

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 25 JANUARY 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](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, 28 JANUARY 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, 25 JANUARY 2022**

**PRESENT**

P Prendergast  
M Scarfone  
G Russell  
B Ashwood  
T Cappellucci  
M Flanagan  
A Di Nella

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
Senior Planning Officer  
Senior Planning Officer  
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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**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2021-1275  
 Property : Lot 2 (No.4) Dee Road APPLECROSS WA 6153  
 Proposal : Single House  
 Applicant : Urbane Projects  
 Owner : Ms S M Bennett  
 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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- Development approval is sought for a proposed three storey single house at Lot 2 (No.4) Dee Road, Applecross.
- 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 (R-Codes) and relevant local planning and council policies.
- In accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making, the proposed development was advertised to the adjoining owners and occupiers.
- Two submissions were received which objected to the front setback, rear boundary setback, building height, height, driveway gradient and permeability of retaining walls,
- 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

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R12.5
Use Type	: Residential
Use Class	: Permitted

**Site Details**

Lot Area	: 994m <sup>2</sup>
Retention of Existing Vegetation	: No
Street Tree(s)	: Yes to be retained
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, 28 January 2021.

**DETAIL**

In November 2021 a development application was lodged for a three storey single house at Lot 2 (No.4) Dee Road; Applecross.

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 Lot Boundary Setbacks	6 metres - Rear Setback	Minimum 2 metres on the ground floor and 3.6 metres on the first floor.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Design Element (Cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.3.7 Site Works	Fill and retaining walls to not exceed 0.5 metres within 1 metre of the lot boundary; and site works to not exceed 0.5m within front setback area	Cut approximately 2-3 metres on the western side	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 1 Part C2.1(iii)	Building setbacks in R12.5 3.75 metre minimum 7.5 metre average	Ground floor Minimum 1.3 metres Average 4.6 metres  First Floor Minimum 5.1 metres Average 7.36 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 4 Fences and Street Walls	Walls located within the front setback area are to be visually permeable above 1.2 metres	Portions of the fencing exceed the 1.8 metre maximum height requirement	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**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:	2 objections were received

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

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Encroachment of the development into the rear setback area will create a bulk impact to the dwelling under construction	Refer to the comments section of this report.	Not Uphold
Rear setback is not compliant	Refer to the comments section of this report.	Not Uphold
Height of the building is not compliant	The height of the development is compliant with the City's LPP 1.9 Height of Buildings.	Not Uphold
The front setback is not compliant	The proposal is considered to satisfy the design principles contained within C 5.1.2 <i>Street Setbacks</i>	Not Uphold
The terraced area does not have any balustrading which will cause a safety hazard. Any future balustrading will increase the size of the wall	In lieu of balustrading, the applicant has proposed a large amount of landscaping to act as a buffer between the entertaining space and the edge. Any future balustrading will be required to meet with the requirements of the BCA and the visual permeability requirements of the R Codes.	Not Uphold
The retaining walls within the front setback effectively comprise the front fence of the property and all exceed the height limits and permeability requirements.	Refer to the comments section of this report.	Not Uphold
The eastern driveway comprises a ramp which utilises the Council's front verge and the Council would have the responsibility of maintaining the ramp and any dangers caused by said ramp. This ramp will hinder the Council's ability to change the footpath	The applicant is not proposing to modify the existing levels of the verge as part of this application. The proposed ramp begins within the subject site and the gradient meets the relevant standards. In addition sufficient vehicle sightlines are provided.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)****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.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

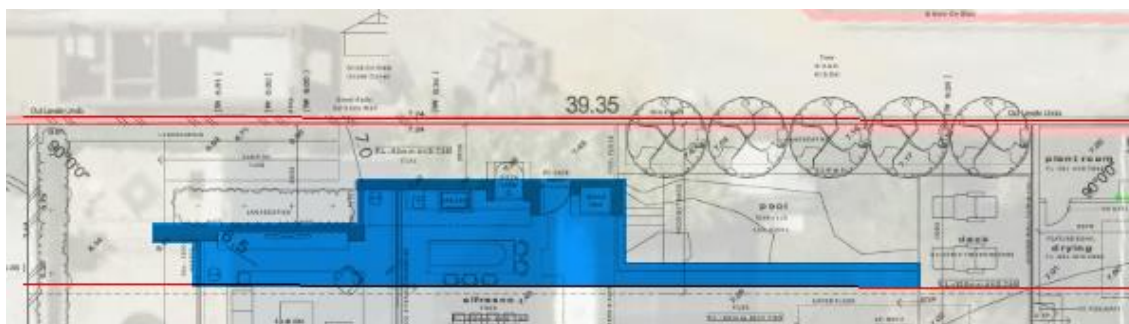
**POLICY IMPLICATIONS**

There are no policy implications for the City relating to this proposal.

**COMMENT**Rear (western) Boundary setback

4 Dee Road, Applecross is zoned Residential with a density coding of R12.5 under the provisions of Local Planning Scheme No. 6. As per Clause 5.1.3 Lot Boundary Setbacks and Table 1 of the R-Codes, a 6.0 metre rear setback is required to meet the deemed-to-comply provisions.

The proposed development provides a minimum rear setback of 2.0 metres with an average of 4.6 metres to the ground floor, and a setback minimum of 3.9 metres and an average of 6.5 metres to the first floor (Figure 2 and 3). Therefore the development requires assessment against the relevant design principles of the R-Codes.



**Figure 2: Portions of the ground within the setback area are highlighted in blue**

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**



**Figure 3: Portions of the first floor within the setback area are highlighted in blue**

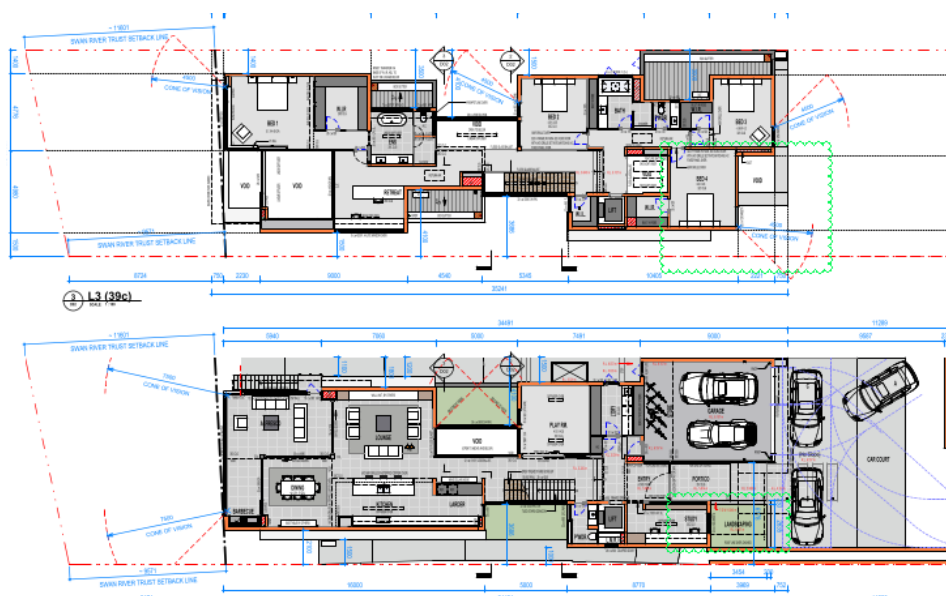
The objective of the 6metre rear setback is to maintain a low density character for areas zoned R15 and below, by increasing the separation between dwellings which in turn reduces building bulk, ensures access to sunlight and ventilation and reduces overlooking between properties. This separation is considered particularly beneficial where dwellings have a rear to rear relationship as the setback provisions create a minimum of 12 metres between buildings. The subdivision pattern in this part of Applecross means that the subject site and surrounding neighbours have side to side or side to front relationships meaning that consistent setbacks between are not exhibited. For example the dwellings at the rear of the subject site have been approved with 1-1.5 metre side setbacks, resulting in minimal separation (Figure 4).



**Figure 4: Aerial Snapshot of the immediate locality**

The dwelling under construction at 40B Fraser Road has been designed in a manner to ensure that the primary outdoor and indoor spaces are orientated westward, optimising the view towards the Swan River. The secondary views from this property are in an easterly direction towards and along the driveway. The development will be visible from the ground floor study and a first floor bedroom, noting that the orientation of the window ensures this view is oblique in nature, reducing the bulk impact of these walls (Figure 5).

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**



**Figure 5: Ground floor and first floor of the approved development at 40B Fraser. Areas highlighted in green will have a view of the proposed development**

The subject site is located on the southern boundary of the neighbouring property and is compliant in regards to visual privacy. As such there are no adverse impacts in respect of visual privacy or solar access.

Site Works, Retaining and Front Fences

The development proposed a large amount of cut with associated retaining on the south western side of the site. In addition the development proposes a raised landing for the pedestrian entrance with associated balustrading which is greater than the 1.8 metre height requirement stipulate in LPP 3.1. As such, a performance assessment against the relevant design principles is required.

The development will result in the removal of a large amount of masonry and rock retaining wall on the subject site and verge, allowing the verge to be returned to pre development levels (NGLs shown on plans). As existing levels behind are proposed to be retained, an associated retaining wall is required. The impact from the wall onto the streetscape is considered mitigated by the following:

- A substantial amount of landscaping on the verge and on the raised podium;
- The textured finish of the retaining wall, allowing the wall to blend into the development; and
- The separation between the proposed wall and the street boundary

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

The R-Codes allow for site works to exceed 0.5 metres within front setback should it be required for pedestrian and vehicular access. In this regard the principle pedestrian entrance is deemed compliant. Nonetheless, LPP 3.1 requires for front fencing inclusive of retaining walls to not exceed 1.8 metres in height. The proposed front fence will reach a maximum height of approximately 2.8 metres, however the balustrading will be constructed of a clear material (such as glass) in order to allow for passive surveillance to occur from the subject to the street and also to reduce the bulk impact onto the streetscape.



Figure 6: Render of proposed fencing in front of the games room and balustrading above landing



Figure 7: View of the middle portion of the existing home as viewed from Dee Rd

U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)



Figure 8: Existing driveway serving above ground garage on the eastern boundary



Figure 9: Area of retaining and fill which is to be clear on the western boundary

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)**



**Figure 10: Access leg servicing the rear neighbour at 40B Fraser Rd. this access leg will alleviate the bulk impact from the proposed development**

### **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.**

**U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

3. 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 of 4.5m;
  - 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.

4. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in *State Planning Policy 7.3 Residential Design Codes Volume 1*, 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. All balustrading located within the front setback area is to be constructed of a clear material to the satisfaction of the City.
7. 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.
8. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
9. 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.
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.

U22/0575 – THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)

11. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction 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 to the satisfaction of the City:
- 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.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2021-916  
 Property : Lot 1 (5A) and Lot 2 (5) View Road, Mount Pleasant WA 6153  
 Proposal : Four Grouped Dwellings  
 Applicant : Anthony Rechichi Architect  
 Owner : Raws West Pty Ltd  
 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**

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<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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for Four Grouped Dwellings at Lot 1 (5A) View Road, Mount Pleasant. A description of the works involved are included within the Detail section of the report;
- The development proposes access via the existing access leg belonging to Lot 2 (5) View Road, Mount Pleasant however, the grouped dwellings are all situated on Lot 1;
- The details of the proposed development have been assessed against the *Canning Bridge Activity Centre Plan (CBACP)* and all relevant local planning policies;
- The proposed development requires a performance assessment in relation to Elements 5 – Side and Rear Building Setbacks, Element 20 – Servicing and Functionality;
- The proposed development was advertised to the adjoining southern landowner in accordance with *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- One submission was received. The submission raised an objection with respect to the building setbacks, loss of privacy and shadowing impacts from the proposed development;
- Amended plans and further correspondence was received by the applicant that partially addresses the objectors concerns; however the objection still remains valid;
- Notwithstanding the objection received, the proposed development as amended is acceptable when assessed against the relevant Desired Outcomes of the CBACP;
- It is recommended that approval be granted subject to conditional conditions.



Figure 1: Aerial photography of subject site

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R-AC0
Use Type	:	Residential – Grouped Dwellings
Use Class	:	Preferred

**Site Details**

Lot Area	:	365m <sup>2</sup> (5A View Road) 658m <sup>2</sup> (5 View Road)
Retention of Existing Vegetation	:	Yes
Street Tree(s)	:	Yes, to be retained
Street Furniture (drainage pits etc.)	:	No
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, 28 January 2022.

**DETAIL**

In August 2021, a development application was lodged for four grouped dwellings at 5A View Road, Mount Pleasant.

The key document for the assessment of the proposal is the Canning Bridge Activity Centre Plan (CBACP) which was gazetted in April 2016 with the most recent amendment adopted by the WAPC on 22 September 2020.

The subject site is located at the edge of the H4 precinct of the CBACP, which permits residential development of up to four storeys in height. The adjoining properties to the north are situated within the H8 zone, the properties to the west within the H4 zone and the adjoining southern property (7 View Road) is situated outside of the CBACP and zoned Residential with a density coding of R20 under the City's LPS6.

The proposed development has been assessed against all the relevant provisions of Local Planning Scheme No. 6 (LPS6), the CBACP and all relevant local planning policies. The proposal satisfies all such requirements with the exception of those matters listed in the table below. These matters require a performance assessment having regard to the desired outcomes of the CBACP.

In response to concerns raised by the City following an assessment of the proposal, revised plans were submitted in December 2021 and January 2022 which increased the building setbacks of the grouped dwellings, amongst other changes to satisfy the relevant requirements of the CBACP. These amended plans are the subject of this report.

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

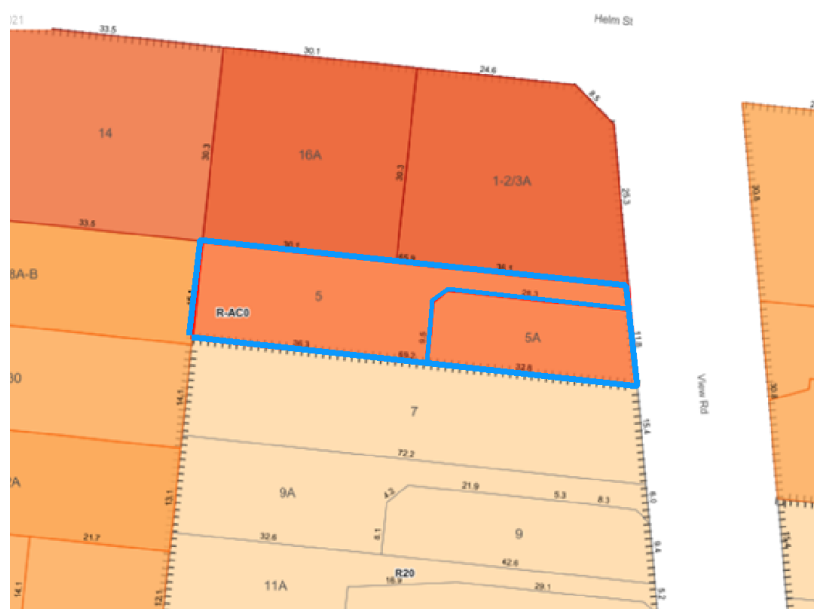


Figure 2: Subject site identified in blue within the CBACP. The lots shaded in dark orange to the north are within the H8 zone, the light orange to the east and west are within the H4 zone and the beige to the south is located outside of the CBACP area.

**Canning Bridge Activity Centre Plan**

*Element 5 – Side and Rear Setbacks*

<b>Development Requirement</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
<u>Side setback (West)</u> All levels: 3m	Ground floor: Unit 4 boundary wall up to three storeys high	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)
<u>Side setback (North)</u> All levels: 3m	Nil setbacks to access leg, minimum 3.5m to parent lot boundary	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)
<u>Side Setback (South)</u> Ground and First Floor: 3m Second and Third Floors: 8m	Ground Floor: Units 1-4 with a Carport and Store wall on the boundary First Floor: Unit 1 Terrace setback 1.5m Second Floor: Unit 1 Void setback 3m and Units 2-4 Terrace setback 6m	Requires assessment against the Desired Outcomes of the CBACP	Development Advisory Unit (DAU)

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

*Element 19 – Servicing and Functionality*

Development Requirement	Proposed	Comments	Delegation to approve variation
4m <sup>2</sup> store for each unit	Unit 1 store measures 3.1m <sup>2</sup> in area	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)

Commentary in this report focuses on the matters raised in the submission received. All other matters listed above have been assessed against and are considered to meet the desired outcomes of the CBACP.

**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 3.4(a)  
 Support/Object: One objection.

The submissions received object to the proposal citing concerns in relation to privacy issues, building setbacks, noise concerns, car parking and the heights of the dividing fence along the southern boundary. A summary of the objection comments received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposal should follow the guidelines set out in the Canning Bridge Activity Centre Plan (CBACP)	The CBACP is a performance based document The setback variations are supported against the Desired Outcomes of the CBACP. Refer to comments section below.	Not Uphold
Parts of the buildings show zero or insufficient setback from the boundary, despite a specific setback is required under planning specifications.	The setbacks from the southern boundary do not meet the specific development Requirements of the CBACP, therefore a performance assessment against the relevant Desired Outcomes of the CBACP. This is discussed in further detail in the Report.	Not Uphold

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Cont.)</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
The development would cause over-densification in this residential area, with no community benefits.	The CBACP does not set out a maximum plot ratio or maximum residential density. The objectives of the CBACP encourage a wide variety of housing types in the area to take advantage of the proximity to public transport and a wide range of amenities. There is no requirement for development in the H4 area to provide community benefits. The delivery of community benefits applies in the context of bonus height development within the M10 and M15 areas only.	Not Uphold
Loss of visual privacy.	The R-Code provisions relating to visual privacy do not apply within the CBACP. Refer to the comments section below.	Not Uphold
Overshadowing from the proposed development.	The R-Codes provisions relating to solar access and overshadowing do not apply within the CBACP. Refer to the comments section below.	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.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications for the City relating to this proposal.

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD,  
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****COMMENT**Element 5 – Side and Rear Setbacks

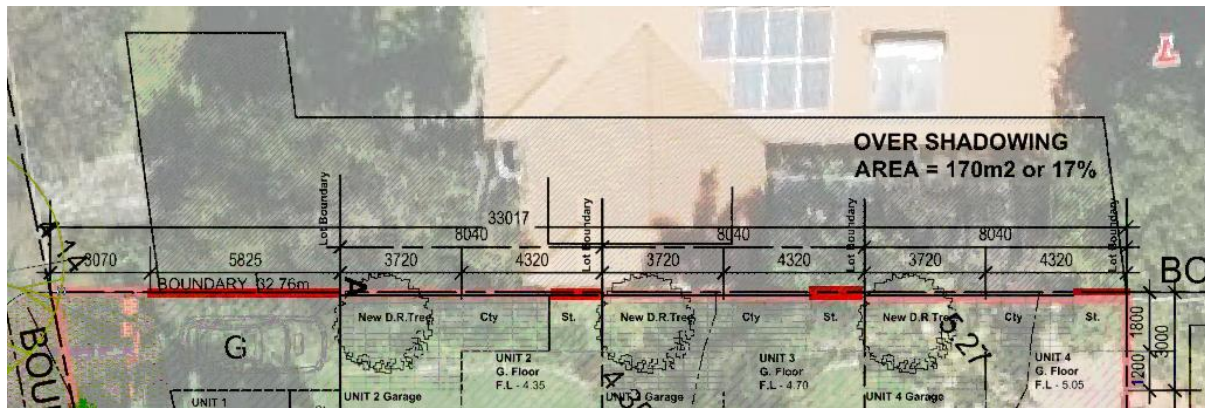
Under the provisions of Clause 5.6 of Element 5 *Side and Rear Setbacks* of the CBACP, the side and rear setback requirement is 3 metres. Further, the southern boundary of the subject site abuts a property which is outside of the CBACP. As such in accordance Clause 5.9 of Element 5, the rear setback for the third storey is required to be a minimum 8 metres from the common boundary. The proposed setbacks require a performance assessment having regard to the Element Objectives and are considered acceptable for the reasons outlined below:

*Ground and First Floor Side Setbacks*

The carport of unit 1 and stores servicing units 2-4 are designed with a nil setback on the ground floor in lieu of 3 metres. In addition, the Void area on (unit 1) on the first floor proposes a 1.5 metre setback from the southern boundary, in lieu of 3 metres. Accordingly, these setbacks require a performance assessment against the Desired Outcome DO 5 of the CBACP. These setbacks as proposed are supported against DO 5 for the following reasons:

- The total boundary wall length proposed is 13.7m along the southern boundary. No portion of each boundary wall exceeds 3m high. This design response would meet the deemed to comply provisions of a low density locality noting that the area to the south enjoys a density code of R20 such as R20. The boundary walls allow for the site to be developed with high levels of visual surveillance, articulation and visual interest. At the upper levels, discussed further in this report, the setback to the southern boundary increases, allowing for the visual transition from the lower coded areas outside of the CBACP area towards the areas within the CBACP precinct itself.
- There are no adverse impacts such as loss of sunlight or ventilation to the adjoining spaces that result from the proposed design. The boundary walls of units 1 and 2 abut the neighbour's carport area and driveway whilst the boundary walls of units 3 and 4 abut an enclosed patio area., These are not active habitable spaces;
- The existence of the neighbour's carport/driveway area and enclosed patio serves to mask the proposed boundary walls from view, thereby ensuring there are no associated adverse visual amenity impacts;
- The proposal has been designed to minimise the impacts of overshadowing on the adjoining southern landowner. The shadow cast from the boundary walls and the first floor Unit 1 Void fall within that cast by the fourth storey of the development. The fourth storey is setback 8 metres from the southern property and as such meets the requirements of Element 5. The development has achieved an appropriate design response by providing boundary walls on the southern boundary to be able to maximise ground floor coverage whilst allowing for a minimal footprint on the upper levels and thereby minimising shadow;

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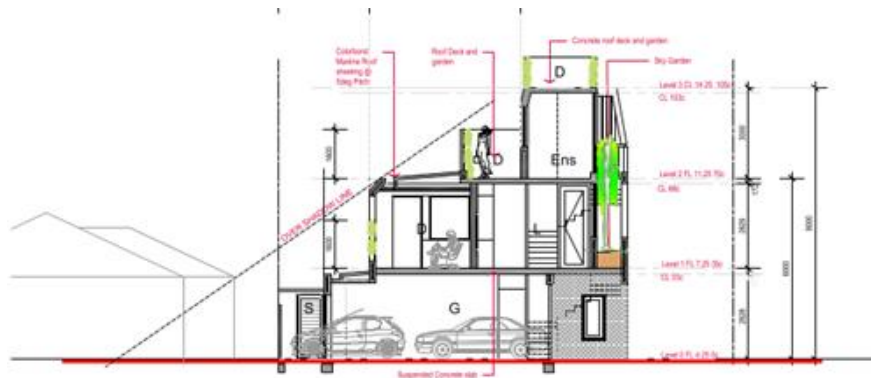
**Figure 3: Site plan of the subject site and its relationship with 7 View Road. The lengths of wall subject to the setback variations are highlighted in red**

*Third Storey Side Setback*

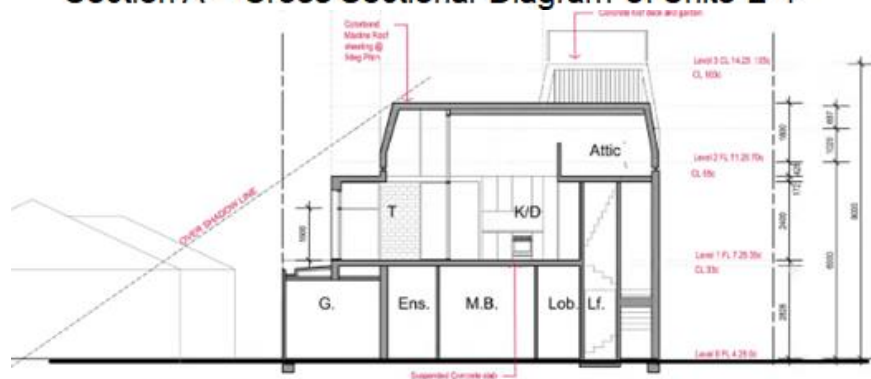
Clause 5.9 of Element 5 requires that the rear setbacks for the third and fourth storey shall be setback a minimum 8 metres from the common boundary. Given that the third storey of Unit 1 proposes a setback of 3 metres and Units 2-4 a 6 metre setback, a performance assessment against the Desired Outcome DO 5 is required. The proposed setback is supported for the following reasons:

- The 8m side setback requirement for the upper two floors is the key measure designed to safeguard amenity where developments are proposed at the interface of the H4 area with land outside the CBACP boundary. It is considered that the design response in this case manages this transition effectively through the stepping back of the development (refer figures 4 and 5). In this case, the result is a development with increasing setbacks as the height of the building increases. The 6m proposed setback to the terrace on the third floor is considered acceptable on the basis that the terrace is an open structure which serves to mitigate building bulk, and the relationship that the proposed building has to the adjoining property on the southern boundary is defined by a carport and covered patio area on that property, thereby mitigating any adverse impacts that would ordinarily result from the reduced setback. In addition the setbacks proposed have no further impact than the overall shadow cast from the fourth level;

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**Section A – Cross Sectional Diagram of Units 2-4**



**Section B – Cross Sectional Diagram of Unit 1**

**Figures 4 and 5: Cross sectional diagrams showing the southern elevation of the proposed Unit 1 and Units 2-4 shadowing extent on 7 View Road.**

- Under the provisions of Element 5.7 of the CBACP there are no specific development controls relating to visual privacy and overshadowing. Setbacks are therefore the key development control for dealing with visual privacy, overshadowing and building bulk;
- In addition, the extent of shadow cast onto the adjoining southern property does not affect any habitable rooms of the adjoining dwelling or solar cells on the roof, given the tiered design of the dwellings combined with the neighbouring dwelling's 4.7 metre setback from the lot boundary. The main living area and bedrooms sit beyond the line of shadow and therefore, there are no adverse impacts with the reduced building setback;

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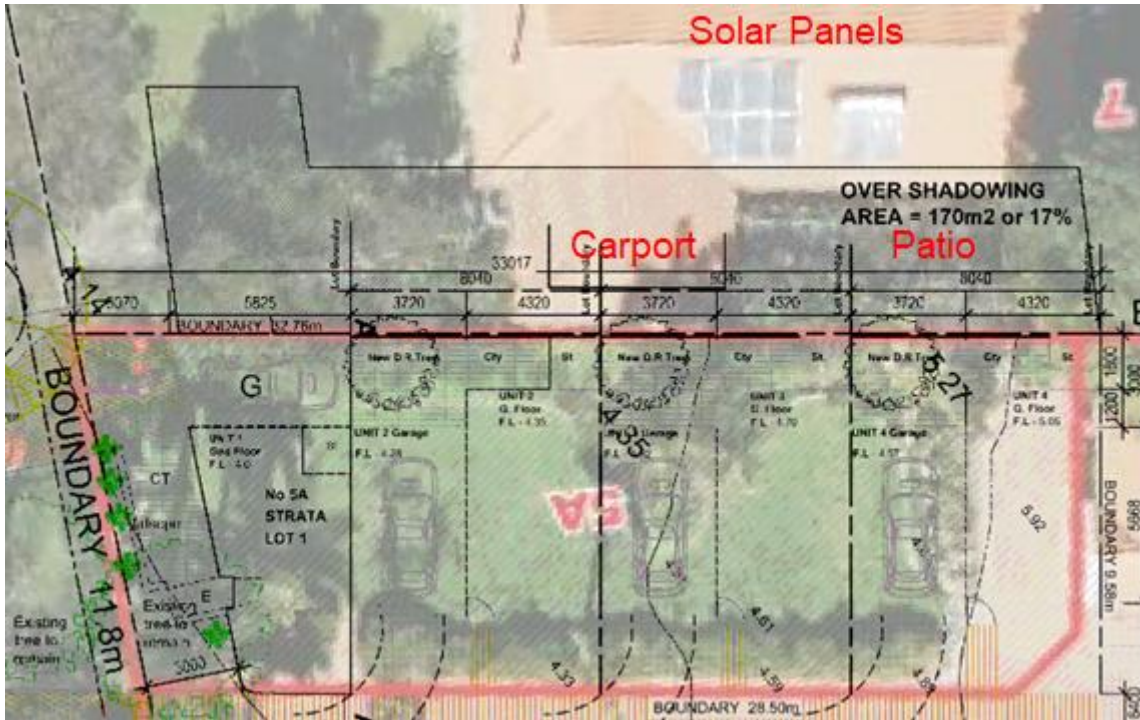


Figure 6: Aerial image showing the overshadowing extent onto 7 View Road. The above figure demonstrates that no active habitable spaces will be impacted from the proposed development.

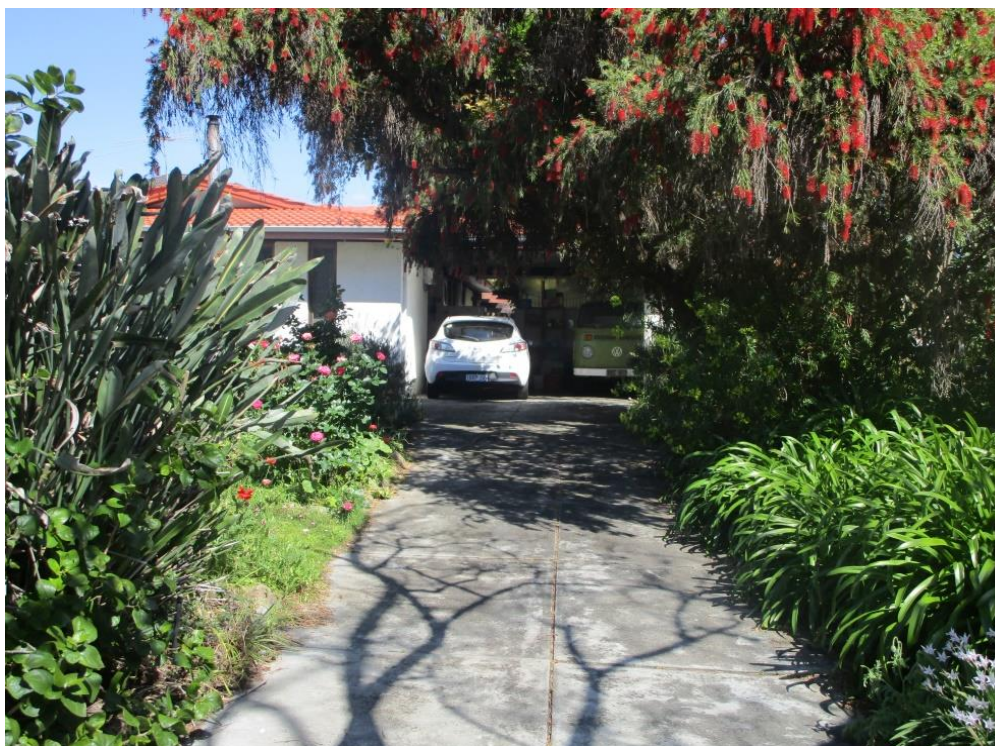


Figure 7: View of subject site

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**Figure 8: View of subject site (grassed area) and adjoining southern property (7 View Road) seen with the white wall.**



**Figure 9: View of adjoining southern property. The impacted area from the proposed development includes the driveway area and carport (pictured above)**

**U22/0576 – FOUR GROUPED DWELLINGS – LOT 1 (5A) AND LOT 2 (5) VIEW ROAD,  
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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**

The proposed development is considered to be consistent with the intent and provisions of the CBACP and the Local Planning Scheme No.6. The application is recommended for conditional planning approval on that basis.

**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 in accordance with the City's stormwater design guidelines.
3. 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 of 3m;
  - 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.

4. 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.
5. Fencing and all structures within the front setback area are to comply with Clause 10.7 of Element 10 of the Canning Bridge Activity Structure Plan with a maximum height of 1.2m to the satisfaction of the City.
6. 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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7. Within 12 months of occupation, evidence shall be provided from a suitably qualified consultant, confirming that the buildings have been constructed in accordance with the Sustainable Design Assessment prepared by Energy Advance, to the satisfaction of the City.
8. 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.
9. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development, to the satisfaction of the City.
10. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.
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.
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 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.
  - 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.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment, fuel, oil dumps or chemicals;
    - Servicing or refuelling of equipment or vehicles;

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- Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
  - Open-cut trenching or excavation works (whether or not for laying of services);
  - Changes to the natural ground level of the verge;
  - Location of any temporary buildings including portable toilets; or
  - The parking of vehicles or machinery.
13. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
14. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals and the Canning Bridge Activity Centre Plan, prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. In lieu of provision of art on site, a cash in lieu contribution may be made as per LPP 1.4 and the Canning Bridge Activity Centre Plan.