

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 10 JANUARY 2023**

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](mailto:peter.prendergast@melville.wa.gov.au) or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

**DISTRIBUTED: FRIDAY, 13 JANUARY 2023**



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 10 JANUARY 2023**

**PRESENT**

M Scarfone  
T Cappellucci  
T Geddes  
A Brooksbank

A/Manager Statutory Planning  
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 has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

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

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

**Meeting to be informed of disclosures**

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

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

**Disclosing members not to participate in meetings**

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

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

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

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

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

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**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

Ward : Applecross-Mount Pleasant  
 Category : Operational  
 Application Number : DA-2022-907  
 Property : Lot 131 (No. 8B) Collier Street, Applecross 6153  
 Proposal : Two Storey Single House  
 Applicant : Avena Homes  
 Owner : Queensgate Investments WA Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No Previous Items  
 Responsible Officer : Mark Scarfone  
 Acting Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<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>

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two-storey single house at Lot 131 (No. 8B) Collier Street, Applecross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1) and Local Planning Policy 1.9 Height of Buildings, 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 a number of aspects including the lot boundary setbacks to the adjoining eastern property.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, one objection was received relating to the amenity impacts from the lot boundary setbacks.
- 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**

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET,  
APPLECROSS 6153 (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

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

**Site Details**

Lot Area	: 466m <sup>2</sup>
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Yes
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, 13 January 2023.

**DETAIL**

In October 2022 a development application was lodged for a two-storey single house at Lot 131 (No. 8B) Collier Street, Applecross.

In response to concerns raised by the City, revised plans were submitted in December 2022 which provided additional information with regards to the meter box location and screen wall. Amendments to the eastern side setbacks were not requested by the City or altered by the applicant. These amended plans are the subject of this report.

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

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

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>
5.1.3 Lot boundary setbacks Cl. 3.1 (i) – Eastern Elevation Ground Floor (Dining – Guest Bed)	1.5m	1.3m	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.1.3 Lot boundary setbacks Cl. 3.1 (i) – Eastern Elevation Upper Floor (Entertaining - Master)	3.5m	1.9m	Requires a performance assessment against the Design Principles of the R-Codes.	DAU
5.1.3 Lot boundary setbacks Cl. 3.1 (i) – Western Elevation Upper Floor (Entertaining - Master)	3.5m	1.5m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
5.3.2 Landscaping	50%	35.21%	Requires a performance assessment against the Design Principles of the R-Codes.	MSP

Local Planning Policy 3.1 Residential Development

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 4 Fences and Street Walls C4.3 Infill height C4.4 Solid wall portion	Infill permitted 1.8m Solid portions 1.8m (height) and 1m (wide)	Infill to 2m Solid portion 1.9m (height) and 1.3m (wide)	Requires assessment against the Design Principles of the R-Codes.	MSP

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

<b>Design Element (Continued)</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 6 Boundary Walls  C3.2(iii) Boundary walls length and height	Maximum wall height of 3.5m and maximum wall length of 11.51m	Maximum wall height of 4.2m and cumulative wall length of 17.55m	Requires assessment against the Design Principles of the R-Codes.	MSP

The officer comment below is limited to lot boundary setbacks to the eastern boundary as this was the subject of the objection received. The proposed elements in relation to lot boundary setbacks to the western boundary, boundary wall length and height to the western boundary, landscaping and fences and street walls are considered to meet the relevant design principles and are supported on that basis.

**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 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>
Building would impact on outdoor space as well as natural light entering courtyard	Overshadowing meets the deemed to comply provisions of the R-Codes with a total of 11.3%. The primary outdoor living area and major openings of the adjoining property are predominantly unaffected as outlined in comments section below.	Not Uphold
Not in favour of a house being closer to the boundary wall than is generally permitted.	The R-Codes allows for a performance based assessment of each proposal based on its merits. The proposed setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

## **II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

## **STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse the application for planning approval, the Applicant will have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

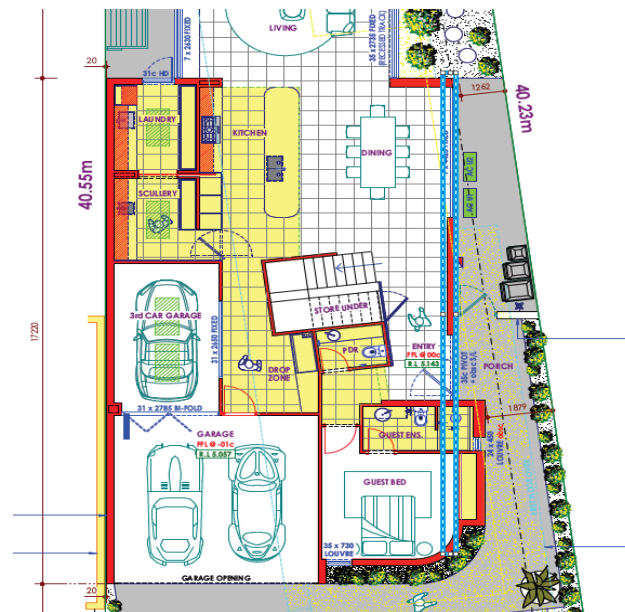
## **COMMENT**

### Lot Boundary Setbacks – Eastern Boundary

The proposed development is seeking a performance assessment for the lot boundary setbacks to the eastern boundary on the ground and upper floor as outlined above in the detail section of this report. The design principles contained in Clause 5.1.3 of the R-Codes seek to reduce the impact of building bulk on adjoining properties, maintain visual privacy, maintain amenity for outdoor living areas and contribute to the streetscape. The side setbacks to the eastern boundary are considered to meet the design principles for the following reasons:

- The ground floor is well articulated through the incorporating of varied setbacks, the use of a range of materials, the inclusion of a number of windows and a concrete canopy (as shown in Figure 2 below). This articulation reduces the impression of building bulk.

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**



**Figure 2:** Ground Floor Setback of Dining to Guest Bed wall (as marked in blue)

- In regard to the upper floor setback, the bulk of the wall is minimised through the following design aspects:
  - a. the eastern dwelling has no major opening windows on the upper floor ensuring the proposed development does not have a bulk impact on these rooms.
  - b. the ground floor of the adjoining dwelling is designed with the primary aspect towards the front or the rear of the lot. The windows on the western ground floor elevation are therefore a secondary light source for the majority of these rooms. Due to the narrow setback from these rooms to the western boundary, the existing view from these spaces is generally onto the dividing fence reducing the perception of bulk from the proposed upper floors.
  - c. the proposed development does not impact on the primary aspect from the ground floor windows.

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

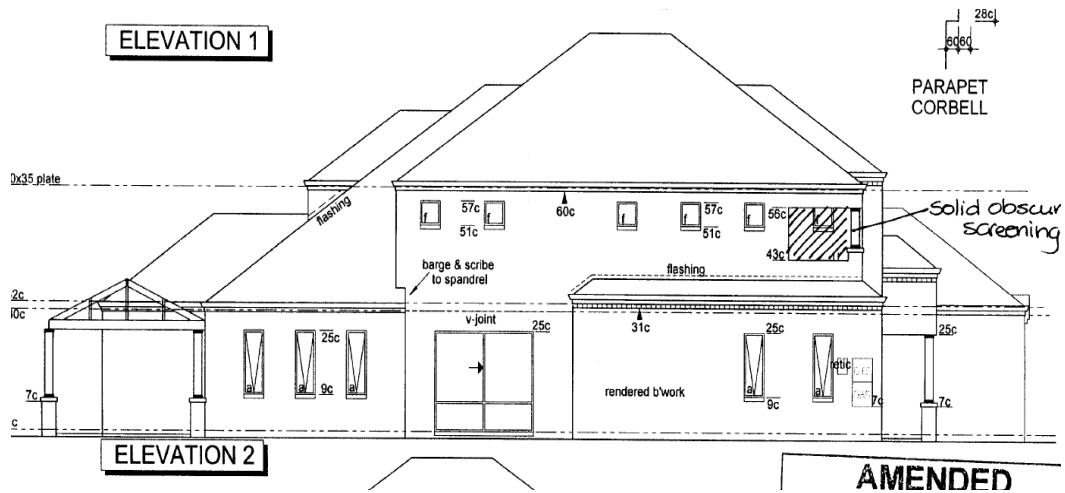


**Figure 3:** Side by side overlay of ground floors of subject dwelling (middle lot), eastern existing single house (10A Collier Street) and western single house (8A Collier Street)



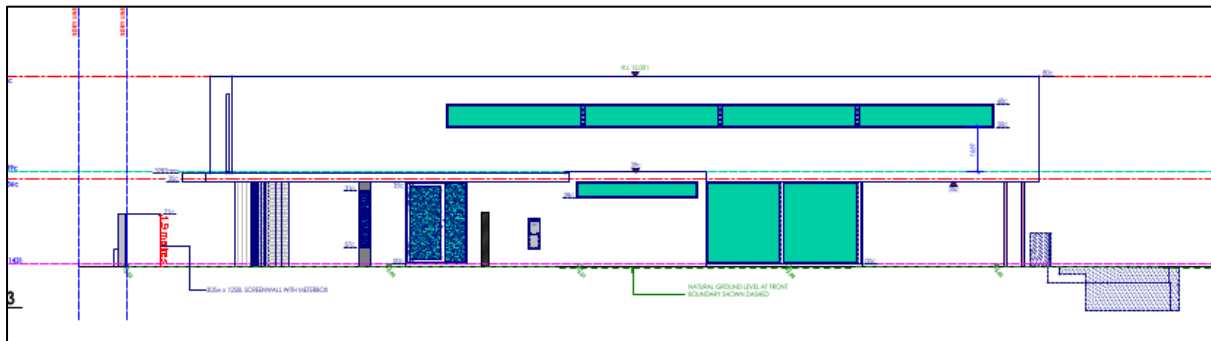
**Figure 4:** View facing east towards 10A Collier Street boundary viewed from inside subejct lot.

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**



**Figure 5:** Western elevation of 10A Collier Street which faces subject site.

- As the subject single house ground floor is not raised more than 500mm above natural ground level nor are there any major openings on the upper floor eastern elevation (as per Figure 6 below), there are no overlooking issues as a result; and



**Figure 6:** Eastern Elevation of subject development as viewed from 10A Collier Street.

- The amount of overshadowing created by the subject development onto the adjoining eastern lot meets the deemed to comply standards of the R-Codes.

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET, APPLECROSS 6153 (REC) (ATTACHMENT)**

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

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

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

### **CONCLUSION**

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On 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 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 crossover shall be designed to be;**
  - a. a maximum width of 6m;**
  - 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.**

- 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 / secondary street setback area shall meet the requirements contained under clause 3 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.**

**U23/0596 – TWO STOREY SINGLE HOUSE - LOT 131 (NO. 8B) COLLIER STREET,  
APPLECROSS 6153 (REC) (ATTACHMENT)**

7. 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.
8. Prior to the initial occupation of the development, the on-site tree (as indicated in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing 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
10. Prior to commencement of development, payment for the removal and replacement of street tree TRSH001988 (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*.
11. Unless otherwise approved in writing by the City, all trees located on the verge 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. 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.
  - b. 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.
  - c. Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - d. The following actions shall not be undertaken within any TPZ:
  - e. Storage of materials, equipment, fuel, oil dumps or chemicals;
  - f. Servicing or refuelling of equipment or vehicles;
  - g. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
  - h. Open-cut trenching or excavation works (whether or not for laying of services);
  - i. Changes to the natural ground level of the verge;
  - j. Location of any temporary buildings including portable toilets; or
  - k. The parking of vehicles or machinery.

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)**

Ward : Bicton-Attadale-Alfred Cove  
 Category : Operational  
 Application Number : DA-2022-816  
 Property : Lot 86 (No.50A) Kingsall Road, Attadale 6156  
 Proposal : Two Storey Single House  
 Applicant : Shane Delaporte  
 Owner : Tammy and Shane Delaporte  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No Previous Items  
 Responsible Officer : Mark Scarfone  
 Acting Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	<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>

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey single house at Lot 86 (No.50A) Kingsall Road, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1), Local Planning Policy 1.9 Height of Buildings, 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 a number of aspects including the lot boundary setbacks and solar access.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, one objection was received relating to the amenity impact caused by the development.
- 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**

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R25
Use Type	: Single House
Use Class	: Permitted

**Site Details**

Lot Area	: 407m <sup>2</sup>
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: Drainage pit, 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, 13 January 2023.

**DETAIL**

In June 2022 a development application was lodged for a two-storey single house at Lot 86 (No.50A) Kingsall Road, Attadale 6156

In response to concerns raised by the City, revised plans were submitted in September 2022 which reduced the boundary wall length, increased some side setbacks and reduced the overshadowing. These amended plans are the subject of this report.

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

State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
NORTH 5.1.3 Lot boundary setbacks	GF Foyer (bulk) 1.0m GF Alfresco 1.0m GF Hall (bulk) 1.5 m GF Fireplace (bulk) 1.5m UF Bed 3 (bulk) 2.8m UF Void/Stair (bulk) 1.8m	0.7m 0.8m 0.9m 1.35m 1.2m 1.4m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD,  
ATTADALE 6156 (REC) (ATTACHMENT)**

<b>Design Element (Continued)</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
SOUTH 5.1.3 Lot boundary setbacks	GF Alfresco/Living (bulk) 1.5 m UF Bath/Toilet (bulk) 2.8	1m 2.3m	Requires a performance assessment against the Design Principles of the R-Codes.	DAU
5.1.4 Open Space	50%	47.18%	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
5.4.2 Overshadowing	25%	31.9%	Requires a performance assessment against the Design Principles of the R-Codes.	DAU

Local Planning Policy 3.1 Residential Development

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 4 Garage width C2.1 Garage Width	Maximum 50%	57.4%	Requires assessment against the Design Principles of the R-Codes.	MSP
Clause 6 Boundary Walls C3.2iii Boundary Wall Length	Permitted 13.5m	14m	Requires assessment against the Design Principles of the R-Codes.	DAU

The officer comment below is limited to lot boundary setback, boundary wall length and overshadowing as these issues were the subject of the objection received. The proposed elements in relation to open space and garage width are considered to meet the relevant design principles and are supported on that basis.

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 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 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>
Natural light to OLA and major openings reduced as a result of overshadowing.	Since initial advertising, plans have been amended and overshadowing has been reduced. The solar access for the adjoining property meets the design principles of the R-Codes as outlined in the report below.	Not Uphold
Natural direct light reduced to street facing and other major openings as a result of boundary wall.	See comments in report below. Note the subject dwelling is set back further from the street boundary than the objector's dwelling.	Not Uphold
Natural light reduced substantially and objector dwelling complying.	The R-Codes allows for a performance based assessment of each proposal based on its merits. The proposed setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold
Boundary wall in front setback impacting objector's front fence.	The subject dwelling set back further than objector dwelling.	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*.

**U23/0597 - TWO STOREY SINGLE HOUSE - LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)**

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

## **COMMENT**

### Lot Boundary Setbacks and Boundary Walls

The proposed development is seeking a performance assessment for lot boundary setbacks to the southern boundary on the ground and upper floor and for the total boundary wall length as outlined above in the detail section of this report. The design principles contained in Clause 5.1.3 Lot Boundary Setbacks of the R-codes seek to reduce the impact of building bulk on adjoining properties, maintain visual privacy, maintain amenity for outdoor living areas and contribute to the streetscape. The proposed development is considered to meet the design principles as discussed below.

- In relation to the ground floor, this is well articulated with some sections of boundary walls and setbacks ranging between 1.0 and 1.5 metres.
- The existing boundary walls on adjoining property also reduce the areas of the ground floor which are visible from external areas on that lot.
- The proposed ground level of the dwelling NGL is approximately 500mm less than the adjoining dwelling which reduces the visible bulk when viewed from that side.
- The boundary wall to the front aligns with that of the adjoining dwelling, reducing the total ground floor length which impacts the neighbouring open areas and ensures a positive contribution to the street as discussed below.
- The rear of the lot is an open alfresco which against reduces the impact of building bulk as viewed from the southern side.
- In relation to the upper floor this is also well articulated with setbacks ranging between 1.5 and 2.3 metres.
- As noted, above much of the upper floor will be obscured from the adjoining property due to the existing boundary walls. The roof to the adjoining alfresco area also obscures much of the upper floor, minimising its bulk.
- The setbacks permit adequate natural light into habitable rooms both directly and indirectly and the rear alfresco area is unaffected. Regarding ventilation, the articulated setbacks on both sides with both upper and ground floor permit adequate ventilation into and around both the subject and south adjoining dwelling.
- As there are no major openings or active outdoor habitable spaces facing the south adjoining lot which are raised more than 0.5m above NGL, no issues relating to visual privacy are created.

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In relation to the lot boundary wall length this is considered to meet the design principles for following reasons:

- The boundary wall to the front aligns with that of the adjoining dwelling, reducing the total ground floor length which is visible to the neighbouring open areas. The alignment of this wall also ensures it is consistent with the existing and desired streetscape.
- The boundary wall in the central portion of the lot is adjacent to the central outdoor living area of the adjoining property. As per the dot points below, due to the difference in floor levels between properties, the height of this wall from the adjoining property will be approximately 2.5 metres. This ensures the development will not have a undue bulk impact on the adjoining dwelling. The boundary wall protects the privacy of the occupants of the adjoining outdoor living area due to the fact there are no windows in this area.
- The height of the proposed boundary walls meets the deemed to comply standards. As the dwelling NGL is lower than the neighbour which reduces the visible bulk.
- The boundary walls do not impact on light and ventilation for the adjoining property. As discussed below, the solar access for the adjoining property is considered to meet the relevant design principles. The shadow cast onto the adjoining property is from the upper floors not the boundary walls. As the boundary walls have no major openings there are no overlooking issues or loss of visual privacy for the subject site or south adjoining property.
- By aligning the dwelling with the south boundary, the subject site makes better use of the north orientation for more direct light into habitable rooms (through both major and minor openings). The Outdoor Living Area is at the rear of the lot as shown in the ground floor plan below which creates a large area of functional outdoor space., situated behind the dwelling for improved privacy.
- Major openings are predominantly on the north side ground floor, with highlight and other minor openings permitted direct natural light into the north side of the subject dwelling without compromising visual privacy for north adjoining lots. As shown in Figure 2, most overshadowing falls on boundary walls, covered areas, or openings to non-habitable areas such as the hallway.

The Design Principles in Clause 5.4.2 Solar access for adjoining dwellings aim to ensure there is sufficient solar access for the proposed dwelling and the adjoining dwelling. In relation to the adjoining dwelling the Design Principles seek to protect outdoor living areas, major openings and solar collectors. The proposed development is considered to meet these principles for the following reasons:

- The design of the adjoining property ensures that the majority of the proposed shadow falls onto roofed areas, boundary walls and areas which do not contain major openings such as the hallway.
- Due to the orientation of the lots the major opening to the adjoining family room and the master bedroom will continue to receive access to some midday sun. The adjoining covered alfresco area is already shadowed by its roof and is not designed in an optimal manner to receive winter sunlight.
- There are no solar collectors on the adjoining dwelling.
- The proposed development is designed with some north facing windows and will its outdoor living area is not optimally located for winter sun, it opens onto an unenclosed outdoor area which will receive this.

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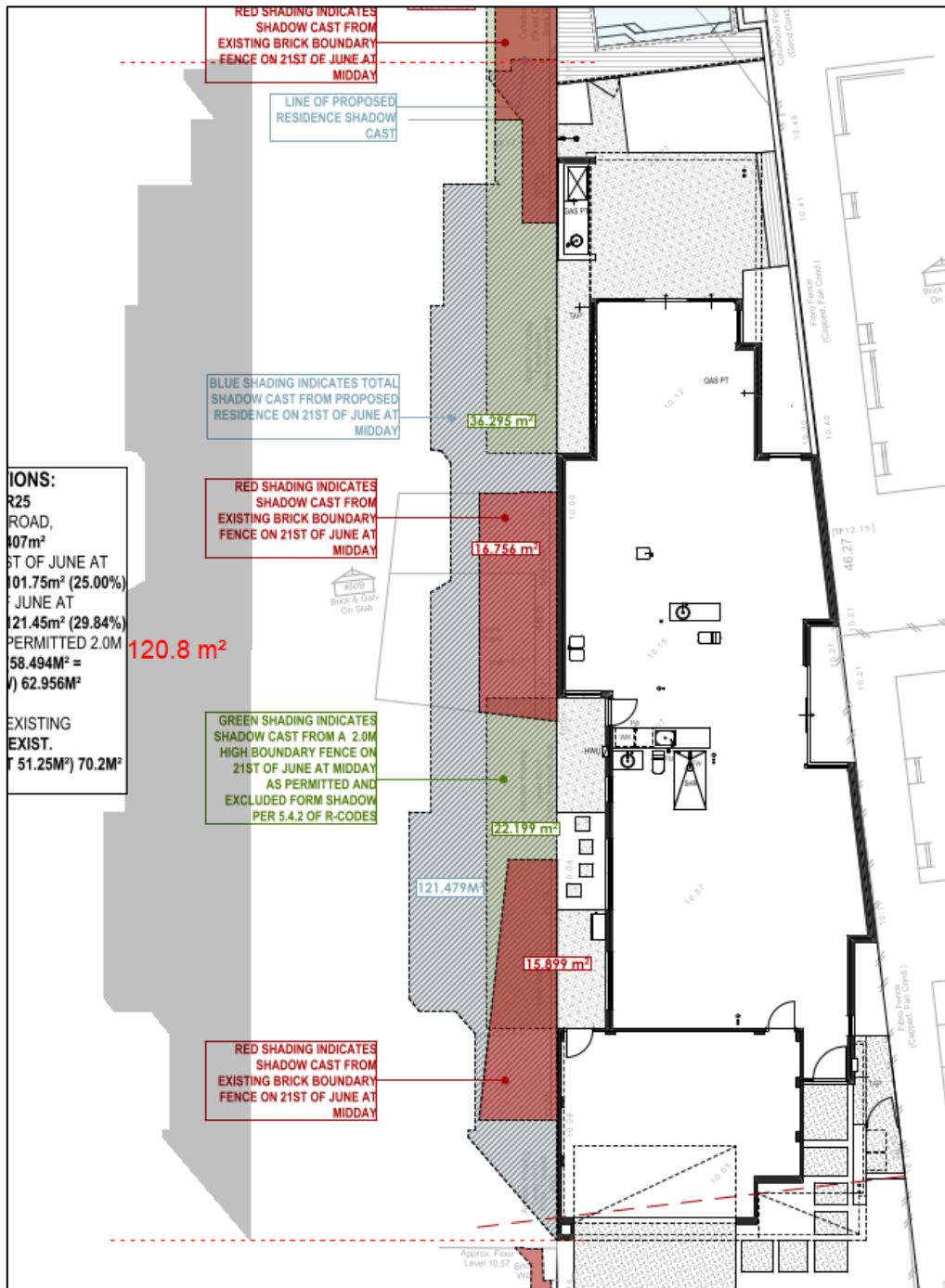


Figure 2: Overshadowing caused by proposed dwelling on LHS lot.

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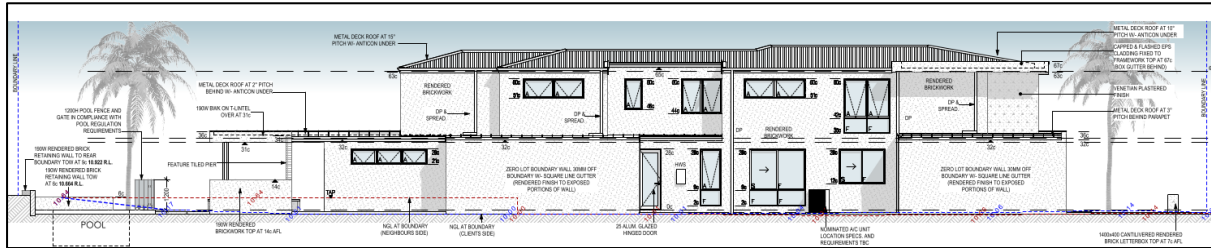


Figure 3: Elevation from south side showing dwelling as viewed from south adjoining lot.



Figure 4: View west across the vacant site 50A Kingsall Road showing objector dwelling on LHS

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

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

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

### **CONCLUSION**

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On 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 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 crossover shall be designed to be;**
  - a. a maximum width of 6m;**
  - 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.**

- 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 / secondary street setback area shall meet the requirements contained under clause 3 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.**

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7. 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.
8. Prior to the initial occupation of the development, the on-site tree (as indicated in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing 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
10. Unless otherwise approved in writing by the City, all trees located on the verge 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. 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.
  - b. 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.
  - c. Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - d. The following actions shall not be undertaken within any TPZ:
    - e. Storage of materials, equipment, fuel, oil dumps or chemicals;
    - f. Servicing or refuelling of equipment or vehicles;
    - g. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
    - h. Open-cut trenching or excavation works (whether or not for laying of services);
    - i. Changes to the natural ground level of the verge;
    - j. Location of any temporary buildings including portable toilets; or
    - k. The parking of vehicles or machinery.