

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 12 OCTOBER 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 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, 15 OCTOBER 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, 12 OCTOBER 2021**

PRESENT

P Prendergast
M Scarfone
P Hughes
B Ashwood
T Cappellucci
A Di Nella

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

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

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

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

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U21/572 ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove Ward
 Category : Operational
 Application Number : DA-2021-967
 Property : Lot 201 (53A) Stock Road, Attadale WA 6156
 Proposal : Additions and Alterations to Single House - Patio and Boundary Wall
 Applicant : Specialised Building Solutions Pty Ltd
 Owner : Mr J M Oldridge
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

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

U21/572 - ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for additions and alterations (patio and boundary wall) to the existing single house at Lot 201 (No. 53A) Stock Road, Attadale;
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)*, *Local Planning Policy 3.1 –Residential Development (LPP3.1)*, and the provisions of *State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)*;
- The proposed development requires a performance assessment in relation to the proposed boundary wall;
- The proposed development was advertised to the adjoining owners in accordance with Part 4 of the R-Codes and *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- A submission was received, raising objections with respect to the following matters:
 - The increased wall height from 1.8 metres to 2.75 metres does not provide any benefit to the adjoining landowner,
 - The wall height will create bulk and sunlight impacts; and
 - Concerns regarding potential disruption to the existing garden bed resulting from construction;
- In response to concerns raised by the City, amended plans and further correspondence were provided by the applicant that partially address the objectors' concerns; however the objection still remains valid;
- Notwithstanding the objection received, the proposed development as amended is acceptable when assessed against the relevant Design Principles of the R-Codes and policy objectives of LPP3.1;
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial photography of subject site



U21/572 - ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

BACKGROUND

Development approval for a single house on the subject site and for the adjoining northern property was granted in 2001. The built form of both dwellings is similar in nature, with a large single storey footprint and small upper storey footprint, which partially abut one another by virtue of their boundary walls.

Scheme Provisions

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R15
Use Type	: Single House
Use Class	: 'P' Permitted Use

Site Details

Lot Area	: 507m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: N/A
Street Furniture (drainage pits etc.)	: N/A
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, 15 October 2021.

DETAIL

On 6 September 2021, a development application was received for additions and alterations (patio and boundary wall) to the existing single house at Lot 201 (No. 53A) Stock Road, Attadale. The extent of proposed works includes the following:

- A raked support structure, constructed with steel and powder coated aluminium;
- A portion of fixed colorbond sheeting and a portion of retractable roof. This retractable roof is proposed to be a lightweight material made out of fabric which allows light to penetrate into the space below, similar to a shade cloth; and
- A 4.9 metres long, 30 course, 2.6 metre high brick wall.

The retractable roof element is defined as a 'Pergola' under the provisions of the R-Codes and is exempt from the need to obtain development approval. The definition of Pergola under the R-Codes is provided below:

"An open-framed structure covered in water permeable material, or operable louvred roofing, which may or may not be attached to a dwelling."

In light of the above, this development application only relates to the section of patio, highlighted in yellow and boundary wall hatched in red below:

U21/572 - ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

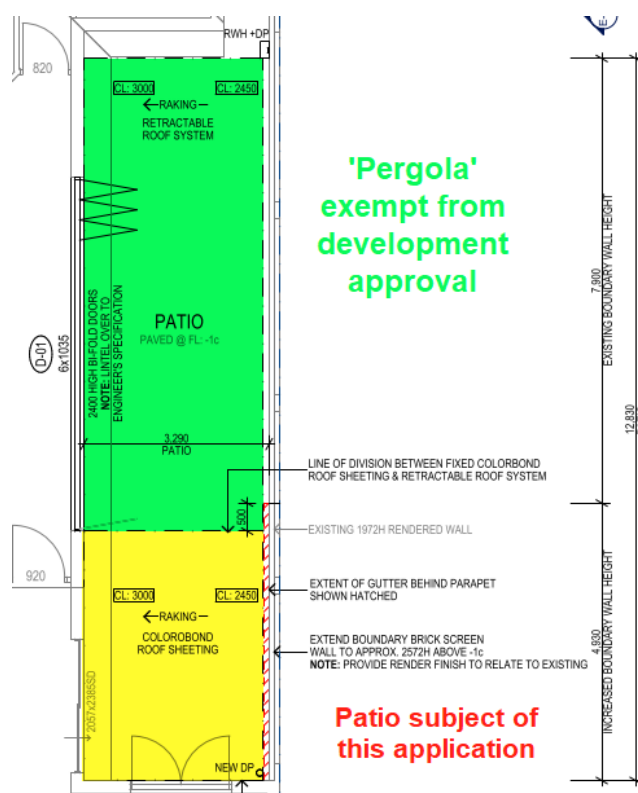


Figure 2 – Extract of Site Plan

The application has been assessed against the provisions of LPS6, LPP3.1, and the relevant provisions of the R-Codes. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 – Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1 Lot Boundary Setbacks and section 6 of LPP 3.1	<u>Boundary Walls in Areas coded ≤R20</u> Maximum length = 9m Maximum height = 3m	Proposed boundary length 4.9 metres. Cumulative boundary wall length of 16.8m in lieu of 9m	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

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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

The original proposal comprised a 12.8m long boundary wall at a maximum 32 courses (2.75m) high, to accommodate the full length of the patio and pergola. This resulted in a total length of boundary wall measuring 24.7m (combined total of proposed 12.8m and existing 11.9m). This boundary wall length was advertised to the adjoining northern landowner in accordance with *Local Planning Policy 1.1 – Planning Process and Decision Making* (LPP1.1) for a period of 14 days commencing 7 September 2021 and concluding 21 September 2021.

One objection was received, citing concerns in relation to the loss of natural light from the boundary wall, the bulk impact and the disruption to an existing garden bed resulting from construction. A summary of the objection comments received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
No net benefit to increasing the boundary wall height from 1.8 metres to 2.75 metres.	Refer to the comments section of this report.	Not Uphold
The proposed boundary wall obstructing natural sunlight.	Refer to the comments section of this report.	Not Uphold
Overall bulk impact from the increased boundary wall height.	Refer to the comments section of this report.	Not Uphold
Disruption of the garden bed ferns from construction of the boundary wall.	The inconvenience of construction of the development is not a relevant planning consideration.	Not Uphold

The applicant was notified of the concerns raised by the submitter and provided amended plans on 4 October 2021. The amended plans show a reduction in the proposed boundary wall length from 12.8m to 4.9m and height of the boundary wall from 32c (2.75m) to 30c (2.6m). Notwithstanding, a variation to C5.1.3 Boundary Walls still exists as the cumulative length of wall at 16.8m is greater than the permitted 9m.

U21/572 - ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they 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 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.

COMMENTBoundary Wall

The total boundary wall length of 16.8m which includes the proposed 4.9m extension and 11.9m of existing boundary wall requires a performance assessment against the Design Principles of Clause 5.1.3 Lot Boundary Setbacks of the R-Codes. In order to facilitate this, it is proposed to increase the height of the existing masonry dividing fence by 0.7m from 1.9m to 2.6m.

It is noted that the majority of the existing boundary wall on the subject site abuts the neighbour's garage parapet wall. The remaining section of boundary wall is approximately 3.4 metres long and two storeys in height (refer Figure 3 below). This existing portion of boundary wall is directly opposite the neighbours eastern most kitchen/meals window. The existing dwelling to the north has been oriented away from the subject site, towards its north facing alfresco area.

The proposal is considered to meet the relevant Design Principles for the following reasons:

- The purpose of the boundary wall is to allow the patio roof to extend to the boundary and address the relevant fire separation provisions of the National Construction Code (NCC). In turn, the boundary wall makes an effective use of space for the occupants of the dwelling, allowing for the construction of a useable, weather protected space, whilst not compromising the amenity of the adjoining northern property;



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Figure 3 – Image depicting 3.4m of exposed boundary wall facing the adjoining northern property.

- As noted above, the dwelling to the north has two major openings to the meals/kitchen rooms on the ground floor and void room window on the upper floor. One of these ground floor windows is directly opposite the existing 3.4m long, two storey boundary wall. The additional boundary wall length now proposed does not restrict any direct sun and ventilation to the neighbour's meals/kitchen window openings due to its northern orientation away from the proposed boundary wall;
- The proposed additional height to the existing dividing wall from 1.9m to 2.6m would not have an adverse bulk impact on the neighbour given the wall does not abut a sensitive space on the adjoining property, it being a narrow setback area that is not used for the purposes of an outdoor living space;
- Of the two major window openings that will face the proposed boundary wall, it is noted that one already opposes the existing two storey height boundary wall, whilst the other is considered to be a secondary window, there being an existing major opening on the northern side of the dwelling, providing a northern aspect and view to the main outdoor living area on the opposite side of the dwelling; and;
- The existing landscaping as shown in the photographs below serves to screen the wall, soften the view from the secondary openings, and ultimately mitigate any adverse bulk impacts that may otherwise result.

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Figure 4 – Section of fencing above to be increased in height as seen from the subject site



Figures 5 & 6 – Section of fencing above to be increased in height as seen from the adjoining property's side.

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.

U21/572 - ADDITIONS AND ALTERATIONS TO SINGLE HOUSE - PATIO AND BOUNDARY WALL – LOT 201 (53A) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)**CONCLUSION**

This application for additions and alterations (patio and boundary wall) to the existing dwelling at Lot 201 (No. 53A) Stock Road, Attadale has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Overall, the proposal been amended to address the concerns raised by the submitters and meet the relevant Design Principles of the R-Codes Therefore, these amendments proposed as part of this application are considered to be an acceptable outcome, and the development is recommended for approved subject to the following conditions:

OFFICER RECOMMENDATION**APPROVAL****Subject to the following conditions:**

- 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, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**