

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 4 MAY 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, 7 MAY 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, 4 MAY 2021.**

**PRESENT**

P Prendergast  
M Scarfone  
G Russell  
B Ashwood  
T Cappellucci  
A Quintiliani  
R Boswell

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
Senior Planning Officer  
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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**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

Ward : Bateman – Kardinya – Murdoch Ward  
 Category : Operational  
 Application Number : DA-2021-283  
 Property : Lot 127 (20) Johanson Promenade and Lot 1 (No. 2) Mattingley Heights, Murdoch WA 6150  
 Proposal : Proactive Street Numbering  
 Applicant : City of Melville  
 Owner : B M and J A Young, D E and K L Wallis  
 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"/>	Quasi-Judicial	<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>



**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The City's role with street numbering is to issue the most appropriate street numbering pattern in accordance with the *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*.
- A street number is generally assigned at the time of development approval or subdivision (whichever is earlier) for new properties however, there are occasions where existing properties must be renumbered to accommodate infill development.
- All street numbering applications are assessed against the provisions of Council Policy for *Street Numbering* (CP-068) and *Local Planning Policy 1.1 – Planning Process and Decision Making* (LPP1.1).
- This application is for a proactive street renumbering of No. 20 Johanson Promenade and No. 2 Mattingley Heights, Murdoch (refer Figure 1 below).
- No. 20 Johanson Promenade is to be subdivided into two freehold (green title) lots – Lot 888 and 889. The City is required to undertake a proactive street renumbering process as there are no available street numbers for the future lot 889.
- This street numbering application will result in a change of street number for the existing dwelling at No. 2 (Lot No. 1) Mattingley Heights.
- The application was advertised to the landowners of No. 2 (Lot No. 1) Mattingley Heights and a submission was received objecting to the proposal.
- Notwithstanding the above, the City recommends the proactive street renumbering application be progressed.



**Figure 1 – Aerial Photography – parent lots subject of this proactive street renumbering highlighted in red above.**



**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: N/A
Use Class	: N/A

**Site Details**

Lot Area	: 1635m <sup>2</sup> (total of all parent lots)
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 Members on Friday, 7 May 2021.

**DETAIL**

Background

In order to provide an appropriate street address for Lot 889, the City has recommended the following addresses for the three properties as tabled below and as depicted in Figure 2:

Current Street Address	New Street Address
No. 20 (Lot 127) Johanson Promenade, MURDOCH WA 6150	No. 20 (Future Lot 888) Johanson Promenade, MURDOCH WA 6150
	No. 2A (Future Lot 889) Mattingley Heights, MURDOCH WA 6150
No. 2 (Lot 1) Mattingley Heights, MURDOCH WA 6150	No. 2B (Lot 1) Mattingley Heights, MURDOCH WA 6150





**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**



Figure 2 – Map showing proposed street numbering pattern.

## 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 8 April and concluding 23 April 2021. A submission was received from the landowners of No. 2 Mattingley Heights, objecting to the proposal.

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





**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments	Action (Condition/Uphold/ Not Uphold)
<p>The submitter recommends that alternate street addressing for the proposed lots can be:</p> <ul style="list-style-type: none"> <li>• Future Lot 888 at 20 Johanson Promenade to retain the address of 20 Johanson Promenade;</li> <li>• Future Lot 889 at 20 Johanson Promenade to become 20A Johanson Promenade;</li> <li>• No 2 Mattingley Heights retains its street number; <b>OR</b></li> <li>• Future Lot 888 at 20 Johanson Promenade to retain the address of 20 Johanson Promenade;</li> <li>• Future Lot 889 at 20 Johanson Promenade to become 2A Mattingley Heights ;</li> <li>• No 2 Mattingley Heights retains its street number.</li> </ul>	<ul style="list-style-type: none"> <li>• The street addressing suggested by the adjoining landowners is not supported as it is inconsistent with the requirements of <i>Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing</i>, and Council Policy for <i>Street Numbering</i> (CP-068).</li> </ul>	Not Upheld
Section 5.4.8 Figure 5.9 of the AS4819 2011 demonstrates that a new lot can use a suffix out of sequence	Section 5.4.8 Figure 5.9 does not apply to this situation. See comments section below.	Not Upheld
Changing the street numbers of the existing 2 Mattingley Heights is unlikely to provide any benefit to Emergency/Postal services and could potentially negatively impact these services which have been familiar with these existing houses for over 25 years.	The proposed street numbers are considered to be logical and consistent with the provisions of the City's Local Planning Policy and the Australian Standard and subject to the display of an adequate street number to the front of the property, will not have a negative impact on service providers.	Not Upheld
Potential community health services issues and the potential confusion with the changes for their care workers, clients and other health professionals already using the current numbered sequencing for the past 25 years. Impact to the health of these vulnerable members of the community.	As per the comment above, the proposed change is considered consistent with the relevant framework relating to street numbering.	Not Upheld

**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Comments	Action (Condition/Uphold/ Not Uphold)
Financial costs associated with a small business owner running a business from a house and the inconvenience caused in changing a house number.	Noted but the financial costs associated with street renumbering are not a material planning consideration.	Not Upheld

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

The City has engaged in conversations with Landgate to discuss the most appropriate street numbering pattern for this application. Refer to Comment section below.

### **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**

The City of Melville is responsible for the allocation of street numbers for all properties within the City's jurisdiction. The City's role is to ensure that all properties are correctly addressed, clearly identifiable and are numbered in accordance with the *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*.

All new properties are allocated street numbers at the time of development approval or subdivision (whichever is earlier). On occasions, it may be necessary to adjust or modify existing street numbers to cater for the development or redevelopment of areas, particularly as a result of infill subdivision/development proposals. Under the provisions of the *Local Law Relating to Street Numbering*, the City may choose to proactively pursue a change of street numbers for existing properties where necessary in order to achieve logical street numbering when infill does occur, such as in this case..

Applications for street numbering are assessed against the requirements of CP-068 *Street Numbering* and LPP1.1.



**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

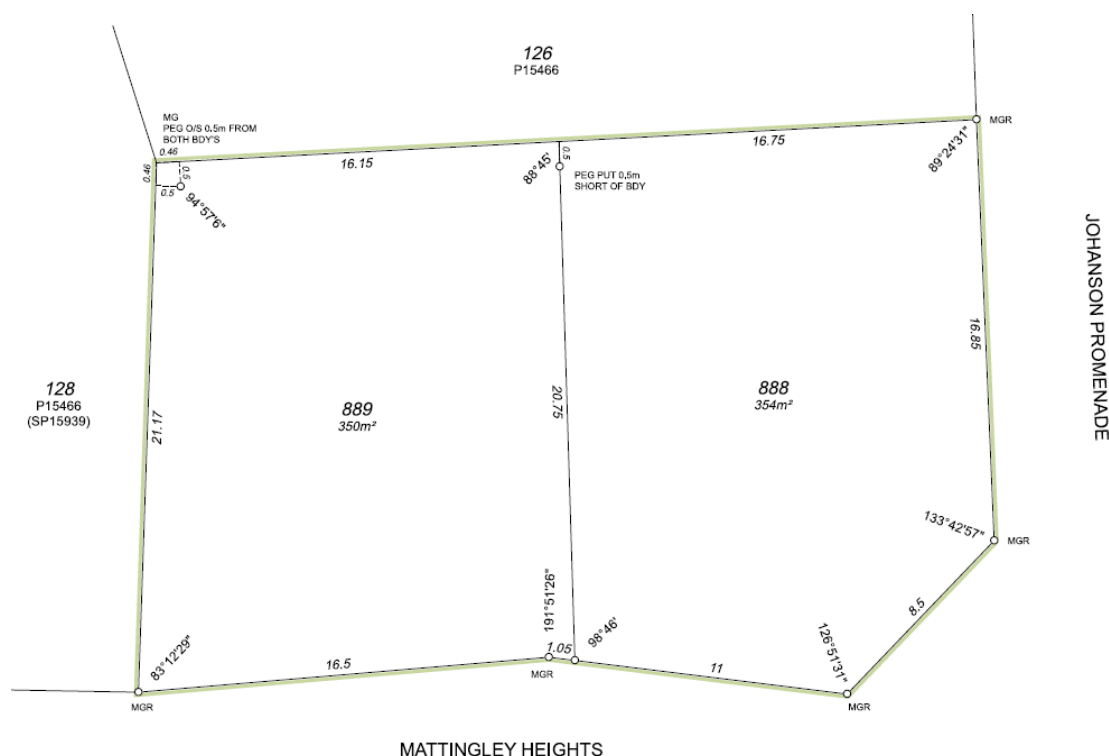
While the disruption associated with the re-numbering of existing properties is acknowledged and understood, the City is required to assign a street number to future lot 889. The proposed renumbering of No 2 Mattingley Heights is considered appropriate for the following reasons;

- The re-numbering of the existing No 2 to 2B allows for the newly created lot which fronts Mattingley Heights to be provided with the street number 2A.
- This is the only logical street numbering pattern available that will meet the requirements of the *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*;
- Development approval was granted for two, two storey grouped dwellings on the subject site in February 2021. The dwelling on the corner lot (Lot 888) has been designed with pedestrian access to Johanson Promenade and as such this property is proposed to maintain the address of 20 Johanson Promenade. If this development does not go ahead and revised plans are approved by the City which provide pedestrian access from the lot to Mattingley Heights, then Lot 888 will become 2 Mattingley Heights.
- This is consistent with the City of Melville Council Policy CP-068, which states two street numbers will be allocated to a corner lot, one from each of the streets that flank the lot.
- Lot 889 cannot be numbered 20A Johanson Promenade as the property does not face Johanson Promenade.
- The use of suffixes must commence with A and thereafter be assigned sequentially. Suffixes should be assigned in the same direction as the numbering of addresses on the road.
- The provisions of the Australian Standards which allow for the suffixes to be provided out of order are not considered to apply to the current situation. The subject corner lot (20 Johanson Promenade) is not numbered 1 or 2, nor will it be in sequence/order if 2 (Lot 1) Mattingley Heights was to remain as 2 Mattingley Heights. Figure 5.9 of AS4819 2011 therefore does not apply to this proactive renumbering application; and
- The financial costs associated with street numbering, the impact on health and the increased risk to postal and emergency services is not a valid planning consideration.

**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

## CONCLUSION

The proposed street numbering pattern is consistent with the Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing and the City's *CP-068 Street Numbering Policy*. The application is recommended for approval subject to the following street addressing as tabled within the Officer Recommendation:



**Figure 3: Subdivision plan at 20 Johanson Promenade, Murdoch.**

## OFFICER RECOMMENDATION

## APPROVAL

- 1. That the City proceed with approval of the proactive street numbering application, subject to the following street addressing:**

Current Street Address	New Street Address
No. 20 (Lot 127) Johanson Promenade, MURDOCH WA 6150	No. 20 (Lot 888) Johanson Promenade, MURDOCH WA 6150
	No. 2A (Lot 889) Mattingley Heights, MURDOCH WA 6150
No. 2 (Lot 1) Mattingley Heights, MURDOCH WA 6150	No. 2B (Lot 1) Mattingley Heights, MURDOCH WA 6150



**U21/0560 - PROACTIVE STREET RENUMBERING – LOT 127 (NO. 20) JOHANSON PROMENADE & LOT 1 (NO. 2) MATTINGLEY HEIGHTS, MURDOCH WA 6150 (REC) (ATTACHMENT)**

- 2. That the City proceed with notifying the relevant Government Agency bodies including Landgate, Water Corporation, Electoral Commission, Australia Post, Alinta Gas, ATCO Gas Australia, Synergy and GIS/Rates of the revised street addressing.**
- 3. That the City advises the submitters of the outcome of the application and revised street addressing.**



**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove  
 Category : Operational  
 Application Number : DA-2020-1638  
 Property : LOT 11 (24A) Blackwall Reach Parade, BICTON WA 6157  
 Proposal : Single House  
 Applicant : Mr Ken & Mrs Diane Jackman  
 Owner : Mr Ken & Mrs Diane Jackman  
 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 : DA-2019-7 – Two Storey Single House with undercroft parking.

**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	<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>



**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey dwelling with undercroft garage at Lot 11 (No. 24A) Blackwall Reach Parade, Bicton.
- 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, street walls and fences, site works and retaining wall and pedestrian access.
- The proposed development 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 proposed building setbacks to the south-west and the front setback.
- Amended plans were submitted by the applicant which partially address the objectors concerns, however the objection has not been withdrawn.
- 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 of subject site**

**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

**BACKGROUND**

Development Approval was previously granted for a two storey single house with undercroft parking on the subject site in 2019. The approved DA was a similar scale to the current proposal and was granted to the original landowner, who is now the occupant of the adjoining property at 24B, which is a recently constructed home.

**Scheme Provisions**

MRS Zoning : Urban  
LPS6 Zoning : Residential  
R-Code : R17.5  
Use Type : Residential  
Use Class : Permitted

**Site Details**

Lot Area : 477m<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, 7 May 2021.

**DETAIL**

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	First Floor Balcony/master bedroom setback 1.9 metres (South-West)	Minimum setback of 1.6 metres	Requires assessment against the Design Principles of the R-Codes/LPP 3.1.	Development Advisory Unit
CoM LPP3.1 Cl. 6 C3.2 (ii)	Lot boundary wall Setback: 6m Max/ave height: 3m	Setback: 4.5m Max: 3.2m		



**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (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 5.2.3 C3.1 Street surveillance	The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.	Side entry to dwelling via side steps.	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
CoM LPP3.1 C.4.1/C2.1(i) (iv)  Clause 5.2.4 C4 Street Walls and Fences	Fences within the primary street setback area that are visually permeable above 1.2m measured from natural ground level of the verge. The primary street setback area includes any right of way area.	Solid to 1.5m in height.	Requires assessment against the Design Principles of the R-Codes/LPP 3.1.	Manager Statutory Planning
Clause 5.3.7 C7.1 Site works/Clause 5.3.8 Retaining walls C8	Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.  Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary.	Up to ~0.9m  RL: 7.4m NGL: 6.5m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (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: Two objections from one land owner received.

A submission, objecting to the proposal was received, citing concerns in relation to bulk, access to sunlight and access to views.

The applicant provided revised plans in response to concerns raised increasing the setback of the ground floor living rooms from nil to 1.6 metres and reconfiguring the plans to reduce the impact on the neighbours light well. These revised plans were provided to the adjoining landowner who confirmed the original objection still stands. An additional concern regarding visual privacy was also raised.

A summary of the objection comments 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>
Front setback –Reduced setback will impact on views.	The proposed boundary wall will not be visible from the adjoining property as it will abut an existing raised outdoor living area, pool and associated fence. Refer to the comments section of this report.	Not Uphold
Ground-floor lot boundary wall	The setbacks at the ground floor level meet the the deemed-to-comply criteria for lot boundary setbacks.	Not Uphold
First-floor setback – reduced access to sunlight and increased bulk impact	Refer to the comments section of this report.	Not Uphold
Visual privacy impacts from 2x south facing ground-floor windows	The two windows in questions are both screened to 1.6m in height measured above the FFL and as such are minor openings, not capable of overlooking.	Not Uphold





**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

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

The City referred the subject application to the Department of Biodiversity, Conservation and Attractions (DBCA) on 4 January 2021 as the subject site abuts the Swan River. The DBCA provided a referral response on 22 March 2021 and has 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 Wall Street Setback and Maximum Wall height**

As outlined in the table above, the proposed street setback of the garage boundary wall and the height of the master bedroom boundary wall do not meet the deemed-to-comply provisions of LPP3.1 Cl. 6 C3.2 (ii) and therefore require a performance assessment. The lot boundary wall street setback and wall height is considered acceptable and can be supported for the following reasons:

- The proposed lot boundary wall within the front setback area is in the same location as the lot boundary wall approved in DA-2019-7. Therefore, there has been no change to the location of the lot boundary wall since the initial application was approved in 2019;
- The lot boundary wall within the front setback area forms part of the undercroft garage and only protrudes above NGL by 0.4m in height. The wall is also hidden behind the adjoining landowner's street wall that protrudes further towards the street. Therefore, the lot boundary wall will not add excess building bulk on to the adjoining south-western property;
- The lot boundary wall height variation of 0.2m is located at the rear and the majority of it abuts the neighbour's lot boundary wall. A minor portion of the lot boundary wall projects forward of the adjoining lot boundary wall in front of the neighbour's courtyard. The location of the subject lot boundary wall is in the same location as what was approved as part of DA-2019-7; This design allows for northern sunlight to continue to penetrate into the lightwell. It is also noted that the master bedroom of the adjoining dwelling has its key aspect toward the west, taking advantage of river views and ensuring there is adequate access to light and ventilation.



**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

- The orientation of the single-storey lot boundary wall will ensure that access to direct sunlight and ventilation to the adjoining south-western property will not be restricted; and
- There are no major openings along this section of wall, ensuring the development does not pose any overlooking concerns for the adjoining owner.

**First-Floor Lot Boundary Setback**

As outlined in the table above, the setback of the wall to the balcony and master bedroom does not meet the deemed-to-comply provisions of the R-Codes and therefore requires a performance assessment. The proposed setbacks are considered to meet the Design Principles of the R-Codes for the following reasons:

- The first-floor is well articulated through the use of varying materials, alternating wall heights and varied setbacks. This articulation ensures the walls will not add excess building bulk to the adjoining south-western property;
- The proposed dwelling meets the deemed-to-comply criteria from the R-codes for solar access. Therefore access to direct sunlight and ventilation to the adjoining south-western property will not be restricted;
- The wall is located next to the adjoining property's outdoor living area, however the first-floor wall is setback at 1.6m whereas the existing approval includes a two-storey lot boundary wall, as it was approved in DA-2019-7. This is considered to improve the relationship between the existing and proposed homes. The proposed wall will not be visible from the habitable rooms of the adjoining properties as the roof of the outdoor living area will screen this from view, and the habitable rooms of the adjoining property are oriented towards the river to take advantage of the views, not towards the proposed house.
- While the adjoining landowner may be able to view the proposed wall from their outdoor living space, this space is also oriented to take advantage of view of the Swan River, which is directly to the front of the property. The roof above the outdoor living area will largely screen the upper floor of the adjoining property from view; and,
- There are no major openings along this section of wall, ensuring the development does not pose any overlooking concerns for the adjoining owners.

**U21/0561 - SINGLE HOUSE – LOT 11 (NO. 24A) BLACKWALL REACH PARADE,  
BICTON WA 6157 (REC) (ATTACHMENT)**

## CONCLUSION

This application for a two storey dwelling with an undercroft garage has been assessed and is considered to comply with the relevant planning framework, including the design principles of the R-Codes. Overall, the proposed dwelling is a scaled down version of the two-storey dwelling approved as part of DA-2019-7. Therefore the proposed dwelling is a better outcome than the previously approved dwelling in 2019. It is therefore recommended that the development be approved subject to the following conditions;

## 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 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. 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.
7. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.



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- 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. Any additional 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.**
- 10. The proponent shall ensure that appropriate on-site measures are implemented to prevent sediment from entering the stormwater system and river during construction.**