

**REPORTS AND RECOMMENDATIONS  
FOR THE  
DEVELOPMENT ADVISORY UNIT  
MEETING  
HELD ON  
TUESDAY, 31 MAY 2022**

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](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, 3 JUNE 2022**

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 31 MAY 2022**

**PRESENT**

P Prendergast  
M Scarfone  
M Giancaspro  
T Cappellucci  
G Davey  
B Foster

Manager Statutory Planning  
Planning Services Coordinator  
A/ Building Services Coordinator  
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.**

## TABLE OF CONTENTS

U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT) .....	4
U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42) DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT).....	14

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mt Pleasant  
 Category : Operational  
 Application Number : DA-2021-214/C  
 Property : Lot 90 (No.23) Carron Road, APPLECROSS WA 6153  
 Proposal : Amendment to Two Storey House with Roof Terrace  
 Applicant : Ionic Projects Pty Ltd  
 Owner : Mr G E Manios  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : DA-2021-214, DA-2021-214/A & DA-2021-214/B  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**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 &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In June 2021, Development Approval was granted for a two storey single house with roof top terrace at Lot 90 (No. 23) Carron Road, Applecross. Subsequent amendments were granted development approval by the City in July 2021 and September 2021.
- This application proposes the following amendments to the previous approvals:
  - the reconfiguration of the internal layout;
  - a reduced side setback to the western boundary
  - a reduced primary street setback;
  - the reconfiguration of the ground floor outdoor living area; and
  - increased total building height, to accommodate building services such as stairs, lift shaft, storeroom and pergola over outdoor dining area.
- A number of aspects of the proposed development listed below, including the building height and side setback, require assessment against the applicable Design Principles of State Planning Policy 7.3 Residential Development Volume 1 (the R-Codes).
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response seven objections and a multi signature letter were received relating to the amenity impact of the building in terms of building height, loss of views and overshadowing.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions



**Figure 1 – Aerial Photography**



**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R15
Use Type	: Residential
Use Class	: Permitted

**Site Details**

Lot Area	: 1004m <sup>2</sup>
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer photo above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 3 June 2022

**DETAIL**

This application proposes amendments to the original approval, with changes including;

- The reconfigurations of internal layout;
- Changes to the roof top terrace layout;
- Increased building height;
- A reduced street setback to Killilan Road
- Reconfigurations of the ground floor outdoor living area fronting Carron Road on the east of the site;
- A decreased setback to the western side at Level 1; and;
- Modification to the gatehouse.

In response to concerns raised by the City regarding the proposed height, revised plans were submitted showing reconfiguration of the structures on the roof top terrace and a slight reduction in the building height. These amended plans are the subject of this report.

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS No.6), Local Planning Policy 3.1 'Residential Development' (LPP3.1) and the relevant provisions of R-Codes. A performance assessment is required in respect of the matters listed below.



**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
5.1.6/LPP1.9 Building Height	Eaves - 8m Maximum Height – 10.5.	Amended Height 11.3m to lift/lobby. Outdoor dining area pergola roof. Amended Height 11.8 (east side) 11.3m (west side) The amended plans have resulted in the height being reduced by 400mm	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Clause 5.1.3 C3.1 Lot Boundary Setbacks	Western boundary (side) Level 1 - 3.0m	1.2m	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Clause 5.3.7 C7.2 Site Works	Fill and retaining walls to not exceed 0.5 metres within street setback area.	1.2m fill (Carron Road)	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
5.2.4 Fences and Street Walls Secondary Street	Walls located within the secondary street setback area are to be visually permeable above 1.2 other than opposite the primary outdoor living area. Pier max height 2m Infill panels 1.2m	1.2m – Retaining Wall 1.2m Clear Pool Glass Total Height - 2.4m (Carron Road)	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)



**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Development Requirement (Cont.)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Primary Street Setback (Killilan Road)	Min 1.5m / Average 3m	Min 1.5m Average 2.62m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
5.2.4 Fences and Street Walls Secondary Street Gate House	Gate or entry way visually permeable Max. width and length 2m or 20% frontage (whichever is less) 2.4m wall height 3m overall height Materials compatible with dwelling or front fence	Proposed width 3m Proposed wall height 3m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

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

## STAKEHOLDER ENGAGEMENT

### I. COMMUNITY

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
Support/Object: Seven Objections plus a Multi Signature Letter opposing the development.

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)
The additional building height is contrary to the City's building height policy/Residential Design Codes, Volume 1.	Refer to the comments section of this report.	Not Uphold

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised (Cont.)	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The additional building heights will impact views of significance.	Refer to the comments section of this report.	Not Uphold
The reduced setback will result in privacy and security concerns.	Refer to the comments section of this report.	Not Uphold
The additional height is not in keeping with the existing built form.	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 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

Should the City of Melville refuse the application for planning approval and the applicant chooses to have the decision reviewed, there are likely costs for the City including legal fees and consultant fees.

## 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 with the exception of the building height and side setback which require consideration against the Design Principles of the R-Codes (see comments section below).

## COMMENT

The proposed dwelling has been designed in a way which responds to the topography of the site as well as taking advantage of the sites' proximity to the river and associated views. The surrounding dwellings along Killian and Carron Roads exhibit a wide range of residential building styles, ages and heights. It is noted that two and three storey buildings are common in the Applecross area and there are many examples of these within close proximity to the site. At two storeys with a roof top terrace the proposed dwelling is considered to be consistent with the existing and desired streetscape character of the area.

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**Building height

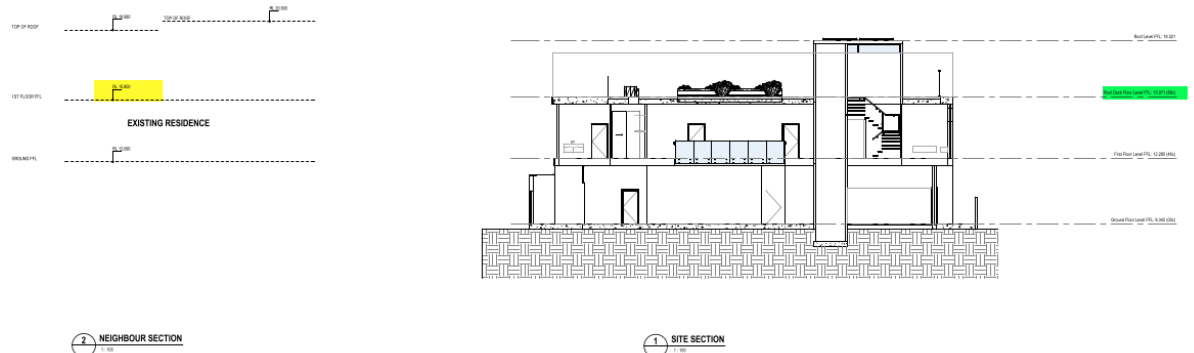
The proposed building height requires a performance assessment having regard to the design principles contained in Clause 5.1.6 'Building Height' of the R-Codes. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining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

The proposal meets the design principles for the following reasons:

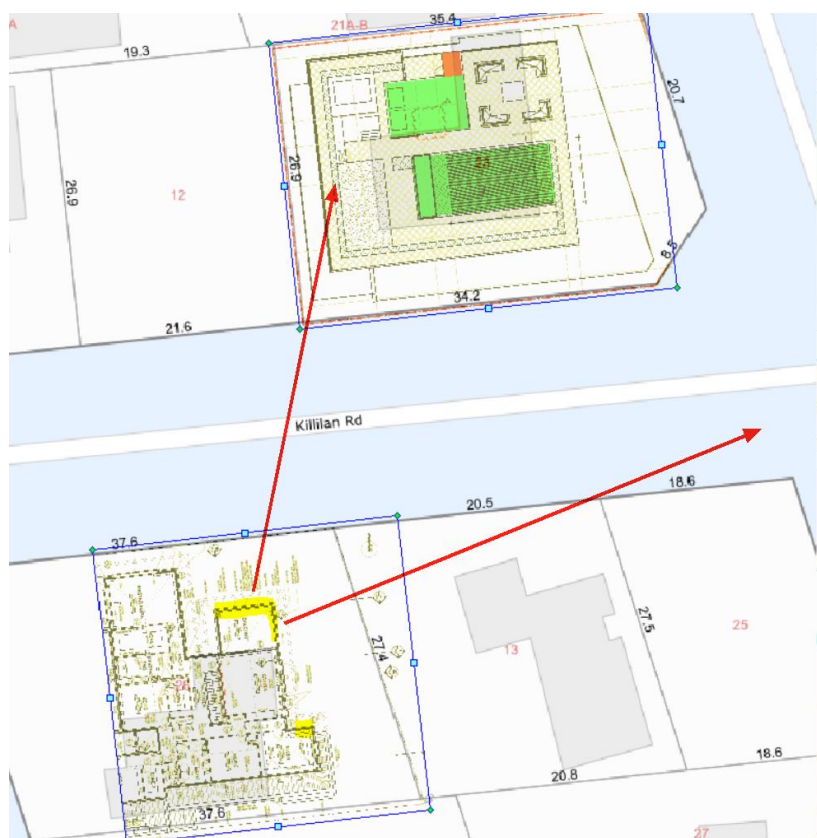
- The building has been designed so that the more substantial components such as the lift, stair well and amenities which service the roof terrace are located towards the rear of the site significantly setback from the street. The pergola is designed to be a lightweight structure with minimal supports and a low profile roof while glass balustrades are provided along Killian and Carron Roads. The pergola and the balustrades are also setback from the street in excess of the deemed to comply standards, and ensure that any adverse bulk impacts are avoided.
- The proposed building is well articulated, through the use of varied setbacks, floor to ceiling windows, landscaping and a mix of materials which combine to reduce the bulk impact on to the adjoining properties. .
- The term 'views of significance' is not defined, nor is detail provided in the explanatory sections of the R-Codes. It is therefore the City's role to make a determination as to whether or not the proposed development maintains access to views of significance. The applicant has provided a cross-section (See Figure 2 below) showing the floor level of the roof top terrace (marked in green) and the balcony & study floor level (marked in yellow) of the property at the corner of Killian Road and Strome Road. This property is considered to be the most impacted by this proposed building height.

The floor level of the dwelling at the corner of Strome Road and Killian Street was obtained by a surveyor and this floor level was cross checked against the Building Licence plans approved by the City in 2017. A further diagram has been produced illustrating that habitable rooms at the property on the corner of Killian Street and Carron retain access to views either side of the structure located on the roof top terrace. For clarity, the habitable openings have been marked in yellow and structures on top of the roof top terrace have been marked in green. It should also be noted that the property at the corner of Strome Road and Killilil Road will still have access to other views to the east. In Figure 3 view corridors have been shown as red arrows.

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**



**Figure 2: Cross-Section – No. 26 Strome Road (Yellow) No. 23 Carron Road (Green)**



**Figure 3: View Corridor**

Side (western) Boundary setback

In accordance with Clause 5.1.3 Lot Boundary Setbacks C3.1 (i) of the R-Codes, walls with non-major openings that are less than 7.5 metres high and less than 25 metres in length require a setback of 3.0 metres from a side lot boundary to meet the deemed to comply provisions. The proposed balcony screening, has been assessed as a wall which is setback a minimum 1.2 metres. It therefore requires a performance assessment against the

**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

associated Design Principles of the R-Codes. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The proposed screening wall to the balcony does not oppose any active habitable spaces nor does the screening directly abut any major openings. The ground floor wall of the western property is on the boundary and upper floors wall are setback further with highlight windows. A two storey vertical screen structure is also located on the neighbour's house at the northern end which provides screening to north facing major openings, See below Figure 4;
- The orientation of the wall will ensure that no access to direct sunlight and ventilation to the adjoining western property will be restricted;
- No major openings are proposed due to the balcony screening being 1.6m high. The Residential Design Codes, Volume 1, state that openings with obscured screening up to 1.6m high are not considered to be major openings.



Figure 4 – Western Property

**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**

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



**U22/0584 AMENDMENT TO TWO STOREY SINGLE HOUSE WITH ROOF TERRACE -  
LOT 90 (NO. 23) CARRON ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

**This Amended Planning Approval to Commence Development is approved subject to compliance with the following:**

- A) The previous planning approval DA-2021-214 dated 11 June 2021, DA-2021-214/A dated 12 July 2021 and DA-2021-214/B dated 10 September 2021 (including remaining conditions); and**
- B) The enclosed approved plans (referenced Site Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan and Elevations) stamped as approved on (date, 2022); and**
- C) Condition 11 of Planning Approval DA-2021-214 be modified as detailed below:**
  - 11. .Prior to the initial occupation of the development, northern end Level 1 Balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of *State Planning Policy 7.3 Residential Design Codes Volume 1*. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.**

**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
Category : Operational  
Application Number : DA-2021-1204  
Property : Lot 6 (No. 42) Duncraig Road, Applecross WA 6153  
Proposal : Three Storey Single House with roof terrace  
Applicant : Steve Paterson Building Design  
Owner : L & M Castelli  
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 &amp; 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	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>



**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a three storey Single House with roof terrace at Lot 6 (No. 42) Duncraig Road, Ardross.
- 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 building height and rear setback to ground floor alfresco area.
- The proposed development was advertised to the surrounding landowners in accordance with part 4 of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1).
- Three submissions were received with one submission opposing the development.
- Notwithstanding the objection received, the proposed development is considered 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

**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R12.5
Use Type	: Single House
Use Class	: 'P' Permitted Use

**Site Details**

Lot Area	: 864sqm
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Yes - Footpath
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, 3 June 2022.

**DETAIL**

The subject 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
Table 1 Minimum rear setback	Minimum 6m rear setback for R12.5	A portion of the rear alfresco area has a setback of 4.5m in lieu of 6m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**Local Planning Policy 1.9 – Height of Buildings**

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 2.1 Permitted Building Height	External Wall (concealed roof) 9m	11.6m	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

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

**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 and two comments of support received

As part of the assessment followed by the City, amendments were sought from the applicant to address a number of planning issues including reassessment of natural ground levels. Amended plans were received and are the subject of this assessment.

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)
Building height to have an adverse impact on the amenity of the surrounding area and adjoining property	Refer to the comments section of this report.	Not Uphold
Visual privacy - ensure that screening proposed is retained to the proposed roof terrace (regardless of the setback being greater than 7.5m)	The Deemed to Comply provisions of the R Codes (Clause 5.4.1 C1.1 Visual Privacy) are achieved.	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.

**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)****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 in relation to this proposal.

**COMMENT**Building Height

The permitted building height for a concealed roof under the provisions of Council policy *LPP 1.9 – Height of Buildings* is 9m (LPP1.9). Approval is sought for a maximum building height of 11.6m to accommodate a roof terrace and associated stair well and storage/services area. Where a proposal exceeds the height under LPP1.9 it is required to be assessed having regard to the Design Principles contained in Clause 5.1.6 of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes). These design principles aim to ensure that a building does not have an impact on the amenity of the streetscape or adjoining properties.

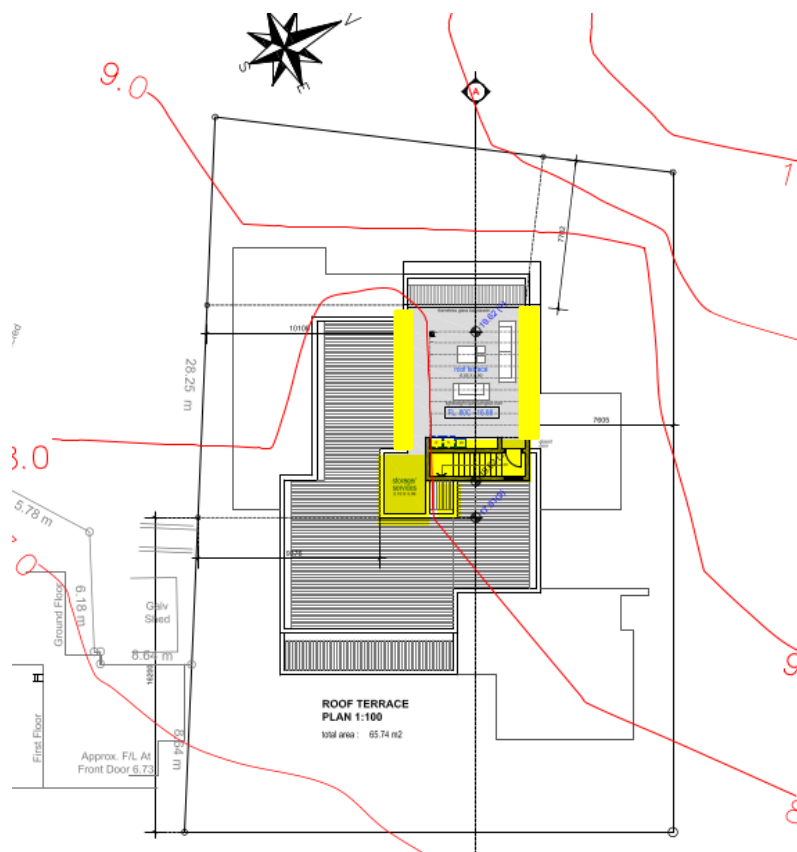
The building height is considered to meet the design principles for the following reasons:

- The proposed roof terrace is contained towards the centre of the site and is setback 16.2m from the front boundary, 9.4m from the south west boundary and 7.6m from the north east and rear boundaries. The roof terrace is designed using similar materials to the remainder of the house ensuring that it will be assimilated within the overall development.
- The roof terrace is open on three sides, using a combination of rendered and glass balustrading and covered by a slim line pergola. (See Figure 2). The setbacks provided and relatively open design mitigates adverse bulk and scale impacts on the adjoining properties and the streetscape.
- The proposed dwelling is not out of keeping with the immediate area with respect to streetscape. Figure 3 shows a streetscape montage which includes the existing dwelling to the left and potential or permitted heights on the currently vacant site adjoining to the right.
- The location and design of the terrace provides for view corridors towards the river for adjoining properties.
- The proposed roof terrace retains access to light and ventilation on adjoining properties due to its location on the lot.

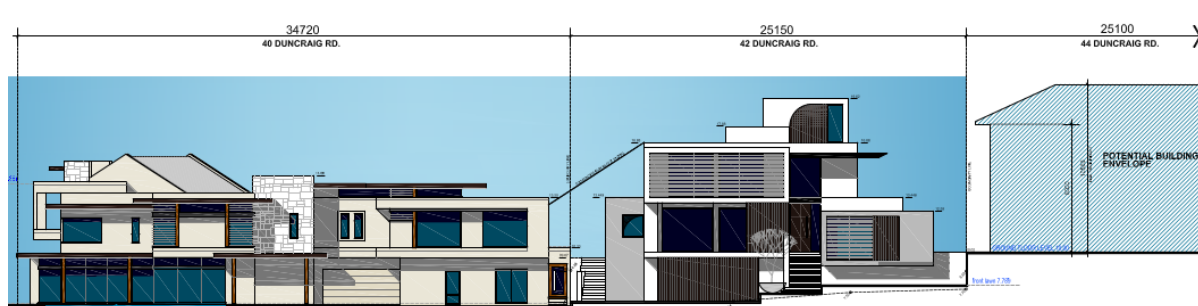




**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**



**Figure 2: Yellow highlight showing enclosed area of the roof terrace above permitted height**



**Figure 3: DunCraig Road streetscape with permitted building heights on the adjoining vacant site at 44 DunCraig Road**

### 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.

**U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)****CONCLUSION**

This proposal has been assessed and is considered to meet the objectives with the relevant planning framework, including the relevant Design Principles of the R-Codes. Therefore, the development is recommended for approval subject to the following 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 in accordance with the City's stormwater design guidelines.
3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossovers 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 crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.

4. 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.
5. 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.
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. All 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.

U22/0585 THREE STOREY SINGLE HOUSE WITH ROOF TERRACE - LOT 6 (NO. 42)  
DUNCRAIG ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)

**7. (CONT.)**

- 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.

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. The on-site tree/s to be retained (as marked in red on the approved plans) shall be maintained in perpetuity, to the ongoing satisfaction of the City.