

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

FRIDAY, 18 DECEMBER 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 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: THURSDAY, 24 DECEMBER 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 FRIDAY, 18 DECEMBER 2020**

PRESENT

P Prendergast
G Russell
B Ashwood
T Cappellucci
M Flanagan

Manager Statutory Planning
Manager Building Services
Senior Planning Officer
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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U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2020-1298
 Property : Lot 1 SP 13782 (1/13) Wren Street Mount Pleasant
 Proposal : Addition to a Grouped Dwelling
 Applicant : Summit Homes
 Owner : Andrew James Barfield
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought for a single storey addition to an existing group dwelling at Lot 1 of SP 13782 (No.1/13) Wren Street, Mount Pleasant.
- 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 and occupiers in accordance with Local Planning Policy 1.1 'Planning Process and Decision Making'. One submission was received which objected 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 – subject site highlighted in green

U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (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	:	502.3m ²
Retention of Existing Vegetation	:	N/A
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 Member on Thursday, 24 December 2020.

DETAIL

In October 2020, the subject development application was lodged.

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 found with the exception of those matters listed in the table below.

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 within an H8 precinct of the CBACP which in principle permits residential development of up to eight storeys in height.



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Figure 2- Subject site identified in yellow

Canning Bridge Activity Centre Plan

Development Requirement	Requirements	Proposed	Comments	Delegation to approve variation
Rear setback	4 metres	Bed 2 – Bed 1: 1 metre Bed 3 Robe 3.3 metres	Requires assessment against the Desired Outcomes of the CBACP	Development Advisory Unit (DAU)
Side setback (west)	4 metres	Workshop: Nil setback Bed 2: 1 metre	Requires assessment against the Desired Outcomes of the CBACP	Manager Statutory Planning (MSP)

U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (REC) (ATTACHMENT)

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
 Support/Object: One objection 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 impact of the building bulk is exacerbated given it's the front door of the rear property where it was reasonably anticipated that there would be a landscaped outlook given it's the northern side of the 13 Wren Street.	The proposed addition is of single storey design and as such any bulk impact is mitigated by this fact. The setback variation is supported against the Desired Outcomes of the CBACP. Refer to comments section below.	Not Upheld
Desired built form of the site is 10 storeys and the proposal presents a single storey addition. This is an impediment to the redevelopment of the area.	Clearly a development at the height suggested will have a greater bulk impact than the single storey addition that is proposed. The subject site is located within the H8 precinct not the M10 Precinct. The application proposes an addition to a group dwelling which is a preferred land use within the H8 Precinct. Refer to comments section below.	Not Upheld
The proposed development is located within an R-AC0 zoned area, and as such, is subject to R80 zoning standards for grouped dwellings, requiring a minimum of 16m ² of outdoor living area with a minimum dimension of four metres. Therefore the provision of OLA will result in the diminishing of amenity for the occupiers of 1/13 Wren St.	The outdoor living area requirements of the R-Codes do not apply within the CBACP area.	Not Upheld

U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

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.

COMMENTLand Use

Element 1 of the CBACP, sets out the preferred land uses for each quarter of the structure plan area. In addition, Element 1 provides Desired Outcomes which describe the future intent for each area. The subject site is located within the H8 precinct of the Ogilvie Quarter. As described in the Desired Outcomes in Clause DO1.2 the intent of the H8 is to act as a buffer between the more intensive areas of the structure plan area and the surrounding suburban areas, which falls outside the CBACP area and which are developed to low intensity. Whilst an objection has been lodged in relation to the proposed land use, the application can be supported for the following reasons:

- The application proposes an addition to an existing grouped dwelling. A grouped dwelling is a preferred land use within the H8 precinct, and the addition proposed to the existing grouped dwelling does not change that.
- The free standing addition will increase the liveability of the property as a whole, by allowing for the residents to meet their personal needs for accommodation without major modification to the existing dwelling; and
- The modest nature of the development is unlikely to inhibit the redevelopment potential of the site and is in keeping with the dwelling mix that exists currently on Wren St.
- As ancillary dwellings are not a preferred land use within the precinct, a condition has been applied to ensure this space is not used for that purpose in the future.

U20/054 – ADDITION TO A GROUPED DWELLING AT LOT 1 SP 13782 (1/13) WREN STREET MOUNT PLEASANT (REC) (ATTACHMENT) (REC) (ATTACHMENT)Rear setback

13 Wren Street is a strata lot which currently contains two grouped dwellings. The total lot frontage of the site is 19.6 metres, therefore under the requirement contained in Clause 5.6 of Element 5 *Side and Rear Setbacks*, side and rear setbacks shall be four metres.

As the application proposes a rear setback of 1.0 metre, a performance assessment is required against the Desired Outcome DO 5. The proposed setback is supported for the following reasons:

- The development is single storey with a modest floor to ceiling height, ensuring that it does not impact on view corridors in the precinct.
- The modest nature of the addition ensures that it will not have a bulk impact on the adjoining property.
- The location on the southern boundary of 2/13 Wren Street, its height and the fact that the wall does contain no major openings, ensures there are no impacts on the adjoining property in relation to solar access or visual privacy.
- The development controls associated with Clause 5.6 of Element 5 are in this case essentially designed to be applied to multiple dwelling developments of up to eight storeys in height. The subject development does not reflect that being it is single storey in nature and will serve as an addition to an existing single storey grouped dwelling.

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Figure 4: View of 1/13 Wren Street



Figure 5: View of the boundary between the subject site and 2/13 Wren Street. The rear property's OLA is identified in yellow

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Figure 6: The existing back yard of 1/13 Wren Street which is to be the location of the proposed addition.

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.**

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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. 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
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. 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. 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.
8. The proposed addition shall not be used as an ancillary dwelling as defined by State planning Policy 7.3 'Residential Design Codes Volume 1'.