

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 23 FEBRUARY 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, 26 FEBRUARY 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, 23 FEBRUARY 2021**

PRESENT

P Prendergast
M Scarfone
B Ashwood
A Di Nella
Michael Flanagan

Manager Statutory Planning
Planning Services Coordinator
Senior Planning Officer
A/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

U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT).....4

U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSHERD STREET, MYAREE WA 6154 (REC) (ATTACHMENT)

Ward : Central Ward
 Category : Operational
 Application Number : DA-2020-1677
 Property : Lot 2 (22A) Eversherd Street, Myaree
 Proposal : Two Storey Grouped Dwelling
 Applicant : Archivision Architectural Drafting
 Owner : Jashar Family Holdings Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. 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>

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSHERD STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey grouped dwelling at Lot 2 (22A) Eversherd Street, Myaree.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies
- The proposal was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. Following this consultation the neighbour provided the City with a written objection stating that the development as planned would result in an adverse impact on their property via overshadowing and bulk respectively.
- 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

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSHERD STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R20
Use Type	:	Residential
Use Class	:	Preferred

Site Details

Lot Area	:	301m ²
Retention of Existing Vegetation	:	No
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc.)	:	No
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, 26 February 2021.

DETAIL

In December 2020 a development application was lodged for a two storey grouped dwelling at Lot 2 (22A) Eversherd Street, Myaree.

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 policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.4.1 C1.1 - Visual Privacy	First floor retreat – 6 metre setback from eastern boundary	Setback at 4 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 5.3.1 – Lot Boundary Setbacks	Ground floor guest room 1.5 metres	Setback a between 0.7 and 1.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)**

Local Planning Policy 3.1- Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Boundary Walls Cl.3.2(ii)	Average wall height of 3 metres	Average height of kitchen boundary wall at 3.25 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
	Average wall height of 3 metres	Average height of the Guest – Powder room wall at 3.15 metres	Condition 3 requires the height of this wall be reduced to 3 metres.	Manager Statutory Planning
	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 12.6 metres or 35% of the balance of the lot boundary	Requires assessment against the Design Principles of the R-Codes. Refer details in report below	Development Advisory Unit (DAU)

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 3.4(a)
 Support/Object: One objection received.

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)**

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The bulk impact of the dwelling on the adjoining property's outdoor living area	Refer to the comments section of this report	Not Uphold
The proposed boundary walls will overshadow the adjoining property's outdoor area	The developments meets the deemed-to-comply requirements of in the R-Codes	Not Uphold
Unknown finishing of the surface of the proposed walls	The finishing of the walls will be met through a standard condition	Not Uphold.

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*.

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.

U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET, MYAREE WA 6154 (REC) (ATTACHMENT)

COMMENT

Kitchen Boundary Wall Height

As per Clause 3.2(ii) boundary walls in areas coded R20 and above are to have an average and maximum wall height of 3 metres and 3.5 metres respectively. With an average wall height of 3.25m, the proposed kitchen boundary wall does not meet the deemed-to-comply criteria and instead requires a performance assessment. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- As seen in Figure 2, the kitchen wall is located adjacent to the neighbour's storage area which comprises of two sheds and a lean-to as well as abutting a portion of the neighbour's studio. As detailed in the following section of the report the presence of these structures will diminish the overall bulk of the boundary wall onto the adjoining property; and
- There are no overshadowing variations created by the proposed boundary wall, as it meets the relevant deemed-to-comply provision of the R-Codes



Figure 2: Ground floor plans of the proposal in relation to the neighbouring property at 24 Evershed Street. The parapet walls highlighted in red

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)**Lot Boundary Wall Length

As per Clause 3.2(ii) boundary walls in areas coded R20 and above are to have a maximum length of the greater of 9 metres or one-third of the balance of the lot boundary behind the front setback. As the application proposes two boundary walls with a cumulative length of 12.6 metres or 35% of the lot boundary, a performance assessment is required. The proposed walls are considered to meet the Design Principles of the R-Codes for the following reasons:

- The neighbouring property has been designed with multiple outdoor living spaces, which include an alfresco area which is orientated east to the pool and a landscaped garden on the northern boundary.
- The majority of the boundary wall length is located behind the neighbour's studio or abut a storage space (figures 3 and 4). Further to this, the proposed walls are separated from the neighbours alfresco and pool area by an approximate distance of 7 metres. When viewed from the alfresco, these structures and the separation distance will aid in breaking up the overall bulk of the proposed development onto these sensitive spaces. Whilst the guest bedroom wall abuts the landscaped garden area, the raised garden beds along the dividing fence will aid in minimising the bulk impact of parapet wall (see figure 5). In addition, a condition has been recommended to reduce the height of the proposed wall to a 3 metres to meet the deemed to comply standards.
- Building up to the side boundary is considered to be an effective use of space on smaller lots that allows the owners of the subject lot to have a consolidated outdoor living area on the northern boundary whilst avoiding unusable space along the southern boundary; 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.

U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)



Figure 3: View north from the neighbours alfresco towards the studio. The studio will aid in breaking up the bulk on the proposed boundary walls.



Figure 4: View of the neighbour's storage area which will abut the proposed kitchen boundary wall

U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSHERD STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)

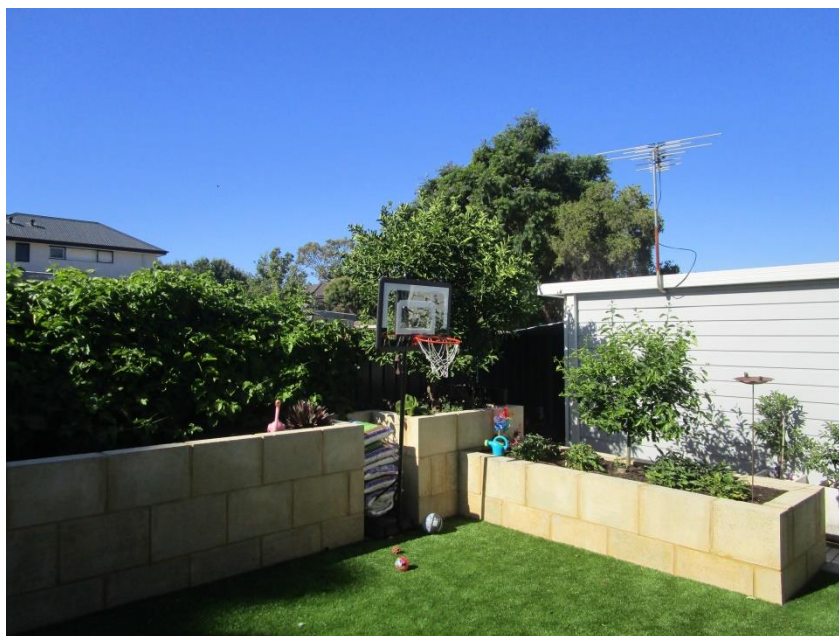


Figure 5: View north east of the neighbour's side yard and studio. A boundary wall is to abut this area.



Figure 6: View south from the subject lot towards the neighbour's property

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (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 Principals of the Residential Design Codes, and Local Planning Policy. On this 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.**
- 3. Prior to the commencement of the development the boundary wall marked in red on the approved plans shall be reduced in height to a maximum of 3 metres above NGL.**
- 4. 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.**
- 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 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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.

- 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.**

**U21/0554 TWO STOREY GROUPED DWELLING – LOT 2 (22A) EVERSLED STREET,
MYAREE WA 6154 (REC) (ATTACHMENT)**

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 boundary wall shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
9. 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.