

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 9 APRIL 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](mailto:peter.prendergast@melville.wa.gov.au) or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

**DISTRIBUTED: FRIDAY, 12 APRIL 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, FRIDAY, 12 APRIL 2019**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
B Ashwood  
T Cappellucci  
B Foster

Manager Statutory Planning  
Planning Services Coordinator  
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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**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

Ward : Bicton – Attadale – Alfred Cove  
 Category : Operational  
 Application Number : DA-2018-1511  
 Property : Lot 501 (106B) Waddell Road, Bicton  
 Proposal : Two Storey Single House  
 Applicant : Residential Building WA Pty Ltd  
 Owner : Jeremy Piesse & Simone Osten  
 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 Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><i>when 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></b>

**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for the construction of a two storey dwelling at Lot 501 (106B) Waddell Road, Bicton.
- The proposal satisfies the relevant provisions of Local Planning Scheme No. 6 (LPS6) and the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes), applicable Local Planning Policies and applicable Council Policies with the exception of lot boundary setbacks, sight lines and solar access, for which assessment against the Design Principles of the R-Codes is sought.
- The application was advertised to the affected land owners in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 *Planning Process and Decision Making*. One submission was received outlining concerns relating to solar access and sight lines.
- 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 development approval be granted subject to conditions.



**Figure 1 – Aerial Photography**

**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area : 507sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : No  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 12 April 2019.

**DETAIL**

Planning approval is sought for the construction of a two storey single house at Lot 501 (106B) Waddell Road, Bicton.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable Local Planning and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Southern side setbacks	1.2m	1.52m (ground floor)	Requires assessment against the Design Principles in Clause 5.1.3, C3.1(i) of the R-Codes.	Development Advisory Unit (DAU)
Solar Access	25% (126.7m <sup>2</sup> )	45.2% (229.5m <sup>2</sup> )	Requires assessment against the Design Principles in Clause 5.4.2, C2.1	Development Advisory Unit (DAU)

**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to Part 4 of the R-Codes  
 Support/Object: One objection received

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

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/ Objection</b>	<b>Officers Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
1	Solid pillar within sight line truncation. Reduced view of pedestrians.	Objection	The proposed pillar width complies with the deemed to comply standards in LPP 3.1 and the solid wall height is less than 0.75m in accordance with the City's standards.  Condition 3 is recommended to ensure any future infill fencing demonstrates at least 80% visual permeability as required by Clause 5 of LPP3.1.	Not Uphold
2	The variation to Solar Access requirements is well over the Deemed to Comply provisions - resulting in loss of sunlight to windows facing north.	Objection	Refer comments section of this report	Not Uphold



**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

**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 has 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 the proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies.

**COMMENT**

Setbacks

Assessment is sought under Design Principles of Clause 5.1.3, C3.1 for the wall length to the ground floor southern side boundary. It is considered that the setback provided satisfies the Design Principles for the following reasons:

- The front section of wall is located adjacent to a boundary wall on the adjoining property and therefore there is no bulk impact, nor is there any impact in terms of light and ventilation
- The rear section of wall does not contain any major openings and as such there are no visual privacy implications. Bulk and scale impacts of this wall are minimised, as the wall is only 10.8 metres in length and the low skillion roof design minimises building height. As discussed in the following section solar access to the adjoining dwelling is considered acceptable over all.

Solar Access

The subject site has a width of 10.1m and an east/west orientation. The Design Principles contained in Clause 5.4.2 of the R-Codes seek to ensure sufficient solar access for the development site and the protection of outdoor living areas, major openings and solar collectors on adjoining properties. It is considered that the proposed design satisfies the Design Principles for the following reasons:

## **U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE (REC) (ATTACHMENT)**

- The adjoining property to the south is oriented away from the subject site, with no major openings (with the exception of one ground floor window - a dining/living room window which is not the only window serving that room). The design of the proposal ensures shadow from the proposed building falls over the non-major openings, at the front half of the lot.
- The proposed design will allow some direct sunlight to the neighbours covered outdoor living area at the winter solstice as the proposed dwelling is single storey to the rear and does not extend the whole length of the neighbouring alfresco.
- The solar collectors of the adjoining dwelling are not impacted by this proposal.
- The subject proposal meets height, open space and setback provisions – facilitating the protection of solar access.

### **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 opportunity to call this matter up for formal Council consideration.

### **CONCLUSION**

Based on the above, the proposed development application is considered to satisfy the provisions of LPS6, the R-Codes and Local Planning Policy, and on that basis, it is recommended that the proposal be approved subject to conditions.

### **OFFICER RECOMMENDATION**

### **APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**
- 2. 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 LPP-3.1: *Residential Development to the satisfaction of the Manager Statutory Planning.***
- 3. Where a driveway meets the street, walls or fencing within sight line areas (including the adjoining property to the south) are to meet the requirements contained under clause 5 of LPP-3.1: *Residential Development, to the satisfaction of the Manager Statutory Planning.***
- 4. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree and 0.5m from the adjoining lot boundary. 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 Manager Statutory Planning.**

**U19/0516 LOT 501 (106B) WADDELL ROAD, BICTON - TWO STOREY SINGLE HOUSE  
(REC) (ATTACHMENT)**

5. 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.
6. 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.