

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 9 MARCH 2021

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, 12 MARCH 2021



**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, 9 MARCH 2021.**

PRESENT

P Prendergast
M Scarfone
B Ashwood
R Tu

Manager Statutory Planning
Planning Services Coordinator
Senior Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who 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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U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2020-1570
 Property : Lot 88 (No. 1A) Maldon Way, MOUNT PLEASANT WA 6153
 Proposal : Two Storey Single House
 Applicant : Contemporary Design & Construction Pty Ltd
 Owner : Toby Marie Williams and Christopher Pearson
 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>

U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for a two storey single house at Lot 88 (No. 1A) Maldon Way, Mount Pleasant WA 6153.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies
- The proposal was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. Following this consultation the adjoining landowners provided the City with a written submission expressing concern that the development would result in an adverse impact on their property.
- Notwithstanding the submissions 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

U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	388m ²
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes
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, 12 March 2021.

DETAIL

In December 2020 a development application was lodged for a two storey single house at Lot 88 (No. 1A) Maldon Way, Mount Pleasant.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes (SPP 3.1 Vol. 1) and applicable local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
R-Codes Clause 5.1.3 – Lot Boundary Setbacks	Ground Floor Living – 1.5m setback from rear boundary	Setback at 1 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
R-Codes Clause 5.1.3 – Lot Boundary Setbacks / Local Planning Policy 3.1 Boundary Walls	Ground Floor Garage Boundary Wall – Maximum 3.5m, average 3m in height	Average 3.5m in height	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
R-Codes Clause 5.1.4 – Open Space	50%	44.33%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
R-Codes Clause 5.3.7 – Site Works	Excavation within 3m of the street alignment shall not exceed 0.5m	Maximum excavation of 2.1m on the northeast corner	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
R-Codes Clause 5.3.8 – Retaining Walls	Retaining walls a maximum of 0.5m located on the boundary	2.1m retaining wall on the northern boundary to support excavation works	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

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 received.

A summary of the objections received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Overshadowing into living areas and landscaping areas; negative financial impact of having to access to natural light impacted.	The developments meets the deemed-to-comply requirements of in the R-Codes in terms of access to sunlight for the adjoining property.	Not Uphold

**U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Bulk impact of proposed retaining wall and boundary wall to the adjoining property on the south.	The retaining wall and site works meets the deemed-to-comply requirements of in the R-Codes. Refer to the comments section of this report for boundary wall.	Not Uphold
Dampness.	Not a relevant planning matter.	Not Uphold.
Height of the development restricts views.	The height proposed satisfies the deemed-to-comply requirements of Local Planning Policy LPP.9) Building Heights	Not Uphold.
Construction of retaining walls on boundary will create structural damage to existing structures	This is not a material planning consideration.	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.

**U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY,
MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****COMMENT**Garage Boundary Wall Height

As per Clause 3.2(ii) of Local Planning Policy LPP 3.1 Residential Development, boundary walls in areas coded R20 and above are to have an average and maximum wall height of 3 metres and 3.5 metres respectively. With an average wall height of 3.5m, the proposed garage boundary wall does not meet the deemed-to-comply criteria and instead requires a performance assessment. The proposed wall is considered to meet the Design Principles of Clause 5.1.3 the R-Codes Volume 1 for the following reasons:

- As seen in Figure 2, the boundary wall proposed abuts the neighbour's own parapet for majority of its length with the exception of a minor portion towards the rear.
- While the proposed wall is taller than the adjoining existing boundary wall, it is considered that it will have an acceptable streetscape impact as it is setback 4.5 metres from the street and will be viewed in conjunction with the two storey elements of the proposed dwelling. These factors combine to reducing the bulk and visual prominence of the wall.
- Given the adjoining parapet is the neighbour's garage which has no openings facing the subject lot, excessive bulk impacts are minimised.
- As seen in Figure 3 and 4, the view and amenity from the habitable spaces next to the existing retaining and boundary wall is limited due to the height of those existing structures. The additional impact of the proposed wall is mitigated by the existing retaining and boundary wall.
- As the proposed garage is a non-habitable space with no openings facing the neighbouring property, there is no consequent overlooking.
- There are no overshadowing variations created by the proposed boundary wall, as the overall shadow impact satisfies the relevant deemed-to-comply provision of the R-Codes.

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Figure 3: Southern boundary depicting existing boundary wall, retaining walls and dividing fence of adjoining property.

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Figure 4: Direct view south from the subject lot to the existing boundary wall and dividing fence.

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

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On that basis, it is recommended that the DA be approved subject to conditions.

**U21/0555 – TWO STOREY SINGLE HOUSE AT LOT 88 (NO. 1A) MALDON WAY,
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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 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 6m;
 - constrained in width to only provide vehicle access for the designated parking area;
 - 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. 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. 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.
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 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.

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9. The privacy screening shown on the approved plans shall meet the Deemed to Comply standards of Cl. 5.4.1 of the Residential Design Codes. The privacy screening shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.
10. 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 Street 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.