

## **REPORTS AND RECOMMENDATIONS**

### **FOR THE**

### **DEVELOPMENT ADVISORY UNIT**

### **MEETING**

### **HELD ON**

**TUESDAY, 9 FEBRUARY 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](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, 12 FEBRUARY 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 FEBRUARY 2021.**

**PRESENT**

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

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
Senior Planning Officer  
A/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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**U21/0548 – PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

Ward : Central  
 Category : Operational  
 Application Number : DA-2020-1613  
 Property : Lot 1 (5A) Drew Road, Ardross  
 Proposal : Two Storey Single House  
 Applicant : Summit Homes  
 Owner : Ms Katherine McPherson & Mr Jeremy Birch  
 Disclosure of any Interest : Planning Services Coordinator declared a proximity interest in relation to the proposed development and therefore did not participate in this decision.

Previous Items : N/A  
 Responsible Officer : Peter Prendergast  
 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 &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"/>	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>

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In December 2020, a development application for a two-storey single house was lodged with the City of Melville.
- The proposed development satisfies the relevant provisions of 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 applicable local and council policies with the exception of site works and retaining for which a performance assessment is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making to the surrounding affected landowners. Two submissions were received during the consultation period, one supporting the proposed height of the retaining wall and one outlining concerns relating to retaining wall height.
- As a result of the objection and the City not supporting the proposed height of the retaining wall, amended plans were received showing a reduction in the height of the retaining wall.
- Despite the receipt of these amended plans, the neighbour chose not to withdraw their objection.
- Notwithstanding the objection it is considered that the development is acceptable when assessed against the relevant Design Principles of the Residential Design Codes.
- It is recommended that approval be granted subject to conditions.



**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	530m <sup>2</sup>
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer to Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 12 February 2021.

**DETAIL**

Development approval is sought for a two storey single dwelling at Lot 1 (5A) Drew Road, Ardross. The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

**R-Code Requirements**

Development Requirement	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Site Works & Retaining Walls	Maximum 0.5 metre heights within 1 metre of a lot boundary.	0.480m - 0.750m fill along the rear boundary  0m – 0.750m along the south west boundary line	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

<b>Development Requirement (Continued)</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 5.4.1 C1.1 Visual Privacy	Balconies - Cone of vision setback 7.5 metres from lot boundaries	Minimum cone of vision setback 3.8 metres to the boundary line	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Clause 5.4.1 C1.1 Visual Privacy	Retreat - Cone of vision setback 6.0 metres from lot boundaries	Minimum cone of vision setback 4.0 metres to the boundary line	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

**Local Planning Policy 3.1- Residential Development Policy**

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 2.1 Garage Width	Garage less than 60% of the lot frontage	62%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**STAKEHOLDER ENGAGEMENT**

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:	Object

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Concern expressed regarding the cumulative height of the fence with the proposed retaining wall, including the increased likelihood of loss of morning sunlight, and impact on lawn and weed growth.	Object	Refer to comments section of this report.	Not Up Hold
2	Supports the height of the retaining wall.	Support		Noted
3	Putting a privacy screen on the right side would take away the character and design from the front elevation.	Support		Noted

**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 has 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 the proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications associated with this proposal

**COMMENT**

Commentary in this report will focus on the proposed site works and retaining walls only which were the subject of a neighbour's objection. The remaining matters listed above have been assessed under the relevant design principles of the R-Codes, and are supported.

The initial plans were advertised to the adjoining neighbours seeking comments on the height of the retaining wall and visual privacy. The City received one email supporting the original height at 1m and one email objecting to the original height of at 1m. The City also received one email supporting the variations to visual privacy.

Site Works & Retaining Walls

The City requested that the height of the retaining walls be reduced. The applicant amended this aspect and the amended plans were provided to the objector for their reconsideration. The neighbour maintains a concern and have requested that their objection be up held.

The proposed site works & retaining walls requires a performance assessment having regard to the provisions of SPP7.3 (R Codes) Volume 1. The site works and retaining walls are considered to meet the Design Principles of Clause 5.3.7 Site Works and Clause 5.3.8 Retaining Walls of the R Codes for the following reasons:

- There is a moderate fall in the topography of the lot along the southwest boundary of approximately 1.3m and 0.280m fall in the topography along the rear boundary line. The site works along the north eastern boundary are limited to approximately 0.5m which is consistent with the Deemed to Comply requirements of the R-Codes. The proposed development has been appropriately stepped in accordance with the existing topography of the site reducing height of the retaining wall at the North West corner to approximately 0.750m above the natural ground level.
- The retaining is necessary to allow the residents have an outdoor living area which can be effectively used.
- The natural topography of the site has been respected at the lot boundary of the site as viewed from the street with less than 0.5m of fill being proposed within the primary street setback area.
- A dividing fence which is required to be provided at 1.8m from the highest ground level will limit overlooking.

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

- Figure 2 shows the portion of fill which exceeds the permitted 0.5m along the North West boundary line. The length of retaining wall is limited to approximately 18m over a 50.29 metre boundary line and is stepped making the site works which have been proposed to manage the slope of the site a modest variation along the south west boundary line.

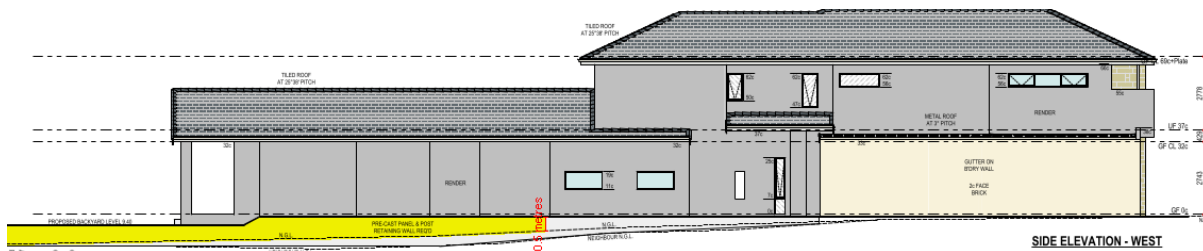


Figure 2

- Figure 3 shows the portion fill which exceeds the permitted 0.5m along the rear boundary line. Whilst the proposed retaining wall along the rear boundary exceeds 0.5m for the majority of the length, this height variation is considered not to result in any bulk impact, loss of sunlight or result in a sense of the rear garden area being closed in. The retaining wall along the rear boundary line is located opposite a garden bed which includes, planting, pool pump, feature wall and a large tree which is located directly opposite the highest portion of the retaining wall, being the south west side, refer to Figure 4 photos showing (garden bed & pool pump), Figure 5 photo showing (large tree) and Figure 6 showing further planting along the neighbours rear boundary line.

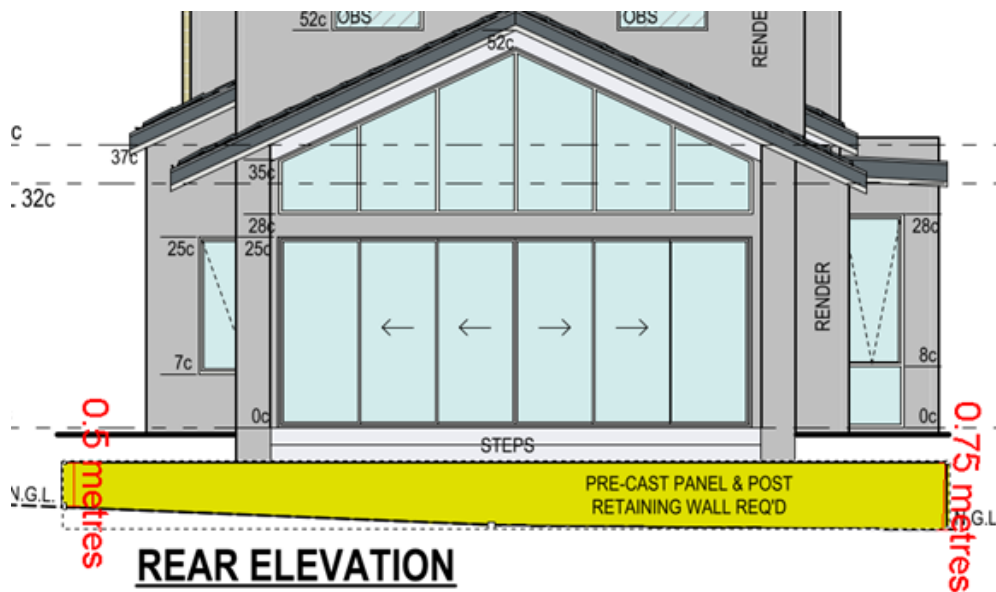


Figure 3

U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)



Figure 4 – Large Tree



Figure 5 – Pool Pump & Feature Wall

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**



Figure 6 – Garden Bed

**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 Principals of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)****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.
3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
4. 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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.
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. 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.
7. Prior to the initial occupation of the development, the boundary wall shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. 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.

**U21/0548 - PROPOSED TWO STOREY SINGLE HOUSE - LOT 1 (NO. 5A) DREW ROAD  
ARDROSS (REC) (ATTACHMENT)**

- 9. Prior to the initial occupation of the development, the opening along the north east elevation of the Balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1/6.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.**
  
- 10. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining property/properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

Ward : Palmyra - Melville - Willagee Ward  
 Category : Operational  
 Application Number : DA-2020-673  
 Property : Lot 31 (No. 161) Leach Highway, Willagee WA 6156  
 Proposal : Four Grouped Dwellings  
 Applicant : Eric Soh, Architectural Studio 63  
 Owner : Jason Fook Ngian Wong & Li Lu Khoo  
 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>

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for four grouped dwellings at Lot 31 (No. 161) Leach Highway, Willagee.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- The proposed development requires a performance assessment in relation to building setbacks and visual privacy and as such was advertised to the adjoining owners and occupiers in accordance with Part 4 of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). Two submissions were received both of which objected to the proposed building setbacks to the west and visual privacy setbacks to the south.
- 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.



Figure 1 – Aerial photography of subject site

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 LPS6 Zoning : Residential  
 R-Code : R20/R60  
 Use Type : Residential  
 Use Class : Permitted

**Site Details**

Lot Area : 802m<sup>2</sup>  
 Retention of Existing Vegetation : N/A  
 Street Tree(s) : No  
 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 February 2021.

**DETAIL**

In June 2020, a development application was lodged for four grouped dwellings at Lot 31 (No. 161) Leach Highway, Willagee.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. The proposal satisfies all of the relevant deemed-to-comply provisions with the exception of those matters listed below, which require assessment against the Design Principles of the R-Codes.

**Residential Design Codes**

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 5.1.3 C3.1(i) Lot Boundary Setbacks	First Floor Stairs/Landing setback 1.2 metres (West)	Minimum setback of 1.14 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit
	Second Floor Stairs/Bed 4 (bulk) setback 2.9 metres (West)	Minimum setback of 2.45 metres		

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

<b>Design Element (Continued)</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 5.3.1 C1.1 Outdoor Living Areas	Outdoor living areas to be located behind street setback area	Unit 1-4 outdoor living areas located within Leach Highway street setback area	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 5.4.1 C1.1 Visual Privacy	Balconies - Cone of vision setback 6.0 metres from lot boundaries (South)	First Floor: Unit 1-4 balconies minimum cone of vision setback 3.5 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit

**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)

In accordance with the requirements of LPP1.1, the application was advertised to the affected landowners for a period of 14 days, commencing 6 October 2021 and concluding 20 October 2020. Two submissions were received from the landowners, one objecting to the proposal, and one who requesting screening along the first floor balconies.

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

<b>Summary of Issues Raised</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Building size, setbacks and building bulk	Refer to the comments section of this report.	Not Uphold
Impacts of dwellings on the streetscape as dwellings are setback 1.0 metre from Leach Highway.	The proposed dwellings meet the minimum and average street setback requirements for an R60 development as stipulated under Table 1 of the R-Codes.	Not Uphold

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Continued)</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Visual privacy impacts from reduced building setbacks from western lot boundary.	There are no major openings along the western elevation of the building and therefore, there will be no overlooking or adverse amenity impacts.	Not Uphold
Visual privacy impacts from reduced building setbacks from western lot boundary.	Refer to the comment section of this report.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

The City referred the application to Main Roads Western Australian (MRWA) as the subject site abuts Leach Highway which is subject to high exposure to road noise. In accordance with *State Planning Policy 5.4 – Road and Rail Noise*, an Acoustic Report was referred to MRWA on 26 November 2020 for comments. MRWA has provided no objection to the proposal subject to conditions of approval detailed within the Officer Recommendation section.

**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**

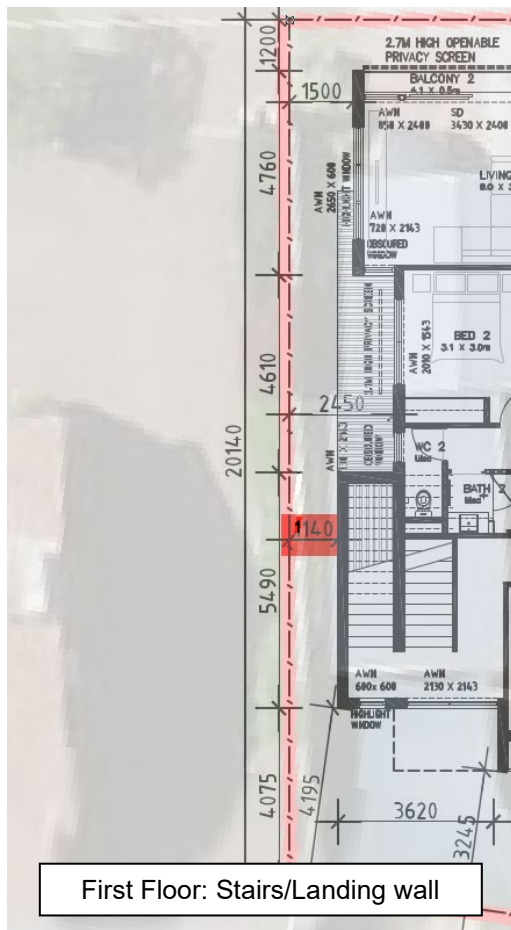
Lot Boundary Setbacks

As detailed in the table above two sections of the western facing wall of unit four do not meet the deemed to comply provisions of the R-Codes and therefore require a performance assessment. The setbacks are considered to meet the Design Principles of the R-Codes for the following reasons:

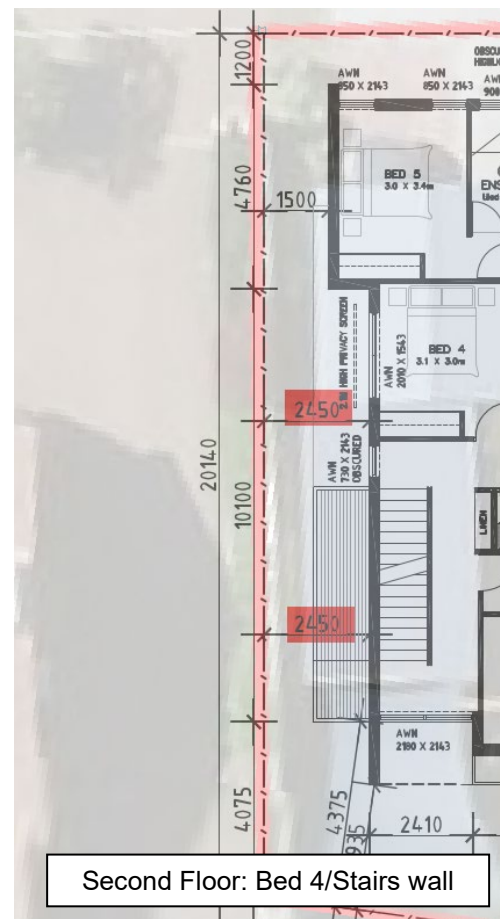
- Both the first floor and second floor walls are well articulated through the use of varying materials, alternating wall heights, varied setbacks and window openings. This articulation ensures the walls will not add excess building bulk to the adjoining western property;

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

- The orientation of the wall will ensure that access to direct sunlight and ventilation to the adjoining western property will not be restricted;
- The wall is located next to the s carport and driveway area of the adjoining site. These are not active habitable spaces and therefore are not sensitive high amenity spaces which will be negatively impacted by the bulk of the proposed building; and
- There are no major openings along this section of wall, ensuring the development does not pose any overlooking concerns for the adjoining owners.



First Floor: Stairs/Landing wall



Second Floor: Bed 4/Stairs wall

**Figures 2a and 2b:** First Floor Plan (left) and Second Floor Plan (right) overlay of the subject site and the neighbouring property. The measurement highlighted in red denotes the setback of the wall from the neighbouring western lot boundary.

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

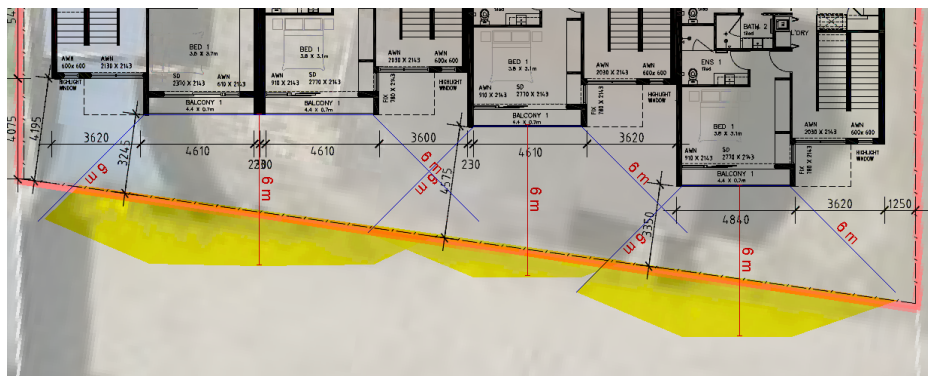
Balcony Setbacks

Unit 1-4 proposes an unscreened balcony on the first floor elevation which faces the southern adjoining lot. All balconies are required to provide a minimum 6 metre cone of vision setback from the southern boundary, and the application requires a performance assessment against Clause 5.4.1 Visual Privacy of the R-Codes in that respect. The unscreened balconies along the southern boundary are considered to meet the Design Principles of the R-Codes for the following reasons:

- The impacted area to the south includes a portion of the neighbour's vacant area however, this site is intended to be subdivided into two lots. A future carriageway (noted as restrictive covenant on Figure 3b) is proposed along the northern boundary where the cone of vision setbacks from the first floor balconies will extend onto (see figures below); and
- The balconies will not directly overlook into any active habitable spaces as the site is vacant. As expressed above, the site to the south is intended to be developed with a future carriageway where this area would not be an active habitable space with any major openings or habitable rooms.

In addition to the above, the unscreened balconies are considered to represent an improved design outcome taking into account the amenity of the future occupiers of the building, the streetscape and designing out crime principles as detailed in the dot points below.

- The purpose of the unscreened balconies is to provide better passive surveillance for the dwellings onto the private carriageway and to the pedestrian entries of each dwelling. The provision of good visual surveillance is a key measure in designing out crime.
- The removal of the balcony screening provides an improved visual outlook for future occupiers of the dwellings, allowing for views to the south as well as cooling breezes. The removal of balcony screening along the southern elevation also provides well-articulated building design therefore improving the streetscape.



**Figure 3a:** First Floor Plan (above) overlay of the subject site. The section highlighted in yellow shows the cone of vision arc encroachment from the balconies onto the southern adjoining lot.



U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY,  
WILLAGEE WA 6156 (REC) (ATTACHMENT)

4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
5. This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC *State Planning Policy 5.4 Road and Rail Noise* and implement Noise Insulation measures as outlines in the Noise Assessment undertaken by Lloyd George Acoustics dated 24 November 2020.
6. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate(s) of Title of the proposed development. The notification is to state:  
  
*“The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise”.*
7. No earth works shall encroach onto the Leach Highway road reserve.
8. No stormwater drainage is to be discharged onto the Leach Highway road reserve.
9. No waste Collection is permitted from the Leach Highway road reserve.
10. 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 retained 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.
11. 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.
12. 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.
13. 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.

**U21/0549 - FOUR GROUPED DWELLINGS – LOT 31 (NO. 161) LEACH HIGHWAY, WILLAGEE WA 6156 (REC) (ATTACHMENT)**

14. 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.
  
15. All retained 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.
  
16. 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.

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

Ward : Central Ward  
 Category : Operational  
 Application Number : DA-2020-1634  
 Property : Lot 94 (No. 14) Welby Place, Myaree WA 6154  
 Proposal : Two Storey Single House with Outbuilding  
 Applicant : Webb & Brown-Neaves Pty Ltd  
 Owner : S J & J D Board  
 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>

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey single house and outbuilding at Lot 94 (No. 14) Welby Place, Myaree.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- The proposal was advertised to the adjoining owners and occupiers in accordance with Part 4 of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). One submission was received objecting to the overall size and height of the outbuilding.
- 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.



**Figure 1 – Aerial photography of subject site**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R20
Use Type	:	Residential
Use Class	:	Permitted

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

**Site Details**

Lot Area	: 794m <sup>2</sup>
Retention of Existing Vegetation	: N/A
Street Tree(s)	: Yes, to be protected
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 February 2021.

**DETAIL**

In December 2020, a development application was lodged for a two storey single house and outbuilding at Lot 94 (No. 14) Welby Place, Myaree.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. The proposal satisfies all of the relevant deemed-to-comply provisions with the exception of those matters listed below, which require assessment against the Design Principles of the R-Codes.

**Residential Design Codes**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1(i) Lot Boundary Setbacks	Outbuilding setback 1.1 metre (South)	Minimum setback of 1.0 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 5.4.1 C1.1 Visual Privacy	Home Theatre, Scullery - Cone of vision setback 6.0 metres from lot boundaries (South)	Minimum cone of vision setback of 5.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
	Alfresco - Cone of vision setback 7.5 metres from lot boundaries (South)	Minimum cone of vision setback of 5.5 metres		

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.4.3 C3 Outbuildings	Maximum 60m <sup>2</sup> total area	80m <sup>2</sup> total area of outbuilding	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit
	Maximum 2.4 metre wall height	Maximum 3.7 metre wall height		
	Maximum 4.2 metre ridge height	Maximum 5.5 metre ridge height		

**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.

In accordance with the requirements of LPP1.1, the application was advertised to the affected landowners for a period of 14 days, commencing 31 December 2020 and concluding 14 January 2021. A submission was received from the landowners of No. 13A Schacht Court, Myaree (eastern adjoining property) who objected to the proposal, citing the following concerns:

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Objects to the 1 metre setback of the outbuilding in lieu of 1.5 metres from the eastern boundary	The applicant has since amended the plans to provide a 1.5m setback in accordance with the deemed-to-comply requirement of Clause 5.1.3 Lot Boundary Setbacks.	Not Uphold
Loss of sunlight from proposed outbuilding	Refer to the comment section of this report.	Not Uphold
Noise impacts from the outbuilding.	The applicant has confirmed the outbuilding will be used for domestic purposes only being for a caravan and storage. As such, this is considered an acceptable use of the outbuilding within a residential area where there will be no noise impacts on the adjoining landowners.	Not Uphold

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Continued)</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Non-compliance of outbuildings with deemed-to-comply requirements of Clause 5.4.3 Outbuildings of the R-Codes	Refer to the comment section of this report.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

N/A

**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**

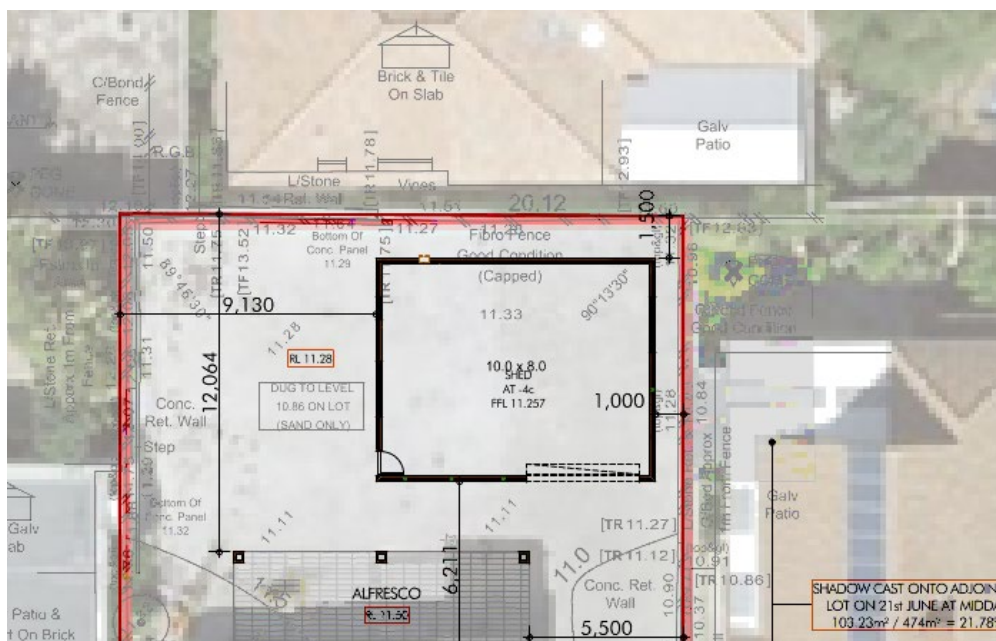
Outbuildings

The application proposes an 80m<sup>2</sup> outbuilding with a maximum wall height of 3.7 metres and ridge height of 5.5 metres. The size and height of the outbuilding requires a performance assessment against Clause 5.4.3 Outbuildings of the R-Codes. The proposal is considered to meet the Design Principles of the R-Codes for the following reasons:

- The intent of the Outbuildings clause under the R-Codes is to ensure storerooms and workshops (which are not designed to match the dwelling) are restricted to an appropriate size and height, to maintain residential amenity. The proposed outbuilding is considered to meet the intent of the R-Codes given the outbuilding is designed to a high standard being brickwork and render with colorbond roofing to match the dwelling;
- The outbuilding is proposed to be sited at the rear corner of the site, more than 25 metres from Welby Place itself. The proposed two storey single house will screen the majority of the outbuilding from the street to ensure the visual impact of the outbuilding is minimised when viewed from the street;

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

- The applicant has confirmed the outbuilding will be used for domestic purposes only being for a caravan and storage. As such, this is considered to be an acceptable use of the outbuilding within a residential area where the associated noise from the use of the outbuilding is commensurate with its residential location.;
- The outbuilding is proposed to be located adjoining a portion of the eastern neighbour's drying court area and south facing patio. Given the outbuilding complies with the minimum lot boundary setback requirements of the R-Codes, access to direct sun and ventilation to the adjoining dwelling will not be restricted as a result of the outbuilding. The outbuilding is proposed to be finished with render, to match the proposed dwelling ensuring the building will not have a negative visual impact on the adjoining dwelling when viewed from that property; and;
- Despite the size of the outbuilding, a total of 60% open space is provided on site, exceeding the deemed to comply provisions of the R-Codes.



**Figure 2:** Outbuilding overlay of the subject site adjacent to the objector's property.

## CONCLUSION

The application for a two storey house and outbuilding has been assessed and is considered to comply with the relevant planning framework, including the design principles of the R-Codes. It is therefore recommended that the development be approved subject to the imposition of conditions.

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION****APPROVAL**

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.
3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
4. 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;
  - located a minimum of 2m away from the outside of the trunk of any retained 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.

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. 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.
7. All retained 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'.

**U21/0550 - TWO STOREY SINGLE HOUSE WITH OUTBUILDING – LOT 94 (NO. 14)  
WELBY PLACE, MYAREE WA 6154 (REC) (ATTACHMENT)**

- **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.**
- 8. 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.**

**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2020-1300  
 Property : Lot 12 (4) Tweeddale Road, Applecross  
 Proposal : 6 Grouped Dwellings  
 Applicant : Pinnacle Planning  
 Owner : R J Tunnercliffe and L J Tunnercliffe  
 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"/>	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>

**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for six grouped dwellings at Lot 12 (4) Tweeddale Road, Applecross.
- The proposed development has been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of the Canning Bridge Activity Centre Structure Plan (CBACP) and relevant local planning and council policies.
- The proposed development requires a performance assessment in relation to Element 5 *Side and Rear Setbacks* of the CBACP and as such was advertised to the adjoining owners in accordance with Local Planning Policy 1.1 'Planning Process and Decision Making'. Three submissions were received which object to the proposed development.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Desired Outcome of the CBACP.
- It is recommended that approval be granted subject to conditions.

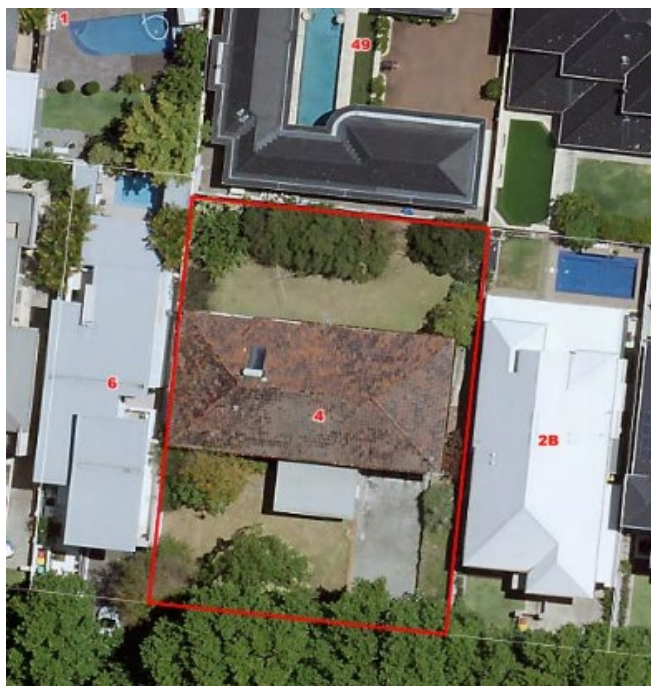


Figure 1- Aerial Photography

**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R -AC0
Use Type	:	Residential
Use Class	:	Preferred

**Site Details**

Lot Area	:	866m <sup>2</sup>
Retention of Existing Vegetation	:	Yes
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 February 2021.

**DETAIL**

In October 2020 a development application was lodged for 6 grouped dwellings at 4 Tweeddale Road, Applecross. Prior to lodgement, the applicant engaged with the City to discuss the relevant development standards. In addition, the application was presented to the *Canning Bridge Design Review Panel* (CBDRP) for initial feedback on the design.

In response to concerns raised by the City, revised plans were submitted in February 2021 which reduce the height of the rear grouped dwellings and increase the setback to the rear boundary. These amended plans are the subject of this report.

The key document in 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 in principle permits residential development of up to four storeys in height. The adjoining properties to the north are located outside of the CBACP and are zoned R30 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.



**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

<b>Development Requirement (Continued)</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Side setback (east)	4 metres	Ground floor 1.0 – 4.0 metres  First and second floor 3.0 – 4.0 metres	Requires assessment against the Desired Outcomes of the CBACP	Development Advisory Unit (DAU)
Street Setback	3 metres	Minimum 2 metres	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)
Balcony area	Minimum 10 square metres	Some balconies in Units 1-4 are smaller than the required 10m <sup>2</sup> however each dwelling is provided with an outdoor space greater than 10m <sup>2</sup> .	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)
Parking	Two – Three bed dwellings Minimum 1 bay Maximum 1.5 bays	Units 1,2,5 & 6 are three bedroom dwellings with two parking bays provided for each	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)

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

**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD, APPLECROSS WA 6153 (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 3.4(a)  
 Support/Object: Three objections 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)
The proposal should follow the guidelines set out in the <i>Canning Bridge Activity Centre Plan</i> (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
The impact of the building bulk onto each properties air space	The setback variations are supported against the Desired Outcomes of the CBACP.	Not Uphold
Loss of visual privacy from the proposed dwelling	The provision of visual privacy does not apply within the CBACP. Nonetheless, refer to the comments section below	Not Uphold
Overshadowing	The provision of solar access and overshadowing do not apply within the CBACP.	Not Uphold
Height of proposed dwellings	The proposed dwellings are compliant in regard to height, this being an H4 location where under the provisions of the CBACP, 4 storey development is supported in principle.	Not Uphold

**U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Noise disturbance caused by new dwellings;	<p>Noise is not a material planning consideration, that issue being dealt with under non planning legislation. The proposed residential use is an appropriate use in this residential location, and the noise associated with the operation of the residential uses will be readily accommodated as such, without rise to adverse amenity impacts.</p> <p>The subject site is located within an area designated to accommodate a growing population through infill development projects such as this. During the construction phase, contractors will be required to comply with the relevant noise legislation.</p>	Not Uphold

## II. OTHER AGENCIES / CONSULTANTS

### Canning Bridge Design Review Panel

The application was presented to the *Canning Bridge Design Review Panel* (CBDRP) in September 2020. See Attachment 2 for the Minutes of this meeting..

At its meeting, the CBDRP supported the proposed housing typology and identified the following strengths of the proposal:

- The proposed housing typology;
- By virtue of its typology, the proposal benefits from high levels of cross ventilation and dual aspect;
- The built form incorporates a number of curved elements which mediate scale whilst drawing from the local Art Deco historical context.
- The upper levels provide active spaces that overlook and engage with Tweeddale Road and the internal driveway and provide good activation and passive surveillance.

The panellist made a number of recommendations to the applicant, from the retention of the street trees, to the engagement of a landscape architect, the defining of the rear unit's ground floor entrance and the location of utilities.

The applicant has responded in a satisfactory manner and amendments have been made to the final proposed design. The development is therefore considered to be of an acceptable design quality which satisfies the requirements of the CBACP.

U21/0551 - 6 GROUPED DWELLINGS – LOT 12 (NO. 4) - TWEEDDALE ROAD,  
APPLECROSS WA 6153 (REC) (ATTACHMENT)

### 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

#### 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 4 metres.. Further, the rear 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. These matters are discussed in greater detail below.

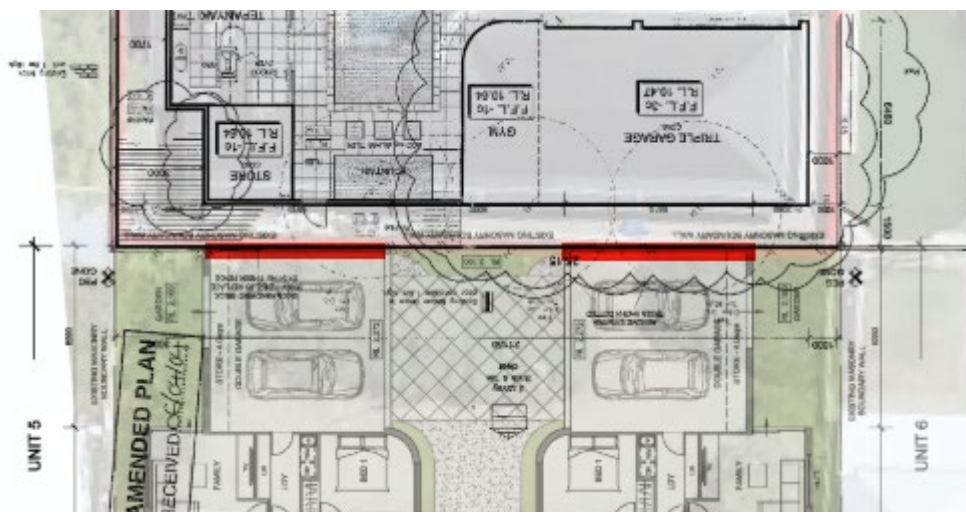
#### *Ground floor Rear Setback*

The proposed garages for Units 5 and 6 have a nil setback to the rear boundary therefore a performance assessment is required against the Desired Outcome DO 5.

The proposed setback is supported for the following reasons:

- The location of the garage wall to each proposed property is on the southern boundary of 49 Canning Beach Road where, by virtue of their height and lack of major openings, there are no impacts on the adjoining property in relation to solar access or visual privacy; and
- As demonstrated in figure 3 below, the proposed garage boundary walls, abut a garage, gym and amenities building on the northern property. This structure does not contain any major openings towards the application site, nor does it provide any habitable spaces. The existence of this structure serves to mask the proposed garage walls from view, thereby ensuring there are no associated adverse amenity impacts towards the northern property, particularly in respect to visual bulk. The section drawing provided in support of the DA further demonstrates the relationship between the ground floor of the two properties and clearly shows that the amenity building on 49 Canning Beach Road will screen the ground floor of the proposed development.

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**Figure 3:** Ground floor plan of the subject site and its relationship with 49 Canning Beach Road. The lengths of wall subject to the setback variations are highlighted in red

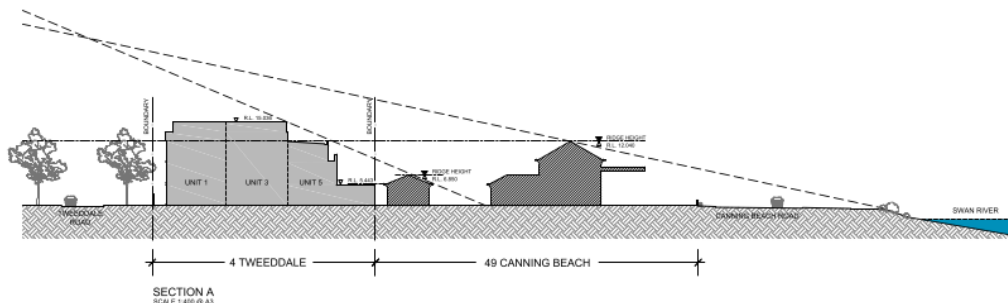
*Third Storey Rear Setback*

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 Units 5 and 6 present a setback of 6m, a performance assessment against the Desired Outcome DO 5 is required. The proposed setback is supported for the following reasons:

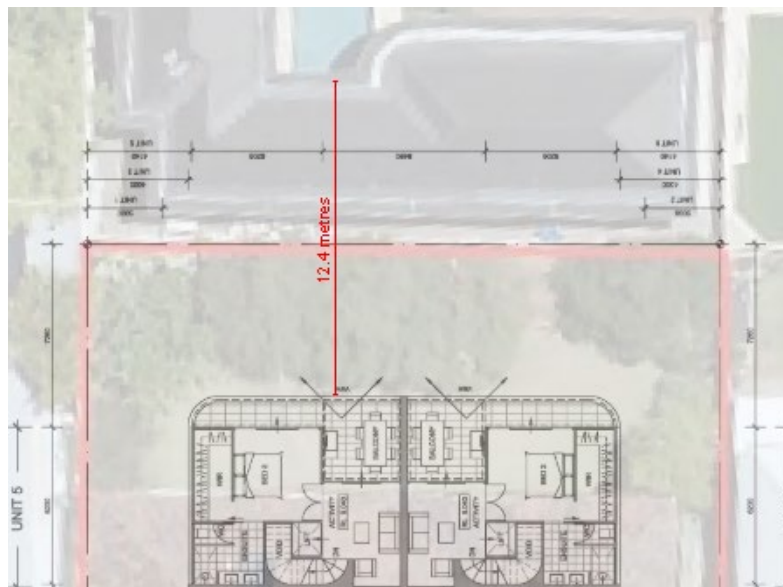
- The 8m side setback requirement for the upper two floors is recognised as the key measure designed to safeguard amenity where developments are proposed at the interface of the H4 area with land outside the CBACP boundary. The increased setbacks for those upper floors make it clear that there is a building transition from the more dense development that is encouraged by the CBACP and the lower intensity residential development styles that characterise the areas outside of the CBACP area. The applicant has managed this transition effectively through the stepping up of the development from a single storey to three storeys and finally to four storeys (see figure 4).
- Under the provisions of Element 5.7 of the CBACP there are no development controls relating to visual privacy and overshadowing. Setbacks are therefore the key development control for dealing with visual privacy, overshadowing and building bulk. Due to the orientation of the subject site, the shadow from the proposal falls towards Tweeddale Road and therefore the setbacks do not cause any amenity issues in the context of overshadowing;
- The proposed setbacks will not affect the view corridors of 49 Canning Beach Road as the home is orientated northward towards the Swan River and Perth City skyline; and

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- The rear of 49 Canning Beach Road comprises of a garage, gym and covered alfresco area. This home has an uncovered pool and driveway in the centre of the property with the main structure being oriented north towards the river. As seen from figure 5 below, despite the proposed reduced rear setback of 6.1m, the amenity of occupiers of No 49 Canning Beach Road is safeguarded by the degree of separation between the proposed development and the outdoor living areas associated with that property including the swimming pool which is some 12m away from the proposed 2nd floor of the development, and the main part of the home which is some 25m away. This substantial setback will minimise any bulk impact and ensure that the visual privacy of the neighbouring residents is maintained, and meets the relevant desired outcome (DO 5) of the CBACP.



**Figure 4:** Cross sectional diagram showing the eastern elevation of the proposed dwelling with 49 Canning Beach Road



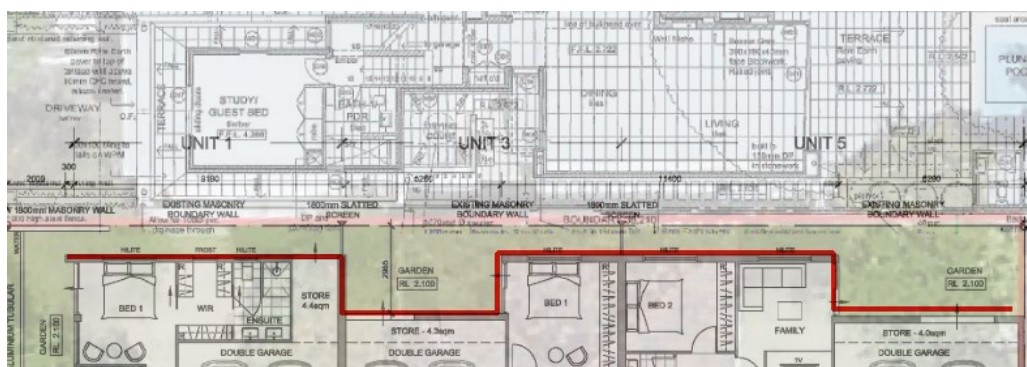
**Figure 5:** The floor plan for the second floor of Units 5 and 6 and its relationship with 49 Canning Beach Road.

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*Ground floor Side Setbacks to the Western and Southern Boundaries*

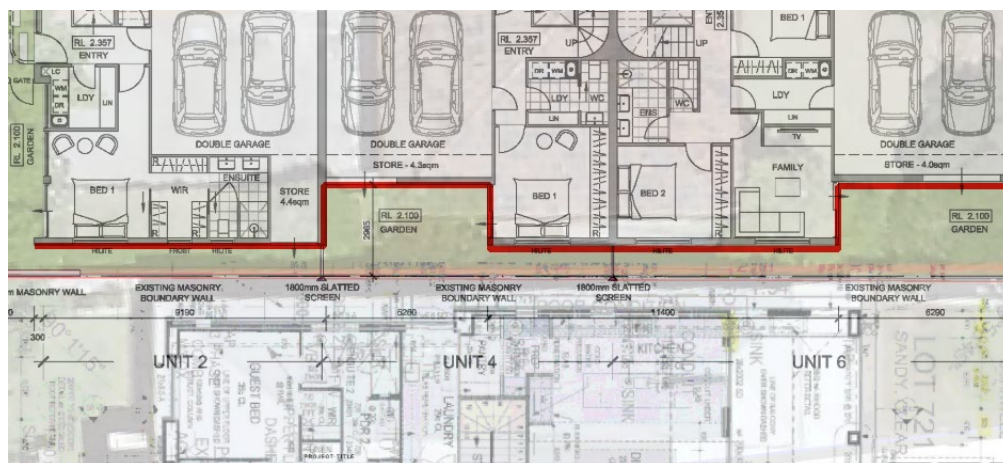
As the development proposes a minimum side setback of between 1m and 3m to the western and southern side boundaries in lieu of 4m, a performance assessment is required against the Desired Outcome DO 5 of Element 5. The proposed setbacks are supported for the following reasons:

- The proposed side setbacks will not affect the view corridors of the neighbouring properties on the east and west as the Swan River and Perth City skyline is located northward and these dwellings are oriented to capture these views;
- As seen in Figures 6 and 7 below, the development is well articulated along the ground floor, with the building being set back 1m at some points, and 3m at others. This design outcome coupled with the lack of major openings on the adjoining residences will ensure that adverse impacts towards the adjoining properties at 2b Tweeddale Road and 6 Tweeddale Road is minimised, and adverse amenity impacts are avoided;
- Due to the north south orientation of the lots and the design of the adjoining properties, the shadow cast from the building does not impact on major openings or habitable spaces; and
- As seen in figures 8 and 9, the subject walls do not abut any major openings or habitable spaces. Combined with its single storey nature this will ensure that there are no impacts to visual privacy of the adjoining properties.



**Figure 6:** Ground floor overlay of the proposal with the ground floor of 6 Tweeddale Road. Setback variations are highlighted in red. Note there are no major openings in the east side elevation of No 6 Tweeddale Road

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**Figure 7:** Ground floor overlay of the proposal with the ground floor of 2B Tweeddale Road. Setback variations are highlighted in red. Note the lack of major openings on the western side elevation of No 2b Tweeddale Road.

*Upper Floor Side Setbacks to the Western and Southern Boundaries*

Proposed Units 1 and 2 have a side setback of 3 metres to the western and southern boundaries for the first and second floors. The third floor of units 1 and 2 incorporates a planter box to the proposed balcony. This is considered to be an architectural feature, the balcony itself being setback the requisite 4m in accordance with the CBACP provisions.

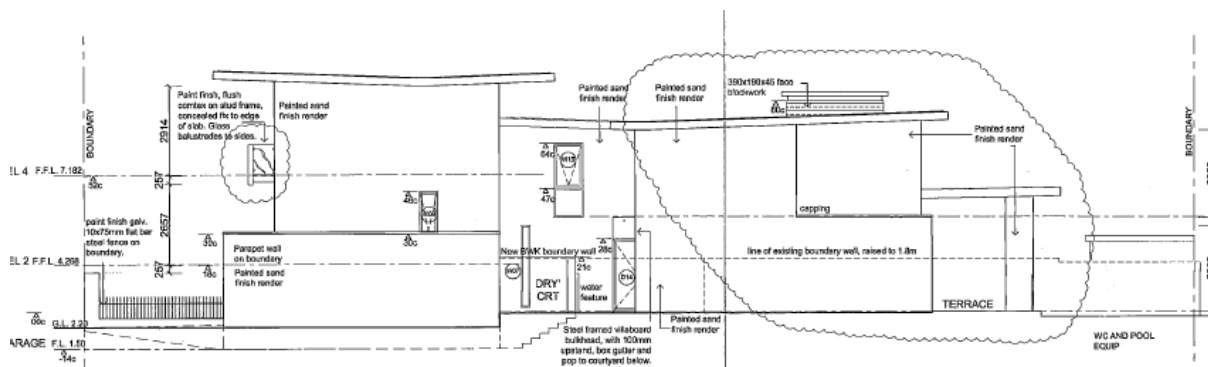
A performance assessment against the Desired Outcome DO 5 of Element 5 of the CBACP has therefore been undertaken in respect of the proposed first and second floor side setback of 3m. As such, a performance assessment is required

The proposed setbacks are supported for the following reasons:

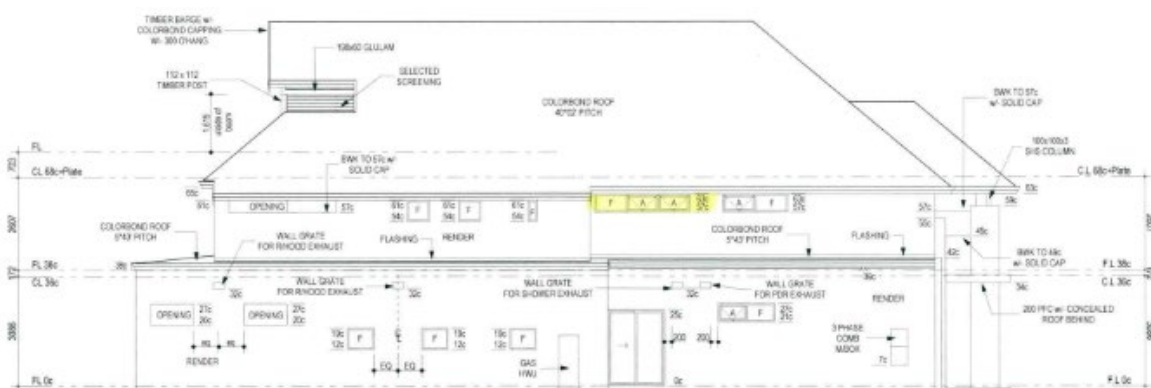
- The proposed setbacks will not affect the viewing corridors of the neighbouring properties to the east and west as the Swan River and Perth City skyline is located northward;
- The properties on the southern side of Tweeddale Road are located in the M10 zone of the CBACP and therefore have significant development potential. Future higher density development on these sites would maintain views over the top of 4 Tweeddale Road, regardless of the setbacks proposed.
- As seen in the elevations and floor plans below (refer Figures 8-11), Unit 1 and 2 do not abut any major openings or outdoor living areas. Given this, the bulk impact to the adjoining properties at 2b Tweeddale Road and 6 Tweeddale Road is minimised.
- Further to the above, the orientation of subject site ensures that solar access will not be impacted.

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- The dwellings on either side of the development site have themselves been developed with minimal upper floor setbacks. The proposed setbacks will therefore be consistent with the existing streetscape character in this portion of Tweeddale Road.
- The proposed development constitutes town houses. It is considered that the setback provisions of the CBACP were primarily designed to manage the development of multiple dwellings, and the resultant relationship of such multiple dwelling developments with one another, or where they interface with existing single and grouped dwelling development as in this case.



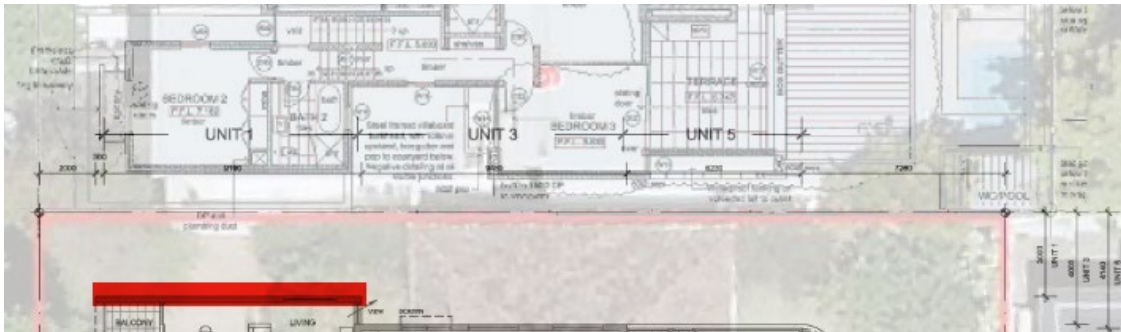
**Figure 8:** Eastern Elevation of 6 Tweeddale Road. The area highlighted in red abuts proposed Unit 1. Note there are no major openings or outdoor habitable spaces at this point.



**Figure 9:** Western Elevation of 2B Tweeddale Road. The area highlighted in red abuts proposed Unit 2. Note there are no major openings in 2b Tweeddale Road at this point.



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**Figure 10:** Second floor plan of the proposed development and its relationship with 6 Tweeddale Road. The setback variation is highlighted in red



**Figure 11:** Second floor plan of the proposed development and its relationship with 2B Tweeddale Road. The setback variation is highlighted in red

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**Figure 10:** View north of the existing dwelling from Tweeddale Road. The tree seen in the foreground is to be retained



**Figure 11:** View east to the existing home at 2B Tweeddale Rd, noting lack of major openings.

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Figure 12 and 13: View west to 6 Tweeddale Road noting existing boundary wall and general lack of major openings within this side elevation



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## **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 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**

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.**
- 3. Prior to the initial occupation of the development, the 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.**
- 4. Prior to the initial occupation of the development, the boundary walls shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**
- 5. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**
- 6. The development shall be serviced by a concrete or brick paved vehicle crossover with:**
  - a. a maximum width of 6m;**
  - 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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.**

- 7. Prior to occupation of the dwellings the access leg depicted in red on the approved plans is to be marked as common property on the Strata Plan**

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8. 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
9. 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. 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - 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:
    - i. Storage of materials, equipment fuel, oil dumps or chemicals
    - ii. Servicing and refuelling of equipment and vehicles
    - iii. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - iv. Open-cut trenching or excavation works (whether or not for laying of services)
    - v. Changes to the natural ground level of the verge
    - vi. Location of any temporary buildings including portable toilets
    - vii. The unauthorised entry by any person, vehicle or machinery
  - e. 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.
10. 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.
11. 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.

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- 12. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, 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.**
- 13. Prior to the commencement of development , a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but not limited to):**
- a. The location, number and type of proposed trees and shrubs including planter size and planting density;**
  - b. Any lawns to be established;**
  - c. Any existing vegetation and/or landscaped areas to be retained;**
  - d. Any verge treatments; and**
  - e. The landscaping treatment to be applied to the drive way access leg boundary.**

**The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.**

#### **Advice Notes**

- I. Construction is not permitted to obstruct traffic along Tweeddale Road 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.**