

**REPORTS AND RECOMMENDATIONS
FOR THE
DEVELOPMENT ADVISORY UNIT
MEETING
HELD ON
TUESDAY, 8 MARCH 2022**

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: FRIDAY, 11 MARCH 2022



**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, 8 MARCH 2022**

PRESENT

P Prendergast
M Scarfone
B Ashwood
T Cappellucci
R Boswell

Manager Statutory Planning
Planning Services Coordinator
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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U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2020-268/C
 Property : Lot 6 (No. 85) The Esplanade, Mount Pleasant WA 6153
 Proposal : Amendment to Two Three Storey Single Dwellings
 Applicant : Michael & Barbra McCarthy
 Owner : Same as above
 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 (eg 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>

U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- In July 2020, Development Approval was granted for two three storey single dwellings at Lot 6 (No. 85) The Esplanade, Mount Pleasant. A subsequent amendment was granted by the City in June 2021.
- This application proposes to amend the previous approvals by raising the total building height, to accommodate building services such as plumbing, air-conditioning and stormwater disposal. .
- The additional height requires assessment against the applicable Design Principles of the R-Codes.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy, during this time one objection was received relating to the amenity impact of the building in terms of building height.
- 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



U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	: 912m ²
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 11 March 2022

DETAIL

In July 2020, Development Approval was granted for two three storey single dwellings at Lot 6 (No. 85) The Esplanade, Mount Pleasant. A subsequent amendment was granted in June 2021. As part of the development process an address has been assigned to each new dwelling as follows:

- 85 The Esplanade (corner lot); and
- 1 Hawkins Street.

This application proposes amendments to DA-2020-268 and DA-2020-268/A. These changes involve;

- Increasing the building height of 85 The Esplanade to a maximum height of 9.6m.
- Increasing the building height of 1 Hawkins Street to a maximum height of 10.1m.

The additional building height is sought to allow for extra service space between each floor for utilities and to allow for stormwater discharge. The applicant provided a technical report that demonstrates that the water table of the subject site is close to the surface and at a depth where it is not possible to reduce the Finished Floor Level of the dwellings to reduce the overall height to allow for traditional stormwater drainage.

The proposed amendment has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable local planning policies and council policies. The proposal satisfies all of these requirements with the exception of the matters listed below which require a performance assessment.

U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

R-Code/LPS 6/LPP Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.6/LPP1.9 Building Height	9m (Concealed Roof)	9.6m (85 The Esplanade) 10.1m (1 Hawkins Street)	Requires assessment against the Design Principles of the R-Codes. Refer to details in report below.	Development Advisory Unit (DAU)
5.1.3 – Lot Boundary Setback	Study to Scullery wall – First Floor 1 Hawkins Street 1.6m	1.5m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.2 – Solar access to adjoining sites	25%	32% To 3 Hawkins Street	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

The officer comment below is limited to building height matters only as this was the subject of the objection received to this amended application. Despite the objection, the proposed development is considered to meet the relevant design principles and supported on that basis.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

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

U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The additional building height is contrary to the City's building height policy.	The proposed height is considered acceptable having regard to the Design principles of the R-Codes. Refer to the comments section of this report.	Not Uphold
The additional building heights will impact views of significance.	The proposed height is considered acceptable having regard to the Design principles of the R-Codes. Refer to the comments section of this report.	Not Uphold
The additional building height creates additional overshadow.	The proposed development meets the deemed to comply provisions of the R-Codes as it relates to the objectors property.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

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 financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

U22/0580 – AMENDMENT TO TWO THREE STOREY SINGLE DWELLINGS - LOT 6 (NO. 85) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies with the exception of the height which requires consideration against the Design Principles of the R-Codes (see comments section below).

COMMENT

The proposed dwelling has been designed in a way which responds to the topography of the site as well as taking advantage of the sites' proximity to the river and associated views. The Esplanade and Hawkins Street both exhibit a wide range of residential building styles and heights and it is noted that three storey buildings are common in this area. At three storeys the proposed dwellings are considered to be consistent with the existing and desired streetscape character of the area.

Building height

The proposed building height requires a performance assessment having regard to the design principles contained in Clause 5.1.6 Building Height. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining properties and maintains access to views of significants where appropriate.

The proposal meets the design principles for the following reasons:

- The building has been designed so that the street setbacks increase as the building gets taller. This results in the third floor being significantly setback from The Esplanade and Hawkins Street, minimising the bulk impact on the street.
- The proposed buildings are well articulated through the use of varied setbacks, windows, landscaping and a mix of materials which combine to reduce the bulk impact on to the adjoining properties including their major openings and outdoor living areas.
- For the properties to the south, proposed development meets the deemed to comply provisions of 5.4.2 Solar Access for adjoining site, therefore ensuring that adequate access to sunlight is provided to the open spaces and major openings. It is also noted that these properties are primarily oriented towards the east to take advantage of the views to the river.
- The shadow cast to 3A Hawkins Street, does not meet the deemed to comply provisions in terms of 5.4.2 Solar Access for adjoining site however it is considered acceptable having regard to the design principles. As this neighbour did not object to the proposal this particular issue can be dealt with under delegation and is not part of the DAU report.

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- The term 'views of significance' is not defined, nor is detail provided in the explanatory sections of the R-Codes. It is therefore the City's role to make a determination as to whether or not the proposed development maintains access to views of significance. The applicant has provided details showing the levels of the balconies of each property to the south. These are included in the applicants copy. The drawings show that the views from these properties over the top of the subject site would be obstructed by the previously approved buildings and there is no further impact from the current amendment. The property at 87 The Esplanade will continue to maintain its expansive views of the river while the property at 87A The Esplanade will maintain glimpses. There is no impact on the property to the west in terms of access to views.

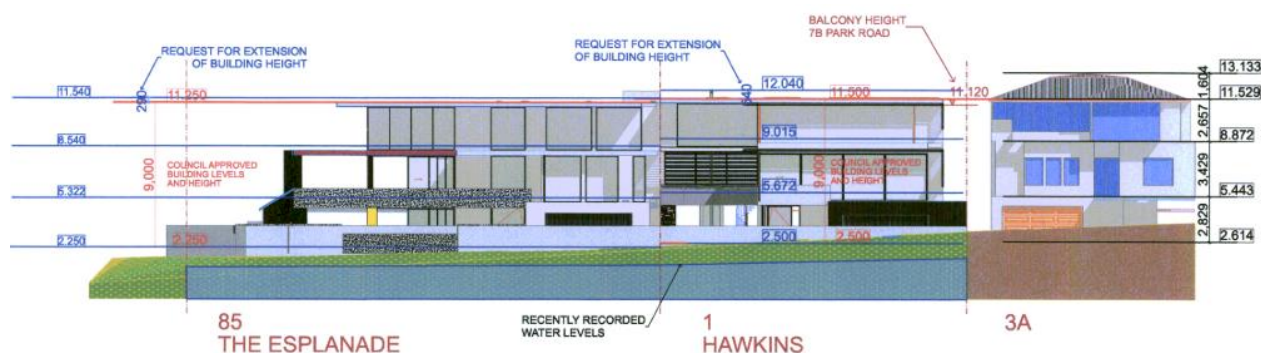


Figure 2: Hawkins Street Elevation including 3A Hawkins Street – Specifying Building Height Relative Levels (the blue line indicates the new proposed building height)

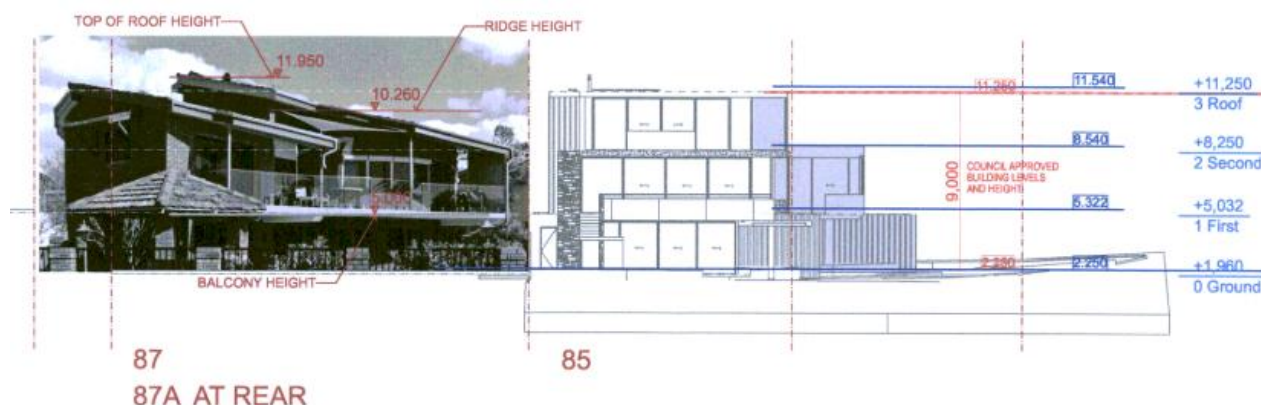


Figure 3: The Esplanade Street Elevation including 87 The Esplanade Street – Specifying Building Height Relative Levels (the blue line indicates the new proposed building height)

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Figure 5: Building heights Relative Levels of 87A The Esplanade

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

CONCLUSION

The application is considered to satisfy the provisions of LPS6, the Design Principals of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

This Planning Approval is granted subject to compliance with the previous planning approvals DA-2020-268 dated 29 July 2020, DA-2020-268/A dated 11 June 2021 and DA-2020-268/B dated 16 July 2021 (including remaining conditions) and enclosed plans stamped as approved (date to be confirmed following DAU process).