

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 4 APRIL 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 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 APRIL 2023



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:30 AM ON TUESDAY, 4 APRIL 2023.**

PRESENT

P Prendergast
M Scarfone
T Cappellucci
J Caracciolo

Manager Statutory Planning
Planning Services Coordinator
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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U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET, BATEMAN WA 6150 (REC) (ATTACHMENT)

Ward : Bateman – Kardinya – Murdoch Ward
 Category : Operational
 Application Number : DA-2023-21
 Property : Lot 1 (No. 16A) Electra Street, Bateman WA 6150
 Proposal : Two Storey Single Dwelling
 Applicant : Webb & Brown-Neaves
 Owner : E & M Mazza
 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 (eg 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>

U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET, BATEMAN WA 6150 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for a two storey single dwelling at Lot 1 (No 16A) Electra Street, Bateman.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes) and relevant local planning policies including Local Planning Policy 3.1 – Residential Development.
- The proposed development requires a performance assessment in relation to lot boundary setbacks and visual privacy.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, two (2) submissions were received from the same neighbour, with both of these submissions objecting to the proposal.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant design principles of State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes).
- It is recommended that approval be granted subject to conditions.



Figure 1: Aerial photography of subject site.

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Single Dwelling
Use Class	: 'P' Use

Site Details

Lot Area	: 497m ²
Retention of Existing Vegetation	: No
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: 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, 17 March 2023.

DETAIL

The application has been assessed against the provisions of LPS6, the R-Codes and relevant Local Planning 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
SOUTH 5.1.3 Lot boundary setbacks – Ground floor	Kitchen to Scullery - 1.5m	1m	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
SOUTH 5.1.3 Lot boundary setbacks – First floor	Ensuite to Void – 2.1m	2m	Requires a performance assessment against the Design Principles of the R-Codes.	DAU

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (REC) (ATTACHMENT)**

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
NORTH 5.1.3 Lot boundary setbacks – Ground floor	Dining Multipurpose 1.5m to –	0.9m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
NORTH 5.1.3 Lot boundary setbacks – Ground floor	Robe to Study – 1m	0.9m	Requires a performance assessment against the Design Principles of the R-Codes.	MSP
5.3.2 – Landscaping	Landscaping in street setback area <50% impervious surfaces	61% impervious surfaces	Requires a performance assessment against the Design Principles of the R-Codes.	MSP
SOUTH 5.4.1 – Visual privacy – First floor	Major openings with a floor level more than 0.5m above natural ground level setback 4.5m	3.4m setback to southern boundary	Requires a performance assessment against the Design Principles of the R-Codes.	DAU

The officer comment below is limited to southern lot boundary setbacks and visual privacy as these issues were the subject of objections from submitters. The proposed elements in relation to northern lot boundary setbacks and landscaping are considered to meet the relevant design principles and are supported on that basis.

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (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: Two (2) submissions objected to the proposal.

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 Comments	Action (Condition/ Uphold/ Not Uphold)
Lot boundary setbacks Concerns regarding the reduced lot boundary setbacks increasing shadow onto the submitter's property and northern aspect of their dwelling and impacting solar panels.	The proposed lot boundary setbacks meet the relevant design principles as outlined in the comments in the report below.	Not Uphold
Visual privacy Concerns regarding views from the bedroom 2 into their outdoor living area impacting privacy.	The proposed visual privacy setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold
Solar access for adjoining sites Concerns regarding the two-storey dwelling overshadowing the submitters existing solar panels, north facing major openings and outdoor living area.	The shadow cast from the proposed two storey dwelling, calculated at 21%, does not exceed the deemed-to-comply limit of 25% of the southern adjacent lot site area.	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*.

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (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

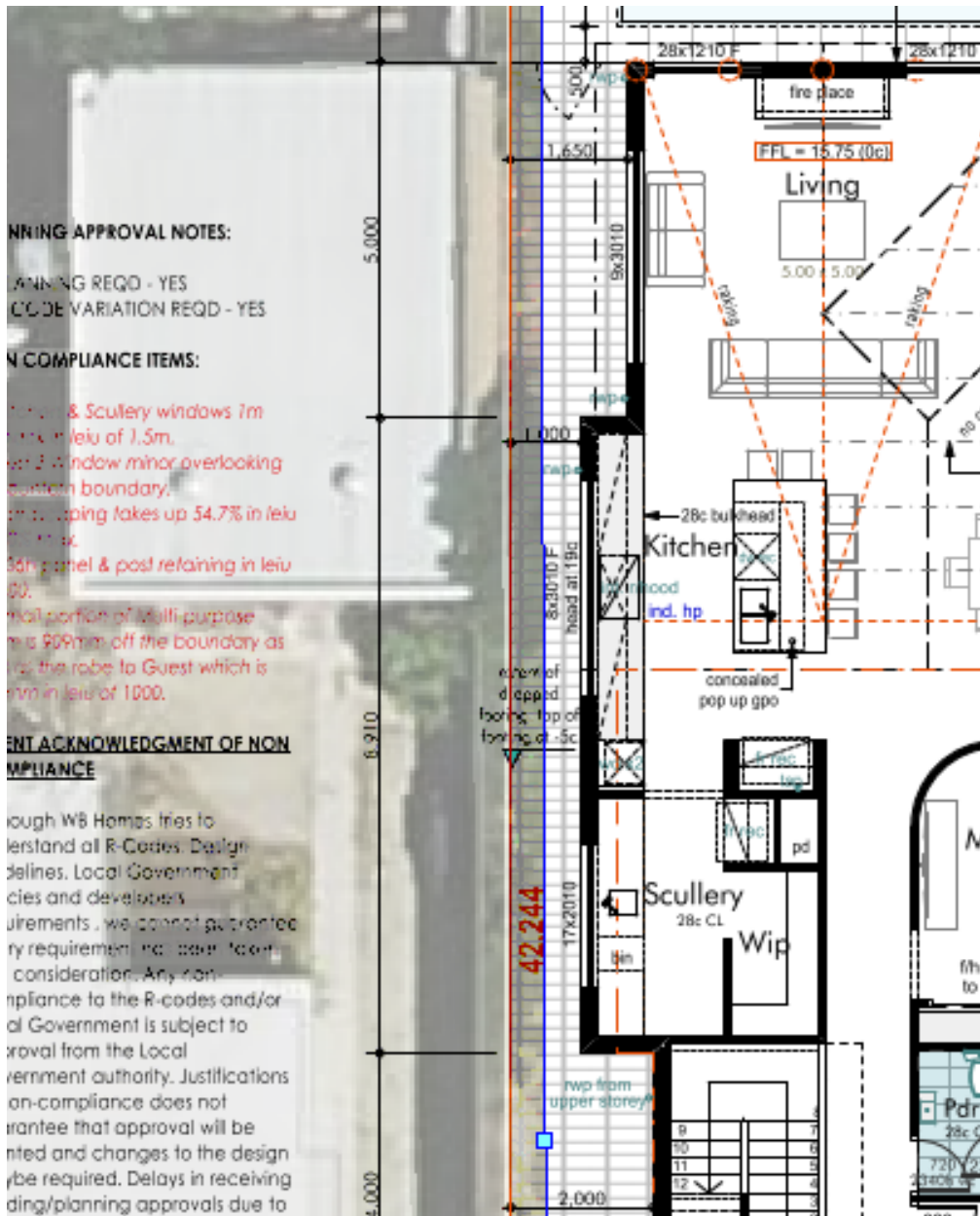
There are no policy implications in relation to this proposal.

COMMENTLot Boundary Setbacks

The proposed development is seeking a performance assessment for lot boundary setbacks to the southern boundary on the ground and first floor 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 lot boundary setback variations are considered to meet the design principles as discussed below.

- Building bulk impacts to the southern adjacent property are considered minimised via multiple articulations throughout the ground floor walls (See Figure 2) and one articulation for the upper floor wall. These wall articulations break up the visual impacts of the building bulk along.
- The southern adjacent dwelling has one major opening from the Living room that faces the ground floor wall (See Figure 3). This living room opening has a 6m setback to the lot boundary in question and the building bulk and amenity impact onto this room is considered minimised by the large existing setback.
- The southern adjacent dwelling has two major openings from bed 2 and bed 4 that face the first floor wall of the subject dwelling (See Figure 3). The building bulk and amenity impacts are minimised by the combined setbacks between the two dwellings of 5m, being the existing 3m setback to the lot boundary of the adjacent property and the 2m setback for the subject site first floor wall.
- Solar access and shadow onto the adjacent property is compliant with deemed-to-comply provisions of the R-Codes.
- The ground floor and first floor walls are not required to be assessed in relation to visual privacy and therefore pose no visual privacy impacts. The major opening from the ground floor kitchen will be screened via the existing dividing fence. There are no major openings in the first floor wall subject to the lot boundary setback variation.

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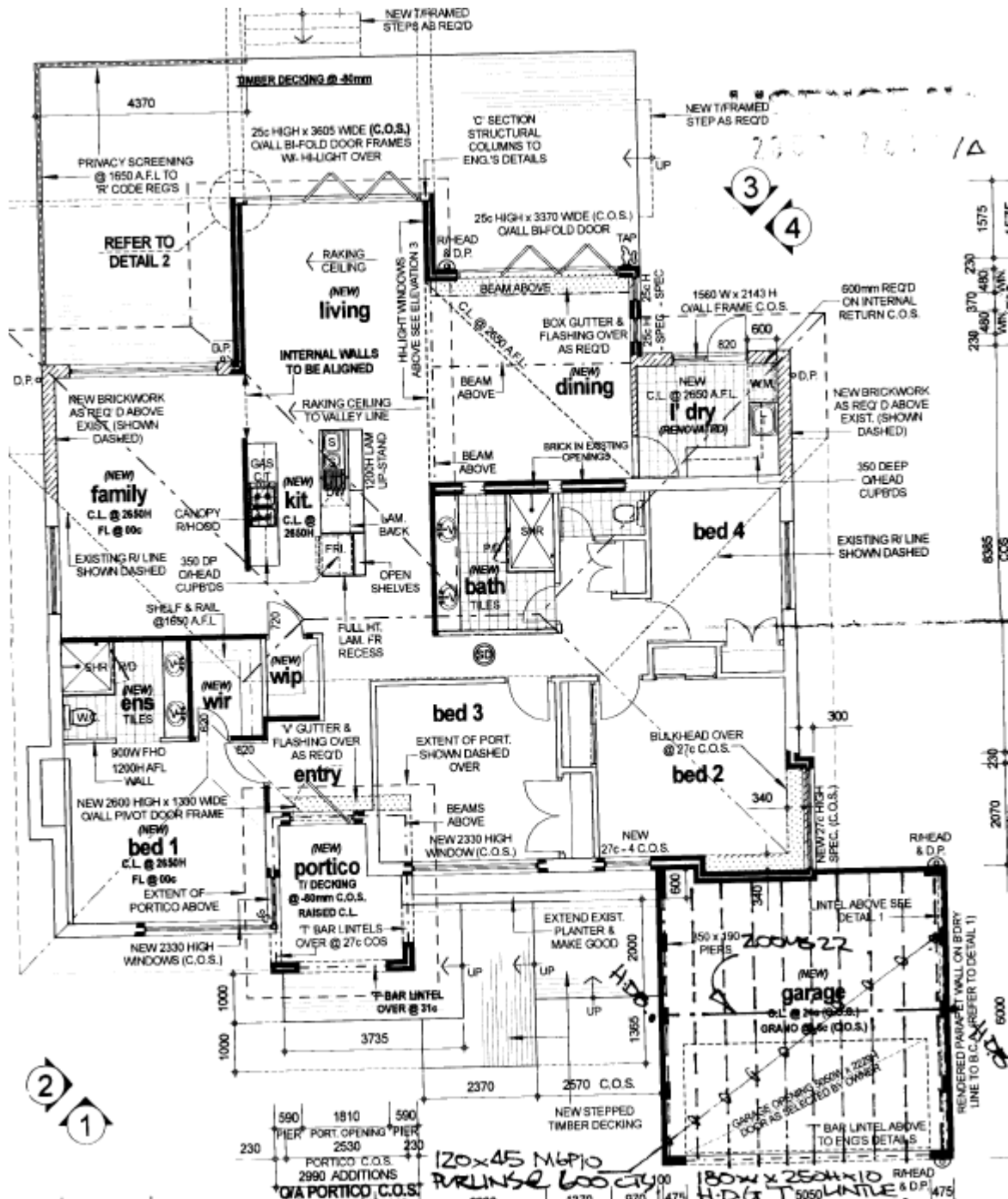


Figure 3: Adjacent southern property floor plan showing major openings to living, bed 2 and bed 4 rooms.

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (REC) (ATTACHMENT)**Visual Privacy

The proposed development is seeking a performance assessment for visual privacy to the southern boundary for the first floor bedroom 2 as outlined above in the detail section of this report. The design principles contained in Clause 5.4.1 Visual Privacy of the R-codes seek to reduce direct overlooking into active habitable spaces and outdoor living areas to adjacent dwellings to achieve maximum visual privacy. The proposed development is considered to meet the design principles as discussed below.

- There is no direct overlooking into the adjacent property active habitable spaces or outdoor living areas (See Figure 4).
- The view within the cone of vision is onto the adjacent properties outbuilding wall and roof. The view beyond the cone of vision is into the rear garden area and a small outbuilding.
- Maximum privacy is considered achieved via the building layout as the major opening is facing west (oblique angle) instead of south (direct angle) in relation to the adjacent property.

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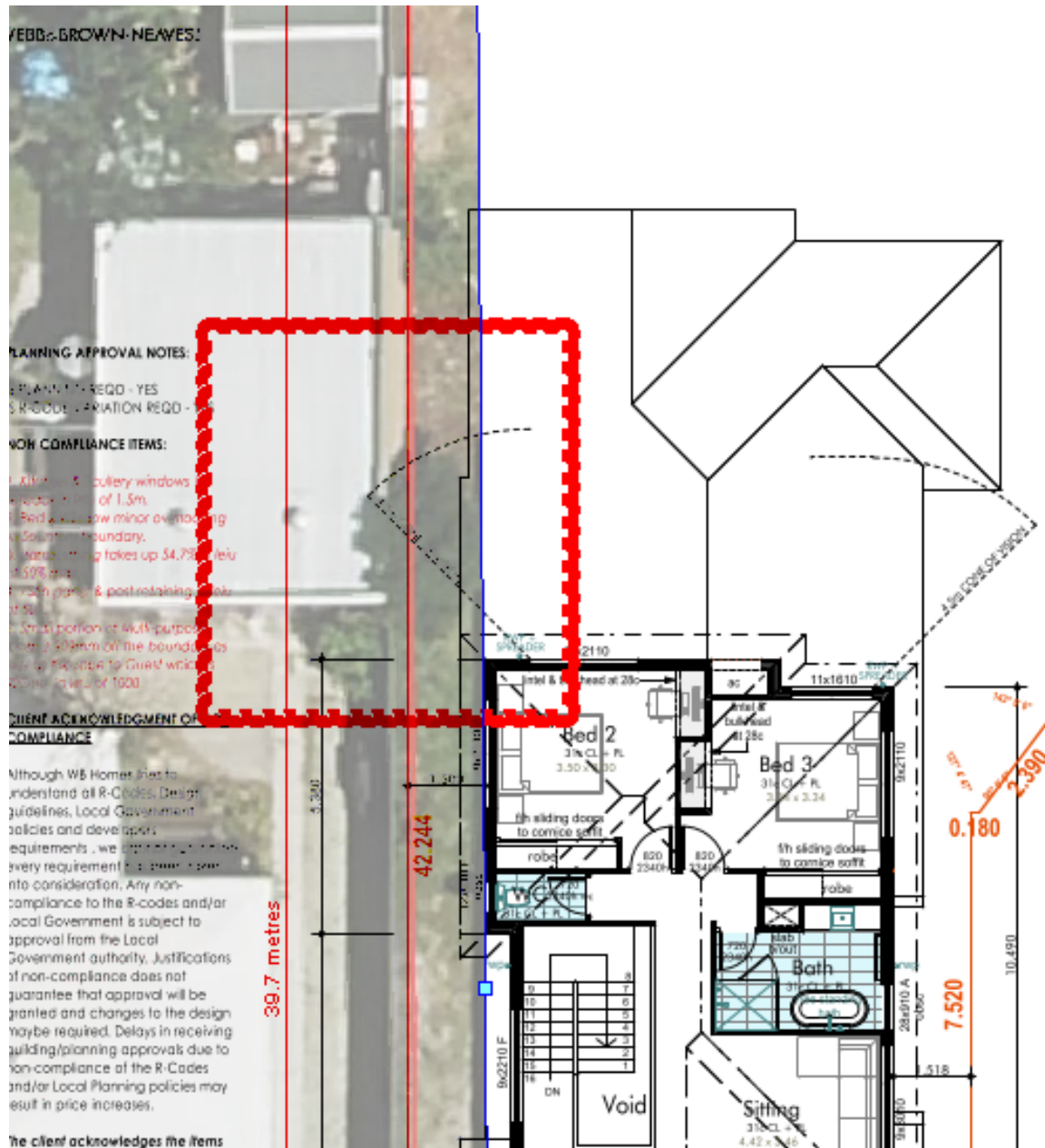


Figure 4: Cone of vision assessment of first floor bedroom 2 in relation to the adjacent property.

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.

**U23/0603 – TWO STOREY SINGLE DWELLING AT LOT 1 (NO. 16A) ELECTRA STREET,
BATEMAN WA 6150 (REC) (ATTACHMENT)**

CONCLUSION

The application is considered to satisfy the provisions of LPS6, SPP 7.3 and Council Policy. It is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

Subject to the following conditions:

- 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. 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.**
- 4. 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 3 of Local Planning Policy *LPP3.1 Residential 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. 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.**
- 7. 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 in accordance with the approved plans**

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.