

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 25 FEBRUARY 2020**

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](mailto:peter.prendergast@melville.wa.gov.au) or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

**DISTRIBUTED: FRIDAY, 28 FEBRUARY 2020**



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 25 FEBRUARY 2020.**

**PRESENT**

P Prendergast  
M Scarfone  
L Crake  
T Cappellucci  
R Tu

Manager Statutory Planning  
Planning Services Coordinator  
Coordinator Building Services  
Senior Planning Officer  
Planning Officer

**DISCLOSURES OF INTEREST**

**DISCLOSURE OF FINANCIAL INTERESTS  
LOCAL GOVERNMENT ACT 1995**

**Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

**Meeting to be informed of disclosures**

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

**Disclosing members not to participate in meetings**

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

**Please refer to your Handbook for definitions of interests and other detail.**

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## TABLE OF CONTENTS

U20/0529 - SINGLE HOUSE AT LOT 317 (No. 10) CANNA WAY, ARDROSS WA 6153 (REC) (ATTACHMENT) .....	4
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**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
(REC) (ATTACHMENT)**

Ward : Central Ward  
 Category : Operational  
 Application Number : DA-2019-1356  
 Property : Lot 317 (No. 10) Canna Way, Ardross WA 6153  
 Proposal : Single House  
 Applicant : Summit Projects  
 Owner : Kelvin Charles Boyce and Meryl Jean Boyce  
 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 (eg 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>

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
(REC) (ATTACHMENT)**

**KEY ISSUES/SUMMARY**

- Development approval is sought for a single storey single house at lot 317 (10) Canna Way, Mount Pleasant.
- The details of the proposed development have been assessed against LPS6, the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- A number of aspects of the proposal require an assessment having regard to the relevant Design Principles of the R-Codes. Through this assessment it was identified that the proposed development has potential adverse impacts towards the amenity of occupiers of neighbouring properties and as such the application was subject of consultation through an advertising process. One objection was received relating to the amenity impact of the building in terms of overshadowing and loss of outlook into the street and from the main outdoor living area.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



**Figure 1 – Aerial Photography**

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
(REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	Subject lot - 746 sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Not applicable
Street Furniture (drainage, pits, etc.)	:	Not applicable
Site Details	:	Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 28 February 2020

**DETAIL**

In November 2019, a development application was lodged for a proposed single storey single house at lot 317 (10) Canna Way, Mount Pleasant.

The application was assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal satisfies all of the relevant deemed to comply provisions of the R-Codes with the exception of those matters listed below.

**R-Code Requirements**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Lot Boundary Wall Height Average (Garage Wall)	3.0m	3.3m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
Lot Boundary Wall Height Maximum (Garage Wall)	3.5m	3.9m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
(REC) (ATTACHMENT)**

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Site Works	Maximum cut or fill of 0.5m	Max: 0.9m south of proposed Living  Max Cut: 0.4m at northeast corner	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
Retaining Walls	Maximum 0.5m	Max: 0.9m south of proposed Living  Max Cut: 0.4m at northeast corner	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

Note: Commentary in this report relates only to the elements of the proposed development that are the subject of a submission.

## STAKEHOLDER ENGAGEMENT

### I. COMMUNITY

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
 Support/Object: One objection received.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
More forward to the street than existing building alignment	The proposed front setback position is supported as it meets the deemed to comply provisions of the R Codes.	Not Uphold

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153**  
**(REC) (ATTACHMENT)**

<b>Summary of Issues Raised (Continued)</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Obstructs sightlines of the property into the public street	The proposed vehicle sightlines are supported. This aspect of the development meets the deemed to comply provisions of the R Codes	Not Uphold
Increase shadowing	The level of overshadowing proposed is consistent with the extent of overshadowing provided for by the relevant deemed to comply provisions of the R Codes.	Not Uphold
Increase in fence height at the boundary will significantly decrease amenity and outlook	Refer to the comments section of this report.	Not Uphold

## **II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

## **STATUTORY AND LEGAL IMPLICATIONS**

If the applicant is unhappy with the decision there is a 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**

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies with the exception of the lot boundary wall height maximum and average referenced in *LPP3.1 – Residential Development* which requires consideration against the Design Principles of the R-Codes (see comments section below).

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
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**COMMENT**

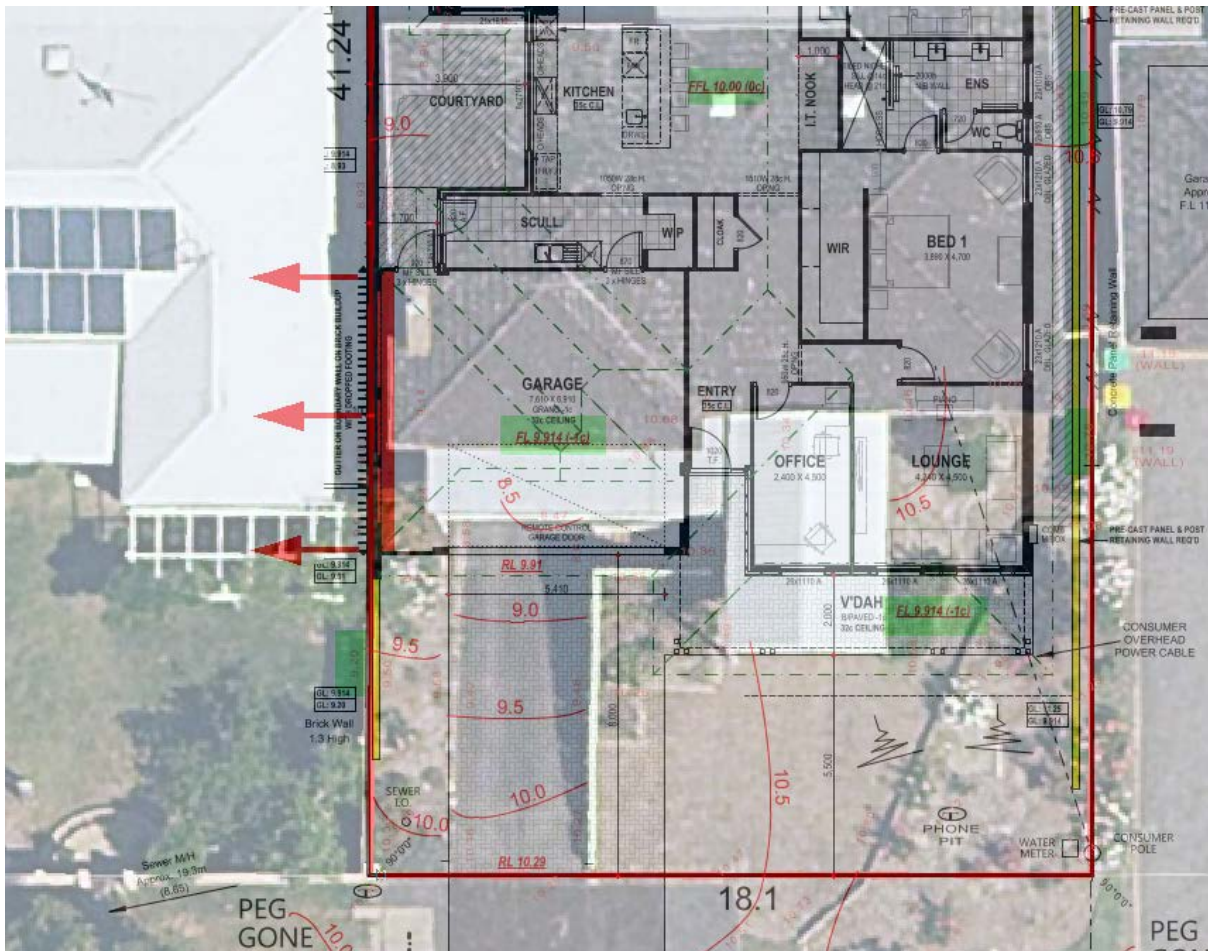
Maximum and Average Lot Boundary Wall Height

The proposed boundary wall to the garage has a maximum height of 3.9m and an average height of 3.2m. The deemed to comply provisions of the R Codes provide for a maximum height of 3.5m, an increase in this case of 0.4m. Similarly, the maximum average height for the boundary wall as set by the deemed to comply provisions of the R Codes is 3.0m, an increase in this case of 0.3m.

Whilst the proposed maximum and average wall height variations are modest in this case, they need to be assessed having regard to the relevant design principles of the R Codes. In this case, the variations in wall height are supported in principle as:

- The majority of the boundary wall abuts a blank section of wall and the front setback area of the adjoining property ensuring there is minimal bulk impact. A portion of the boundary wall will be visible from a secondary bedroom window however this bedroom has its main aspect and access to light and ventilation via the street facing window.
- Due to the relationship described above, the wall height proposed does not have a negative impact on the adjoining property.
- There are no visual privacy or over shadowing issues created by the proposed boundary wall height as each of these aspects meets the relevant deemed to comply provisions of the R-Codes.

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
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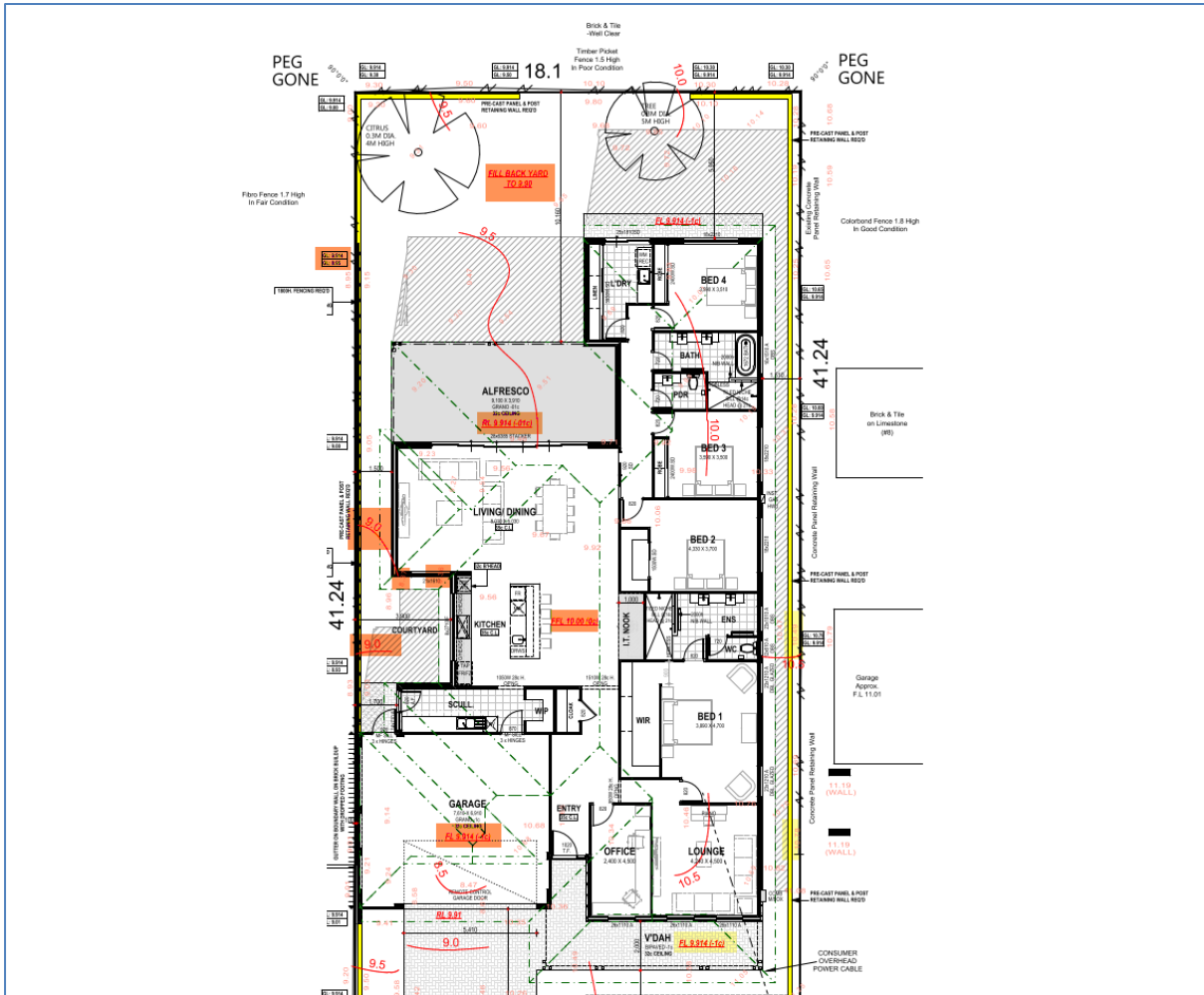


**Site Works and Retaining Walls**

The proposed retaining walls and site works require a performance assessment having regard to the relevant design principles of the R-Codes. These aspects are considered acceptable for the following reasons:

- The proposed fill and retaining corresponds to the natural features of the site levels and allows for a flat sand pad level to develop on. Given the slope on the lot, the fill is not considered excessive and approximately equates to an equal level of cut and fill.
- The amount of proposed cut to fill and does not detrimentally affect neighbouring properties given it does not create any overshadowing or overlooking issues.
- The proposed retaining at the front of the lot is acceptable given it is consistent with the surrounding streetscape given the natural slope of the area. The retaining walls are to support a consistent gradient for the driveway and landscaping in the front setback area.

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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 an opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

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

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
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**OFFICER RECOMMENDATION**

**APPROVAL**

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site.
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. The development shall be serviced by a concrete or brick paved vehicle crossover with:
  - a maximum width of 6m;
  - 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. Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

**U20/0529 - SINGLE HOUSE AT LOT 317 (NO. 10) CANNA WAY, ARDROSS WA 6153  
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6. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
7. 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. 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. 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.
10. 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.