

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 11 AUGUST 2020

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, 14 AUGUST 2020



**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, 11 AUGUST 2020**

PRESENT

P Prendergast
M Scarfone
T Cappellucci
B Ashwood
M Flanagan

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

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143 (NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove Ward
 Category : Operational
 Application Number : DA-2020-830
 Property : LOT 143 (No.5) Tanson Street, Attadale WA 6156
 Proposal : Addition and Alteration to Existing Single House
 Applicant : MW Urban
 Owner : Eileen Josephine Pedrotta-Parsons
 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>

**U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143
(NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- Development approval is sought for minor additions and alterations to the existing garage of the two storey single house at Lot 143 (5) Tanson Street, Attadale.
- The details of the proposed development have been assessed against 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 adjoining neighbour at 15 Peter Street was consulted about the proposed development by the applicant. 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 and on the streetscape 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

**U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143
(NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R15
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	Subject lot - 791 sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Not applicable
Street Furniture (drainage, pits, etc.)	:	Not applicable
Site Details	:	Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 14 August 2020.

DETAIL

In July 2020, a development application was lodged for an extension to the garage of the existing two storey single house at Lot 143 (5) Tanson Street, Attadale. The proposed application results in the garage being extended by approximately 12 m². The proposed boundary wall on the western side of the extension is 2.7 metres in height and 6 metres in length. Under the provisions of Local Planning Policy 3.1 'Residential Development' a boundary wall of this size is generally acceptable subject to being setback 6 metres from the front boundary. As the proposed wall is setback 5.1 metres from the front boundary it requires a performance assessment.

The application was assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal satisfies all of the relevant deemed to comply provisions of the R-Codes with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Lot Boundary Wall Setback (for land zoned less than R20)	6 metres	5.1 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

**U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143
(NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
Support/Object:	One objection received.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposed parapet wall would cause overshadowing	Due to its orientation, length and height, the proposed boundary wall meets the deemed to comply provisions contained within the R Codes in respect of overshadowing impacts.	Not Uphold
The parapet wall will decrease amenity and outlook	Refer to the comments section of this report.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

If the applicant is unhappy with the decision there is a 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.

**U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143
(NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies and the R-Codes with the exception of the front setback of the boundary wall set out in *LPP3.1 – Residential Development*. This requires consideration against the Design Principles of the R-Codes (see comments section below).

COMMENTAmenity Impact

As per LPP3.1 – Residential Development, boundary walls in areas coded less than R20, are to be built behind the street setback line set out in Table 1 of the R-Codes. For lots with a density code of R15, such as the subject site, Table 1 sets the street setback line at 6.0 metres from the property boundary. With a proposed setback of 5.1m the proposal does not meet the deemed to comply criteria and as such a performance assessment is required. In this case, the variation is supported for the following reasons:

- The proposed boundary wall to the garage has a maximum height of 2.7 metres with a length of 6 metres. The deemed to comply provisions of the R-Codes provide for a maximum wall height of 3.5 metres, an average wall height of 3 metres and a maximum length of 9 metres. The modest size of the garage extension and associated boundary wall ensures it has minimal bulk impact on the adjoining landowner;
- There are no visual privacy or over shadowing issues created by the proposed boundary wall, as each of these aspects meets the relevant deemed to comply provisions of the R-Codes;
- The proposed boundary wall is located in line with the existing garage which is setback 5.1 metres from the street boundary (Figure 2). As such, the proposal will result in minimal change to the established streetscape; and
- As seen from Figures 3 and 4, the boundary wall does not directly abut any major openings to habitable spaces on the neighbour's property. Whilst a portion of the subject wall will be visible from the sitting room, the view from this window is oblique rather than direct, allowing the bulk impact of the wall to be reduced.

U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143 (NO.5) TANSON STREET, ATTADALE WA 6156 (REC) (ATTACHMENT)

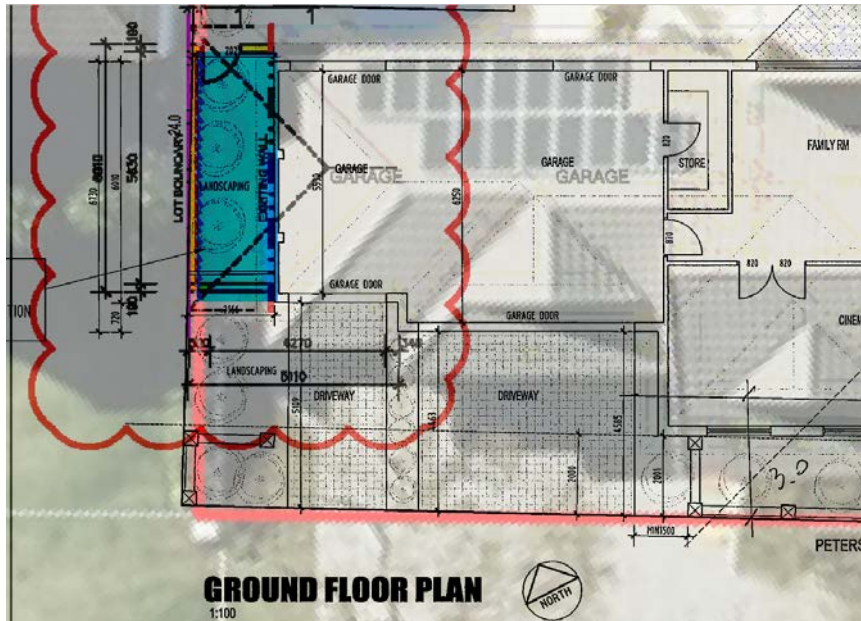


Figure.2: Floor plan of the subject site. The portion being extended is highlighted in blue.

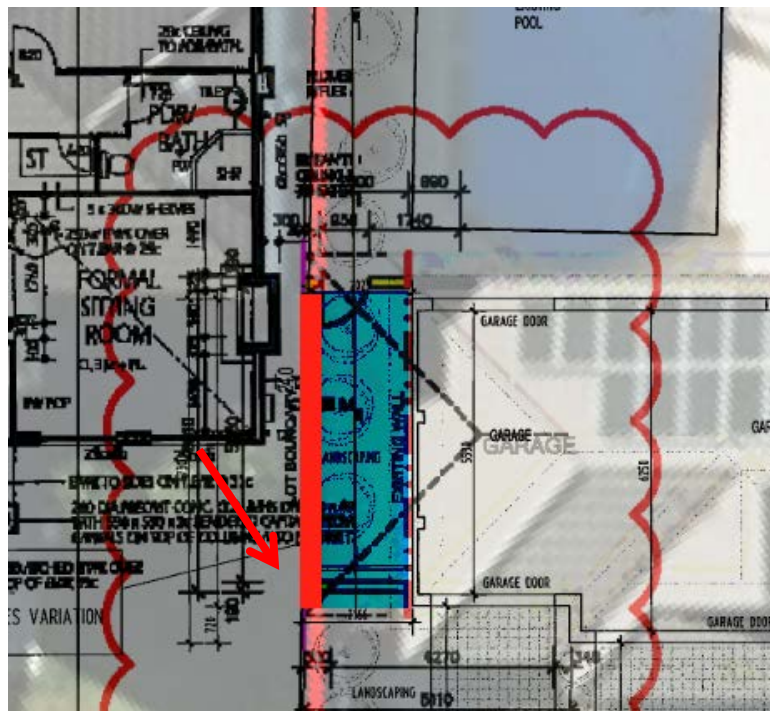


Figure.3 Site plan overlay of the subject application and the neighbouring properties ground floors. The rectangle highlighted in blue displays the area being extended, the red line demonstrates the parapet wall and the arrow demonstrates the oblique view of the proposed wall from the neighbour's sitting room.

**U20/0536 - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - LOT 143
(NO.5) TANSON STREET, ATTADALE WA 6156 (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 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 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.**
- 3. 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.**
- 4. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.**