towards the river, and
  - views from the dwelling along the western side of Moreing Road are obscured by existing dwellings and trees and these dwellings are set several metres higher than the subject site.
- It is concluded therefore that the wall height of the proposed development does not compromise views of significance, nor does this wall height impose undue building bulk onto adjoining properties, therefore satisfying the relevant design principles of the R-Codes.



**Figure: 3 Building Heights**

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD, 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 opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design 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 in accordance with the City's stormwater design guidelines**
- 3. 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.**
- 4. 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.**
- 5. 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 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 approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.**

**U23/0607 - THREE STOREY SINGLE HOUSE AT LOT 218 (NO. 80) MOREING ROAD,  
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- 6. 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.**
- 7. 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.**
- 8. 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.**
- 9. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.**
- 10. 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.**