

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 10 MARCH 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, 13 MARCH 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, 10 MARCH 2020**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
M Flanagan

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
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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**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
6165 (REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2019-1408
 Property : Lot 115 (14) Peter Street, Attadale
 Proposal : Two Storey Single House
 Applicant : Anthony Raso Design
 Owner : Jason John Young
 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

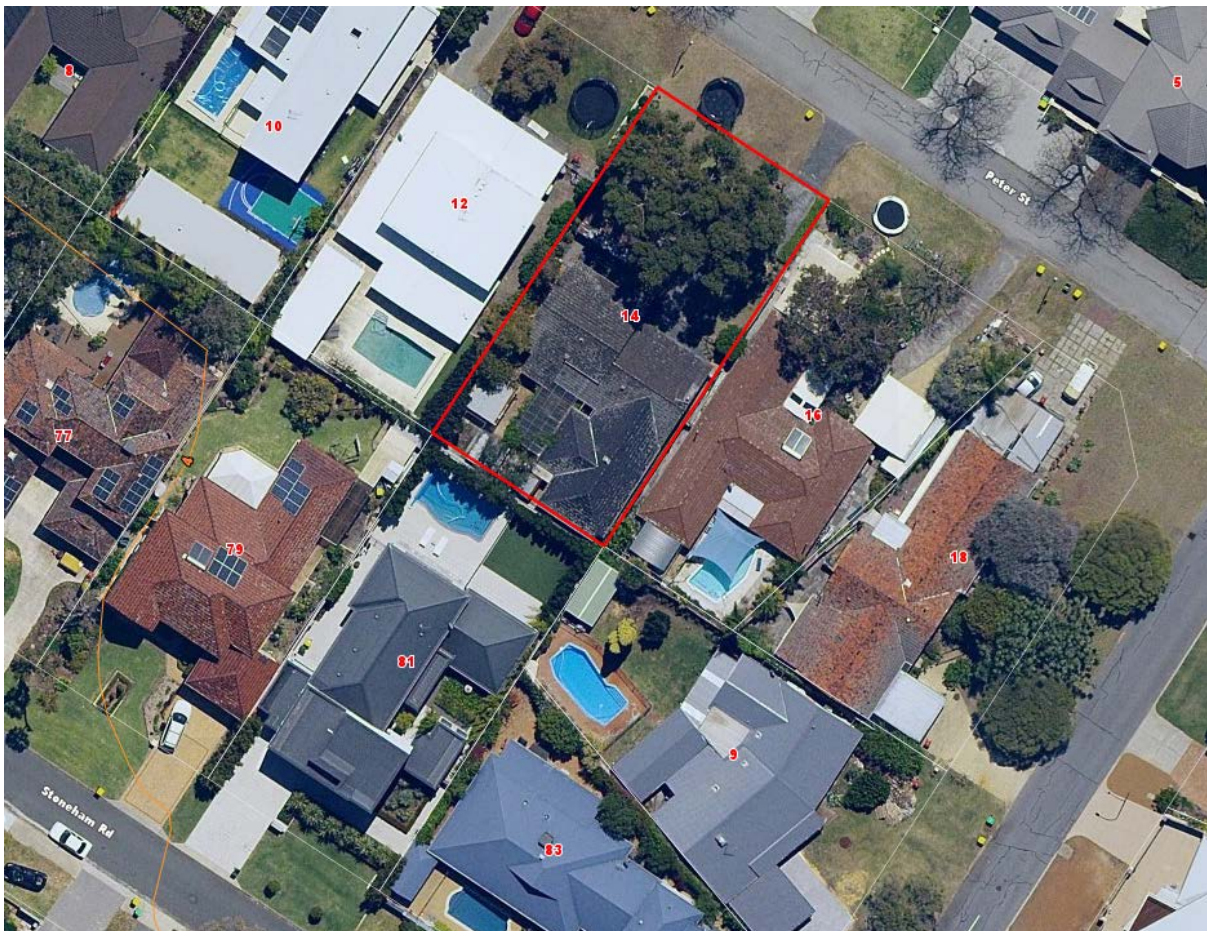
DEFINITION

<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>

**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
6165 (REC) (ATTACHMENT)**

KEY ISSUES/SUMMARY

- Development approval is sought for a two storey single house at Lot 115 (14) Peter Street, Attadale
- The proposed development has been assessed against City of Melville Local Planning Scheme No. 6 (LPS No.6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- The proposal satisfies all the relevant deemed to comply provisions contained in the local planning framework with the exception of rear boundary setback and lot boundary setback for which a performance assessment is required.
- The rear setback was considered to have a potential adverse impact on the adjoining property and as such was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision making. One objection was received relating to the impact of building bulk and overshadowing caused by the proposed dwelling.
- 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.



**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
6165 (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 - 812 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, 13 March 2020

DETAIL

In December 2019, the subject development application was lodged for a proposed two storey single house at Lot 115 (14) Peter Street, Attadale.

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.

R-Code Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Rear Boundary Setback	6.0m	Ground Floor: Minimum 2.8m Average, 3.4m First Floor Minimum 3.1m, Average 4.5m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
6165 (REC) (ATTACHMENT)**

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
SE Lot Boundary Setback (Length of Wall from Store to Garage)	1.5m	1.4m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Manager Statutory Planning (MSP)

Note: Commentary in this report relates only to the elements of the proposed development that are the subject of a submission.

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 1.7.7
 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)
Rear setback	Refer to the comments section of this report.	Not Uphold
Building bulk	Refer to the comments section of this report.	Not Uphold
Overshadowing	The level of overshadowing proposed is consistent with the deemed to comply provisions of the R Codes.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

The applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
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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 Local Planning Policy or Council Policy implications in relation to this development. The proposed development requires a performance assessment having regard to the relevant Design Principles of the R-Codes.

COMMENT

Rear Boundary Setback

The deemed to comply standards contained in Clause 5.1.3 Lot boundary setback of the R-Codes state that lots coded R15 require a minimum rear setback of 6 metres as per Table 1As the proposed dwelling is within 6 metres of the rear boundary, it requires a performance assessment having regard to the relevant design principles. The proposal is considered to meet the design principles for the following reasons:

- The rear elevation is well articulated incorporating a variety of setbacks ranging between 2.8 and 5.5 metres as depicted in Figures 2 and 3. This articulation reduces the perceived bulk and scale of the wall. will reduce potential bulk & scale;
- The proposal is considered to be of a bulk and scale which is consistent within the context of the neighbourhood. The building has been designed with a concealed roof which is 1.5 metres less than the permissible height under the *Local Planning Policy 1.9 Height of Building*, and this limits the overall scale. The height of the building combined with the articulated walls assist to reduce visual bulk ;
- The first floor of the development has been designed in a manner that will ensure no intrusion to visual privacy as there are no major openings on the wall facing the adjoining property;
- The impact of the building bulk will be minimised by a row of existing mature trees, approximately 3-4m high located on the adjoining property(figures 4 and 5); and
- The neighbouring dwelling to the rear is setback approximately 11 metres from the common boundary, as such this will further minimise the bulk impact from the proposed dwelling.

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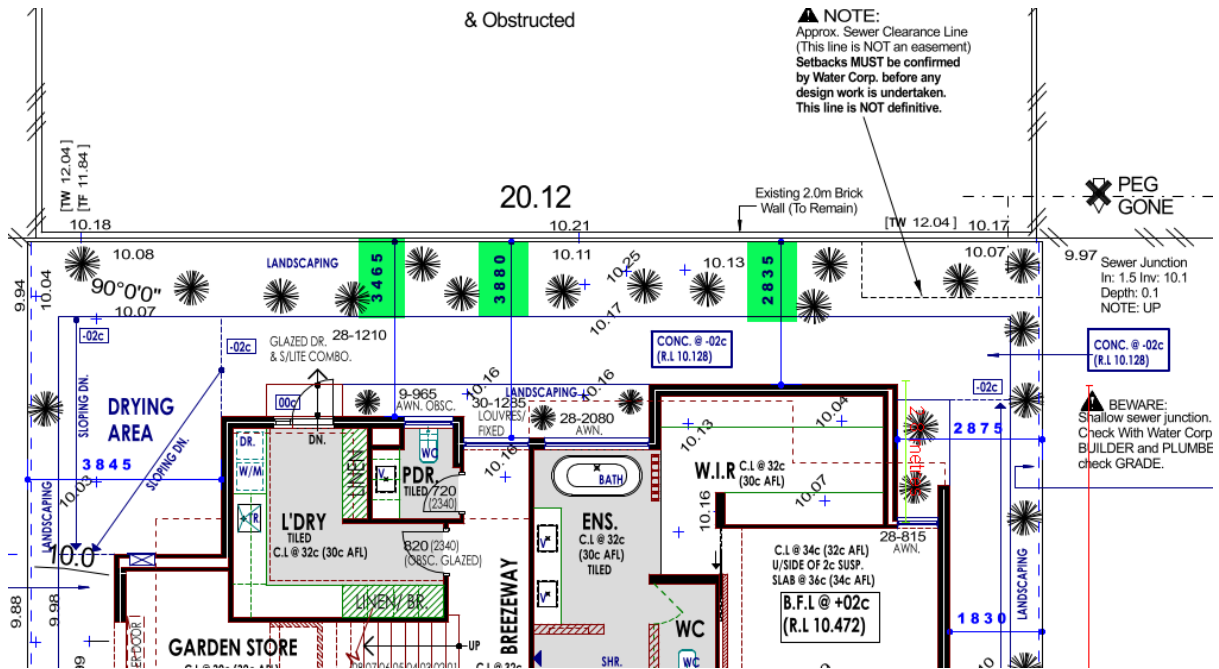


Figure 2: Ground floor setback

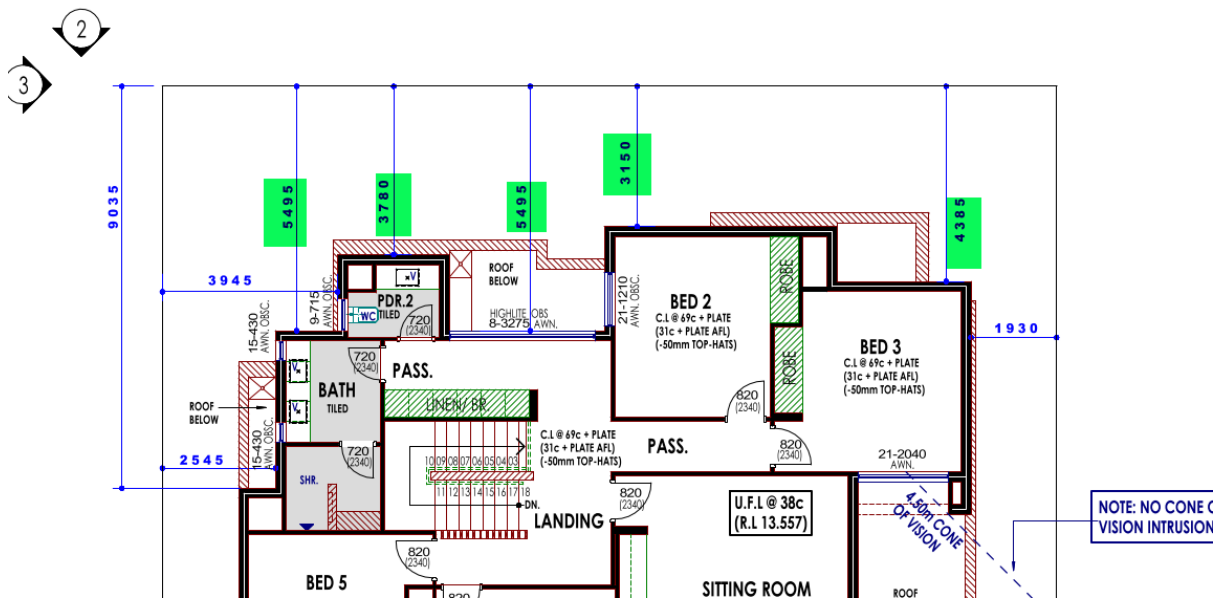


Figure 3: First floor setback

**U20/0530 - TWO STOREY SINGLE HOUSE LOT 115 (14) PETER STREET, ATTADALE
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Figure 4: Northern boundary of the neighbour's lot. Note the row of approximately 3-4m high trees which will have the effect of obscuring the proposed two storey dwelling.

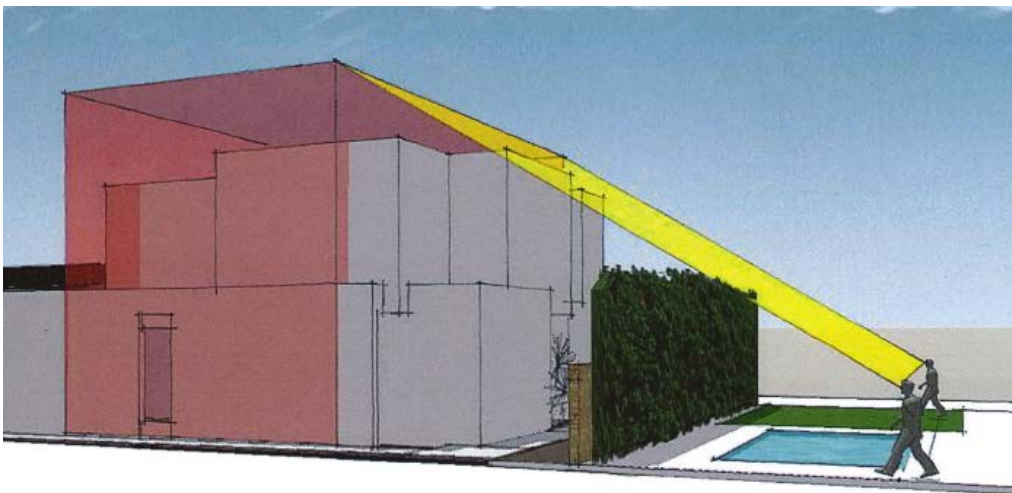


Figure 5: as displayed in the line of sight drawings provided by the applicant, the proposed dwelling will be largely screened by the row of vegetation. The red block shows a compliant height that could occur if the applicant proposed to build the structure 9m high and setback 6m.

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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 an opportunity to call this matter up for formal Council consideration.

CONCLUSION

Given the performance assessment that has been applied in this case concludes that the development as designed is acceptable in principle, it is recommended that approval for the development 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, 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. **The development shall be serviced by a concrete or brick paved vehicle crossover with:**
 - **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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.**
5. **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.**

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- 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. 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.**