

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 1 DECEMBER 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, 4 DECEMBER



**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, 1 DECEMBER 2020.**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
A Quintiliani

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
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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U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET, ARDROSS WA 6153 (REC) (ATTACHMENT)

Ward : Central Ward
 Category : Operational
 Application Number : DA-2020-1091
 Property : Lot 602 (No. 2) Leverburgh Street, Ardross WA 6153
 Proposal : Single House
 Applicant : C U Building Group Pty Ltd
 Owner : H Liu
 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>

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
ARDROSS WA 6153 (REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- Development approval is sought for a two storey Single House at Lot 602 (No. 2) Leverburgh Street, Ardross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 1.7.6 of Local Planning Policy 1.1, the proposed development was advertised to the adjoining owners and occupiers. During the consultation period one submission was received objecting to the proposal on the basis of the impact of building bulk, loss of solar access and the potential loss of privacy.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.

**Figure 1 – Aerial Photography**

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
ARDROSS WA 6153 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R40
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	240.00sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	N/A
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, 4 December 2020.

DETAIL

In September 2020, a development application was lodged for a two storey single house and associated site works at Lot 602 (No. 2) Leverburgh Street, Ardross.

The application has been 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 complies with all the relevant development requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.2 Street Setback	Minor incursions setback 2 metres from primary street	1.7 metres to porch	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback (Living to Kitchen)	1.5 metres	1 metre	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
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Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setback (Master Suite to Bed 2)	1.8 metres	1.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.2(ii)-Boundary Walls (Laundry to Kitchen)	Average wall height of 3 metres	Average height of western boundary wall at 3.15 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.4 Open Space	45% open space	42% open space	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.2.1 Setbacks of Garages and Carports	Garage to be setback a minimum of 4.5 metres	3.2 metres minimum	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.2.2 Garage Width	Max 60% for a two storey residential dwelling	61% of the frontage	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.3.5 Vehicular Access	Driveway to be no closer than 6 metres from street corner	4.6 metres away from street corner	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.3.7 Site Works (Northern Boundary)	Fill not to exceed 0.5 metres	0.7 metres above Natural Ground Level	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
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Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.3.7 Site Works (Western Boundary)	Fill not to exceed 0.5 metres	0.6 metres above Natural Ground Level	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Alfresco – Southern Boundary)	To be setback 7.5 metres	Setback 1.2 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Alfresco – Western Boundary)	To be setback 7.5 metres	Setback 4.3 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.2(ii)-Boundary Walls (Laundry to Kitchen)	Average wall height of 3 metres	Average height of eastern boundary wall at 3.25 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
5.1.3 Lot Boundary Setback (Master Suite to Bed 3)	1.8 metres	Setback at 1.6 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
5.3.8 Retaining Walls	Retaining not to exceed 0.5m above NGL within 1m of lot boundary	Retaining at 0.72m above NGL	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
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STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The bulk impact of the dwelling.	Refer to the comments section of this report.	Not Uphold
Restricts the access of direct sun.	The level of overshadowing meets the deemed-to-comply requirements contained within 5.4.2 Solar Access.	Not Uphold
Does not enhance privacy.	The development meets the deemed-to-comply requirements of Clause 5.4.1 Visual Privacy of the R Codes.	Not Uphold
Site works and retaining do not meet the deemed-to-comply.	Refer to the comments section of this report.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they 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.

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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

Lot Boundary Wall Height

Part 6 of Local Planning Policy LPP 3.1 Residential Development replaces Clause 5.1.3 C3.2 (iii) of the R Codes with the following:

C3.2 Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2 of the R-Codes), within the following limits.....

- iii in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback.....*

The proposed development includes two separate boundary walls located along the eastern side boundary. One of these walls meets the deemed to comply provisions of the R Codes as replaced by Part 6 of LPP 3.1. The other wall, from the laundry to kitchen on the proposed plans attached has an average wall height of 3.25m, and as such a performance assessment against the Design Principles of the R Codes is sought. . The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The wall makes an effective use of space whilst not compromising the amenity of the adjoining eastern property;
- The proposed boundary wall is located next to the entry, stairwell and study nook on the ground floor of the adjoining dwelling. These spaces do not contain any major openings as defined by the R-Codes. With respect to the study nook this was approved with obscure glazing, to prevent any overlooking to the west. As demonstrated in Figure 1, the upper floor of the neighbouring property does not contain any windows which look directly onto the proposed boundary wall. Given the location of the wall and its relationship with the neighbouring property, any adverse bulk impacts are managed.
- There are no visual privacy or overshadowing variations created by the proposed boundary wall given its eastern orientation. Both of these aspects meets the relevant deemed-to-comply provisions of the R-Codes; and

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- The base of the proposed boundary wall sits approximately 0.3 metres below the finished floor level of the neighbouring property. This difference in ground levels between the two properties assists in minimising any adverse bulk impact.

Eastern Side Upper Floor Lot Boundary Setback

The proposed upper floor of the dwelling is setback 1.6m from the lot boundary on the eastern side in lieu of the deemed to comply provision of 1.8m. This is a modest 0.2m variation to the deemed to comply provision which requires a performance assessment. The proposed upper floor eastern side boundary setback is considered to meet the Design Principles of the R-Codes for the following reasons;

- The proposed upper floor is located in the front portion of the subject site. A portion of this will abut a section of the adjoining upper floor, which does not contain any openings. The remainder will be visible from the adjoining property.
- The balcony and upper floor bedrooms of the adjoining site are oriented to take advantage of views to the north across the Applecross High School site, whereas the adjoining property is located to the west.
- The location of the wall to the west ensures that there will be minimal impact on access to direct sunlight and ventilation to the habitable rooms on the neighbouring eastern property. While the objector has raised concerns with regard to the potential shadow impact of the proposal to the kitchen and courtyard, it is noted that in actual fact the upper floor of the objectors dwelling itself casts a shadow onto these areas when measured at midday 21 June. It is noted that the shadow cast from the subject proposal meets the deemed-to-comply requirements;
- In relation to building bulk, due to the location of the upper floor in the front portion of the lot, the views of the first floor from the adjoining neighbour's courtyard and kitchen will be an oblique angle, thereby increasing the distance between the spaces and reducing the bulk impact. The building bulk as viewed from the major openings to the ground floor balcony, upper floor balcony and bedroom 4 will be minimal due to the main viewing direction of these openings being to the north (towards Applecross Senior High School). All other openings along the subject elevation are non-habitable; and
- There are no proposed major openings on the upper floor other than those fronting the street and as such the proposal meets the relevant deemed-to-comply provisions of Clause 5.4.1 Visual Privacy of the R-Codes.

**U20/0544 - PROPOSED SINGLE HOUSE - LOT 602 (NO.2) LEVERBURGH STREET,
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The Deemed to Comply provisions of Clause 5.3.7 of the R Codes allow for the erection of retaining walls up to 0.5m in height. In this case, a portion of the proposed retaining wall to the rear exceed 0.5m in height above natural ground level and therefore requires a performance assessment. The proposed retaining wall height is supported when considered against the associated Design Principles as:

- The proposed retaining corresponds to the natural features of the site levels and allows for a flat sand pad level to allow for a useable outdoor living space to the rear of the property. Given the slope on the rear of the subject lot (see Figure 3), the fill is not considered excessive and equates to an equal level of cut and fill;
- The amount of proposed cut to fill does not detrimentally affect neighbouring properties given it does not create any overshadowing as the retaining wall abuts the eastern boundary;
- The existing dividing fence (TOF 13.64) will be 2.4m above the proposed retained level of the outdoor living area of the subject property (RL 11.22), therefore will not create any overlooking issues; and
- The proposed retaining at the rear of the lot is acceptable given it is consistent with the adjoining neighbours finished floor level and existing boundary parapet wall. The retaining walls are required to allow for the creation of a level rear yard for the proposed dwelling.

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Figure 1. View of the neighbouring property from the subject site. This area is to be the location of the eastern parapet wall.



Figure 2. Obscure windows to the study nook of the adjoining property.

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Figure 3. A slope in the natural topography to the rear of the subject dwelling exists. Proposed fill will abut the existing parapet wall and will not cause any overlooking or overshadowing concerns into the adjoining property.

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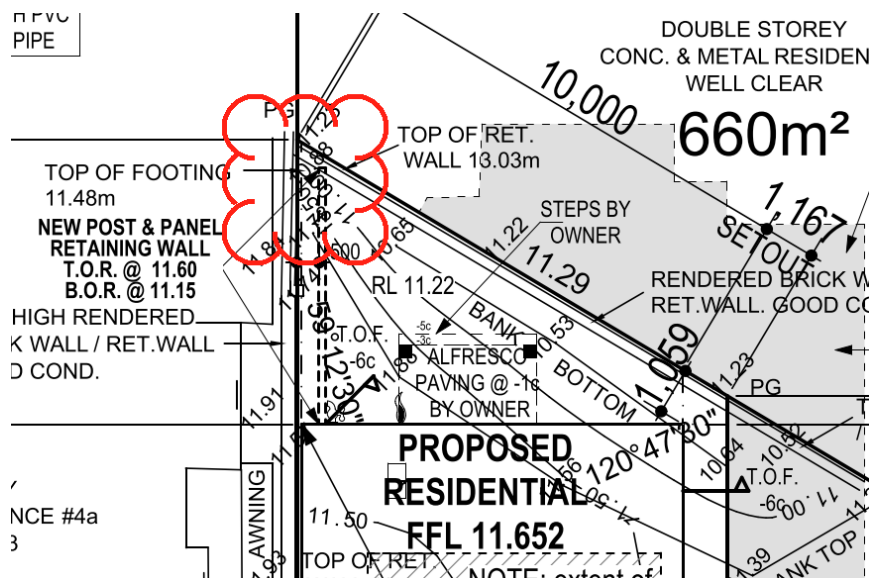


Figure 6. A site plan of the subject application (right) and the neighbouring property (left). The area clouded in red is the proposed retaining that exceeds 0.5m above NGL.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

CONCLUSION

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.
3. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.

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4. 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.
5. 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.
6. 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.
7. 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.
8. 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 maximum width in accordance with the City of Melville Crossover Specifications;
 - 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 approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.