

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 22 SEPTEMBER 2020

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, 25 SEPTEMBER 2020

**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, 22 SEPTEMBER 2020**

PRESENT

M Scarfone
B Ashwood
G Russell
T Cappellucci
M Flanagan
A Di Nella

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

DISCLOSURES OF INTEREST

None

**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.

TABLE OF CONTENTS

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)	4
U20/0540 - SINGLE STOREY HOUSE -LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)	15

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Ward : Palmyra - Melville - Willagee Ward
 Category : Operational
 Application Number : DA-2020-976
 Property : Lot 1 (No.36) Zenobia Street, Palmyra WA 6157
 Proposal : Additions and Alterations to Existing Single Storey Grouped Dwelling
 Applicant : Ox Studio
 Owner : Mrs Kirra May Green and Mr Thomas Edward McBeath
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mark Scarfone
 Acting 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>

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for additions and alterations to an existing single storey grouped dwelling at Lot 1 (No.36) Zenobia Street, Palmyra.
- The proposed alterations include the construction of a carport and front deck within the street setback area, as well as ground and first floor additions to the rear of the property.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3- Residential Design Codes Volume 1 (R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 3.4(a) of Draft Local Planning Policy 1.1 'Planning Process and Decision Making', the proposed development was advertised to the adjoining owners and occupiers. One of the adjoining property owners provided the City with an objection relating to the impact of building bulk, loss of visual privacy and overshadowing.
- 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

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	: Strata Lot - 432.00sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: N/A
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, 25 September 2020.

DETAIL

In August 2020, a development application was lodged for additions and alterations to an existing single storey house at Lot 1 (No.36) Zenobia Street, Palmyra. The proposed additions include the construction of a carport, a deck located at the front of the property and ground floor and first floor additions to the rear of the property.

The application was assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (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.

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.4.1 C1.1 - Visual Privacy	Raised Deck- 7.5m setback from boundary	Setback at 1.3 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Design Element (Continued)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1(i)- Lot Boundary Setback (Upper Floor East)	1.5 metres	Setback at 1.2 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
Clause 5.1.3 C3.1(i)- Lot Boundary Setback (Pantry to Deck)	1.5 metres	Setback at 1 metres	Requires assessment against the Design Principles of the R-Codes. Refer to details in report below.	Development Advisory Unit (DAU)

Local Planning Policy 3.1- Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
C2.1(i)- Street Setback	6 metres (average)	5.9 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
C1.2- Setbacks of Carports	3 metres	2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Boundary Walls Cl.3.2(ii)	Average wall height of 3 metres	Average height of eastern boundary wall at 3.5 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
		Average height of southern boundary wall at 3.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
Neighbour's Comments 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 objection received and a response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The bulk impact of the dwelling on the adjoining properties outdoor living area/entertaining area	Refer to the comments section of this report	Not Uphold
The proposed additions will overshadow the adjoining property	<p>Clause 5.4.2 'Solar access for adjoining sites' of the R-Codes requires an assessment of the shadow cast to adjoining properties at midday on 21 June. Due to the orientation of the development site, the shadow cast falls towards grouped dwelling to the rear of the site.</p> <p>The proposed development overshadows less than 25% of the adjoining property and there meets the deemed-to-comply requirements of the R-Codes.</p>	Not Uphold
Loss of privacy from the rear addition	<p>The upper floor windows facing toward the east have a sill height of 1.6metres and therefore do not meet the definition of major openings.</p> <p>The rear addition meets the deemed-to-comply requirements of 5.4.1 Visual Privacy.</p>	Not Upheld

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Potential impact upon future renovations	The development does not impinge on the redevelopment potential of the adjoining properties. Any future development on adjoining sites will be assessed as per the R-Codes and relevant council and local planning policies.	Not Upheld

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.

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

COMMENT

Lot Boundary Wall Height

As per Clause 3.2(ii) boundary walls in areas coded R20 and above are permitted to have an average and maximum wall height of 3 metres and 3.5 metres respectively. With an average wall height of 3.5m, the proposed boundary wall does not meet the deemed-to-comply criteria and instead requires a performance assessment. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The height of the boundary wall is measured from the natural ground level at the boundary on the subject lot. In this instance the subject lot is a minimum of 500mm below the ground level on the adjoining lot. When this difference in ground level is taken into account, the height of the wall experienced by the adjoining neighbours will be equal to the deemed to comply wall height. (Figures 2 and 3). Further, there are two sheds and a storage area located adjacent to the proposed parapet wall. This will further diminish the bulk impact caused by the parapet wall;
- Building up to the side boundary is considered to be an effective use of space that allows the owners of the subject lot to have a consolidated outdoor living area whilst avoiding unusable space between the extension and the lot boundary.
- There are no visual privacy or overshadowing variations created by the proposed boundary wall, as each of these aspects meets the relevant deemed-to-comply provisions of the R-Codes

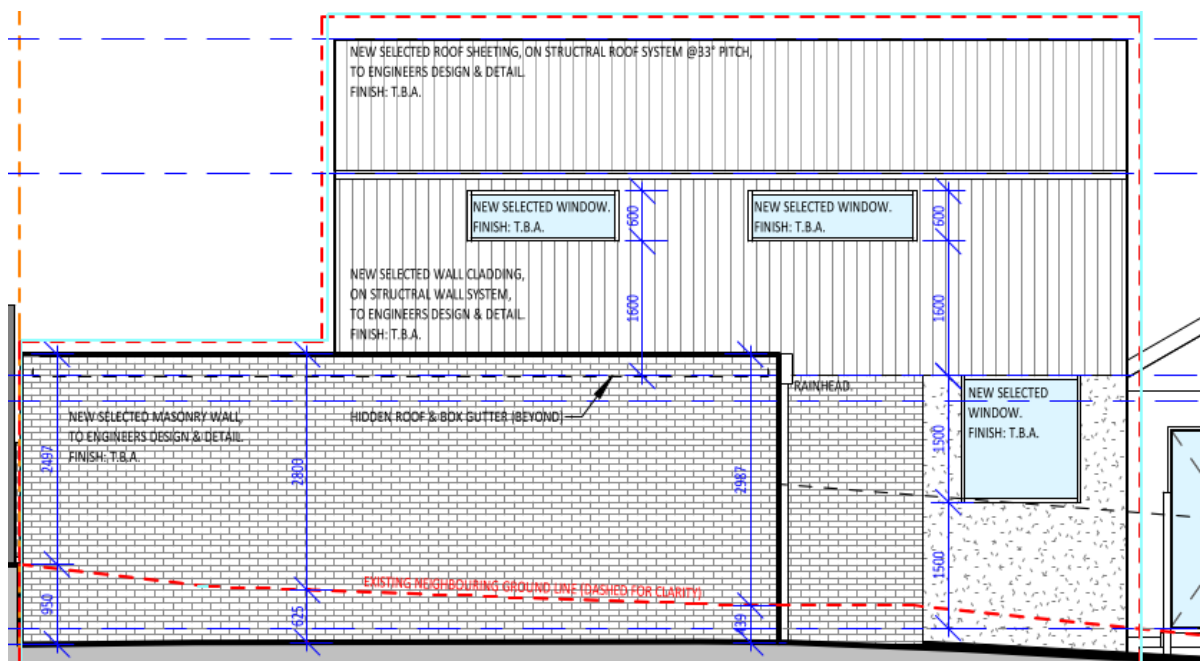


Figure 2: Proposed rear extension. The higher level of the neighbouring property has been denoted by the sloping red dashed line

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Figure 3: View of the neighbouring property from the subject site. This area is to be the location of the eastern parapet wall. Note the difference in ground levels and the adjacent sheds on the eastern neighbour's boundary.

Ground Floor Lot Boundary Setback (Deck – Pantry)

As per Table 2A of the R-Codes, walls no higher than 3.5 metres are to be setback 1.5 metres from the lot boundary when they exceed 9 metres in length. Excluding the boundary parapet wall previously discussed, the rest of the ground floor is setback from the eastern boundary by 1.0 metre, and therefore requires a performance assessment. The proposed boundary setback is considered to meet the Design Principles of the R-Codes for the following reasons:

- The length of wall in question is composed of the retained dwelling plus the proposed front deck and the rear pantry addition. The only major opening on the adjoining property that addresses this length of wall is a kitchen window, which is opposite the existing retained dwelling (see Figure 4). Since the pantry and deck additions are not considered to be adjacent to habitable spaces or major openings there is no perceived bulk impact from their addition.
- The proposed deck and associated balustrade is a lightweight structure without a roof which ensures it has minimal bulk impact. In addition this is next to the carport of the adjoining property, not a habitable space or outdoor living area.
- The fact that the subject site is situated at a lower ground level, combined with its western orientation ensures that the proposal meets the deemed-to-comply requirement contained with 5.4.2 Solar Access.

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

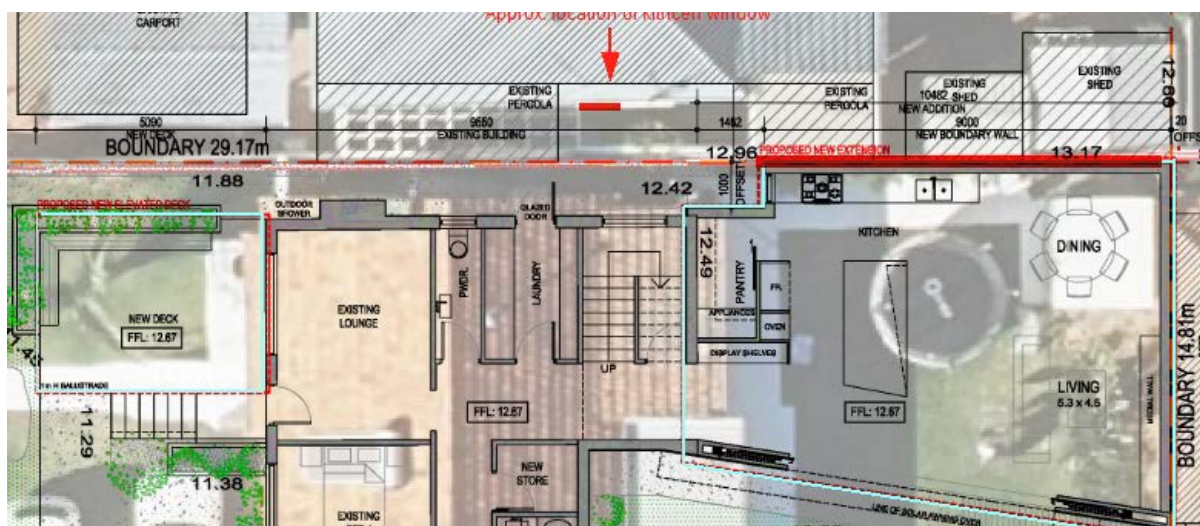


Figure 4: Ground Floor plans of the proposal in relation to the neighbouring property at 38 Zenobia Street. The additions are marked in blue and the approximate location of the kitchen window is denotes by the red line.

Upper Floor Eastern Lot Boundary Setback

As per Table 2A of the R-Codes, a wall 5.5 metre in height and up to 10m in length is required to be setback from the lot boundary by 1.5 metres. As the length of wall from the deck to the dining area is setback 1.2 metres, a performance assessment is required. The proposed boundary setback is considered to meet the Design Principles of the R-Codes for the following reasons;

- With a modest floor area of 45m² the upper floor bedroom and ensuite is considered to have a naturally small building bulk. This bulk is further reduced by the height difference between the properties which reduces the perceived wall height.
- Views of the upper floor from the adjoining property will be limited to a kitchen window (see Figure 5 below) and the rear facing outdoor living area. The roofed outdoor living area is separated from the subject lot by two sheds which provide separation between the outdoor living space and the proposed addition and reduce its perceived bulk.
- The upper floor addition meets the deemed to comply provisions of the R-Codes in terms of visual privacy.
- When assessed against the requirements of the R-Codes the upper floor does not cast a shadow onto the adjoining property.
- The majority of the views of the first floor addition from the west-facing kitchen window will be obscured by the existing awning (see Figure 8);

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Figure 8: View from the kitchen window of the 38 Zenobia Street onto the subject property. Note the awning beyond the window face which is considered to obscure the view of the upper floor, further reducing its impact

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

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

U20/0539 – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE STOREY GROUPED DWELLING LOT 1 (NO.36) ZENOBIA STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)**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 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.
4. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area (as marked in red on the approved plans) shall meet the requirements contained under clause 4 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.
5. Where a driveway meets the street, walls or fencing within sight line areas (as marked in red on the approved plans) are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.
6. 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.
7. 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 of 6m;
 - 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.

U20/0540 - SINGLE STOREY HOUSE -LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Ward : Palmyra - Melville - Willagee Ward
 Category : Operational
 Application Number : DA-2020-779
 Property : Lot 2 (No. 12A) Harris Street, PALMYRA WA 6157
 Proposal : Single Storey House
 Applicant : Dale Alcock Homes Pty Ltd
 Owner : H C Bouffier
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mark Scarfone
 Acting 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>

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for a single storey house at Lot 2 (No. 12A) Harris Street, Palmyra.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- The proposed development was advertised to the adjoining owners and occupiers in accordance with Part 4 of the R-Codes and Draft Local Planning Policy 1.1 'Planning Process and Decision Making and one objection was received.
- Notwithstanding the objection, 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

BACKGROUND

Scheme Provisions

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

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Site Details

Lot Area : Subject lot - 501 sqm
Retention of Existing Vegetation : No
Street Tree(s) : No (to be removed and replaced)
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, 25 September 2020.

DETAIL

In July 2020, a development application was lodged for a single storey house and associated retaining walls at Lot 2 (No.12A) Harris Street, Palmyra.

The application was assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. The proposal satisfies all of the relevant deemed-to-comply provisions with the exception of those matters listed below, which require assessment against the Design Principles in the R-Codes.

Residential Design Codes

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1(i) Lot Boundary Setbacks	Home Office/Foyer Garden Minimum setback of 1.5m (South)	Minimum setback of 1.3m	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Manager Statutory Planning
	Scullery/WIR Minimum setback of 1.5m (South)	Minimum setback of 1m		
	Laundry/WC Minimum setback of 1.5m (North)	Minimum setback of 1.2m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 5.3.5 C5.3 Driveway Design	Driveways located so as to avoid street trees	One street tree to be removed and replaced in accordance with the City's Tree Policy CP-029	Requires assessment against the Design Principles of the R-Codes and the City's Tree Policy CP-029	Urban Forest Technical Officer & Manager Statutory Planning

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Local Planning Policy 3.1- Residential Development Policy

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 2.1 Garage Width	Garage less than 50% of the lot frontage	60%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 3.2 (iii) Boundary Wall Height	Home Theatre and Master Suite parapet walls- Maximum 3 metres average wall height	Average wall height of 3.1 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Draft LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
 Support/Object: One objection received.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The amount of overshadowing caused by the proposed dwelling	The proposed dwelling overshadows approximately 22% of the site to the south. This is less than 25% permitted under the deemed-to-comply standards of Clause 5.4.2 Solar Access the R-Codes.	Not Uphold

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
The raised FFL of the dwelling is not consistent with the streetscape	In order to achieve a balance of cut and fill across the site, the applicant has proposed a finished floor level of 11.10. The proposed finished floor level is within 500mm of the natural ground level below and as such meets the deemed-to-comply provisions of the R-Codes.	Not Uphold
The increased boundary wall heights are resultant of the raised FFL	Refer to the comments section of this report.	Not Uphold

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.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)**COMMENT**Finished Floor Levels

The objection received has raised concerns with the finished floor level of the proposed dwelling and the resultant increase on the boundary wall heights. It is acknowledged the proposed finished floor level is higher than the neighbouring house, however no portion of the finished floor level of the dwelling sits more than 0.5 metres above the natural ground level. As such, the finished floor level meets the deemed to comply provisions of the R-Codes.

The proposed floor levels are a direct result of the management of the slope on the subject lot. The levels result in the proposed house being raised up to 0.5 metre above the natural ground level adjacent to the southern lot boundary, however at the rear of the dwelling it is proposed to be more than 0.5 metre lower than the natural ground. The application is therefore considered to appropriately respond to the topography of the site in accordance with the Design Principles of the R-Codes, despite the nominal impact on the height of the boundary walls.

Boundary walls

Both the boundary walls seen in Figure 2 below have an average wall height of 3.1 metres in lieu of 3 metres and require a performance assessment. The proposed height of the boundary walls is considered to meet the Design Principles of the R-Codes for the following reasons;

- The total parapet wall length of 12.5 metres along the southern lot boundary is less than the total permitted boundary wall length ensuring the boundary walls are located towards the front of the site and do not impact on the major opening to the living rooms or the outdoor living areas of the adjoining property.
- One of the boundary walls is next to the garage of the adjoining dwelling ensuring it has not bulk impact. The other portions of boundary wall are located next to highlight windows, a walk in robe and the bathroom of the adjoining property, ensuring the wall will have minimal bulk impact on these spaces
- The single storey nature of the wall will ensure that no access to direct sunlight and ventilation to the adjoining property's dwelling will be restricted; and
- The finished floor level of the dwelling does not exceed 0.5m above the natural ground level, ensuring the development does not pose any overlooking concerns.
- On a narrow lot where-in side setbacks are at a premium, the proposed boundary parapet walls provide an effective use of space, avoiding a two storey dwelling that would likely have a greater impact on the adjoining property.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA
6157 (REC) (ATTACHMENT)

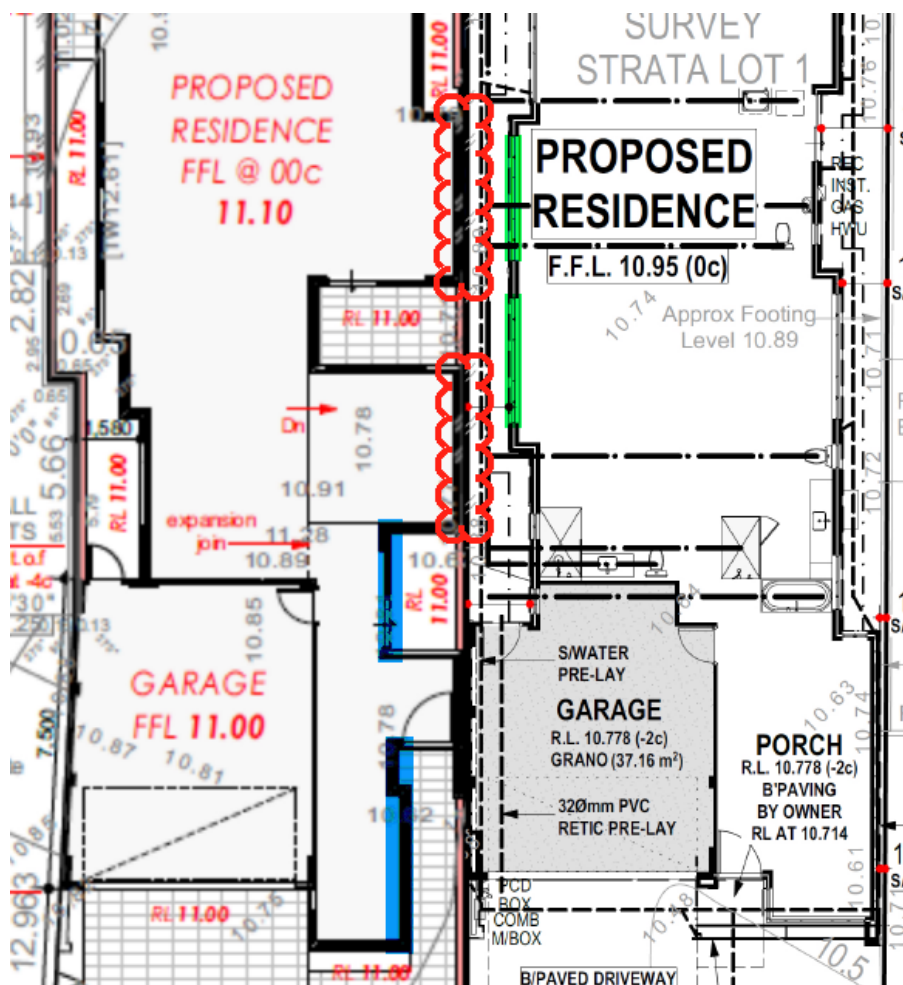


Figure 2: Site plan overlay of the subject application (left) and the neighbouring property currently under construction (right). The areas clouded in red are the proposed parapet walls, the area in blue are the reduced boundary setbacks and the approximate location of the neighbours non-major openings are in green.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA
6157 (REC) (ATTACHMENT)



Figure 3: View of the subject site. The dwelling on the right-hand side (10B Harris Street) is under construction.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)



Figure 4: View of the adjoining dwelling under construction from the subject site.

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 proposed single storey house has been assessed and is considered to comply with the relevant planning framework, including the design principles of the R-Codes. It is therefore recommended that the development be approved subject to the imposition of conditions.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA
6157 (REC) (ATTACHMENT)

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 in accordance with the City's stormwater design guidelines.
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.
4. 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 of 4.5m;
 - located a minimum of 2m away from the outside of the trunk of any retained 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.

5. 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.
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 4 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 adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
9. Prior to commencement of development, payment for the removal and replacement of street trees TR048799 (as marked in red on the approved plans) shall be made to the City. The payment is to be calculated in accordance with Council Policy *CP-029: Street Tree Policy*.

U20/0540 - SINGLE STOREY HOUSE - LOT 2 (12A) HARRIS STREET, PALMYRA WA 6157 (REC) (ATTACHMENT)

10. All retained trees on the City's verge to be managed in accordance with Tree Policy (CP-029) 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 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.
11. 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.