

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 3 DECEMBER 2019

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, 6 DECEMBER 2019



**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, 3 DECEMBER 2019.**

PRESENT

P Prendergast
M Scarfone
M Giancaspro
T Cappellucci
R Tu
M Flanagan

Manager Statutory Planning
Planning Services Coordinator
Senior Building Surveyor
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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**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (REC) (ATTACHMENT)**

Ward : Palmyra – Melville - Willagee
 Category : Operational
 Application Number : DA-2019-835
 Property : Lot 103 (20) Kennedy Street, Melville WA 6156
 Proposal : Two Storey Single House
 Applicant : Lisa Nicole Gauci, Michael Pracilio
 Owner : Lisa Nicole Gauci
 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>

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (REC) (ATTACHMENT)**

KEY ISSUES/SUMMARY

- In July 2019, a development application was lodged for a two storey single house to be erected at lot 103 (20) Kennedy Street, Melville.
- The proposed development requires a performance assessment against the provisions of the R-Codes and Local Planning Policy in respect of visual privacy, site works (including retaining), boundary wall height and lot boundary setbacks.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making to the surrounding affected landowners. During this time one objection was received relating to the amenity impact of the building in terms of overshadowing, bulk and noise.
- Subsequently, the applicant provided amended plans which address the City's concerns and reduce the impact of the proposed development.
- Notwithstanding the objection received, it is considered that the development as amended is now 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

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	: Subject lot - 437 sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Yes, to be retained
Street Furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 6 December 2019

DETAIL

Planning approval is sought for a two storey single house to be erected at lot 103 (20) Kennedy Street, Melville.

The proposed development 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 those matters listed below.

R-Code Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Site works	Excavation or fill shall not exceed 0.5m	Max height 0.6	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Visual Privacy	Balconies setback 7.5 metres from boundary	Setbacks between 1.5 and 2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (REC) (ATTACHMENT)**

Design Element (continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Lot Boundary Wall Height Average (Alfresco Wall)	3.0m	3.2m	Requires assessment against the Design Principles of the R- Codes. Refer details in report below.	Development Advisory Unit (DAU)
Lot Boundary Wall Height Average (Living Wall)	3.0m	3.3m	Requires assessment against the Design Principles of the R- Codes. Refer details in report below.	Development Advisory Unit (DAU)
Lot Boundary Setback (Living to Alfresco)	1.5m	Minimum: 1m	Requires assessment against the Design Principles of the R- Codes. Refer details in report below.	Development Advisory Unit (DAU)
Lot Boundary Setback (Ensuite to Shower)	1.2m	Minimum: 1.1m	Requires assessment against the Design Principles of the R- Codes. Refer details in report below.	Development Advisory Unit (DAU)
Lot Boundary Setback (Bed 3 to Balcony)	2m	Minimum: 1.7m	Requires assessment against the Design Principles of the R- Codes. Refer details in report below.	Development Advisory Unit (DAU)

The discussion in this report relates only to the design elements that are the subject of an objection.

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (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 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.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Adverse bulk impact into study, children's bedroom, bathroom and laundry as a result of variations to boundary wall height to maximum and average	Refer to the comments section of this report.	Not Uphold
Overshadowing into study, children's bedroom, bathroom and laundry	Meets Deemed-to-Comply standards of the R-Codes	Not Uphold
Noise of alfresco area into study and bedrooms.	Not a relevant planning consideration for residential development	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, risk, or environmental management implications with this application.

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
MELVILLE WA 6156 (REC) (ATTACHMENT)**

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies with the exception of the lot boundary wall height average referenced in *LPP3.1 – Residential Development*. This aspect of the development requires consideration against the Design Principles of the R-Codes (see comments section below).

COMMENT

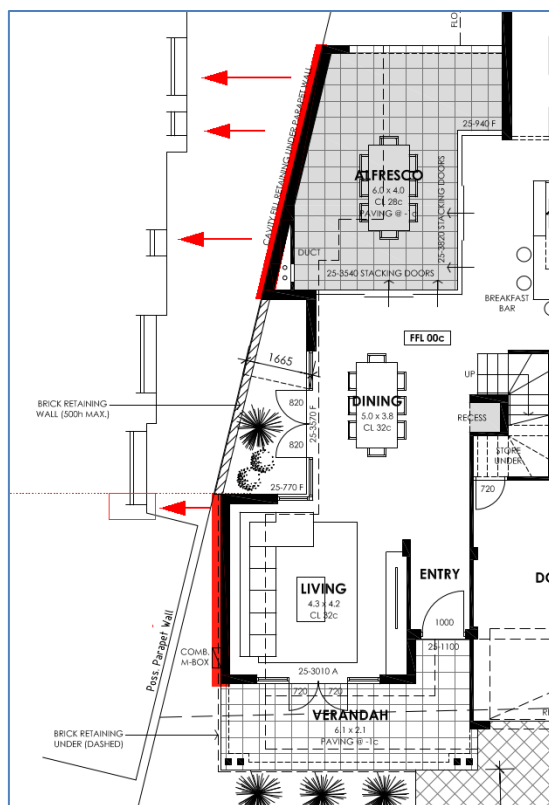
Average Lot Boundary Wall Height

The deemed to comply standards of Local Planning Policy 3.1 allow for walls to be built on the boundary with a maximum height of 3.5 metres and an average of 3.0 metres. The proposed boundary walls on the eastern side of the development, meet the maximum building height however the average is exceeded and therefore a performance assessment against the relevant design principles is required.

The proposed average boundary wall heights are supported for the following reasons

- The majority of the living room boundary wall abuts a parapet boundary wall on the adjoining property
- The majority of the alfresco boundary wall abuts the bathroom and laundry wall of the neighbouring property, both of which are non habitable rooms.
- The applicant has incorporated a courtyard area between the boundary walls which aligns with the major openings of the adjoining property therefore reducing the bulk impact and improving the outlook from those windows.
- Given that there are no openings on either parapet wall, there are no overlooking issues that result. Furthermore, the floor levels are not proposed to be raised more than 500mm from the existing natural ground level, hence, does there are no visual privacy issues.
- Given the orientation of the lots and the single storey level there are no major overshadowing issues, and there remain opportunities for ventilation through other openings incorporated into the design.

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**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
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Lot Boundary Setback

The proposed eastern setbacks require an assessment having regard to the relevant design principles of the R-Codes. These setbacks are considered appropriate for the following reasons:

The setbacks of the wall are supported for the following reason;

- The location of the dining room wall to align with the major openings on the adjoining lot helps to reduce the bulk impact of the building when viewed from these spaces.
- On the upper floor, the bulk of the first floor is reduced through the articulation of the walls and incorporated openings.
- The design of the building ensures that the sections of upper floor walls with reduced setbacks abut the non habitable spaces of the adjoining property therefore ensuring there is no adverse bulk impact.
- There are no overlooking issues as a result of the proposed setbacks.
- The proposed development meets the deemed to comply standards in relation to overshadowing therefore there are no negative impacts in this regard.

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 Local Planning Scheme No.6, the relevant design principles of State Planning Policy 7.3 - Residential Design Codes (Volume 1), and relevant local planning policy. On this basis, it is recommended that the proposal be approved subject to 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.**
- 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.**

**U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
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4. The development shall be serviced by a concrete or brick paved vehicle crossover with:
 - a maximum width of 4.5m;
 - 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. Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
 - 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - 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 and refuelling of equipment and 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
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
6. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
7. Prior to the initial occupation of the development, the external surface of the retaining wall/s 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.

U19/0526 TWO STOREY SINGLE HOUSE AT LOT 103 (20) KENNEDY STREET,
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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. 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.
10. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.