



**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 15 NOVEMBER 2016**

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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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, 18 NOVEMBER 2016

**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, 15 NOVEMBER 2016.**

**PRESENT**

M Scarfone  
T Capobianco  
M Cosson  
J Wardell-Johnson  
Annalise Miller

Planning Services Coordinator  
Manager Building Services  
Senior Planning Officer  
Senior Planning Officer  
Planning Officer

**APOLOGIES**

P Prendergast

Manager Statutory Planning

**IN ATTENDANCE**

**OBSERVERS**

**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 has 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 two 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 two years.

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

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## TABLE OF CONTENTS

|  |   |
|--|---|
| U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801<br>(3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)..... | 1 |
|--|---|

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

Ward : Bicton-Attadale  
 Category : Operational  
 Application Number : DA-2015-1421/A  
 Property : Lot 801 (3) Doongalla Road, Attadale  
 Proposal : Two Storey Single House with an undercroft  
 Applicant : Urbane Projects Pty Ltd  
 Owner : Alan and Julie Bourke  
 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> |

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey house with an undercroft at 3 Doongalla Road, Attadale.
- Development Approval was granted in early 2016 for a similar design but the applicant is now seeking to increase the maximum height from 9 m to 9.9 m. No further changes to the original approval are proposed.
- As per Council Policy CP-066 Height of Buildings, properties with the R12.5- R40 zoning are permitted to be a maximum height of 9 m for a flat roof design. The applicant is seeking approval having regard to the Design Principles of the R-Codes.
- The application was advertised in accordance with the R-Codes and Council Policy CP-56 Planning Process and Decision Making to the surrounding properties.
- One submission was received, which raised concerns about the potential impact of the development on their views of significance.
- Notwithstanding the objection received, it is considered that the proposed development meets the Design Principles of the R-Codes and is recommended to be approved subject to conditions.



Figure 1 – Aerial Photography

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

**BACKGROUND**

Development approval was granted on the 23<sup>rd</sup> of February 2016 for a two storey single house with undercroft on the subject site. The only change from the previous approval is the maximum height.

**Scheme Provisions**

MRS Zoning : Urban  
 LPS6 Zoning : Residential  
 R-Code : R15  
 Use Type : Residential  
 Use Class : Permitted

**Site Details**

Lot Area : 649 sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : Not applicable  
 Street Furniture (drainage pits etc.) : Not applicable  
 Site Details : Refer to Figure 1 above.

U16/0478\_November\_2016. A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 18 November 2016.

**DETAIL**

**Local Planning Scheme and Local Policy Requirements**

| Development Requirement | Deemed to Comply                                 | Proposed            | Comments                                    | Delegation to approve variation |
|-------------------------|--|---------------------|---|---------------------------------|
| Building Height         | 9m maximum height external wall (concealed roof) | 9.9m maximum height | Requires assessment using Design principles | DAU                             |

**R-Code Requirements**

| Development Requirement                  | Deemed to Comply | Proposed | Comments                                       | Delegation to approve variation  |
|--|------------------|----------|--|----------------------------------|
| First Floor Western Lot Boundary Setback | 3.8 m            | 2.5 m    | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (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.

| <b>Submission Number</b> | <b>Summary of Submission</b>  | <b>Support/Objection</b> | <b>Officer's Comment</b>   | <b>Action (Condition/Uphold/Not Uphold)</b> |
|--------------------------|---|--------------------------|--|---|
| 1                        | <ul style="list-style-type: none"> <li>• Reduce views from the ground and first floor which will have a negative impact on the value of property.</li> <li>• The proposal is outside of the R-Code requirements and will negatively impact the amenity of the property</li> </ul> | Objection                | <p>See comment section of report below regarding loss of view.</p> <p>Impact on the monetary value of the neighbouring property is not a relevant planning consideration.</p> <ul style="list-style-type: none"> <li>• The maximum height does not meet the deemed to comply standards as per Council Policy CP-066 but does achieve the Design Principles and therefore does comply with the R-Codes (see comments below).</li> </ul> | 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 development 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*.



**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

**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.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of Council's policies with the exception of CP-066 Building Height. This therefore requires assessment against the relevant Design Principles of the R-Codes.

**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.

**COMMENT**

**Building Height**

As detailed in CP-066 Height of Buildings, the maximum height for a flat roof design on land with a density coding of R15 is 9m from the natural ground level. The maximum height proposed is 9.9 metres and therefore an assessment against the Design Principles of the Residential Design Codes is required.

Figure 2 and 3 below are the side elevations and illustrate the over height portion with the green shading.

The proposal is considered to meet the Design Principles of 5.1.6 Building Height of the R-Codes for the following reasons:

- The additional height will not detrimentally affect the streetscape as it presents as two storey to the street, and presents a similar bulk and scale to in with neighbouring development (see figure 4).
- Overshadowing is compliant with the R-Codes and there is due to the orientation of the lots there is no impact on direct sunlight to adjacent outdoor living areas.
- There are view corridors from the site and surrounding properties are to the north and north east towards the river and the Perth Central Business District. The additional height is to the north of the property and does not affect the access to views from the neighbouring properties as described below.

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

- The additional height does not impact the views of the landowners to the east and west as the building incorporates generous rear setbacks, maintaining view corridors.
- The topography of the area ensures that the ground floor level dwellings on the south side of Doongalla Road, are significantly higher than those on the north side ensuring view corridors above these dwellings are maintained.
- The flat roof design of the subject proposal further mitigates the impact on the view corridor. The section diagram provided by the applicant (attached) provides further information in this regard.

The proposed height is considered to meet the Design Principles of the R-Codes and is supported on that basis.

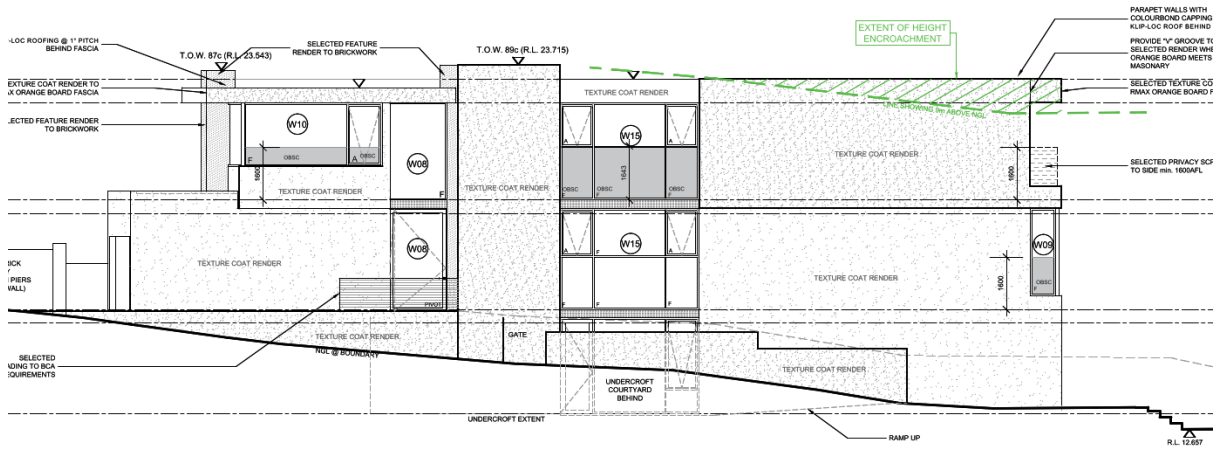


Figure 2- South Eastern Elevation

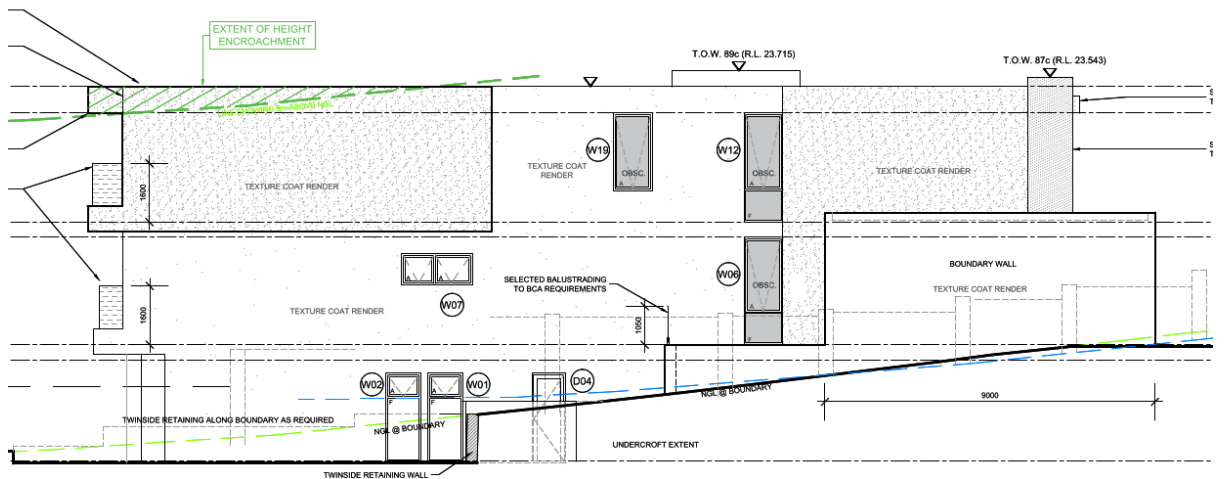


Figure 3- North Western Elevation

**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**



Figure 4- Perspective of the street elevation

### **Lot Boundary Setback**

The previous approval incorporated a setback variation of 2.5 m in lieu of 3.5 m. This was approved on the basis that it met the design principles of the R-Codes. The proposal, due to the height increase has required a setback of 3.8 m in lieu of the 2.5 m proposed. It is considered to meet the Design Principles of 5.1.6 Building Height of the R-Codes for the following reasons:

- No privacy variations.
- Overshadowing is compliant as per 5.4.2 of the R-Codes and there is still a significant setback to the boundary will still permit ventilation and sunlight.
- In regards to bulk, the wall has several articulations and minor openings which mitigate the bulk of the wall.
- The wall is adjacent to the neighbour's driveway which is 4 m wide as their garage is located at the rear of the dwelling. This area is unable to be developed otherwise it would affect the neighbour's vehicle access and in total there is 6.5 m separation between the dwellings.
- Furthermore the neighbour does not have any major openings on the top floor will be able to view the setback variation; there is a major opening to the study that that will be facing the studio/lift which is compliantly setback.

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**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT 801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

**CONCLUSION**

The development is considered to meet the requirements of LPS 6, the Residential Design Codes and Council policy as per the justification above. On this basis, it is recommended that the proposal is to be approved. No additional conditions are required but the proposal must be in compliance with the previous planning approval (see attachment) DA-2015-1420 dated 22 April 2016 (including remaining conditions).

**OFFICER RECOMMENDATION (U16/0478)**

**APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Prior to the initial occupation of the development, the elevations of the ground floor and first floor balconies and the ground floor study (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 that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 (for Single Houses or Grouped Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
3. Prior to the initial occupation of the development, the surface finish of the boundary wall(s) are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning. .
4. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
5. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 Manager Statutory Planning and are to be removed prior to initial occupation of the development.
6. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification, (Plan No: 1145A3-11E), to the satisfaction of the Manager Statutory Planning.
7. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.

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**U16/0478 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDERCROFT AT LOT  
801 (3) DOONGALLA ROAD, ATTADALE (REC) (ATTACHMENT)**

- 8. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**