

## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

**TUESDAY, 15 JANUARY 2019**

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 JANUARY 2019





**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 JANUARY 2019**

**PRESENT**

G Ponton  
T Cappellucci  
T Capobianco  
M Rea

A/Manager Statutory Planning  
A/Planning Services Coordinator  
Manager Building Services  
A/Senior 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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**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18  
(227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In July 2018, Development Approval was granted for a three storey 'Single House' at Lot 18 (227) The Esplanade, Mount Pleasant.
- An amended Development approval is sought for the construction of the three storey single house as a change in finished floor level height is required due to the current water table levels.
- The proposal satisfies the relevant provisions of Local Planning Scheme No. 6 (LPS6) the deemed to comply provisions of the Residential Design Codes (R-Codes), and applicable Local Planning Policies with the exception of lot boundary setbacks, building height, open space, visual privacy and site works, for which an exercise of judgement is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy LPP1.1 – Planning Process and Decision Making to affected land owners. Two objections were received outlining concerns relating to building height and site works.
- Given the objections received, and in accordance with Council Delegation DA-20: Planning and Related Matters, the application is referred to the Development Advisory Unit (DAU) for determination.
- Notwithstanding the objections 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 for the proposed single house subject to conditions.

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 1 – Aerial Photography**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R12.5
Use Type	:	Residential
Use Class	:	Permitted

**Site Details**

Lot Area	:	1112sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	No
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer 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 January 2019.

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)**

**DETAIL**

Planning approval is sought for an amendment to a previously approved three storey single house at lot 18 (227) The Esplanade, Mount Pleasant (DA-2018-262).

The amendment is required as due to the sites proximity to the Swan River, an increase to the approved finished floor levels is required to accommodate the rising water table.

The amended design has been altered to satisfy the relevant provisions of LPS6, the deemed to comply provisions of the R-Codes and Local Planning Policies, with the exception of those matters listed below:

**Local Planning Scheme and Local Policy Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Building Height	Maximum Eave Height: 8m	9.28m maximum height	Requires assessment against amenity provisions of the Planning and Development (Local Planning Schemes) Regulations 2015	Development Advisory Unit (DAU)

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Rear Setback – Ground Floor (south west) Pool house, Bed 4	6m	1.5m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – Basement (north west) Garage	1.5m	1.11m to 3.2m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18  
(227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)**

<b>Development Requirement (Continued)</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Side Setback – Ground Floor (north west)  Boundary Screening	1.7m	1.26m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – Ground Floor (south east)  Front stair	1.2m	1.15m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Open Space	55%	52.5%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Site Works Variation - (north west)  Retaining, fill	0.5m	2.3m maximum	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Site Works Variation - (south east)  Retaining, fill	0.5m	1.6m maximum	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

The discussion in this report relates only to the variations that are the subject of the objections. All other variations outlined above are considered to meet the relevant design principles of the R-Codes and Local Planning Policy, and are supported on that basis.

**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to Part 4 of the R-Codes  
 Support/Object: Two objections received

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (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)
Site works and associated retaining is in excess	Refer to comments section of this report	Not Uphold
Increased building height (eaves) is in excess	Refer to comments section of this report	Not Uphold

**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 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*.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of the applicable Local planning Policies.

**COMMENT**

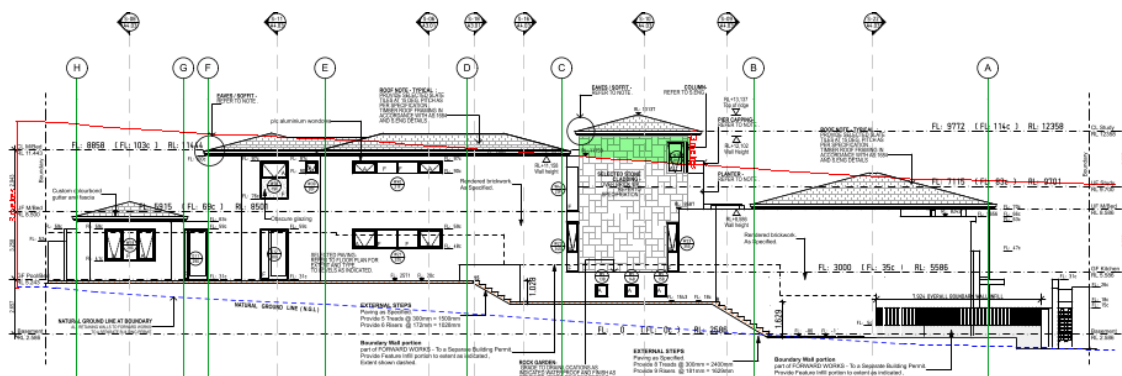
Several aspects of the drawings submitted as part of this amended development application did not meet the deemed to comply provisions of the R-Codes and were considered to have the potential to adversely impact occupiers of adjoining properties. For this reason consultation was undertaken in accordance with LPP1.1 Planning Process and Decision Making.

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)**

Several aspects of the proposed development require assessment having due regard to the Design principles of the R-Codes as outlined in the table above. The variations which are not the subject of the objections are variations which were previously approved under the original development application and are considered to meet the design principles of the R-Codes. The discussion in this report relates only to the variations that are the subject of the objections received in relation to building height and site works on the north west side of the single house. All other variations outlined above are considered to meet the relevant Design Principles of the R-Codes and Local Planning Policy.

*Building Height*

- The proposed maximum eave height is not considered to create an adverse streetscape impact as the proposed development is consistent with the existing scale and character of The Esplanade streetscape.
- The proposed development is compliant with overshadowing provisions outlined by Cl 5.4.2 of the R-Codes, and the over height portion of the development (Figure 2) does not result in adverse overshadowing impacts.
- The additional wall height does not impact on views of significance.
- The building bulk impact towards both the adjoining south eastern property and north western property associated with the over height eave is minimal given the lot boundary setbacks meet the deemed to comply provisions of the R-Codes.



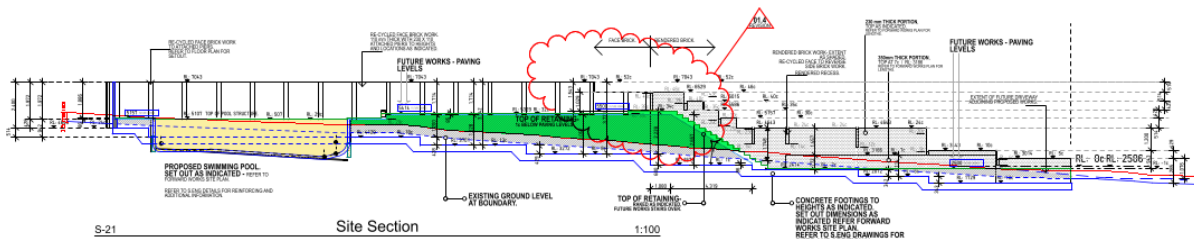
**Figure 2 – Elevation showing portion of height (marked in green) more than R-Code requirements**

*Site Works*

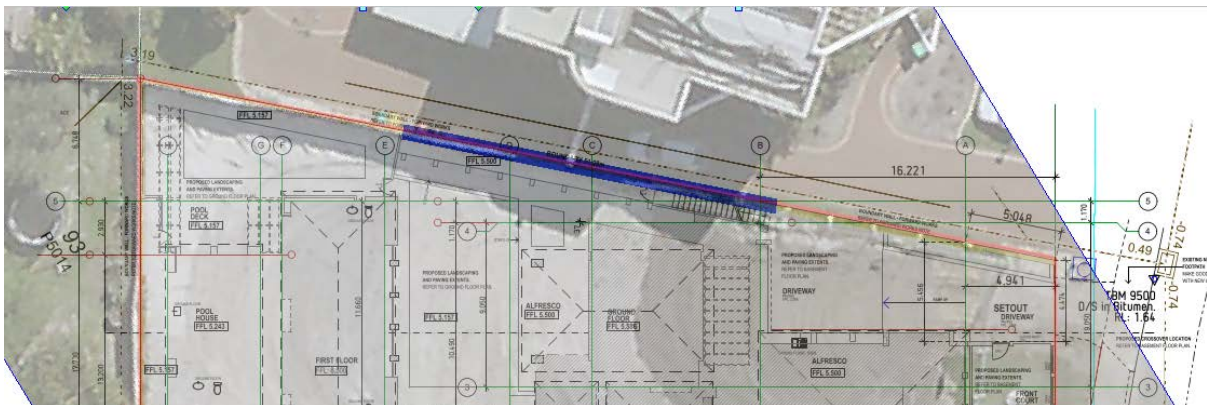
- There is a significant slope present on the site from the rear lot boundary to the primary lot boundary, approximately 2.9m. The majority of the site works along the north western boundary are limited to less than 0.5m with a portion of cut also being undertaken. The proposed development has been appropriately stepped in accordance with the existing topography of the site.
- The increase in the proposed level of site works is due to the water table levels rising significantly on-site given the sites close proximity to the Swan River.
- The natural topography of the site has been respected at the lot boundary of the site as viewed from the street with less than 0.5m of cut/fill being proposed within the primary street setback area.

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)**

- The dividing fence which is to top the proposed retaining restricts any increased extent of overlooking.
- Figure 3 shows the portion of fill which exceeds the permitted 0.5m. The portions of fill which exceed 0.5m are adjacent to the adjoining north western properties driveway as shown in Figure 4. The portion of site works which abuts the outdoor living area of the adjoining north western property are less than 0.5m in height. As such, the over height retaining wall has a minimal building bulk impact on active habitable spaces on the adjoining site.
- The orientation of the site ensures that the increased retaining wall height will create no loss to the provision of adequate direct sun and ventilation to the building and open spaces on the adjoining site.



**Figure 3 – Elevation along north western boundary showing fill more than 0.5m in height (marked in green)**



**Figure 4 – Aerial showing location of proposed retaining wall more than 0.5m in height (marked in blue) on north western boundary**

**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.

**U19/0514 PROPOSED AMENDMENT TO THREE STOREY SINGLE HOUSE AT LOT 18  
(227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)****CONCLUSION**

Based on the above, the amended development application is considered to satisfy the provisions of LPS6, the R-Codes and Local Planning Policy. On this basis, it is recommended that the amended proposal be approved subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- 1. This development approval is granted subject to compliance with the previous development approval DA-2018-262 dated 5 July 2018 (including remaining conditions) and enclosed plans (referenced Site Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan and Elevations) stamped as approved on xx date.**