

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 15 MARCH 2022**

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, 18 MARCH 2022**



**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, 15 MARCH 2022**

**PRESENT**

P Prendergast  
M Scarfone  
B Ashwood  
T Cappellucci  
R Tu  
A Di Nella

Manager Statutory Planning  
Planning Services Coordinator  
Senior Planning Officer  
Senior Planning Officer  
Planning Officer  
Planning Officer

**DISCLOSURES OF INTEREST**

Mark Scarfone declared an impartially interest in U22/0581 and left the meeting before discussion commenced on that item.

**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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**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD, PALMYRA WA 6157 (REC) (ATTACHMENT)**

Ward : Palmyra - Melville - Willagee Ward  
 Category : Operational  
 Application Number : DA-2022-3  
 Property : Lot 9 (No. 69A) McKimmie Road, Palmyra WA 6157  
 Proposal : Single Storey Single House  
 Applicant : Dale Alcock Homes Pty Ltd  
 Owner : Mr L G Davey and Mrs A B Davey  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning  
 Previous Items : N/A

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD,  
PALMYRA WA 6157 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a new single storey single house at Lot 9 (No. 69A) McKimmie Road, Palmyra;
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)*, *Local Planning Policy 3.1 – Residential Development (LPP3.1)*, 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 the southern boundary wall length, visual privacy from the raised rear alfresco area and retaining walls and associated site works to the southern and northern boundaries;
- The proposed development was advertised to the adjoining northern and southern landowners in accordance with part 4 of the R-Codes and *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- One submission was received opposing the development.
- Notwithstanding the objection received, the proposed development is considered acceptable when assessed against the relevant Design Principles of the R-Codes and policy objectives of LPP3.1;
- It is recommended that approval be granted subject to conditions.



Figure 1: Aerial photography of subject site

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD, PALMYRA WA 6157 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R20
Use Type	:	Single House
Use Class	:	'P' Permitted Use

**Site Details**

Lot Area	:	929m <sup>2</sup>
Retention of Existing Vegetation	:	Yes
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc.)	:	Yes - Footpath
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, 18 March 2022

**DETAIL**

On 6 January 2022, a development application was lodged for a single storey single house at Lot 9 (No. 69A) McKimmie Road, Palmyra.

The application has been assessed against the provisions of LPS6, LPP3.1 and the relevant provisions of R-Codes. A performance assessment is required in respect of the matters listed below.

**State Planning Policy 7.3 - Residential Design Codes Volume 1**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.3.7 C7.2 Site Works	Height of site works between 0.5m to 1m to be setback a minimum of 1m	Maximum retaining height in northwest corner of 0.8m above natural ground level with a nil setback to northern boundary	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD,  
PALMYRA WA 6157 (REC) (ATTACHMENT)**

Design Element (Cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.4.1 C1.1 Visual Privacy	Unenclosed outdoor active habitable spaces with a floor level more than 0.5m above natural ground level setback 7.5m	1.87m setback to northern boundary	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**Local Planning Policy 3.1 - Residential Development**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 C3.2(iii) Boundary Walls	Total length permitted being 9m or 1/3 lot boundary (behind setback) whichever is greater  Permitted - 14.8m	14.9m total	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

The officer comment below is limited to visual privacy matters only as this was the subject of the objection received. The proposed lot boundary wall, and site works are considered to meet the relevant design principles and are supported under delegation on that basis.

**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:	One objection received

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD, PALMYRA WA 6157 (REC) (ATTACHMENT)**

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

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Overlooking and loss of privacy	Refer to the comments section of this report.	Not Uphold
Destruction and damages to existing dividing fence as a result of construction	This is not a material planning consideration; any change to the dividing fence is covered under the <i>Dividing Fences Act 1961</i> .	Not Uphold
Increased electrical use and heat and impacts as a result of proposed built form and removal of green-scape	The proposed development is compliant with clause 5.4.2 'Solar Access' of the R-Codes and is situated within the southern orientation of the adjoining property.	Not Uphold
Environmental impact and loss of local flora and fauna	This is not a material planning consideration	Not Uphold
Location of alfresco and its proximity to the boundary will create noise disturbances	The proposed residential use is a permitted use within a residential zone. The noise associated with the use of the alfresco is unlikely to cause negative amenity impacts however the landowner is required to comply with the relevant provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> .	Not Upheld

## 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 is no strategic risk or environmental management implications with this application.

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD, PALMYRA WA 6157 (REC) (ATTACHMENT)**

**POLICY IMPLICATIONS**

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

**COMMENT**

Visual Privacy

As per the deemed-to-comply provisions of clause 5.4.1 'Visual Privacy' of the R-Codes, a setback of 7.5m is required for an unenclosed outdoor active habitable space which has a floor level of more than 0.5m above natural ground level. The finished floor level of the rear alfresco (FFL 9.30) is raised more than 0.5m above natural ground level and is setback 1.87 metres from the northern boundary and therefore requires a performance assessment. The proposal is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

- The visual privacy variation is a result of the dividing fence on the boundary dropping in height where the proposed retaining stops, and slopes back down to what is the existing natural ground level;
- The cone of vision which falls over the northern property is not directly casted into any habitable spaces or major openings of adjoining property at 211 Marmion Street (See Figure 2 below). The outlook is oblique in angle and only to the rear setback area of the adjoining northern property, which consists of existing landscaping and vegetation;



**Figure 2 – Image depicting cone of vision (in red) from proposed alfresco to adjoining northern property.**

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD,  
PALMYRA WA 6157 (REC) (ATTACHMENT)**

- Looking beyond the cone of vision, the area houses a shed. A shed is not a habitable space. The shed itself is significant in size and is visible from the subject lot. The cone of vision does not fall into any outdoor living areas or active habitable spaces of the adjoining northern property at No. 211 Marmion Street;
- There are no overlooking opportunities to the other adjoining northern property at No. 213 Marion Street given the dividing fence (1.8m high) on top of the proposed retaining wall results in an adequate screening mechanism, compliant with the R-Codes; and
- The bulk impact to the adjoining properties is minimal as the proposed alfresco is open in structure. The variation will not impact the direct sun and ventilation to Nos. 211 or 213 Marmion Street as the proposed lot resides in the southern orientation of its adjoining properties.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

This application for a single storey single house at Lot 9 (No. 69A) McKimmie Road, Palmyra has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Therefore, the development is recommended for approval subject to the following 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. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossovers 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 crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.**

**U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD,  
PALMYRA WA 6157 (REC) (ATTACHMENT)**

4. 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.
5. 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.
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.
7. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029). Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

U22/0581 - SINGLE STOREY SINGLE HOUSE AT LOT 9 (NO. 69A) MCKIMMIE ROAD,  
PALMYRA WA 6157 (REC) (ATTACHMENT)

8. 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.
9. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
10. The on-site tree/s to be retained (as marked in red on the approved plans) shall be maintained in perpetuity, to the ongoing satisfaction of the City.

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2021-1355  
 Property : Lot 10 (No. 9) Baldwin Avenue, Mount Pleasant WA 6153  
 Proposal : Two Storey Single House  
 Applicant : Contempo Design  
 Owner : Mr Phui Yan Woon Lum  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning  
 Previous Items : N/A

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a new two storey single house at Lot 10 (No. 9) Baldwin Avenue, Mount Pleasant;
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)*, *Local Planning Policy 3.1 – Residential Development (LPP3.1)*, 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 lot boundary setbacks to the western (rear) and northern boundaries, southern boundary parapet wall height, landscaping and solar access;
- The proposed development was advertised to the adjoining western, northern and southern landowners in accordance part 4 of the R-Codes and *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- Two objections were received during the consultation opposing the development;
- Amended plans and further correspondence was received by the applicant that partially addressed the concerns resulting in the withdrawal of one of the objections. However, the remaining objection still remains valid;
- Notwithstanding the objection received, the proposed development as amended is acceptable when assessed against the relevant Design Principles of the R-Codes and policy objectives of LPP3.1; and
- It is recommended that approval be granted subject to conditional conditions.



Figure 1: Aerial photography of subject site

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R12.5
Use Type	: Single House
Use Class	: 'P' Permitted Use

**Site Details**

Lot Area	: 809m <sup>2</sup>
Retention of Existing Vegetation	: No
Street Tree(s)	: No
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, 18 March 2022

**DETAIL**

On 16 December 2021, a development application was lodged for a two storey single house at Lot 10 (No. 9) Baldwin Avenue, Mount Pleasant.

In response to concerns raised by the City regarding the proposed development at the rear of the site, revised plans were submitted in March 2022 which removed boundary walls on the north and west boundaries within the 6m rear setback area and reduced the overall bulk of the rear alfresco and sauna building. These amended plans are the subject of this report.

The application has been assessed against the provisions of LPS6, LPP3.1 and the relevant provisions of R-Codes. A performance assessment is required in respect of the matters listed below.

**State Planning Policy 7.3 - Residential Design Codes Volume 1**

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 5.1.3 C3.1 Lot Boundary Setbacks	Western boundary (rear) ground floor – 6m setback	Sauna - 1.47m setback	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Design Element (Cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
	Western boundary (rear) ground floor – 6m setback	Alfresco – 2.4m setback		
	Northern boundary first floor – 2.2m setback	First Floor - 2.13m setback	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.3.2 C2.2 Landscaping for Single House, Grouped and Multiple Dwellings	Landscaping in street setback area <50% impervious surfaces	Impervious area is 57.3% of the setback area	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.2 C2.1 Solar Access	25%	47.65%	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**Local Planning Policy 3.1 Residential Development**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 C3.2(ii) Boundary Walls	Maximum wall height of 3m	3.3m boundary wall height on southern elevation	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

The officer comment below is limited to the rear lot boundary setback matters only as this was the subject of the objection received. The proposed upper floor lot boundary side setback, lot boundary wall height, landscaping and overshadowing are considered to meet the relevant design principles and are supported under delegation on that basis.

**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:	One objection received

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

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

<b>Summary of Issues Raised</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Unnecessarily bulk and height, impacting the amenity and outlook of adjoining properties	Refer to the comments section of this report.	Not Uphold
Sets an unreasonable precedent for the area	Refer to the comments section of this report.	Not Uphold
Increased electrical use and heat and impacts as a result of proposed built form and removal of green-scape	This is not a material planning consideration	Not Uphold
Environmental impact and loss of local flora and fauna	This is not a material planning consideration	Not Uphold

## **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 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.

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

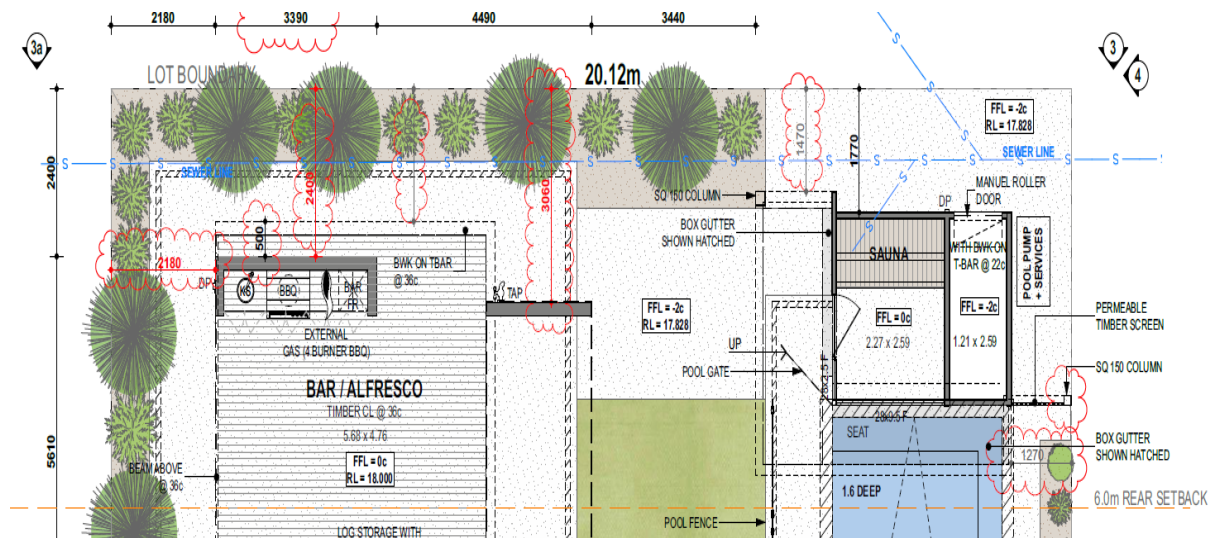
**COMMENT**

Rear (Western) Boundary Setbacks

9 Baldwin Avenue, Mount Pleasant is zoned Residential with a density coding of R12.5 under the provisions of Local Planning Scheme No. 6. As per Clause 5.1.3 Lot Boundary Setbacks and Table 1 of the R-Codes, a 6 metre rear setback is required to meet the deemed-to-comply provisions.

The objective of the 6 metre rear setback is to maintain a low density character for areas zoned R15 and below, by increasing the separation between dwellings which in turn reduces building bulk, ensures access to sunlight and ventilation and reduces overlooking between properties.

The proposed development provides on the ground floor rear setbacks of 1.47 metres and 2.4 metres for the rear sauna and alfresco respectively (as shown in Figure 2 below), noting that the substantial structure is setback from the rear boundary by 8m. Given this, the development requires assessment against the relevant design principles of the R-Codes.



**Figure 2: Setbacks of Ground Floor Alfresco and Sauna within rear 6m setback area**

The proposal is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

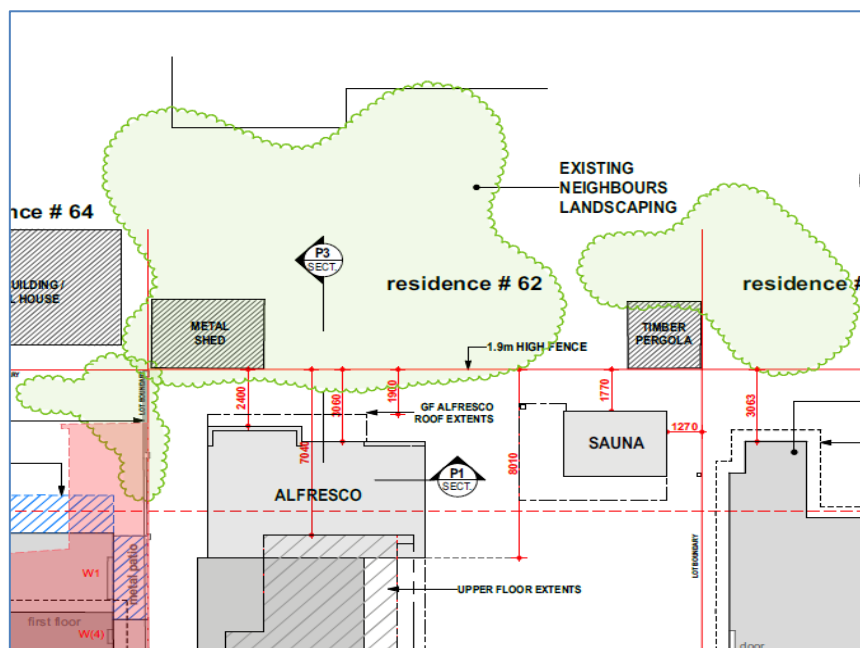
- The bulk impact of the sauna and alfresco protruding into the setback area is considered minimal given they are both of a single storey level and articulated. The alfresco itself, albeit higher than a standard alfresco, is acceptable given it is still open in nature and will be screened to the rear boundary by the landscaping proposed by the applicant (See Figure 3 below). Given the structures are of a single storey level, majority of the bulk from both will also be screened by the existing dividing fence in between;

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**



**Figure 3: Proposed rear landscaping by applicant**

- The alfresco and sauna structure are both finished to a high quality standard, reflecting the design of the main dwelling by utilising the same datum as the ground floor eave as well as the same colour pallet;
- The proposed alfresco and sauna are not abutting the main habitable areas of the adjoining rear property at 62 Ogilvie Road (see Figure 4 below), with the alfresco running parallel to an existing shed and substantial jacaranda tree, and the sauna next to a secondary lawn area and existing pergola;



**Figure 4: Location of adjoining rear properties existing structures**

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

- As both proposed structures are on the ground level and are not raised more than the permitted 500mm, there are no overlooking issues as a result; and
- There are no overshadowing impacts given the orientation of the proposed lot in relation to the rear neighbour.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval be granted, subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.**
- 3. 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.**
- 4. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossovers 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 crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.**
- 5. 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.**

**U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

6. 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.
7. 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.
8. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029). Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

U22/0582 - TWO STOREY SINGLE HOUSE AT LOT 10 (NO. 9) BALDWIN AVENUE,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

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.
10. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
11. Prior to the initial occupation of the development, the on-site trees (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove Ward  
 Category : Operational  
 Application Number : DA-2021-232  
 Property : Lots 46-48 (490-494) Canning Highway, Attadale WA 6156  
 Proposal : Nine Multiple Dwellings  
 Applicant : Alda Consultants Pty Ltd  
 Owner : Teepee Project 3 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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- Development approval is sought for nine multiple dwellings at Lots 46-48 (490-494) Canning Highway, Attadale.
- Subdivision approval has been granted for the amalgamation of the three existing lots and the re-subdivision of the site into two lots. The nine multiple dwellings are proposed on future Lot 1. Future Lot 2 is intended to accommodate a grouped dwelling development however no application has been received to date.
- The application has been assessed against Local Planning Scheme No.6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 2 Apartments (SPP7.3 – Volume 2) and relevant local planning policies and Council Policies.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 'Planning Process and Decision Making' to the adjoining landowners and occupiers. Seven submissions were received, four providing general comments on the proposal, and three outlining concerns relating to visual privacy, parking, traffic, density of units, the height of the building and construction issues.
- Despite the objections received, it is considered that the development is acceptable when assessed against the relevant element objectives of SPP7.3 - Volume 2.
- It is recommended that approval be granted subject to conditions.

**Figure 1 – Aerial Photography**

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY,  
ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R30/R40
Use Type	: Multiple Dwellings
Use Class	: Permitted

**Site Details**

Lot Area	: 2524m <sup>2</sup>
Retention of Existing Vegetation	: Yes. Some onsite vegetation is being retained as part of this proposal.
Street Tree(s)	: Yes, one tree being removed and replaced with two new trees.
Street Furniture (drainage, pits, etc.)	: Bus Shelter on Canning Highway
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, 18 March 2022

**DETAIL**

Development approval is sought for nine multiple dwellings at Lots 46-48 (490-494) Canning Highway, Attadale. The proposal comprises a three storey buildings ( ) with 11 car parking bays on the ground level, five dwellings on the first floor and four dwellings on the second floor. The proposal also provides a communal open space area within the open area to the north of the proposed building, which includes the retention of a mature tree and additional landscaping. Due to the topography of the site, the proposed building presents as two storeys to Canning Highway.

The dwellings are designed to provide for Special Disability Accommodation (SDA) and to meet National Disability Insurance Scheme (NDIS) requirements. Units 1-8 are two-bedroom, two-bathroom apartments approximately 110m<sup>2</sup> in area and Unit 9 is a single bedroom studio apartment, intended for a full time Carer to reside in.

The application has been assessed against LPS6, the element objectives of the SPP7.3 - Volume 2 and relevant local planning policies and Council Policies. As noted below SPP7.3 Volume 2 is a performance based document allowing for a range of design approaches to address the context provided by individual sites, and to allow development to occur in a responsive manner to meet the prevailing context of each site. The proposal satisfies all of the requirements of SPP7.3 Volume 2 however the matters below will be discussed in more detail in the body of the report.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

**State Planning Policy 7.3 Residential Design Codes (Volume 2 – Apartments) Requirements**

Design Element	Acceptable Outcome	Proposed	Comments	Delegation to approve variation
2.3 – Street Setbacks	Primary Street Setback – (Redcourt Road)  Minimum 4m	Minimum 3.6 metres (porch)	Requires assessment against the Element Objectives of SPP7.3 Volume 2. Refer details in report below.	Manager Statutory Planning (MSP)
2.4 – Side and Rear Setbacks	Minimum 2 metre setback from a lot boundary	Basement, Unit 4 and Unit 8 bedroom walls setback a minimum 1.8 metres from eastern boundary.	Requires assessment against the Element Objectives of SPP7.3 Volume 2. Refer details in report below.	Manager Statutory Planning (MSP)
3.5 – Visual Privacy	Balconies: Minimum 7.5 metres from a lot boundary	Units 3, 4, 7 and 8 with balconies setback <7.5 metres from the future Lot 2 boundary.	Requires assessment against the Element Objectives of SPP7.3 Volume 2. Refer details in report below.	Development Advisory Unit (DAU)

The discussion in this report relates only to the design elements listed above.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Required pursuant to LPP 1.1 Planning Process and Decision Making
Support/Object:	Four objections received, three submissions neither supporting or objecting to the proposal

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

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

<b>Summary of Issues Raised</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Loss of privacy	Refer to the Comments below.	Not Uphold
The three storey height is not keeping in scale with the locality.	<p>The City's Local Planning Policy 1.9 – Height of Buildings. (LPP 1.9) permits a maximum 12 metre height for concealed roof buildings (approximately four storeys).</p> <p>The development is proposed only having three levels, presenting as three storeys towards Redcourt Road elevation and essentially two storeys towards Canning Highway.</p> <p>Accordingly, the building height meets Acceptable Outcomes of SPP7.3 – Volume 2 and LPP 1.9 and is supported on that basis.</p>	Not Uphold
Insufficient car parking	<p>As per the Acceptable Outcomes of SPP 7.3 – Volume 2, a minimum 11 car parking bays (two visitor bays, nine resident bays) is required and provided for.</p> <p>Accordingly, the car parking provided on site meets Acceptable Outcomes of SPP7.3 – Volume 2 and is supported.</p>	Not Uphold
Traffic impact on immediate surrounding streets and	The proposed development is supported by officers from the City's Technical Services team as proposed, noting that the development will not create unacceptable traffic impacts on the immediate roads or broader road network.	Not Uphold
Density of units	<p>SPP 7.3 – Volume 2 Primary Controls permits a plot ratio of 0.6 for R40 developments. The proposed plot ratio is 0.59 and is within compliant limits.</p> <p>The prevailing R Code for this site allows for the development of multiple dwellings. There are no associated density limits for this type of residential accommodation.</p>	Not Uphold

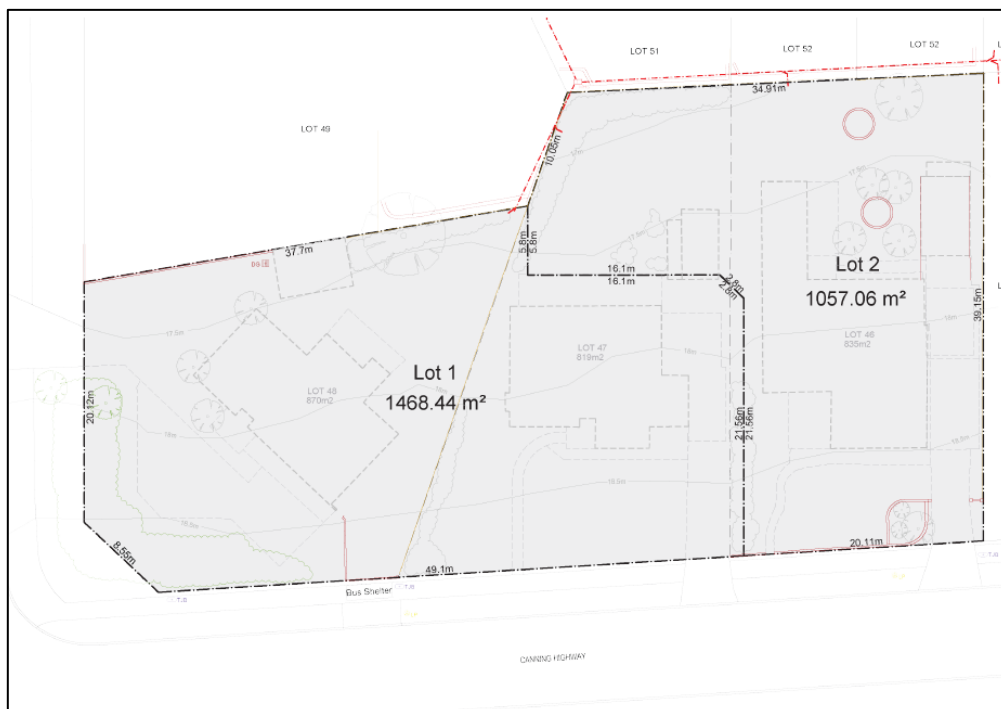
**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Impact from construction work	An issue arising from construction of a development is not a material planning consideration. It is acknowledged that there are impacts that result from all types of construction related activity, and these impacts may be managed and minimised via a condition of development approval to require a Construction Management Plan to be prepared to guide the construction. This requirement will be imposed in this case.	Condition

**II. OTHER AGENCIES / CONSULTANTS**

Main Roads Western Australia

In respect of the final development plans the subject of this report, Main Roads Western Australia (MRWA) raise no objection to the proposal subject to the imposition of certain conditions of development approval. These conditions are included within the recommendation section of this DAU report.



**Figure 2 – WAPC 161544 Subdivision Plan**

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**Design Review Panel

The application was presented to the Design Review Panel (DRP) on 1 December 2021, following an assessment of the original plans submitted. The DRP was supportive of the proposal, noting a number of strengths as summarised below:

- The proposed built form and scale is considered appropriate within this context;
- Good levels of internal and external amenity provided for occupants, visitors and neighbours, including the landscaping proposed within the communal open space provides additional screening from the building to the adjoining residences;
- Incorporating apartments with dimensional characteristics that support NDIS access is an important contribution to the community; and
- The aesthetic approach is supported including the façade material selection, textures and colours.

While the proposal was generally supported against the 10 Design Principles set out in State Planning Policy 7.0 Design of the Built Environment (SPP 7.0), the DRP noted a number of key opportunities for improvement including;

1. The raised level of the first floor apartments facing Canning Highway should be reduced to a maximum 1.2 metre height;
2. The entry sequence into the lift area should be improved to increase legibility; and
3. Consider engaging an Environmental Sustainable Design (ESD) professional to provide further establish a coherent and considered sustainable design strategy and proposal.

The applicant responded to the concerns raised above through a combination of amended plans and further clarification. The key changes are described below.

1. The lowering of the first floor level by 0.5 metres to ensure the level changes between the first floor apartments and Canning Highway did not exceed 1.2 metres in height;
2. Improved legibility and access within the building via Redcourt Road;
3. Improved entry statement on Canning Highway; and
4. Advice from an ESD professional on how the proposal can achieve a minimum 'Nationwide House Energy Rating Scheme (NatHERS)' 7.85 average star rating.

In conclusion, the City is satisfied that the final version of plans the subject of this report address the DRP's concerns.

**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.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY,  
ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

SPP 7.3 – Volume 2 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements including, but not limited to building height, plot ratio and provision of deep soil areas. For each design element there are a series of acceptable outcomes, which if achieved can be seen to meet the associated element objectives, in addition to the overall policy objectives. A development that satisfies the acceptable outcomes is likely to achieve the element objectives. Where the proposal does not meet the acceptable outcome it may still be consistent with the element objectives and overall policy objectives. This is the essence of a performance assessment.

The proposal satisfies all the relevant acceptable outcomes with the exception of the street setbacks and visual privacy design elements. These elements are discussed in further detail below.

**COMMENT****Street Setbacks – Redcourt Road**

The proposal does not meet the minimum 4 metre primary street setback from Redcourt Road as required by Table 2.1 of SPP7.3 – Volume 2. While the porch is setback a minimum of 3.6 metres from the street and the development is considered to meet the relevant Element Objectives of Clause 2.3 *Street Setbacks* of SPP7.3 - Volume 2 for the following reasons:

- The building is designed with setbacks of between 5.9 and 9 metres from Redcourt Road for the first and second floor. Furthermore, there is no proposed development within the street setback area within the northern section of the site, which is reserved for the communal open space area and associated landscaping;
- Redcourt Road is characterised by a range of different building designs and associated varying street setbacks. The proposed setbacks of the development reflect this existing character and context ;
- The porch provides an entry statement to the building, engages well with the street, and provides a clear transition between the public and private realm;
- The position of the building towards the south-western corner of the site has maximised the setbacks of the first and second floor balconies from the adjoining northern properties thereby ensuring least visual privacy impact; and

In light of the above, the proposal meets the Element Objectives of SPP 7.3 – Volume 2.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

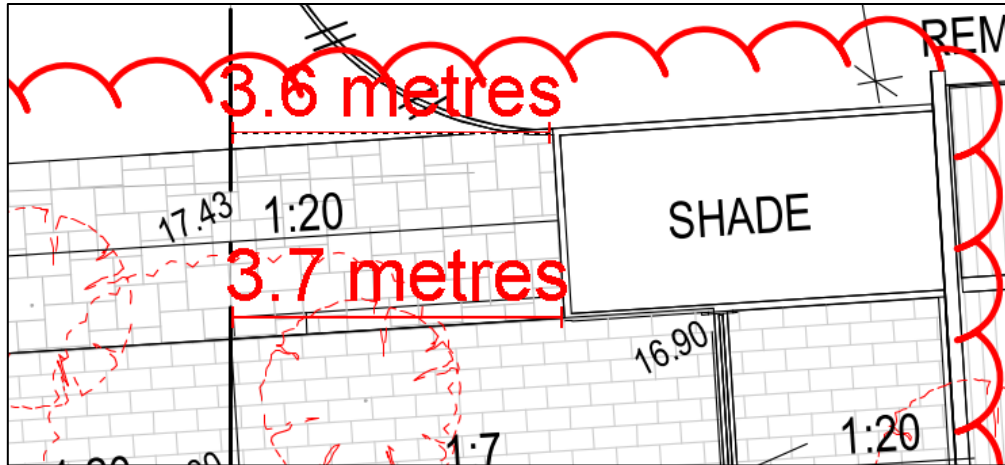


Figure 3 – Porch setbacks from Redcourt Road

Side Setbacks – Eastern boundary

As required by Table 2.4.1 of SPP7.3 – Volume 2, a minimum 2 metre setback is required from all side and rear lot boundaries. The majority of the building achieves at least a 4.4 metre setback from the eastern boundary however, a small portion of the basement, and the bedrooms of unit 4 and 8 are setback 1.8 metres from the boundary, noting that the associated interface will be with vacant cleared land once the existing dwelling on the lot is removed pending subdivision clearance and the issue of new titles.

The setbacks are considered to meet the relevant Element Objectives of Clause 2.3 *Street Setbacks* of SPP7.3 - Volume 2 for the following reasons:

- The bulk of the building being setback a minimum 4.4 metres setback ensures there is a sufficient building separation achieved between the proposed and future development site. The setbacks of the basement and the bedrooms above still achieve a sufficient building setback from the eastern boundary.
- It is likely the impacted area to the east will be a future common access leg servicing the grouped dwelling development. The driveway is not an active habitable space, and will assist in providing a greater level of separation between this building and the future dwellings;
- The reduced building setback does not impact the provision of any deep soil areas as these are located within the northern and southern sections of the site; and
- The setbacks and orientation of the building is an appropriate built form outcome within a Residential R40 area and is therefore supported.

In light of the above, the proposal meets the Element Objectives of SPP 7.3 – Volume 2.



**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

- In addition to the above, the retention of a mature tree and provision of landscaping in the northern communal open space area will assist in providing further screening of the balconies to the northern adjoining properties; and
- Future lot 2 is owned by the same landowner of this proposal. Future lot 2 is intended to be developed for grouped dwellings and a concept plan has been provided (refer Figure 5 below) in support of the visual privacy incursion. The image below demonstrates that the impact from the unit 3, 4, 7 and 8 balconies will fall onto a side setback area and garage/bedroom parapet wall. The bedroom window will be designed as a non-major opening. The impacted area is not an active habitable space and the impact of overlooking in the scenario presented would be negligible.



**Figure 5 – Image depicting the intended building layout of the future grouped dwelling development. The overlooking from the balconies will fall within non-habitable spaces and a future driveway access leg.**

The City supports the applicant's justification above, and considers the proposal adequately satisfies the relevant Element Objectives of Clause 3.5 *Visual Privacy* of SPP7.3 - Volume 2.

### **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

## CONCLUSION

Given the element objective assessment that has been applied in this case concludes that the development as amended is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

## OFFICER RECOMMENDATION

## APPROVAL

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines. No stormwater drainage is to be discharged onto the Canning Highway Road Reserve.
3. 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.
4. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - a. maximum 6m width in accordance with the City's Crossover Guidelines, Standards and Specifications;
  - b. located a minimum of 2m away from the outside of the trunk of any street tree; and
  - c. a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

5. 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.
6. Any street walls and fences (including the height of any retaining walls) constructed within the primary and secondary street setback areas shall meet the requirements contained under Clause 4 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.
7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) or other buildings to the satisfaction of the City.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY,  
ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

8. The development is to be constructed and operated in accordance with the Waste Management Plan dated December 2021 and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City. No waste collection is permitted from Canning Highway Road Reserve.
9. The development shall operate in accordance with the recommendations set out in the Acoustic Report prepared by Herring Storer dated November 2021, to the satisfaction of the City.
10. Prior to the initial occupation of the development, all vehicle and bicycle parking bays, manoeuvring areas and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City and shall be retained for the life of the development.
11. Within 12 months of occupation evidence shall be provided from a suitably qualified consultant, confirming that the building has been constructed in accordance with the Sustainable WA Recommendations prepared by Sustainability WA, to the satisfaction of the City.
12. Prior to the commencement of development and in accordance with Local Planning Policy *LPP1.4 Provision of Art in Development Proposals*, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.
13. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

14. No less than 30 days prior to the commencement of development, a Construction Management Plan shall be prepared and provided to the City for consideration and approval. The Construction Management Plan shall detail how the construction of the development will be managed, and shall include, but not be limited to, the following:
- public safety and site security;
  - hours of operation;
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
  - the parking arrangements for employees, contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted without an approval);
  - any other matters likely to impact upon the surrounding properties or road reserve; and
  - The provision of a contact number for residents and also a log of complaints to be maintained by the developer contractors and sub-contractors.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

15. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting shall be provided such that the light source does not compromise safety and/or amenity.
16. Prior to commencement of development, payment for the removal and replacement of street tree TR1050228 (as marked in red on the approved plans) shall be made to the City. The payment is to be calculated in accordance with Council Policy *CP-029: Street Tree Policy*.
17. Unless otherwise approved in writing by the City, all trees located on the verge (with the exception of TR1050228) adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.

**U22/0583 - NINE MULTIPLE DWELLINGS - LOTS 46-48 (490-494) CANNING HIGHWAY, ATTADALE WA 6156 (REC) (ATTACHMENT) (REC) (ATTACHMENT)**

17. **Cont.**
- If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment, fuel, oil dumps or chemicals;
    - Servicing or refuelling of equipment or vehicles;
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
    - Open-cut trenching or excavation works (whether or not for laying of services);
    - Changes to the natural ground level of the verge;
    - Location of any temporary buildings including portable toilets; or
    - The parking of vehicles or machinery.
18. The noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail Noise and implement the acoustic report titled, TeePee Project 3 PTY LTD, Revision 3, date, 25 June 2021, prepared by Herring Storer Acoustics at all times.
19. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming condition 17 has been achieved. This certificate must be provided to the City of Melville.
20. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:
- 'The lots are situated in the vicinity of a transport corridor and are currently affected or may on future be affected by transport noise.'*
21. No development (including footings) shall be permitted within the land required for future road purposes, in accordance with the enclosed Main Roads drawing No.1.5104-2.
22. Prior to the occupation of the building, the certificates of title associated with WAPC Approval 161544 are to be issued by Landgate.
23. The future development nominated on the development plan is not approved as part of this application.
24. No works shall encroach onto Canning Highway Road reserve, unless approved by Main Roads.