

**AGENDA**

**FOR THE**

**SPECIAL MEETING OF THE COUNCIL**

**TO BE HELD ON**

**MONDAY, 7 FEBRUARY 2022**

**AT 6.00PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

Use this link to attend electronically, [Register for Special Meeting of Council 7 February 2022](#)

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at [www.melvillecity.com.au](http://www.melvillecity.com.au) in accordance with the provisions of the Policy.

**DISTRIBUTED 4 FEBRUARY 2022**

## **CONTENTS PAGE**

	<b>Item Description</b>	<b>Page Number</b>
<b>URBAN PLANNING</b>		
<b>P22/3968</b>	DAP Call Up – Proposed Eight Storey Development Comprising 49 Apartments – No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant	3
<b>P22/3969</b>	Three Storey Single House – Lot 2 (No.4) Dee Road Applecross WA 6153	9

## NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that a Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon commencing at 6.00pm on Monday, 7 February 2022.

The business paper for the Meeting is scheduled below and your attendance is requested.

**Marten Tieleman**  
Chief Executive Officer

---

## AGENDA

### 1. OFFICIAL OPENING

The Presiding Member will cause the Disclaimer that is on the front page of this Agenda to be read aloud by the Manager Governance and Property. The Presiding Member will cause the following Affirmation of Civic Duty and Responsibility to be read aloud by an Elected Member.

**Affirmation of Civic Duty and Responsibility**

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

### 2. PRESENT

### 3. IN ATTENDANCE

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES****4.2 APPROVED LEAVE OF ABSENCE****5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.****5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.****6. QUESTION TIME****7. DECLARATIONS OF INTEREST**

The Members' and Officers' attention is drawn to the following provisions of the Local Government Act 1995 regarding disclosures of interest;

**7.1 FINANCIAL INTERESTS**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

**7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Councillors and staff are required, in addition to declaring any financial interest, to declare any interest arising from the City of Melville Code of Conduct, that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making processes.

**8. APPLICATIONS FOR NEW LEAVES OF ABSENCE****9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

**10. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant Ward  
 Category : Operational  
 Application Number : DAP-2021-14  
 Property : No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant  
 Proposal : Proposed Eight Storey Development Comprising 49 Apartments  
 Applicant : John Woon, Developwise 3 Pty Ltd  
 Owner : Developwise 3 Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not applicable  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

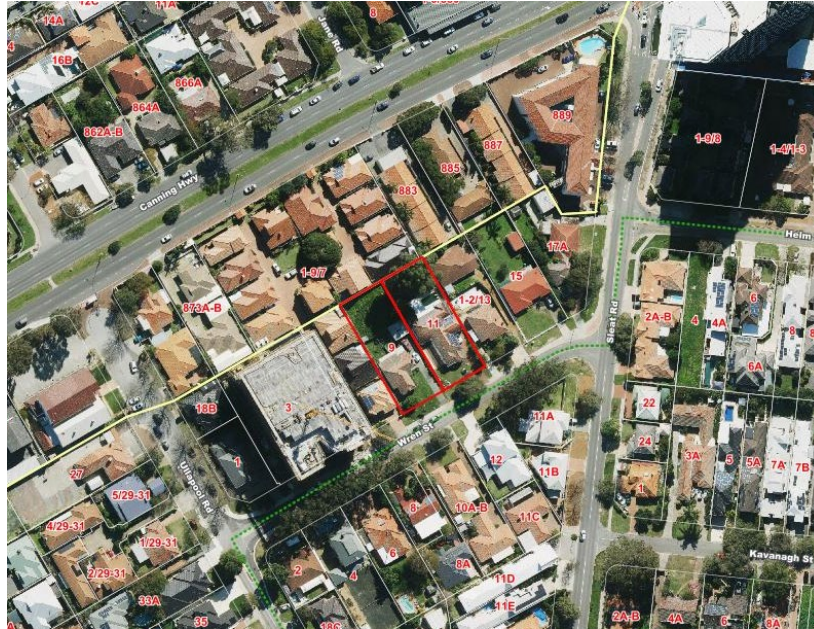
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting 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 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 checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT  
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN  
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

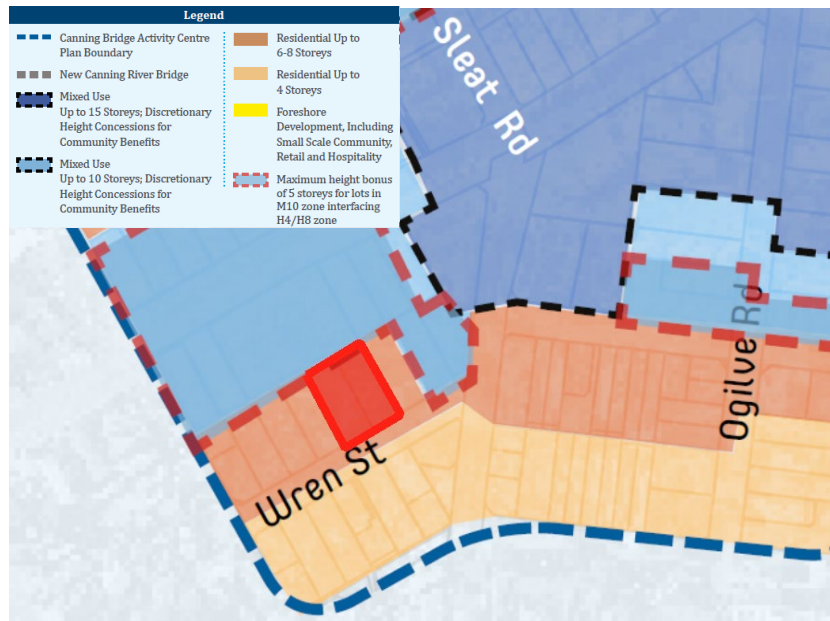
**KEY ISSUES / SUMMARY**

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Nicholas Pazolli.
- The development application proposes the demolition of two existing dwellings and the construction of an eight storey apartment development at Lot 141 (No. 9) and Lot 13 (No. 11) Wren Street, Mount Pleasant (the subject site). The proposed development comprises forty-nine apartments, with a range of differing apartment sizes, car parking at ground level and in the basement, a communal roof terrace and extensive landscaping on site and in the adjacent verge.
- Each of the residential apartment levels contain seven apartments (levels 1-7), ranging between 1 bedroom/1 bathroom apartments to 4 bedroom/3 bathroom apartments;
- 80 onsite parking bays have been provided in the ground and basement level car park.
- The proposed development has been assessed against the provisions of the *Canning Bridge Activity Centre Structure Plan* (CBACP), as well as a number of local and state planning policies.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 13 individual written submissions were received, two in support of the development and 11 expressing concerns.
- The recommendation of the RAR is that the JDAP approve the proposal subject to planning conditions outlined in the attached RAR report to the JDAP.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the *Planning and Development (Development Assessment Panel) Regulations 2011* by midday 10 February 2022.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.
- The cost of the development is \$20 million and therefore, it is mandatory for the application to be determined by the Metro Inner South Joint Development Assessment Panel.

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT  
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN  
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 1: Aerial photo of subject lot**



**Figure 2: Subject lot within the CBACP**

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT  
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN  
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

## **BACKGROUND**

### **Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential 'RAC-0'
Structure Plan Zoning	:	Canning Bridge Activity Centre Plan H8 Residential Zone
R-Code	:	N/A
Use Type	:	Residential
Use Class	:	Permitted

### **Site Details**

Lot Area	:	2028sqm
Street Tree(s)	:	One verge tree, to be retained
Street Furniture (drainage pits etc)	:	Footpath
Site Details	:	Refer to Figure 1 above

## **DETAIL**

Development approval is sought from the Metro Inner-South JDAP for an eight storey development comprising 49 apartments.

Refer to the attached RAR for details of the development proposed by this application.

[\*\*3968 Responsible Authority Report - 9 - 11 Wren Street Mount Pleasant\*\*](#)

[\*\*3968 Attachment 1 - Design Report\*\*](#)

[\*\*3968 Attachment 2 - Development Plans and Perspectives\*\*](#)

[\*\*3968 Attachment 3 - Landscaping Plans and Report\*\*](#)

[\*\*3968 Attachment 4 - Design Review Reports\*\*](#)

[\*\*3968 Attachment 5 - Traffic Impact Statement\*\*](#)

[\*\*3968 Attachment 6 - Waste Management Plan\*\*](#)

[\*\*3968 Attachment 7 - Acoustic Report \(Building Design\)\*\*](#)

[\*\*3968 Attachment 8 - Acoustic Report \(SPP 5.4 Noise Management\)\*\*](#)

[\*\*3968 Attachment 9 - Sustainable Design Strategy\*\*](#)

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT  
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN  
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The cost of the development requires that it be determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

**FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are not considered to be strategic, risk or environmental management implications associated with this application.

**POLICY IMPLICATIONS**

Policy implications are outlined within the RAR attached to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Ordinary Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated Elected Member on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT  
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN  
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (3968)**

**APPROVAL**

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve, subject to conditions, the application for the proposed eight storey development at No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant.**

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2021-1275  
 Property : Lot 2 (No.4) Dee Road APPLECROSS WA 6153  
 Proposal : Single House  
 Applicant : Urbane Projects  
 Owner : Ms S M Bennett  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning  
 Previous Items : Not applicable

**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/Committee to note.</i>

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

**KEY ISSUES/SUMMARY**

- Development approval is sought for a proposed three storey single house at Lot 2 (No.4) Dee Road, Applecross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) and relevant local planning and council policies.
- In accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making, the proposed development was advertised to the adjoining owners and occupiers.
- Two submissions were received which objected to the front setback, rear boundary setback, building height, driveway gradient and permeability of retaining walls,
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- The application was referred to the Development Advisory Unit (DAU) on 25 January 2022. The DAU determined that the application be recommended for approval subject to conditions.
- Following the DAU meeting, the development application was called up to Council by Cr Pazolli for determination in accordance with the procedures outlined in the Local Planning Policy 1.1.
- Notwithstanding the objection received, it is recommended that the Council approve the application subject to conditions.



Figure 1 – Aerial Photography

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	994m <sup>2</sup>
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes to be retained
Street Furniture (drainage, pits, etc.)	:	Not applicable
Site Details	:	Refer photo above – Figure 1

**DETAIL**

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

**[3969 Applicants Copy DA 2021 1275 Two Storey Single Dwelling with Undercroft 4 Dee Road Applecross](#)**

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

State Planning Policy 7.3 Residential Design Codes Vol. 1

<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 Lot Boundary Setbacks	6 metres - Rear Setback	Minimum 2 metres on the ground floor and 3.6 metres on the first floor.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

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

Local Planning Policy 3.1 Residential Development

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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comments Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and  
 Decision Making Clause 1.7.6  
 Support/Object: 2 objections were received

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

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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPECROSS  
WA 6153 (REC) (ATTACHMENT)****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.

**COMMENT**Rear (western) Boundary setback

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

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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

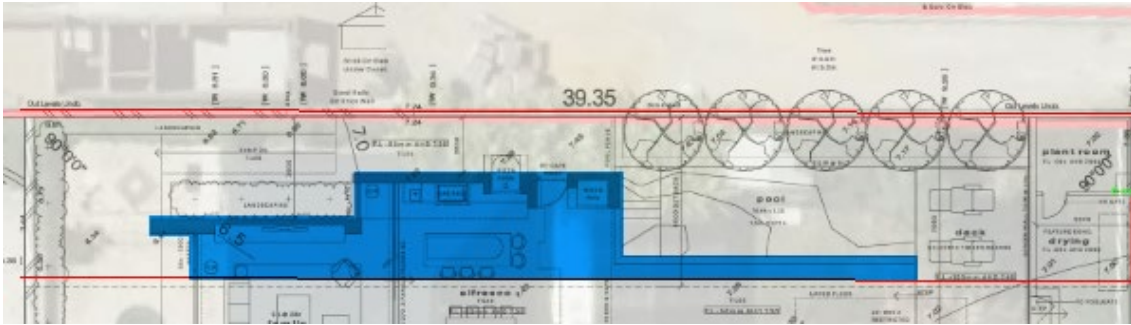


Figure 2: Portions of the ground within the setback area are highlighted in blue

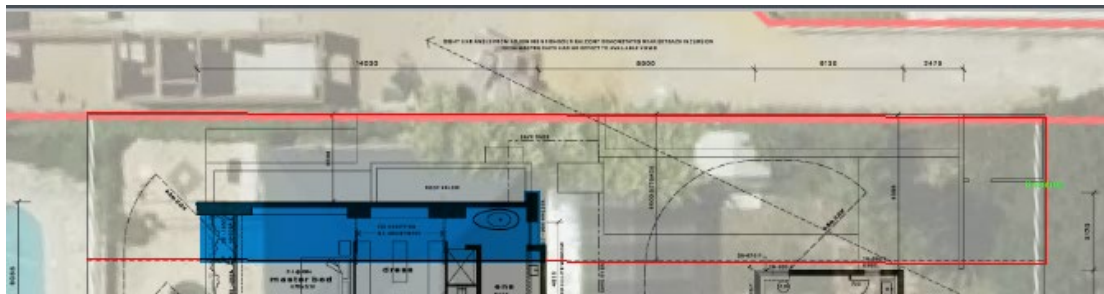


Figure 3: Portions of the first floor within the setback area are highlighted in blue

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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS WA 6153 (REC) (ATTACHMENT)**

For example the dwellings at the rear of the subject site have been approved with 1-1.5 metre side setbacks, resulting in minimal separation (Figure 4).



Figure 5: Aerial Snapshot of the immediate locality

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

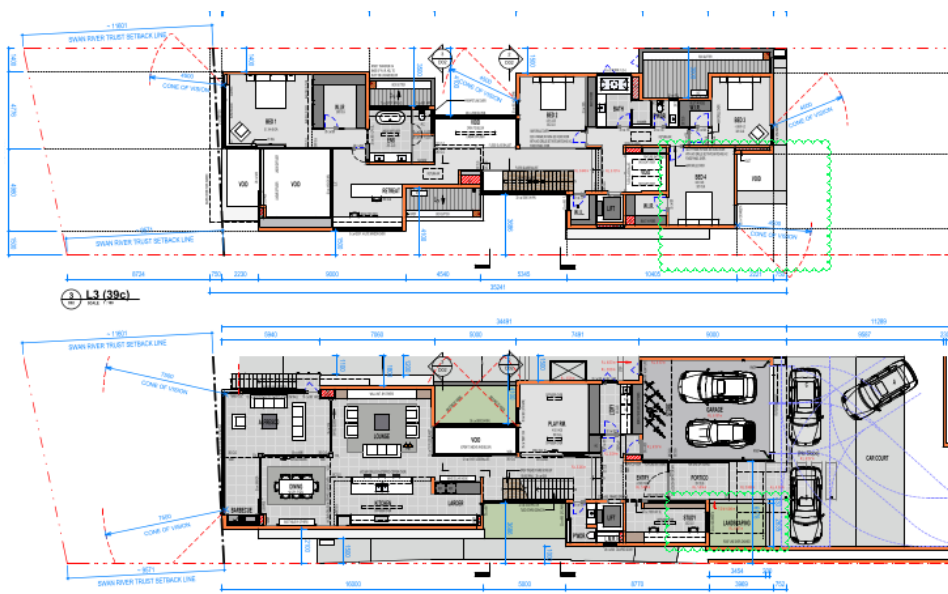


Figure 5: Ground floor and first floor of the approved development at 40B Fraser. Areas highlighted in green will have a view of the proposed development

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

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

Site Works, Retaining and Front Fences

The deemed to comply provisions of the R-Codes allow for site works including retaining walls, fill and excavation between the street boundary, and street setback and lot boundaries to be a height of 0.5 metres above or below the natural ground level, except where it is necessary to provide for pedestrian universal and/or vehicular access, drainage or access of natural light to a dwelling.

The proposed fill in front of the dwelling associated with the pedestrian entrance meets the deemed-to-comply requirements; however the proposed excavation works on the western portion of the site and within the verge requires a performance assessment against the relevant design principles.

The proposed excavation is considered to meet the design principles for the following reasons:

- The excavation restores a natural fall towards the river.
- The excavation results in increased setbacks to the street compared to the existing dwelling.
- This front setback area will be developed with a substantial amount of landscaping both in front of and on top of the retaining wall, which softens the impact on the street.
- The textured finish of the retaining wall, which allows for it to blend into the development;
- The applicant has indicated that balustrading will not be required on top of the raised outdoor area due to the extent of landscaping provided however this detail will be finalised at the building permit stage. In order to ensure that any required balustrading does not have a bulk impact on the street, a condition has been applied requiring this to be a clear material such as glass.

As noted above the fill associated with the proposed pedestrian entrance meets the relevant deemed to comply provisions. Despite this, the height of the balustrade exceeds the deemed to comply provisions for fence height in LPP 3.1. This policy states that fence height is measured from the natural ground level at the verge and includes the height of retaining walls. The proposed balustrade is one metre high and constructed of clear glass. This is considered to meet the relevant design principle which requires street fencing to be low in height to permit surveillance of the street. In addition to the above, the landscaping is proposed in front of the retaining wall, reducing its visual bulk and enhancing the streetscape interface, consistent with the design principle.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**



Figure 6: Render of the proposed development displaying the raised podium on the western boundary and the pedestrian entrance to the centre



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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**



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



Figure 9: Area of retaining and fill which is to be removed within the verge and front setback on the western boundary

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**



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

### **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may choose to refuse to grant approval for the proposed development and provide a reason for doing so. If the Council chooses to refuse the application, the applicant may exercise a right of review to the State Administrative Tribunal.

### **CONCLUSION**

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

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3969)****APPROVAL**

That Council approve DA-2021-1275 for the three storey single house at Lot 2 (No.4) Dee Road, Applecross, subject to the following conditions:

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site.
3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - A maximum width of 4.5m;
  - located a minimum of 2m away from the outside of the trunk of any street tree; and
  - A minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

4. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in *State Planning Policy 7.3 Residential Design Codes Volume 1*, to the satisfaction of the City.
5. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
6. All balustrading located within the front setback area is to be constructed of a clear material to the satisfaction of the City.
7. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS  
WA 6153 (REC) (ATTACHMENT)**

10. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
11. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**
  
- 13. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**
  
- 14. CLOSURE**