

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 19 JULY 2022

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, 22 JULY 2022



**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, 19 JULY 2022**

PRESENT

M Scarfone
T Cappellucci
P Hughes
M Flanagan
J Caracciolo

A/Manager Statutory Planning
A/Planning Services Coordinator
A/Manager Building Services
A/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.

TABLE OF CONTENTS

U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28) MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)	4
U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT).....	11

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)**

Ward : Central
 Category : Operational
 Application Number : DA-2022-428
 Property : Lot 147 (No.28) McGillivray Gardens, Winthrop WA 6150
 Proposal : Patio Addition to Existing Single House
 Applicant : Complete Approvals
 Owner : E C L Tiong & S L Bee
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 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 & 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>

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a patio addition to the existing single house at Lot 147 (No. 28) McGillivray Gardens, Winthrop.
- 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 (LPP3.1).
- The proposed development requires a performance assessment in relation to boundary wall length to the adjoining western property.
- The proposed development was advertised in accordance with Part 4 of the R-Codes and *Local Planning Policy 1.1- Planning Process and Decision Making* (LPP1.1).
- One objection to the proposal was received during the advertising period.
- 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.

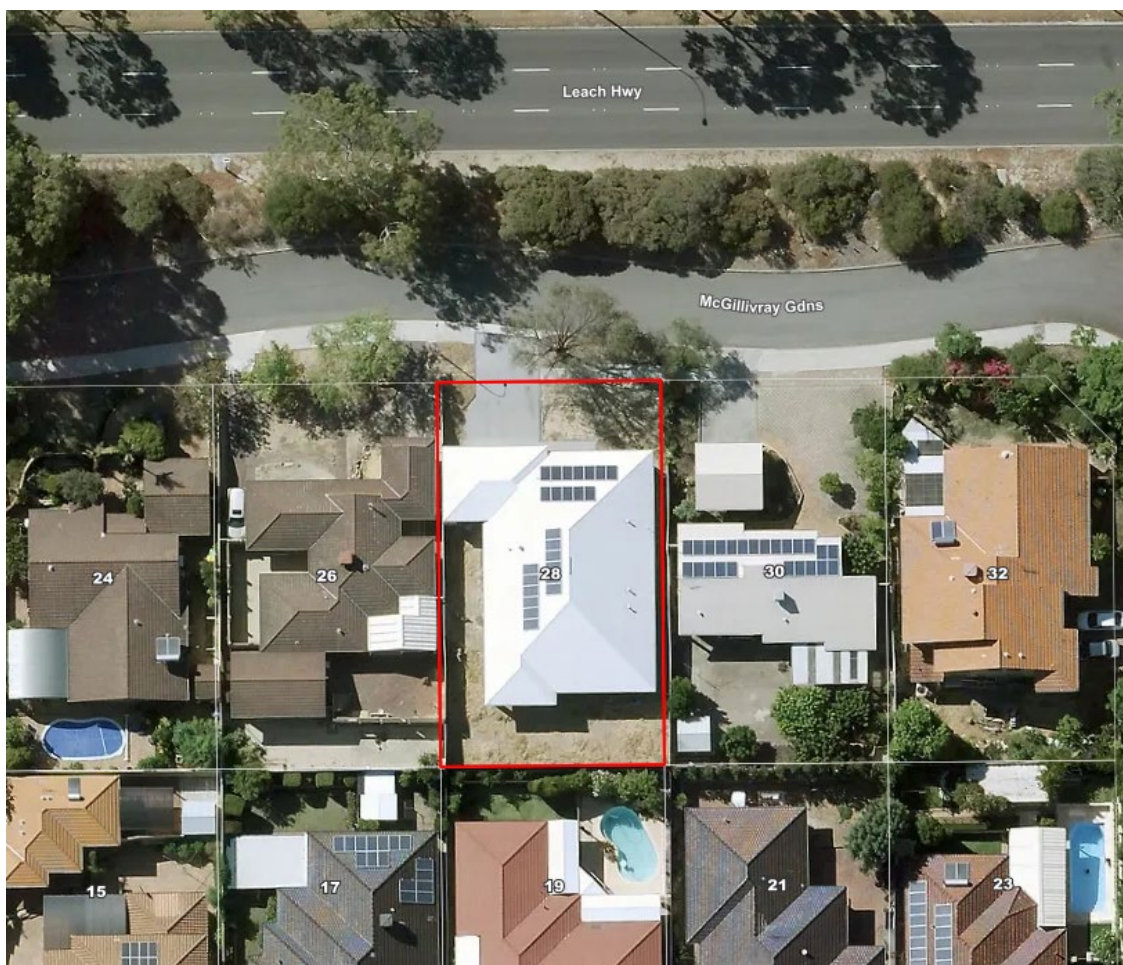


Figure 1: Aerial photography of subject site.

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	718m ²
Retention of Existing Vegetation	:	Yes
Street Tree(s)	:	Yes, to be retained
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, 22 July 2022

DETAIL

The application has been assessed against the provisions of LPS6, LPP3.1 and relevant provisions of the R-Codes. The proposal complies with all the relevant development requirements with the exception of those matters listed below which require a performance assessment.

Local Planning Policy 3.1- Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 Boundary Walls Cl.3.2(iii) Boundary Wall Lengths	In areas coded R20 and R25, walls up to the maximum length of the greater of 9m or one-third the length of the balance of each lot boundary (9.6m) behind the front setback.	Cumulative boundary wall length of 23.6m (patio 16.9m)	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP 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: One objection received

A summary of the content of the objection received and an officer's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The boundary wall height, length and lot setback will be overbearing.	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 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.

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)****COMMENT**

In accordance with Clause 6 Boundary Walls C3.2(iii) of LPP 3.1, boundary walls in areas coded R20 and R25 are to have a maximum boundary wall length of the greater of 9m or one-third the length of the balance of each lot boundary behind the front setback. For the subject site, this equates to a maximum boundary wall length allowed of 9.6m. As the patio roof is setback 0.5m from the western boundary, it is considered as a boundary wall as its within 0.6m of the boundary.

With a cumulative boundary wall length of 23.6m (patio being 16.9m in length along the western boundary), the proposed boundary wall in aggregate with the existing garage boundary wall does not meet the deemed-to-comply requirement and therefore a performance assessment against the design principles of the R-Codes is required. The proposed patio is considered to meet the design principles of the R-Codes for the following reasons:

- The patio is considered to make effective use of space while not compromising the amenity of the adjoining property. The amenity of the adjoining property is protected by virtue of the following:
 - A section of the patio is proposed to be located adjacent to a dining room wall with no windows facing directly towards the subject site.
 - The windows to the dining room/living areas on the adjoining site, face north and south and the view from these will not be impacted by the proposal. (See Figure 2 below).
 - The height of the subject patio is going to be in line with the height of the adjoining patio at No. 26 McGillivray Gardens, minimising any direct bulk impact as viewed from the outdoor living area of adjoining dwelling (See Figure 3 below).
 - A portion of the patio is located next to the unroofed backyard area of the adjoining property. This is considered acceptable as the patio is a lightweight and open structure, in this respect the building bulk impacts to this location are considered minimised.
- The height and orientation of the patio will ensure that no access to direct sunlight and ventilation to major openings or uncovered outdoor living areas of the adjoining property will be restricted; and
- There are no overshadowing or visual privacy issues created by the proposed patio as the patio finished floor level is not raised more than 0.5m above natural ground level and overshadowing meets the relevant deemed-to-comply requirement of the R-Codes.

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (REC) (ATTACHMENT)**



Figure 2: Image showing the outdoor living area and major openings to habitable rooms (marked in red) at No. 26 McGillivray Gardens in relation to the proposed patio.



Figure 3: Photo showing height of No.26 McGillivray Gardens covered outdoor living area and eaves which are to be of a similar height of the proposed patio columns.

**U22/0589 – PATIO ADDITION TO EXISTING SINGLE HOUSE AT LOT 147 (NO. 28)
MCGILLIVRAY GARDENS, WINTHROP WA 6150 (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

This application has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Therefore, the patio is considered to be an acceptable outcome, and is recommended for approval subject to the following 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.**

U22/0590 - TWO X THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Ward	: Applecross - Mount Pleasant Ward
Category	: Operational
Application Number	: DA-2021-1392 & DA-2021-1393
Property	: Lot 188 (6C) And Lot 189 (8) Cowrie Crescent, Mount Pleasant
Proposal	: Two x Three Storey Single Houses
Applicant	: Coastview Australia Pty Ltd
Owner	: Nanthakumaran Ramachandran
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Mark Scarfone A/Manager Statutory Planning
Previous Items	: N/A

KEY ISSUES / SUMMARY

- Development Approval is sought for two, three storey single houses at Lot 188 (6C) and Lot 189 (8) Cowrie Crescent, Mount Pleasant.
- A number of aspects of the proposed single houses as listed below require assessment against the applicable Design Principles of State Planning Policy 7.3 Residential Development Volume 1 (the R-Codes).
- 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, three objections were received objecting to height and loss of privacy.
- 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 subject to conditions.

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)



Figure 1 – Aerial Photography

BACKGROUND

In December 2021, development applications were lodged for a three storey singles house at Lot 188 (6C) and Lot 189 (8) Cowrie Crescent, Mount Pleasant. While these applications were lodged individually they both involve the same landowner and applicant.

In response to concerns raised by the City, revised plans were submitted in July 2022 which resulted in modifications to both development applications which included the reduction in the overall height. These amended plans are the subject of this report. Both these applications are considered as a part of this report.

Scheme Provisions

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

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Site Details

Lot Area	: 506sqm for each Lot
Retention of Existing Vegetation	: Yes for No.8 Cowrie Crescent
Street Tree(s)	: Yes, for each Lot
Street Furniture (drainage pits etc)	: Yes, side entry pit and a light pole
Site Details	: Refer photo above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 22 July 2022

DETAIL

The applications have been assessed against the provisions of Local Planning Scheme No. 6 (LPS No.6), Local Planning Policy 3.1 'Residential Development' (LPP3.1), Local Planning Policy 1.9 'Building Height' (LPP1.9) and the relevant provisions of the R-Codes. A performance assessment is required in respect of the matters listed below.

Local Planning Policy 1.9 – Height of Buildings

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
CI 2.1.1 (LPP1.9) Building Height	Eaves – 8 metres	6C Cowrie Crescent - 8.6 metres 8 Cowrie Crescent - 8.3 metres	Requires a performance assessment against the Design Principles of the R-Codes	Development Advisory Unit (DAU)
CI 2.1.1 (LPP1.9) Building Height	Concealed Roof – 9 metres	6C Cowrie Crescent – 9.13 metres	Requires a performance assessment against the Design Principles of the R-Codes	DAU
CI 2.1.1 (LPP1.9) Building Height	Maximum Height – 10.5 metres	6C Cowrie Crescent - 10.89 metres 8 Cowrie Crescent – 10.81 metres	Requires a performance assessment against the Design Principles of the R-Codes	DAU

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Local Planning Policy 3.1 - Residential Development

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
<p>Clause 6 Boundary Walls C3.2 (i) and C3.2(iii)</p>	<p>Where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension.</p> <p>In areas coded R20 and R25, walls not higher than 3.5m up to a maximum length of the greater of 9m or one-third the length of the balance of each lot boundary behind the front setback.</p>	<p>8 Cowrie Crescent</p> <p>Ground floor length of wall from the storeroom to the garage - maximum height at 5.2 metres for a length of 11.4 metres</p>	<p>Requires a performance assessment against the Design Principles of the R-Codes</p>	<p>Manager Statutory Planning (MSP)</p>
<p>Clause 3 Fences and Street Walls C4.1</p>	<p>Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence</p>	<p>8 Cowrie Crescent</p> <p>The eastern retaining wall displays a maximum (solid) height of 1.4 metres</p>	<p>Requires a performance assessment against the Design Principles of the R-Codes</p>	<p>MSP</p>
<p>Clause 4 Garage Width C2.3</p>	<p>Front loaded garages may occupy up to 60% of the frontage at the setback lines as viewed from the street</p>	<p>Each dwelling displays a width of 61% of the frontage</p>	<p>Requires a performance assessment against the Design Principles of the R-Codes</p>	<p>MSP</p>

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Residential Design Codes Volume 1

<p>Clause 5.1.3 Lot Boundary Setbacks C3.1</p> <p>6C Cowrie Crescent - Western boundary</p>	Ground Floor		<p>Requires a performance assessment against the Design Principles of the R- Codes</p>	<p>MSP</p>
	Feature Wall – 1.2 metres	1.1 Metres		
	Screening Wall – lift - 2 metres	1.5 metres		
	First Floor			
	Chimney – 1.5 metres	1.1 metres		
	Balcony 1 – Stairway - 2.5 metres	1.5 metres		
<p>Clause 5.1.3 Lot Boundary Setbacks C3.1</p> <p>8 Cowrie Crescent – Eastern Boundary</p>	Ground Floor		<p>Requires a performance assessment against the Design Principles of the R- Codes</p>	<p>MSP</p>
	Feature wall – 1.2 metres	1.1 metres		
	First Floor			
	Chimney - 1.3 metres	1.2 metres		
	Balcony 1 – Staircase – 2.5 metres	1.5 metres		
	Bed 1 – Void (Figure 4d) – 4 metres	3.5 metres		
<p>Clause 5.3.2 Landscaping C2.2 (ii)</p>	<p>Landscaping in street setback area <50% impervious surfaces</p>	<p>6C Cowrie Crescent 63.25% impervious</p> <p>8 Cowrie Crescent 73% impervious</p>	<p>Requires a performance assessment against the Design Principles of the R- Codes</p>	<p>MSP</p>

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

<p>Clause 5.4.1 Visual Privacy C1.1</p> <p>6C Cowrie Crescent</p>	<p>First Floor Balcony 1 NW – 7.5 metres</p>	<p>2.5 metres</p>	<p>Requires a performance assessment against the Design Principles of the R- Codes</p>	<p>MSP</p>
<p>Clause 5.4.1 Visual Privacy C1.1</p> <p>8 Cowrie Crescent</p>	<p>First Floor Study SE – 4.5 metres</p>	<p>2.5 metres</p>	<p>Requires a performance assessment against the Design Principles of the R- Codes</p>	<p>MSP</p>
	<p>Ground Floor Balcony 2 NE - 7.5 metres</p>	<p>2.5 metres</p>		
	<p>First Floor Balcony 1 NE - 7.5 metres</p>	<p>2.5 metres</p>		

The officer comment below is limited to building height as this was the subject of the objections received. While an objection was also received regarding visual privacy (as outlined under Stakeholder Engagement below), visual privacy to the objector's property is compliant with the deemed to comply requirements of the R-Codes. The proposed elements in relation to lot boundary setback, lot boundary walls, front fencing, garage width, landscaping and visual privacy 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: Three Objections

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (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)
The additional building height with its windows and balconies will lead to an erosion of privacy for the properties fronting Gunbower Road.	In respect to the northern boundary, visual privacy for each development meets the deemed-to-comply provisions of the R-Codes.	Not Uphold
The additional building height of the subject development will have a bulk impact on the properties fronting Gunbower Road.	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 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

Should the City of Melville refuse the application for planning approval and the applicant chooses to have the decision reviewed, there are likely costs for the City including legal fees and consultant fees.

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.

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**COMMENT**

The proposed development is located within an established residential area of Mount Pleasant. The area is subject to constant change as older more traditional residential properties are cleared to make way for more contemporary homes, some of which are two or three storeys in height, and all of which are generally significantly larger than those older more traditional properties were.

The subject lots have a south to north downward slope of some 4 metres, with a 28m contour level close to the southern boundary of Cowrie Crescent itself and a 24m contour level along the rear northern boundary. The proposed developments have been designed in a way which responds to the topography of the site as well as taking advantage of the sites' proximity to the Canning River and associated views of the City. Two and three storey buildings are common in the locality area and there are many examples of these within close proximity to the site.

It is noted that the property owner of No.7 Cowrie Crescent was not advised of the building height discretion being sought during community consultation. This decision was made for the following reasons;

- as the home at No.7 Cowrie Crescent (see Figure 2 below) is not directly in line with the subject lots;
- it is elevated higher than the subject sites;
- the proposed buildings meet the building height limit as viewed from the street;
- finally the views from No.7 Cowrie Crescent are a north/northeast direction has towards the Swan and Canning Rivers and the City skyline in the distance. These will not be impacted by the proposed developments.



Figure 2: View south from subject development sites to Nos. 7 & 9 Cowrie Crescent

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Building Height

The proposed building height for each development requires a performance assessment having regard to the design principles contained in Clause 5.1.6 'Building Height' of the R-Codes. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining properties and maintains access to views of significances where appropriate.

The proposal meets the design principles for the following reasons:

- The proposed developments present as two storeys when viewed from the street, becoming three storeys as the subject sites slope down from the street to the rear (see Figures 3 – 5 below). This built form is consistent with general scale and height of the surrounding dwellings and is consistent with the existing and desired streetscape character of the area;

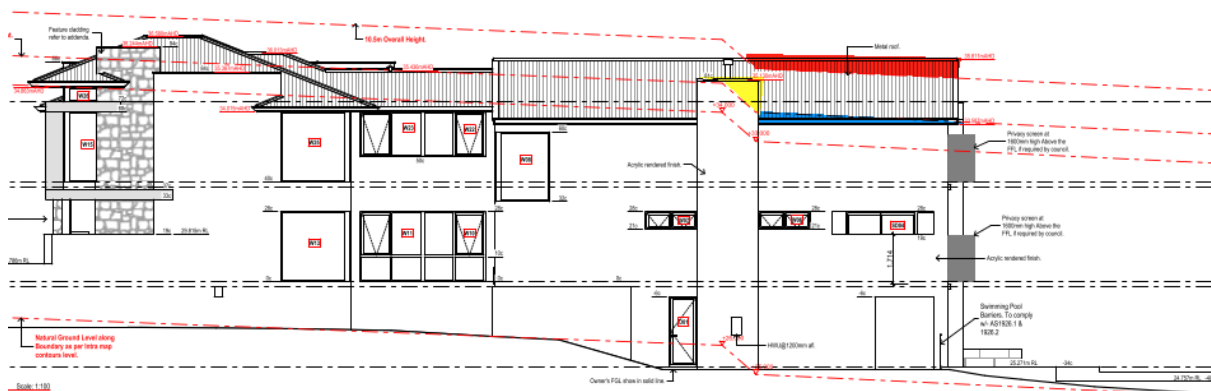


Figure 3: Eastern Elevation of 8 Cowrie Crescent. The areas subject of this assessment are highlighted as follows: Eave height in blue, concealed roof in yellow and maximum in red

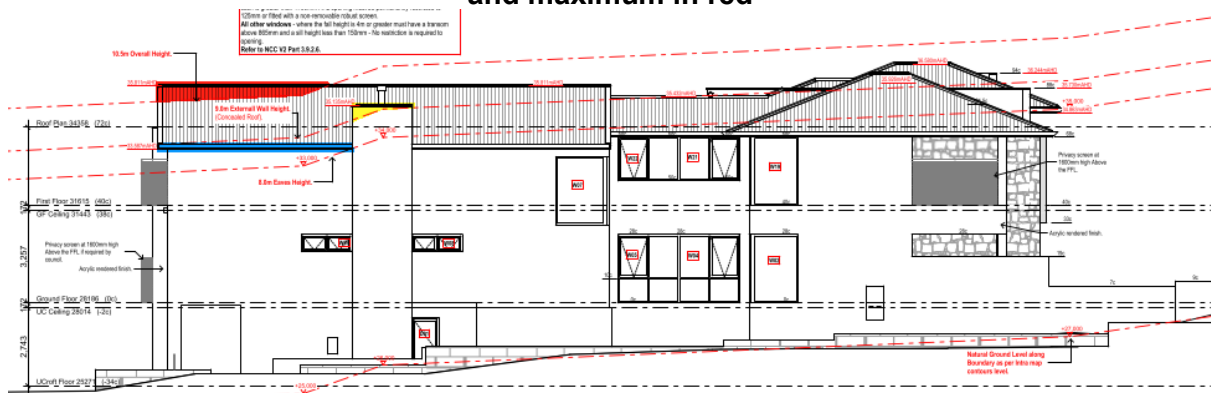


Figure 4: Western Elevation of 6C Cowrie Crescent. The areas subject of this assessment are highlighted as follows: Eave height in blue, concealed roof in yellow and maximum in red

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

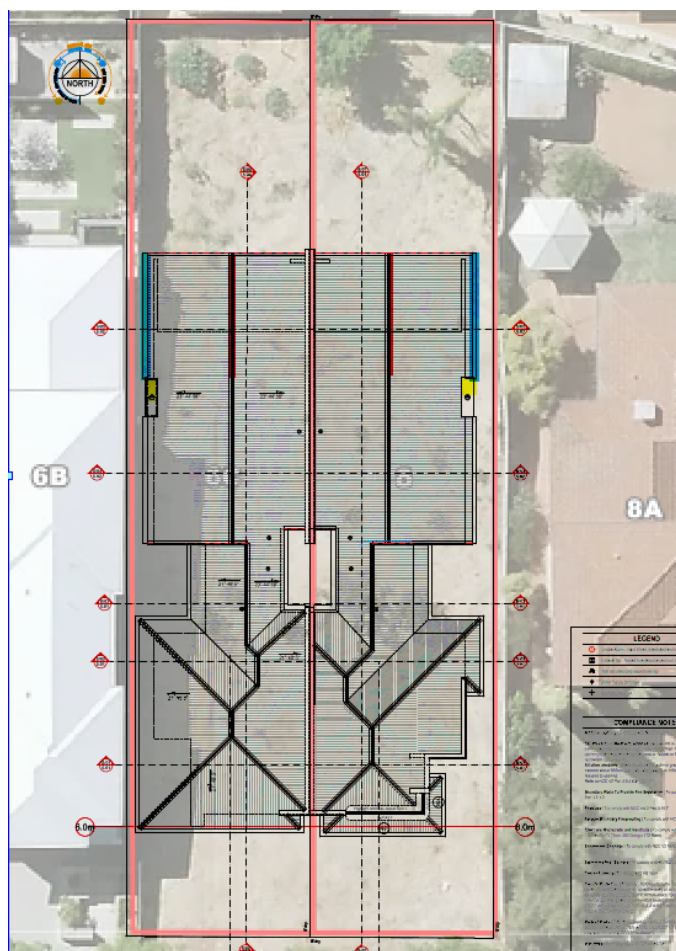


Figure 5: Overlay of an aerial image over the development plans. The areas subject of this assessment are highlighted as follows: Eave height in blue, concealed roof in yellow and maximum in red

- Due to the orientation of the subject sites, access to winter sun will be maintained for all surrounding properties as the shadowing will fall south across the houses and to the street;
- The living spaces of the adjoining eastern and western properties at Nos. 6B and 8A Cowrie Crescent have been designed in a similar manner to the subject proposals, whereby their primary orientation is northward to their outdoor living spaces and northeast to capture views of the Perth city skyline and the Swan and Canning Rivers (see Figures 6 & 7 below). This mitigates the bulk impact caused by the height of each development;



U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

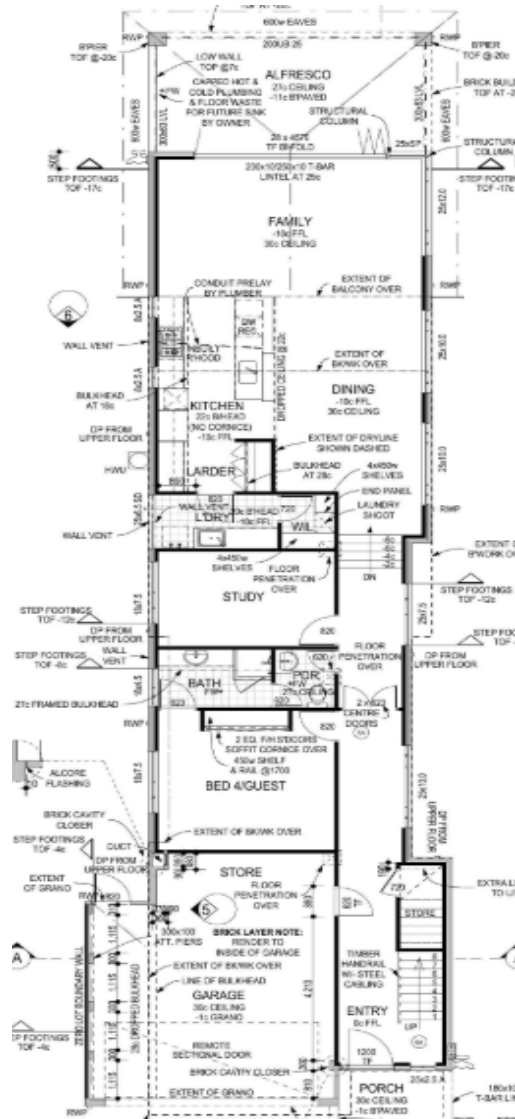


Figure 6: Ground Floor Plan of 6B Cowrie Crescent

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

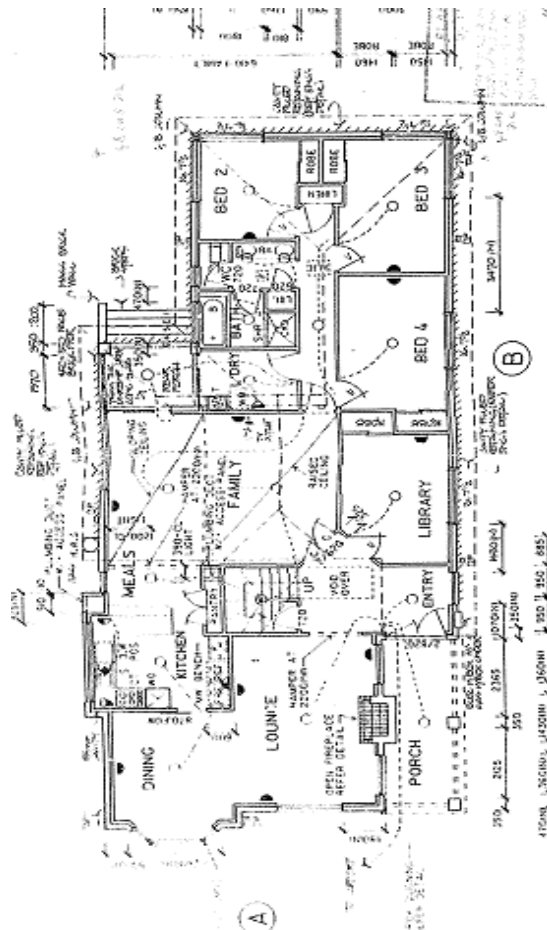


Figure 7: Ground Floor Plan of 8A Cowrie Crescent

- The views of significance from adjoining properties are north and northeast towards the City skyline and Swan and Canning Rivers. In respect to the impacts of views enjoyed by adjoining properties, No. 6B Cowrie Crescent has a rear upper balcony that is screened on all sides to 1.6 metres (see Figures 8 & 9 below) minimising their access to views. The additional height proposed will not impact on any views from this property. The developments will not impinge on the views of No. 8A Cowrie Crescent by virtue of that property being located to the west. Similarly, the development will not result in the loss of views for the properties to the north on Gunbower Road.

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

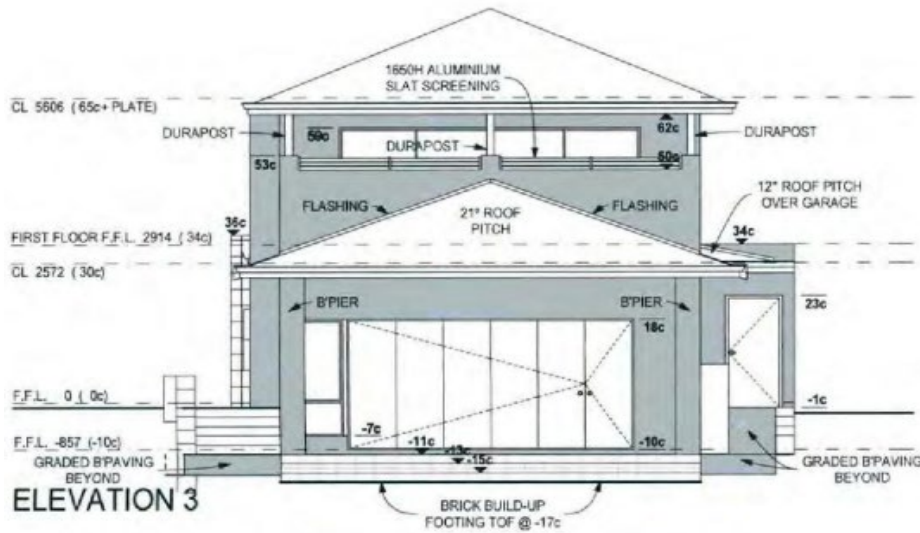


Figure 8: Rear elevation of 6B Cowrie Crescent



Figure 9: Eastern interface of 6B Cowrie Crescent with screening of balcony (taken midblock)

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

- The proposed height is designed to focus views northeast towards the river and not into neighbouring properties, mitigating any visual privacy impact; and
- Using floor to ceiling windows, open balconies, and a low-pitched roof, both single houses present a built form of high quality. Combined with their substantial rear setbacks (refer to Figure 1 above), this ensures that the bulk impact to the adjoining properties on Gunbower Road is mitigated.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The statutory alternative for refusal of the application for planning approval is the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

CONCLUSION

The two development applications are considered to satisfy the provisions of LPS6, the design principals of the Residential Design Codes, and Local Planning Policy 1.9 – Building Height. On this basis, it is recommended that the proposals be approved subject to conditions.

DA-2022-1392 – Lot 188 (6c) cowrie CRESECENT, MOUNT PLEASANT WA 6153 - Three Storey single house

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. **This development approval is granted on the condition that the proposed single house on No. 8 Cowrie Crescent (City Reference DA-2022-1393) is constructed simultaneously, to the satisfaction of the City.**
3. **The proposed plans for No. 8 Cowrie Crescent (as marked in blue on the approved plans) do not form part of this development approval.**
4. **All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.**

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

5. 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 3.9m;
 - 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.

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. 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.
8. 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.
9. 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.
10. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
11. 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

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

- 12. 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.**

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

DA-2022-1393 – Lot (189) No.8 cowrie CRESCENT, MOUNT PLEASANT WA 6153 - Three Storey single house

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. This development approval is granted on the condition that the proposed single house on No. 6C Cowrie Crescent (City Reference DA-2022-1392) is constructed simultaneously, to the satisfaction of the City.
3. The proposed plans for No. 6C Cowrie Crescent (as marked in blue on the approved plans) do not form part of this development approval.
4. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.
5. 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 4.4m;
 - 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.

6. Where a driveway meets the street, walls or fencing within sight line are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
7. 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.
8. 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.
9. 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.

U22/0590 - TWO x THREE STOREY SINGLE HOUSES AT LOT 188 (6C) AND LOT 189 (8) COWRIE CRESCENT, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

10. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
11. The on-site trees to be retained (as marked in red on the approved plans) shall be maintained in perpetuity, to the ongoing satisfaction of the City.
12. 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
13. 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.