

### REPORTS AND RECOMMENDATIONS

### FOR THE

### DEVELOPMENT ADVISORY UNIT

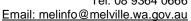
### MEETING

### HELD ON

### TUESDAY, 7 MAY 2024

- 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 Kate Bainbridge, 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: Tel 9364 0626 or via the Elected Members Portal.
- 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 10 MAY 2024** 





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, 7 MAY 2024.

### **PRESENT**

T Cappellucci T Geddes N Mazzega J Caracciolo Principal Statutory Planner 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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Ward : Palmyra – Melville - Willagee Ward

Category : Operational Application Number : DA-2024-52

Property : Lot (50) No.59A Rome Road, Melville

Proposal : Two Storey Single House

Applicant : 101 Residential

Owner : Y Liu

Disclosure of any Interest : No Officer involved in the preparation of this report

has a declarable interest in this matter.

Previous Items : None.

Responsible Officer : Troy Cappellucci

Principal Statutory Planner

### **AUTHORITY / DISCRETION**

**DEFINITION** 

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.		
Executive	The substantial direction setting and oversight role of the Council. e.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.		
Legislative	Includes adopting local laws, town planning schemes & policies.		
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.		
Quasi-Judicial	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.		
Information	For the Council to note.		



### **KEY ISSUES / SUMMARY**

- Development approval is sought for two storey single house at no. 59A Rome Road, Melville.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), Residential Design Codes Volume 1 Part B (R-Codes) and relevant Local Planning Policies.
- The proposed development requires a performance assessment in relation to lot boundary setbacks, landscaping, siteworks, visual privacy and solar access.
- Consideration by the Development Advisory Unit is limited to solar access, with all other performance assessment matters to be determined by the Manager Statutory Planning (MSP) through delegated authority in accordance with Local Planning Policy 1.1 Planning Process and Decision Making (LPP 1.1).
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 (as amended) and LPP 1.1.
- One submission was received during the advertising period which was an objection to the impact of the development upon solar access.
- It is considered that solar access is acceptable when assessed against the relevant design principles of the R-Codes.
- The City recommends that approval be granted subject to conditions.



Figure 1 – Aerial Photography

### **BACKGROUND**

#### **Scheme Provisions**

MRS Zoning : Urban LPS Zoning : Residential R-Code : R20

Use Type : Single House Use Class : Permitted



### **Site Details**

Lot Area : 521m²
Retention of Existing Vegetation : No
Street Tree(s) : Yes x1
Street Furniture (drainage pits etc) : Light pole

Site Details : Refer to Figure 1 above

### **DETAIL**

The application has been assessed against the provisions of LPS6, R-Codes and relevant Local Planning and Council Policies. The proposal complies with all the relevant development requirements except for those matters listed below, for which a performance assessment is required.

### **Local Planning Scheme and Local Policy Requirements**

### Residential Design Codes Volume 1 Part B

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve
5.1.3 – Lot Boundary Setbacks Cl. 3.1 (i)	North side As per table 2a and 2b of R- Codes Volume 1 Part B First Floor Bed 3 to Sitting setback required 2.1m	1.6m	Requires assessment using Performance Criteria	MSP
	North side As per table 2a and 2b of R- Codes Volume 1 Part B First Floor Sitting setback required 3m	1.6m	Requires assessment using Performance Criteria	MSP
	South side As per table 2a and 2b of R- Codes Volume 1 Part B Ground Floor Alfresco to Scullery setback required 1.5m	1m	Requires assessment using Performance Criteria	MSP



Development Requirement (cont)	Deemed to Comply	Proposed	Comments	Delegation to approve
5.3.2 - Landscaping Cl. 2.2 (ii)	Requires not more than 50% impervious surfaces within street setback area	74%	Requires assessment using Performance Criteria	MSP
5.3.7 – Site works CI7.1	Retaining walls, fill and excavation not more than 0.5m above natural ground level within street setback area.	0.6m	Requires assessment using Performance Criteria	MSP
5.3.7 – Site works Cl7.2 – Table 4	North and South Side Height of siteworks and/or retaining walls 1m or less requires setback of 1m	Nil.	Requires assessment using Performance Criteria	MSP
5.4.1 – Visual Privacy Cl1.1 (i)	North Side First Floor Sitting requires a setback of 6m	1.6m	Requires assessment using Performance Criteria	MSP
5.4.2 – Solar Access Cl2.1	25%	29%	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)

### 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 submission received (Objection)



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

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	Lot Boundary Setbacks First floor southern walls should be setback further.	Object	The first-floor walls in relation to this submitter's property are compliant with the deemed-to-comply provisions of the R-Codes.	Not Uphold
	Retaining Walls Prefer for the retaining to be 0.5m but not concerned if retaining remains as proposed.	Neither support or object	The retaining walls along this affected submitter boundary is considered to comply with the design principles for 5.3.7 – Siteworks.	Not Uphold
	Visual Privacy Bed 3 and Bed 4 cone of vision to be within the subject property only.	Object	The Bed 3 and Bed 4 openings are not major openings due to being less than 1m² in area and therefore not subject to assessment under 5.4.1 – Visual Privacy.	Not Uphold
	Solar Access Thermal comfort of dwelling will be affected, and significant portion of dwelling will be shaded.	Object	Refer to the comments section of this report regarding solar access.	Not Uphold

### II. OTHER AGENCIES / CONSULTANTS

Not Applicable

### STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will 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 direct financial implications for the City relating to this proposal.

### STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

#### **POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

#### COMMENT

### Solar Access

As noted above in the requirement section, the solar access does not meet the deemed to comply provisions of the R-Codes and requires a design principles assessment. The design principles contained in Clause 5.4.2 of the R-Codes seek protection of the solar access to new dwellings and that of neighbouring properties. The impact on neighbouring properties ideally should be minimised to more sensitive spaces such as outdoor living areas (OLA), major openings and roof solar collectors. The proposed solar access is considered to meet these design principles as discussed below:

### **Design Principle P2.1:**

 The design of the proposed dwelling has provided for effective solar access with multiple northern orientated major openings.

### **Deign Principle P2.2:**

- There are two north facing major openings (See Figure 3 below) of the southern lot that are affected by the subject development. No other major openings or outdoor living areas are affected by the shadow. This southern affected dwelling has a finished floor level (FFL) of 11.05. The subject site has an FFL of 10.345, in this regard the shadow cast onto the southern property will be minimised due to dwelling floor level and natural ground level differences. The 0.7m difference in FFL, with the affected southern site higher, minimises the length of the shadow cast to these major openings at midwinter. This is also the single storey element of the subject dwelling that is casting this shadow to these openings, further minimising potential amenity and access to light/ventilation impacts.
- No existing solar collectors are affected by the shade cast.



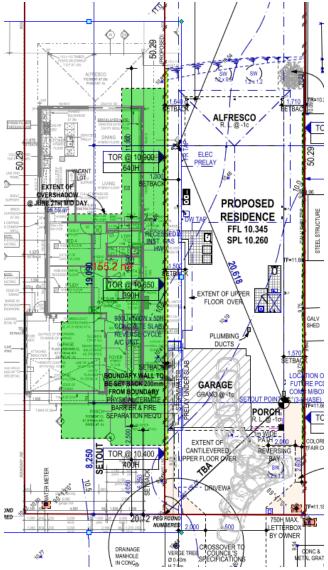


Figure 2: Shows the maximum southern shadow generated (in green) onto the southern affected lot approved ground floor plan.



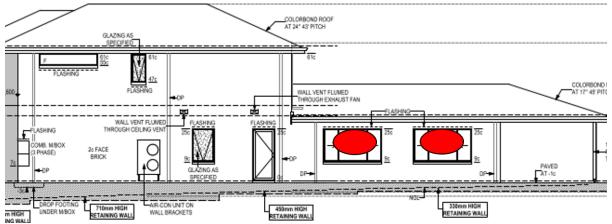


Figure 3: Shows the major openings (Dining and Living rooms) of the southern approved dwelling in red. This also shows the raised level to the neighbouring site.

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

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

However, 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 proposal meets the deemed to comply or design principle requirements of the R-Codes or Local Planning Policy requirements and is therefore considered to be appropriate to approve subject to conditions.

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process, unless council elects to 'call up' the item for formal Council consideration.



### OFFICER RECOMMENDATION

APPROVAL

- 1. The development the subject of this approval complies 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 quidelines.
- 3. 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.
- 4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
- 5. 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 as per City of Melville crossover specifications;
  - 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.

- 6. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 3 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.
- 7. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
- 8. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the street and adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
- 9. 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.



- 10. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout the duration of the demolition and construction processes of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to demolition of the site or commencement of development (whichever occurs first), in accordance with the following criteria:
  - 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 of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
  - 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 or refuelling of equipment or 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; or
    - The parking of vehicles or machinery.

#### **Advice Note/s**

- 1. 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.
- 2. A completed BA20 form and associated documentation including signed plans is to be provided where adjoining properties are to be adversely affected or there is encroachment of walls or footings.



Ward : Applecross – Melville - Mount Pleasant Ward

Category : Operational Application Number : DA-2024-42

Property : Lot (1) Unit 1, No. 15 Simpson Street, Applecross

Proposal : Two Storey Grouped Dwelling Applicant : Webb and Brown-Neaves Owner : Su Hau Heng & Shy Hwa Lee

Disclosure of any Interest : No Officer involved in the preparation of this report

has a declarable interest in this matter.

Responsible Officer : Troy Cappellucci

Principal Statutory Planner

Previous Items : N/A

### **AUTHORITY / DISCRETION**

### **DEFINITION**

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.			
Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.			
Legislative	Includes adopting local laws, town planning schemes & policies.			
Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.			
Quasi-Judicial	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.			
Information	For the Council to note.			



### **KEY ISSUES / SUMMARY**

- Development approval is sought for a two-storey grouped dwelling at Unit 1, No. 15 Simpson Street, Applecross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), Residential Design Codes Volume 1 Part B (R-Codes) and relevant Local Planning Policies including Local Planning Policy 3.1 – Residential Development (LPP3.1).
- The proposed development requires a performance assessment in relation to lot boundary setbacks and boundary wall height.
- Consideration by the Development Advisory Unit is limited to boundary wall height to the western boundary and lot boundary setbacks to the southern and western boundaries.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 (as amended) and LPP1.1.
- Three submissions were received during the advertising period with objections to the proposed boundary wall on the western boundary, lot boundary setbacks to the southern and western boundaries and visual privacy concerns. Visual privacy for the proposed development is compliant with the relevant deemed to comply requirements of the R-Codes.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant design principles of the R-Codes.
- The City recommends that approval be granted subject to conditions.



Figure 1 - Aerial Photography



### **BACKGROUND**

### **Scheme Provisions**

MRS Zoning : Urban LPS Zoning : Residential

R-Code : R15

Use Type : Grouped Dwelling

Use Class : Permitted

### **Site Details**

Lot Area : 421m²
Retention of Existing Vegetation : None
Street Tree(s) : Yes
Street Furniture (drainage pits etc) : No

Site Details : Refer to Figure 1 above

### **DETAIL**

The application has been assessed against the provisions of LPS6, the R-Codes and relevant Local Planning and Council Policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below, for which a performance assessment is required.

### **Local Planning Scheme and Local Policy Requirements**

<u>City of Melville Local Planning Policy 3.1 – Residential Development</u>

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve
LPP 3.1 Cl. 6 Cl. 3.2 (ii) – Boundary Walls	Western Side  Boundary wall (garage) 3m in height	3.5m in height	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)



### Residential Design Codes Volume 1 Part B

Developm Requirem		Deemed to Comply	Propose	ed	Comments		Delegation to approve
5.1.3 – Boundary Setbacks 3.1 (i)	Lot Cl.	West Side First Floor Bed 3 / Bed 4 Setback required 6m	1.51m setback	in	Requires assessment us Performance Criteria	sing	DAU
5.1.3 – Boundary Setbacks 3.1 (i)	Lot Cl.	West Side  Ground Floor Guest Suite Setback required 6m	1.51m setback	in	Requires assessment us Performance Criteria	sing	DAU
5.1.3 – Boundary Setbacks 3.1 (i)	Lot CI.	South Side  First Floor Bed 3 / Powder 2 / Bath Setback required 2m	1.7m setback	in	Requires assessment us Performance Criteria	sing	DAU

#### 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 submission received (Objection)

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



Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	Setbacks Concerns that the proposal would impact solar access and privacy and therefore negatively impacting any future planning considerations.	Objection	Refer to the comments section of this report.	Not Uphold
	Visual Privacy Window from a secondary bedroom that overlooks. This proposal would negatively impact my property's privacy and future planning considerations.	Objection	In relation to this objection the proposed development meets the visual privacy deemed-to-comply requirements of the R-Codes. There are no major openings along the upper floor of the southern elevation.	Not Uphold
2	Boundary Wall The height of the western boundary wall is not reflective of the current zoning. Will dominate the boundary and cause a building bulk issue.  There is a possible impact on the amenity of adjoining owners and occupiers.	Objection	Refer to the comments section of this report.	Not Uphold
	Lot Boundary Setbacks Believes that the heights and setbacks of buildings contribute to the open, suburban appearance and function, which would be lost.	Objection	Refer to the comments section of this report.	Not Uphold



Submission Number (cont.)	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
	Outlines that the Decision Maker must take future planning into account since design principles contribute to the prevailing or future development context as outlined in the local planning framework.  Concerns that less sunlight would reach green zones.			
3	Visual Privacy Concerned about the overlooking of this development, specifically on the northern elevation.	Objection	In relation to the proposed concerns raised in regard to visual privacy, the development is compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold

#### II. OTHER AGENCIES / CONSULTANTS

Not Applicable.

### STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will 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 direct financial implications for the City relating to this proposal.

### STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

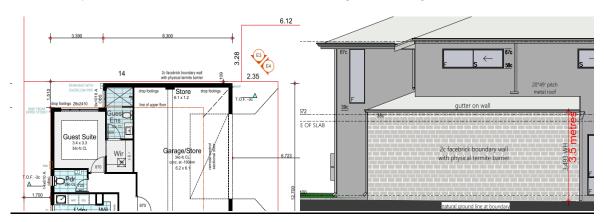
#### **POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.



### **COMMENT**

### <u>Lot Boundary Setback – Western Ground Floor Garage Wall Height</u>



As noted above in the requirement section, the ground floor garage boundary wall does not meet the deemed to comply provisions of Clause 6 of LPP 3.1 and requires a design principle assessment. The design principles contained in Clause 5.1.3 (P3.1 & P3.2) Lot Boundary Setbacks of the R-Codes seek to reduce the impact of building bulk on adjoining properties, maintain access to natural light and ventilation, maintain visual privacy and ensure no adverse impact on amenity of adjoining properties. The garage boundary wall on the western elevation is considered to meet these design principles as discussed below:

### Design Principle P3.1 & P3.2:

- The length of the wall is less than the deemed to comply requirement (8.2m in lieu of the permitted 9m) and is adjacent to roof structure and vegetation screening on the adjoining property to decrease its impact as viewed from the adjoining property.
- Adequate sunlight and ventilation are afforded to the adjoining property, as the proposed garage abuts an existing area of vegetation and enclosed patio, thus reducing the boundary walls impact. Refer to Figure 2 below.
- There are no actual (R-Codes Clause 5.4.1 Visual Privacy) or perceived visual privacy concerns brought about by the boundary wall as there are no major openings.
- The wall height discretion sought is considered to be minor and to not have adverse impact on the amenity of the adjoining dwelling. Neighboring major openings are not impacted by the boundary wall through their setback from the boundary and orientation of the subject wall abutting the adjoining properties carport for a considerable portion of its length. Refer to Figures 3 & 4 below.
- The garage being located on the rear boundary allows for a more usable sight through creating an alfresco area in the middle of the house which allows for its interaction with multiple different rooms.





Figure 2 – View Looking West from Subject Property Towards Adjoining Western Property



Figure 3 – Length of Proposed Garage Boundary Wall from Subject Site to Right of Image Marked in Green with Adjoining Property to Left of Image



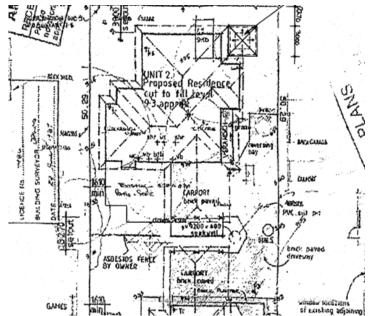


Figure 4 – Plan of Adjoining Western Property Confirming That Subject Boundary Wall abuts an Adjoining Carport

<u>Lot Boundary Setbacks – Western Ground Floor Guest Wall and Western Upper Floor Bed 3</u> / 4 Wall

As noted above in the requirement section, the guest suite ground floor wall and the Bed 3/Bed 4 upper floor wall do not meet the deemed to comply provisions of 5.1.3 C3.1i of the R-Codes and therefore is required to be assessed against the design principles. The design principles contained in Clause 5.1.3 (P3.1) Lot Boundary Setbacks of the R-Codes seek to ensure development reduces the impact of building bulk on adjoining properties, maintains access to natural light and ventilation, maintains visual privacy and ensures no adverse impact on amenity of adjoining properties. The walls on the western elevation are considered to meet these design principles as discussed below:

### **Design Principle P3.1:**

- Proposed reduced setback of the required 6m from rear (western boundary) allows the subject dwelling a northern aspect for its outdoor living area located adjacent to Simpson Street. The outdoor living areas proposed location allows for the site to maximize its lot size for both building and outdoor exploits in a way that maintains consistency with the planning considerations of grouped dwellings zoned R15 in the immediate area and surrounds. Refer to Figure 5 below.
- The rear (western) elevation will not have a bulk impact due to the use of articulation via use of differing materials, setbacks on both levels and window openings. Refer to Figure 6 below.
- Solar access is compliant with the deemed to comply provisions of the R-Codes for the adjoining western property.
- No overlooking issues will result from both walls.



 The existing single storey grouped dwelling on the proposed site has existing reduced setbacks to the rear western boundary, further showcasing the existing stance on rear setbacks in this locality.



Figure 5 – Aerial showing R15 zoned Grouped Dwellings marked in Red with Rear Setback Reductions less than the required 6m

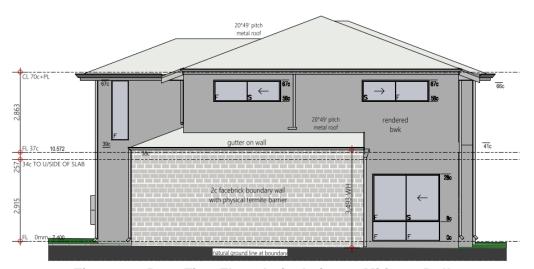


Figure 6 – Rear First Floor Articulation to Mitigate Bulk



### Lot Boundary Setback - Southern Upper Floor Bed 3 / Powder 2 / Bath Wall

As noted above in the requirement section, the ground floor bed 3 / powder 2 / bath wall does not meet the deemed to comply provisions of Clause 5.1.3 C3.1i of the R-Codes and therefore is required to be assessed against the design principles. The design principles contained in Clause 5.1.3 (P3.1) Lot Boundary Setbacks of the R-Codes seek to ensure development reduces the impact of building bulk on adjoining properties, maintains access to natural light and ventilation, maintains visual privacy and ensures no adverse impact on amenity of adjoining properties. This wall on the southern elevation is considered to meet these design principles as discussed below:

### **Design Principle P3.1:**

- The portion of wall does not have any major openings therefore reduces any potential loss of privacy. While the finished floor level (FFL) of the upper floor is above 500mm of natural ground level, all windows are above 1.8m above the FFL to ensure they are not major openings and therefore no privacy concerns.
- Building bulk is reduced through articulations along the southern boundary via two
  differing wall setbacks along the upper floor as well as numerous window openings
  which are either obscure or transparent. Refer to Figure 7 below.
- The proposed wall abuts a single storey single house which on its northern elevation facing the subject site, has walls with no major openings and not abutting an outdoor living area. Refer to Figures 8 & 9 below.
- Overshadowing calculations meet the deemed-to-comply provisions of the R-Codes therefore the proposed wall does not create any additional adverse solar issues for the adjoining lot.



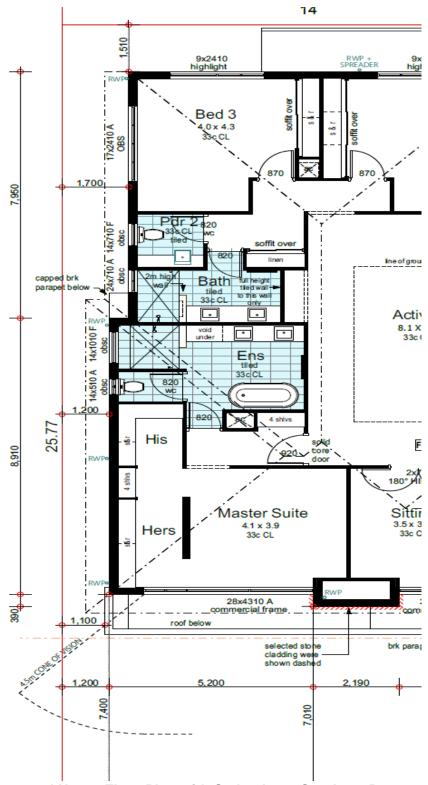


Figure 7 – Proposed Upper Floor Plan with Setbacks to Southern Property to Left of Image





Figure 8 – Location of Proposed Wall from Subject Site to Top of Image Marked in Green with Adjoining Southern Property to the Bottom of Image

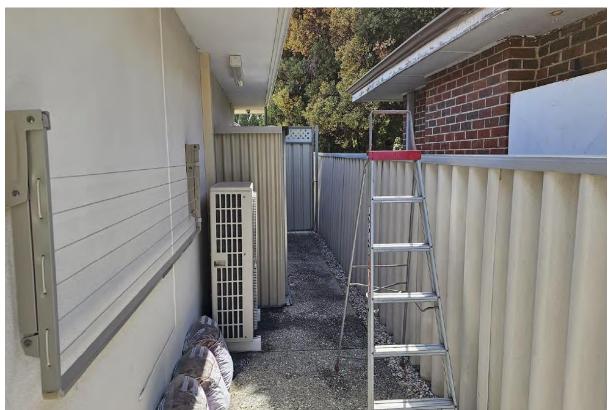


Figure 9 – View looking south towards adjoining southern property where subject wall would face



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

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

However, should Elected Members have an alternative view, the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

#### CONCLUSION

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.

### OFFICER RECOMMENDATION

**APPROVAL** 

- 11. The development the subject of this approval must be contained wholly within the area of exclusive use of the lot and comply with the approved plans at all times unless otherwise approved in writing by the City.
- 12. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.
- 13. Prior to the initial occupation of the development, the boundary wall/s shall be finished to either the same finish as the rest of the dwelling walls or at a minimum, be finished to a clean face brick standard, to the satisfaction of the City.



- 14. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout the duration of the demolition and construction processes of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to demolition of the site or commencement of development (whichever occurs first), in accordance with the following criteria:
  - 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 of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
  - 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 or refuelling of equipment or 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; or
    - The parking of vehicles or machinery.
- 15. 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.
- 16. 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 3 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.



### **Advice Notes**

- 1. A Demolition permit will be required. A Building Permit application will be required for removal of the existing dwelling.
- 2. A completed BA20 form and associated documentation including signed plans is to be provided where adjoining properties are to be adversely affected or there is encroachment of walls or footings. Alternatively, certification from a structural engineer certifying the works won't be adversely affecting in accordance with the Building Act can be provided.
- 3. This approval is not an approval under the *Strata Titles Act 1985* or *Land Administration Act 1997*, noting that another approval may be required prior to construction commencing from the other strata landowner and beneficiary of the easement over the party wall.



### **ATTACHMENTS**

**OF THE** 

### **DEVELOPMENT ADVISORY UNIT**

**MEETING** 

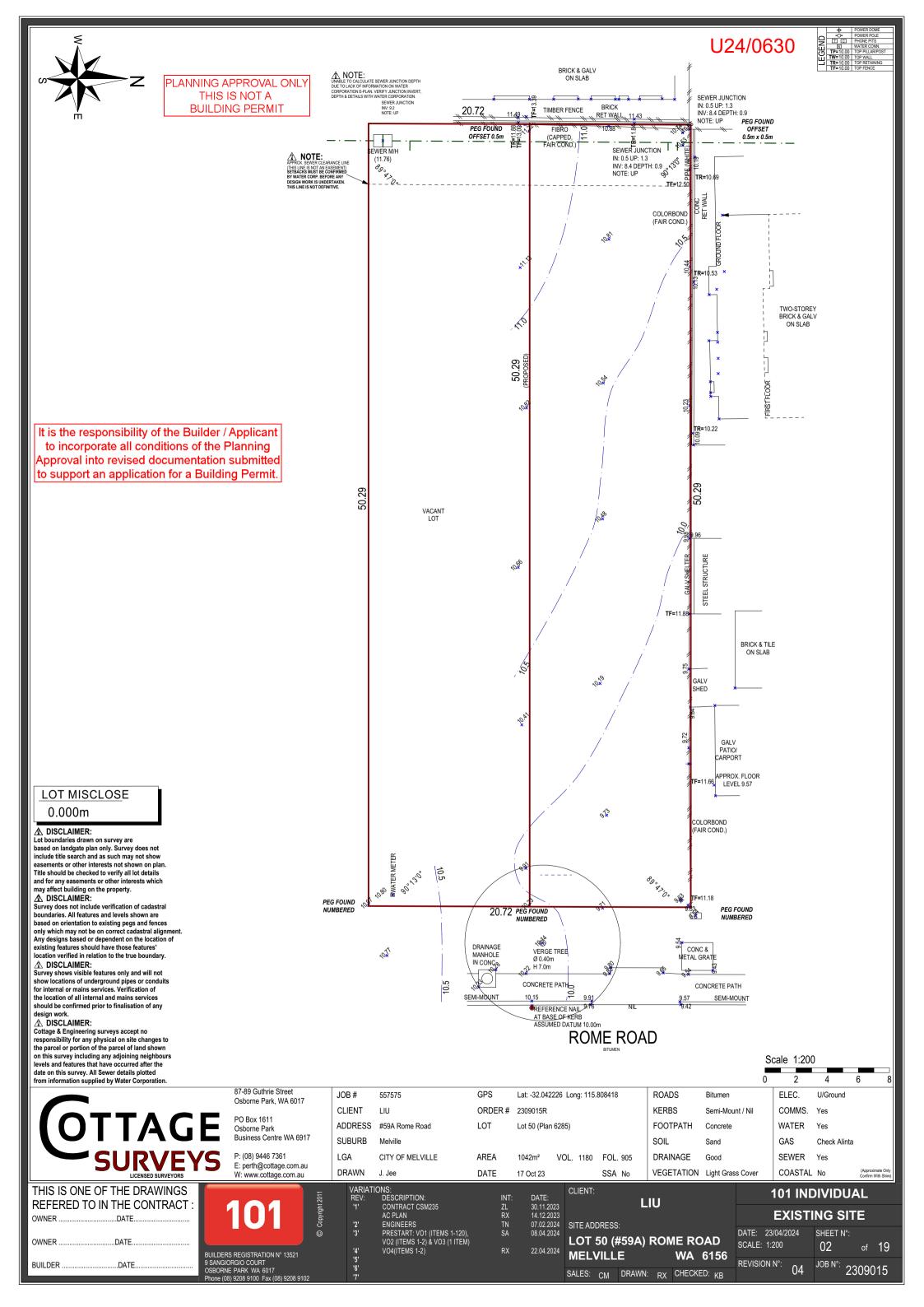
**HELD ON** 

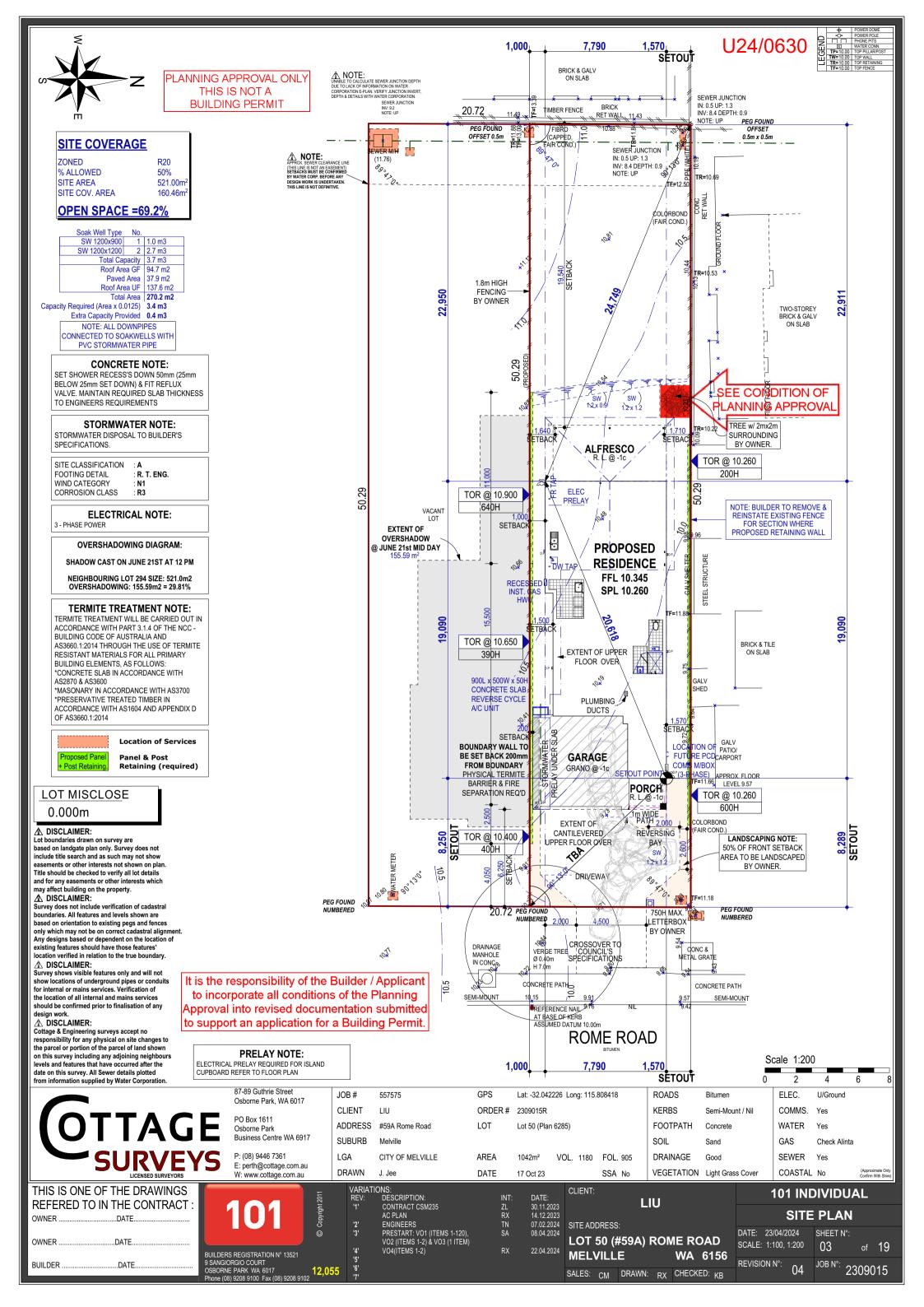
7 MAY 2024

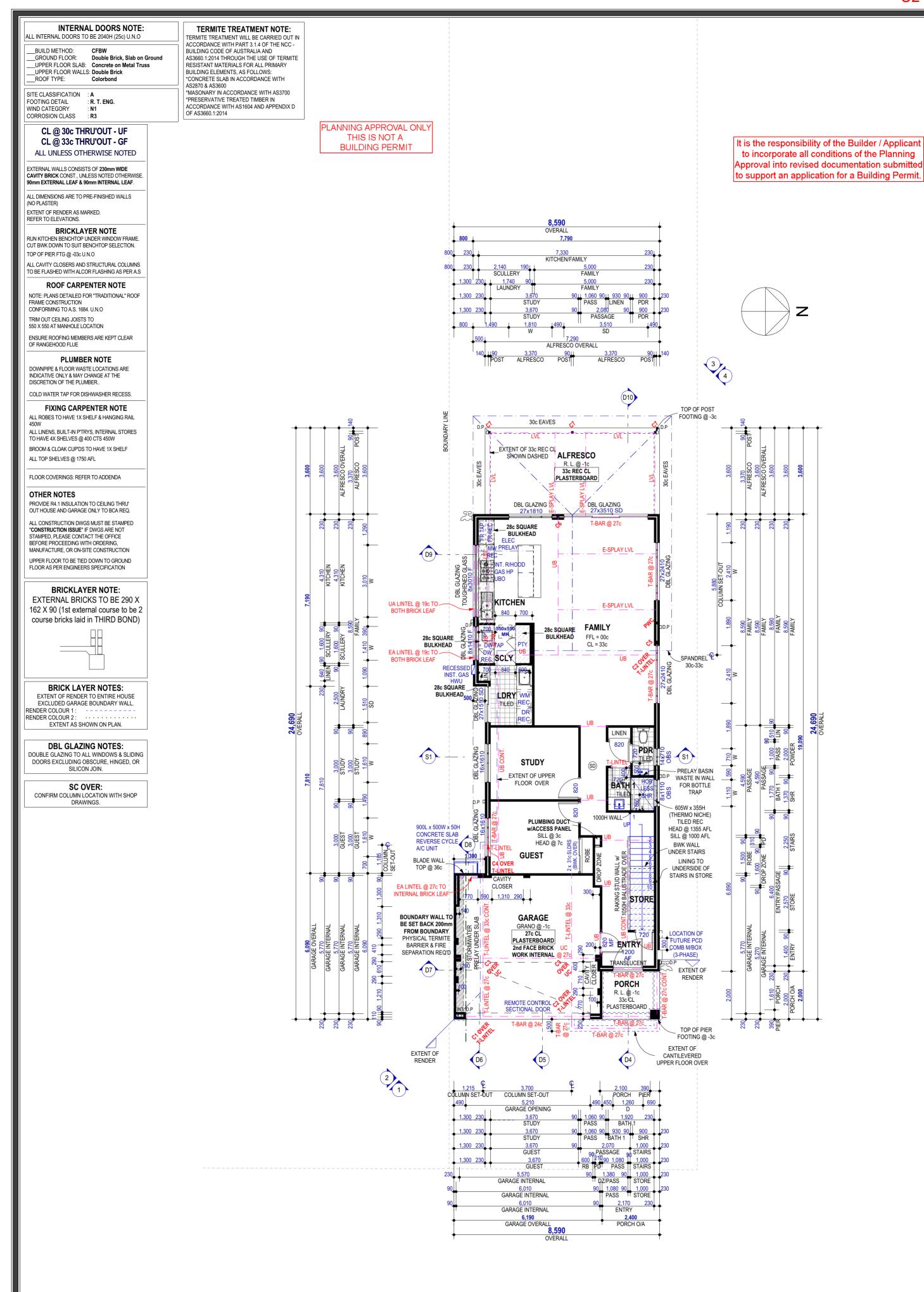
U24/0630 U24/0631

Distributed: Friday, 10 May 2024

Last reviewed: 19/01/2024







THIS IS ONE OF THE DRAWINGS REFERED TO IN THE CONTRACT ..DATE..

ENGINEERS
PRESTART: VO1 (ITEMS 1-120),
VO2 (ITEMS 1-2) & VO3 (1 ITEM) VO4(ITEMS 1-2)

DATE: 30.11.2023 07.02.2024 08.04.2024 SITE ADDRESS: LOT 50 (#59A) ROME ROAD 22.04.2024 MELVILLE SALES: CM DRAWN: RX CHECKED: KB

LIU

WA 6156

**101 INDIVIDUAL GROUND FLOOR PLAN (A2)** DATE: 23/04/2024 SHEET N°: SCALE: 1:1, 1:100 REVISION N°: 04 JOB N°: 2309015

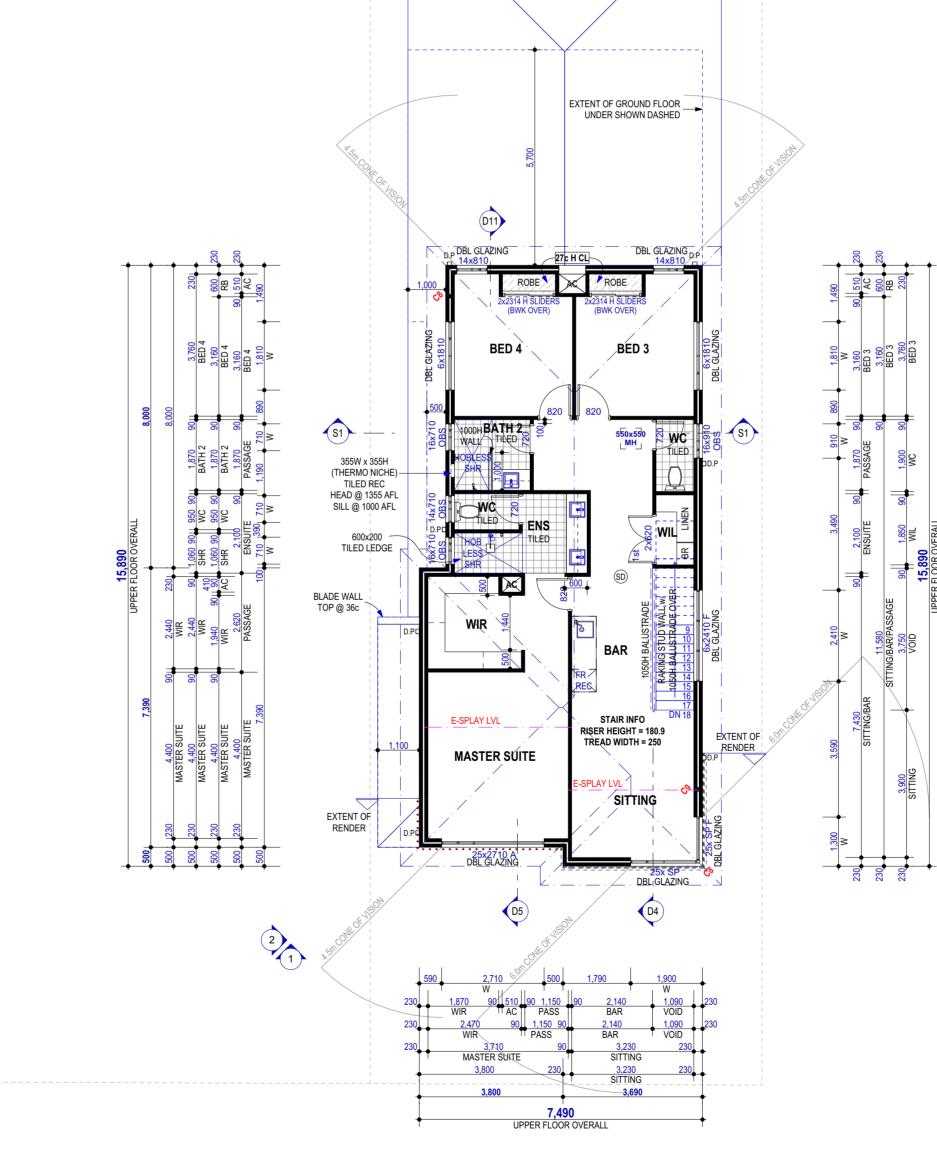
AREAS Perimeter HOUSE - GROUND 123.561 53.760 111.516 46.760 HOUSE - UPPER GARAGE 36.897 24.560 ALFRESCO 26.244 21.780 PORCH 4.800 8.800 **TOTAL** 303.018 m<sup>2</sup>

It is the responsibility of the Builder / Applicant to incorporate all conditions of the Planning

Approval into revised documentation submitted

to support an application for a Building Permit.

### **UPPER FLOOR HEIGHTS INTERNAL DOORS NOTE:** ALL INTERNAL DOORS TO BE 2040H (25c) U.N.O FFL =3257mm CL = 5864mm HEIGHT O/A= 2607mm (30c) Double Brick, Slab on Ground \_GROUND FLOOR: **UPPER FLOOR GLAZING** \_\_\_UPPER FLOOR SLAB: Concrete on Metal Truss UPPER FLOOR WINDOWS TO COMPLY WITH BCA 3.9.2.6 \_UPPER FLOOR WALLS: Double Brick SITE CLASSIFICATION FOOTING DETAIL : R. T. ENG. WIND CATEGORY CORROSION CLASS CL @ 30c THRU'OUT - UF CL @ 33c THRU'OUT - GF ALL UNLESS OTHERWISE NOTED EXTERNAL WALLS CONSISTS OF 230mm WIDE CAVITY BRICK CONST., UNLESS NOTED OTHERWISE 90mm EXTERNAL LEAF & 90mm INTERNAL LEAF. ALL DIMENSIONS ARE TO PRE-FINISHED WALLS EXTENT OF RENDER AS MARKED. REFER TO ELEVATIONS. **BRICKLAYER NOTE** RUN KITCHEN BENCHTOP UNDER WINDOW FRAME. PLANNING APPROVAL ONLY CUT BWK DOWN TO SUIT BENCHTOP SELECTION. TOP OF PIER FTG @ -03c U.N.O THIS IS NOT A ALL CAVITY CLOSERS AND STRUCTURAL COLUMNS **BUILDING PERMIT** TO BE FLASHED WITH ALCOR FLASHING AS PER A.S ROOF CARPENTER NOTE 1,180 90 U NOTE: PLANS DETAILED FOR "TRADITIONAL" ROOF FRAME CONSTRUCTION TRIM OUT CEILING JOISTS TO $550~\mathrm{X}~550~\mathrm{AT}$ MANHOLE LOCATION ENSURE ROOFING MEMBERS ARE KEPT CLEAR 1,710 90 1,710 WC ENSUITE 1,000 WIL OF RANGEHOOD FLUE 9011 1,640 PASSAGE PLUMBER NOTE 1,640 PASSAGE DOWNPIPE & FLOOR WASTE LOCATIONS ARE ENSUITE VOID INDICATIVE ONLY & MAY CHANGE AT THE DISCRETION OF THE PLUMBER.. COLD WATER TAP FOR DISHWASHER RECESS. **FIXING CARPENTER NOTE** ALL ROBES TO HAVE 1X SHELF & HANGING RAIL ALL LINENS, BUILT-IN P'TRYS, INTERNAL STORES TO HAVE 4X SHELVES @ 400 CTS 450W BROOM & CLOAK CUP'DS TO HAVE 1X SHELF ALL TOP SHELVES @ 1750 AFL FLOOR COVERINGS: REFER TO ADDENDA **OTHER NOTES ROOF BELOW** PROVIDE R4.1 INSULATION TO CEILING THRU' OUT HOUSE AND GARAGE ONLY TO BCA REQ. ALL CONSTRUCTION DWGS MUST BE STAMPED "CONSTRUCTION ISSUE" IF DWGS ARE NOT STAMPED, PLEASE CONTACT THE OFFICE BEFORE PROCEEDING WITH ORDERING, MANUFACTURE, OR ON-SITE CONSTRUCTION UPPER FLOOR TO BE TIED DOWN TO GROUND FLOOR AS PER ENGINEERS SPECIFICATION EXTENT OF GROUND FLOOR UNDER SHOWN DASHED **BRICK LAYER NOTES:** EXTENT OF RENDER TO ENTIRE HOUSE EXCLUDED GARAGE BOUNDARY WALL. RENDER COLOUR 2: EXTENT AS SHOWN ON PLAN. **DBL GLAZING NOTES:** DOUBLE GLAZING TO ALL WINDOWS & SLIDING DOORS EXCLUDING OBSCURE, HINGED, OR DP DBL GLAZING 14x810 DBL GLAZING D.P 27c H CL ROBE ROBE BED 4 BED 3 1000HBATH 2 550x550 MH WC TILED 355W x 355H (THERMO NICHE) TILED REC HEAD @ 1355 AFL SILL @ 1000 AFL S WIL 600x200 TILED LEDGE BLADE WALL BAR E-SPLAY LVL STAIR INFO





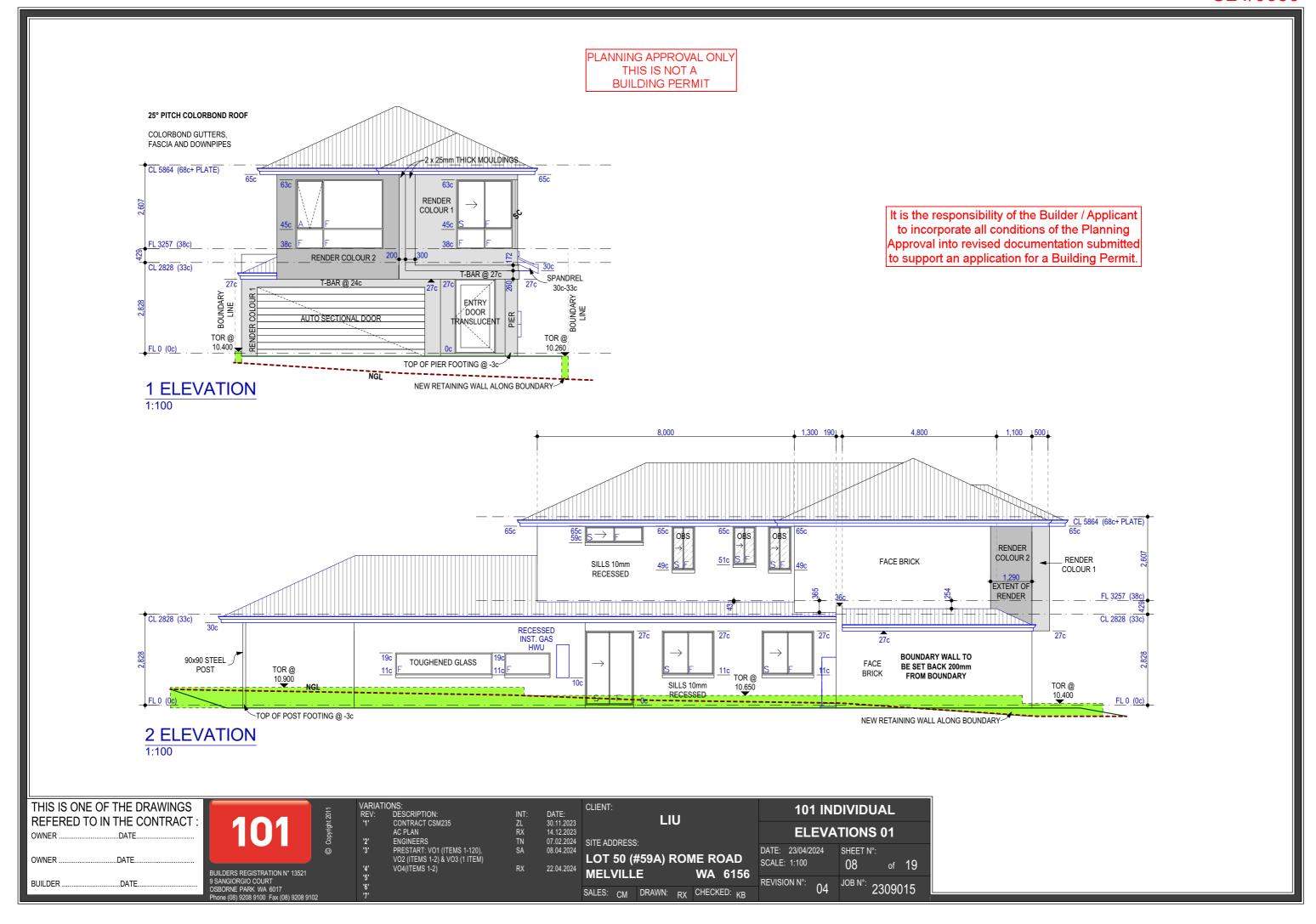
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PRESTART: VO1 (ITEMS 1-120),
VO2 (ITEMS 1-2) & VO3 (1 ITEM) VO4(ITEMS 1-2)

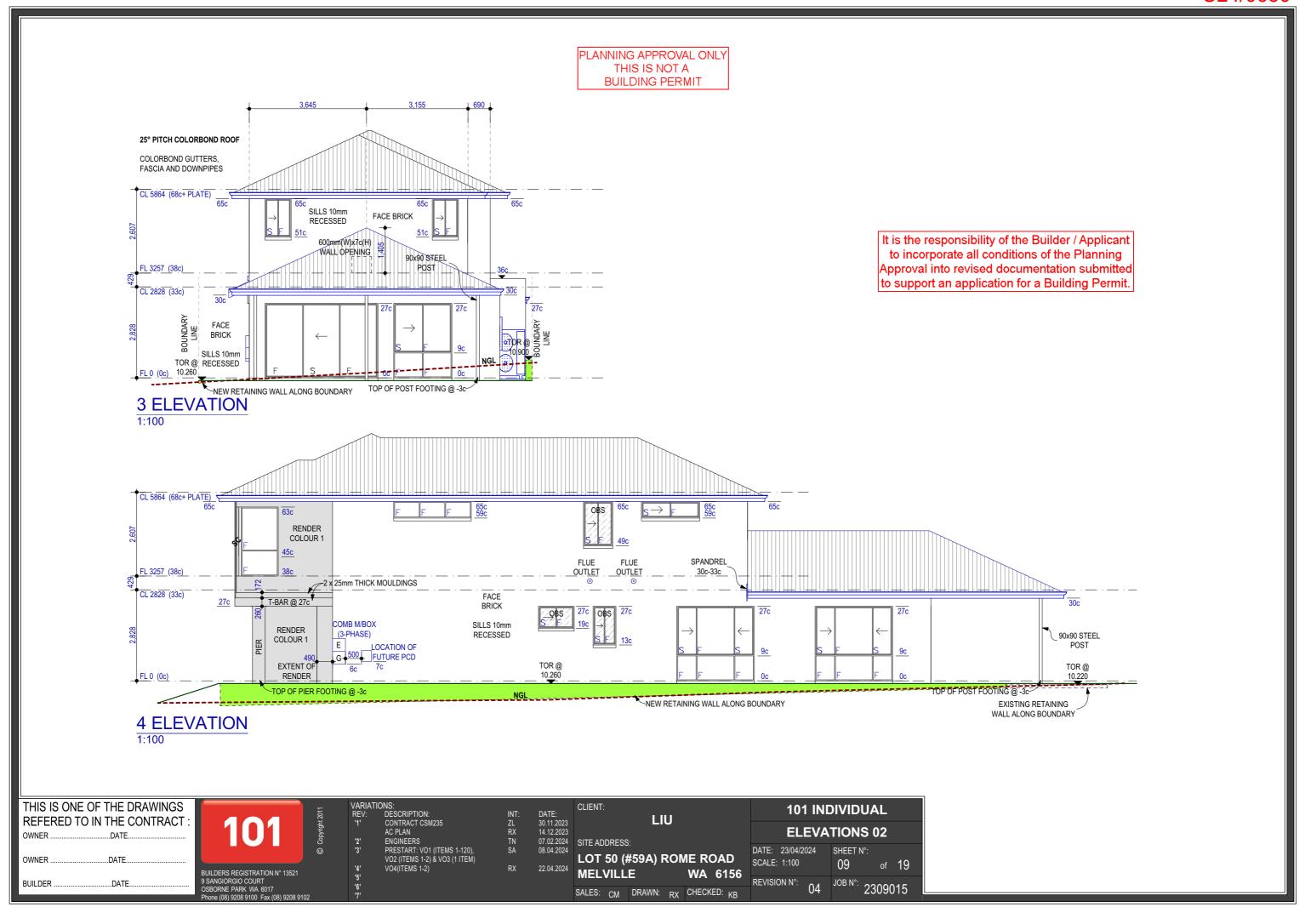
DATE: 30.11.2023 14.12.2023 07.02.2024 08.04.2024 22.04.2024

LIU SITE ADDRESS: LOT 50 (#59A) ROME ROAD MELVILLE WA 6156 SALES: CM DRAWN: RX CHECKED: KB

**101 INDIVIDUAL UPPER FLOOR PLAN (A2)** DATE: 23/04/2024 SHEET N°: SCALE: 1:1, 1:100 07 REVISION N°: 04 JOB N°: 2309015

AREAS				
Name	Area	Perimeter		
HOUSE - GROUND	123.561	53.760		
HOUSE - UPPER	111.516	46.760		
GARAGE	36.897	24.560		
ALFRESCO	26.244	21.780		
PORCH	4.800	8.800		
TOTAL	303.018 m <sup>2</sup>			









### **DESIGN NOTES**

ROOF 3°26' PORCH CONCEALED **ROOF PITCH** 20°49' GROUND & UPPER FLOOR **ROOF PITCH** METAL ROOF

34c-fc GROUND FLOOR 33c+PL UPPER FLOOR

RENDER TO ALL ELEVATIONS WITH 2c FACEBRICK TO BOUNDARY WALLS

### SITE REQUIREMENTS

ZONING - R15

SITE AREA + CP - 479.5m<sup>2</sup> SITE COVER % ALLOWED - 50% SITE COVER - 238m<sup>2</sup> SITE COVER % - 49.65%

### **PROPOSED** T & R Heng

### **RESIDENCE**

#1/15 Simpson Street APPLECROSS

20/12/2023 DATE:

DB DRAWN: RF REP: JOB No: 17734 PD

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Document Set ID: 6590491 Version: 1, Version Date: 22/01/2024



#### AREAS 143.46 ( 64.280m) Ground Floor Upper Floor 188.40 ( 77.078m) Garage/Store 47.86 Alfresco 29.92 16.85 Porch 426.49 m²





### **DESIGN NOTES**

ROOF 3°26' PORCH CONCEALED **ROOF PITCH** 20°49' GROUND & UPPER FLOOR **ROOF PITCH** METAL ROOF

34c-fc GROUND FLOOR 33c+PL UPPER FLOOR

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DATE:

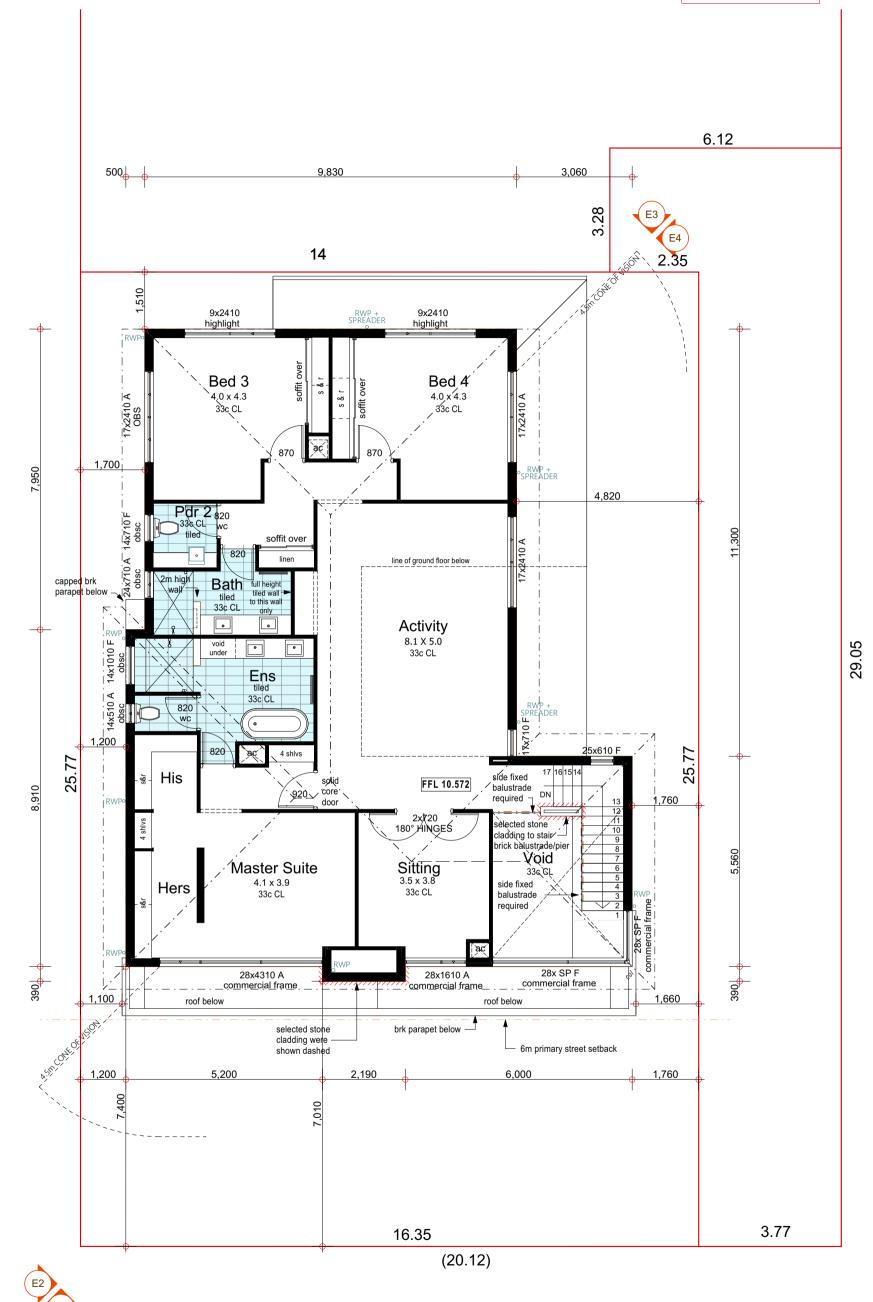
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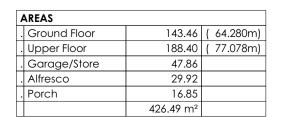
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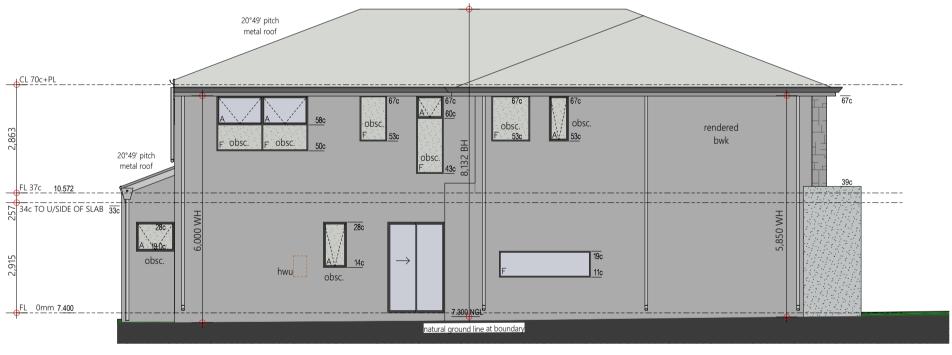








ELEVATION 1 1:100



ELEVATION 2 1:100

### PROPOSED T & R Heng

### RESIDENCE

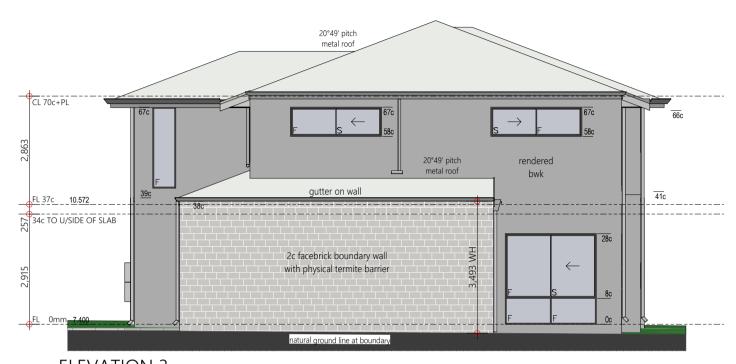
#1/15 Simpson Street APPLECROSS

DATE: 20/12/2023 DRAWN: DB

REP: RF
JOB No: 17734 PD
CUSTOM

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**ELEVATION 4** 1:100

# PROPOSED T & R Heng

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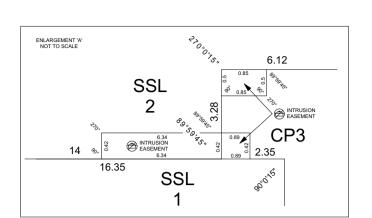
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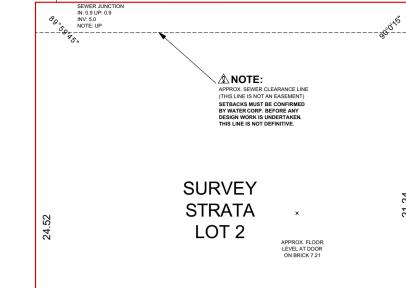
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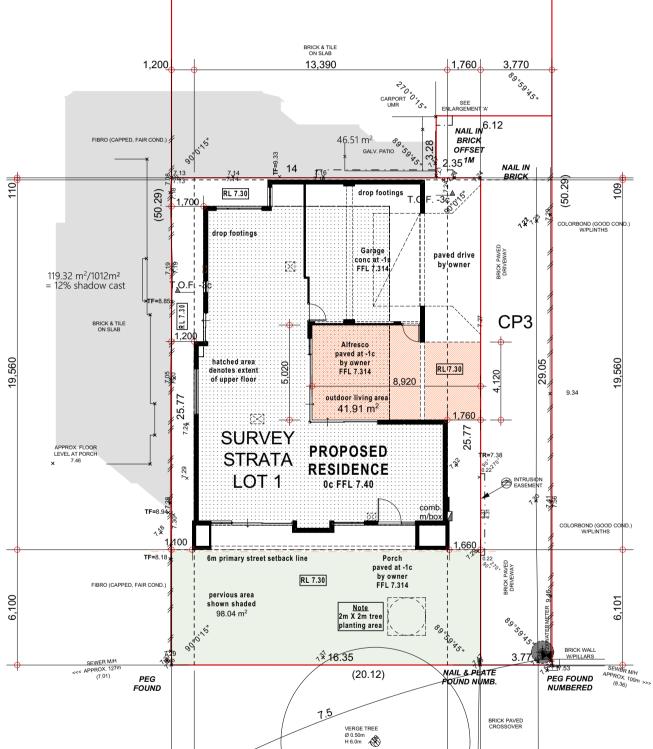
UNABLE TO CALCULATE SEWER JUNCTION DEPTH DUE TO LACK OF INFORMATION ON WATER CORPORATION E-PLAN. VERIFY JUNCTION INVERT, DEPTH & DETAILS WITH WATER CORPORATION.

APPLICANTS COPY





20.12



Site Cover/Open Space R20 Zoning: Min total % of site: 50% Site Area + CP: 479.5m<sup>2</sup> Building Area: 221m<sup>2</sup> 54% Open Space Provided

Landscape Cover to Front Setback Zoning: R20 98.04m<sup>2</sup> Pervious Area: Impervious Area:  $0.0m^2$ Setback Area: 98.04m<sup>2</sup>

Pervious % Provided 100%

**PROPOSED** T & R Heng

### **RESIDENCE**

#1/15 Simpson Street

**APPLECROSS** 20/12/2023 DATE: DB DRAWN:

RFREP: JOB No: 17734 PD

**CUSTOM** 

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### PROPOSED SITE

Scale 1:200

Osborne Park, WA 6017 PO Box 1611

P: (08) 9446 7361

E: perth@cottage.com.au

W: www.cottage.com.au

87-89 Guthrie Street

JOB# 560726 CLIENT Tommy Heng SUBURB Applecross LGA

DRAWN C. Weightman

1,200

ADDRESS #15 Simpson Street

LOT CITY OF MELVILLE AREA

**GPS** 

DATE

13,390

SIMPSON STREET

ORDER # 17734 Survey Strata Lot 1 (SP 15900)

05 Dec 23

421m<sup>2</sup> VOL. 1794 FOL.437

SSA No

Lat: -32.016705 Long: 115.833915

1,760

ROADS Bitumen **KERBS** Non-Mount FOOTPATH Nil SOIL Sand DRAINAGE Good

**VEGETATIONRefer to Survey** 

**SCALE: 1:200** 

7.78 NON-MOUNT
7.69
REFERENCE NAIL AT EDGE
90AD APPROX. A.H.D 7.69m
90AD APPROX. A.H.D 7.69m

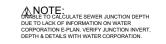
ORATION S.M.H L2262)

ELEC. U/Ground COMMS. Yes WATER Yes GAS Check Alinta SEWER Yes

COASTALNo (Approximate Only Confirm With Shire)

.24





SEWER JUNCTION IN: 0.9 UP: 0.9 INV: 5.0 NOTE: UP

--20---80°

24.52

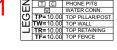
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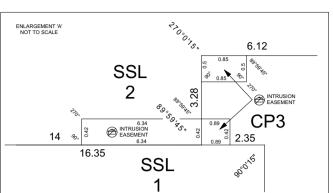
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**SURVEY** 

**STRATA** 

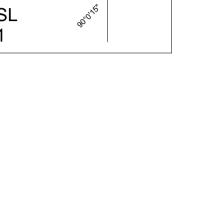
LOT 2

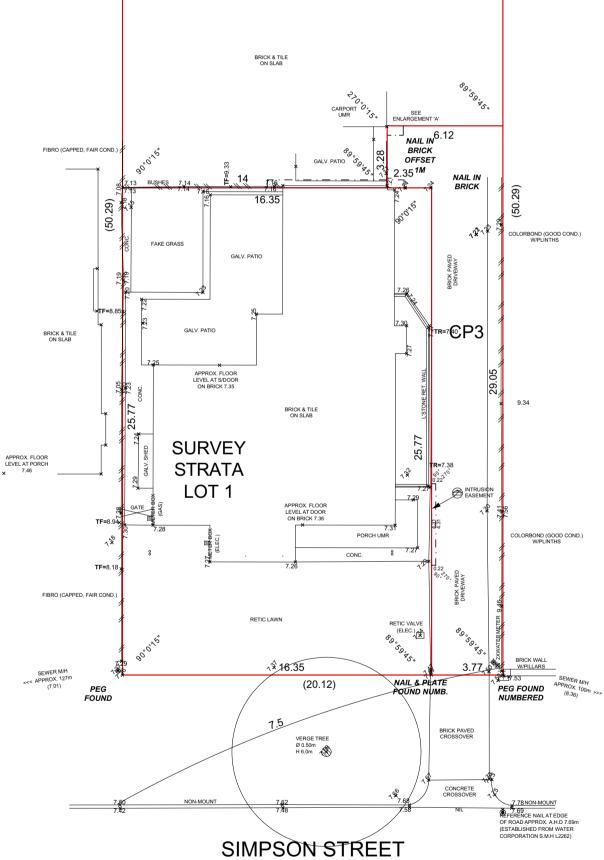












### **PROPOSED** T & R Heng

# **RESIDENCE**

#1/15 Simpson Street

**APPLECROSS** 20/12/2023 DATE: DB DRAWN: RF REP:

JOB No: **CUSTOM** 

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**EXISTING SITE** SCALE: 1:200

SSA No





17734 PD

87-89 Guthrie Street Osborne Park, WA 6017 PO Box 1611

P: (08) 9446 7361

E: perth@cottage.com.au

W: www.cottage.com.au

JOB# 560726 CLIENT Tommy Heng ADDRESS #15 Simpson Street SUBURB Applecross LGA CITY OF MELVILLE

DRAWN C. Weightman

Lat: -32.016705 Long: 115.833915 ORDER # 17734 LOT Survey Strata Lot 1 (SP 15900) AREA 421m<sup>2</sup> VOL. 1794 FOL.437

05 Dec 23

GPS

DATE

**ROADS** Bitumen **KERBS** Non-Mount FOOTPATH Nil SOIL Sand DRAINAGE Good VEGETATIONRefer to Survey

ELEC. U/Ground COMMS. Yes WATER Yes GAS Check Alinta SEWER Yes

COASTALNo (Approximate Only Confirm With Shire)