

## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

**TUESDAY, 25 JULY 2017**

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, 28 JULY 2017



**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, 25 JULY 2016**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
M Cosson  
J Hobbs

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

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

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## DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

### Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

### Meeting to be informed of disclosures

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

### Disclosing members not to participate in meetings

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

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

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**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

Ward : APPLECROSS – MOUNT PLEASANT  
 Category : Operational  
 Application Number : DA-2017-482  
 Property : Lot 5 (16) Killian Road, Applecross  
 Proposal : Two Storey Single House with undercroft and Ancillary Dwelling  
 Applicant : Design Management Group  
 Owner : Mrs L M Perdija  
 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>

**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development Approval is sought for a two storey Single House with undercroft and Ancillary Dwelling at Lot 5 (No.16) Killian Road, Applecross. The proposed ancillary dwelling is located on the upper floor.
- The development requires an exercise of judgement in respect to building height, lot boundary setbacks, site works, retaining walls and ancillary dwelling size.
- The proposal satisfies all of the relevant provisions of Local Planning Scheme No.6 (LPS6), the the Residential Design Codes (the R-Codes) and applicable Local Planning and Council Policies with the exception of building height, lot boundary setbacks, fences and street walls, site works, retaining walls and ancillary dwellings.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. One submission was received, which raises objection to the proposal on the grounds of loss of views arising from the additional building height.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes and Local Planning Policy 1.9 Height of Buildings.
- It is recommended that the application be approved subject to conditions.



**Figure 1 – Aerial Photography**

**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 LPS 6 Zoning : Residential  
 R-Code : R12.5  
 Use Type : Residential  
 Use Class : Permitted

**Site Details**

Lot Area : 983sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : Yes  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer photo above

**DETAIL**

Development Approval is sought for a two storey Single House with undercroft and Ancillary Dwelling at Lot 5 (No.16) Killian Road, Applecross. The ancillary dwelling is contained on the upper floor of the proposed development and is integrated into the design of the associated single house.

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

**Table 1: Local Planning Scheme and Local Policy Requirements**

<b>Development Requirement</b>	<b>Deemed to comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Building Height	9.0m maximum height	9.7m maximum height	Requires assessment design principles of the R-Codes	Development Advisory Unit (DAU)

**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**
**Table 2: R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Lot Boundary Setbacks – Ground Floor (North) Drying, Lounge, Outdoor Lounge	2.3m	1.7m	Requires assessment design principles of the R-Codes	Manager Statutory Planning (MSP)
Fences and Street Walls	1.8m Maximum height	2.3m Maximum height	Requires assessment design principles of the R-Codes	Manager Statutory Planning (MSP)
Site works	0.5m above natural ground level within 1m of the lot boundary	0.9m maximum height	Requires assessment design principles of the R-Codes	Manager Statutory Planning (MSP)
Retaining Walls	0.5m above natural ground level within 1m of the lot boundary	0.9m maximum height	Requires assessment design principles of the R-Codes	Manager Statutory Planning (MSP)
Ancillary Dwellings	70sqm maximum plot ratio	184sqm maximum plot ratio	Requires assessment design principles of the R-Codes	Manager Statutory Planning (MSP)

Commentary in this report relates only to the variation that is the subject of the objection. All other variations outlined above have been assessed against and are considered to meet the relevant design principles of the R-Codes and Local Planning Policy.

**STAKEHOLDER ENGAGEMENT**
**I. COMMUNITY**

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



**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The proposed building height variation will impede views of significance.	Object	Refer to comments section of this report	Not uphold

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with other agencies / consultants is not 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 in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal. Where a building exceeds the height limit set out in Local Planning Policy 1.9 'Height of Buildings' assessment is required having regard to the relevant Design Principles of the R-Codes.

**COMMENT**

*Building Height*

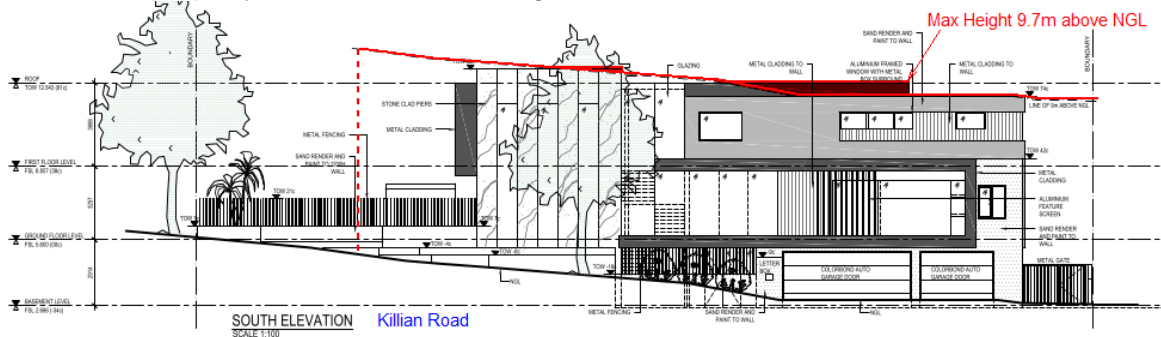
As stated, the maximum height of the proposed building is the subject of the objection raised. As this is the single issue in respect of the development, commentary in this report will be restricted to a consideration of the proposed building height relative to the relevant design principles of the R Codes, as outlined by Clause 5.1,6 of the R Codes.

The design principles in this case seek to ensure that a building, by virtue of its height, does not result in an adverse impact on the amenity of adjoining properties or the streetscape, in terms of access to direct sun, access to daylight for habitable rooms and access to views of significance.

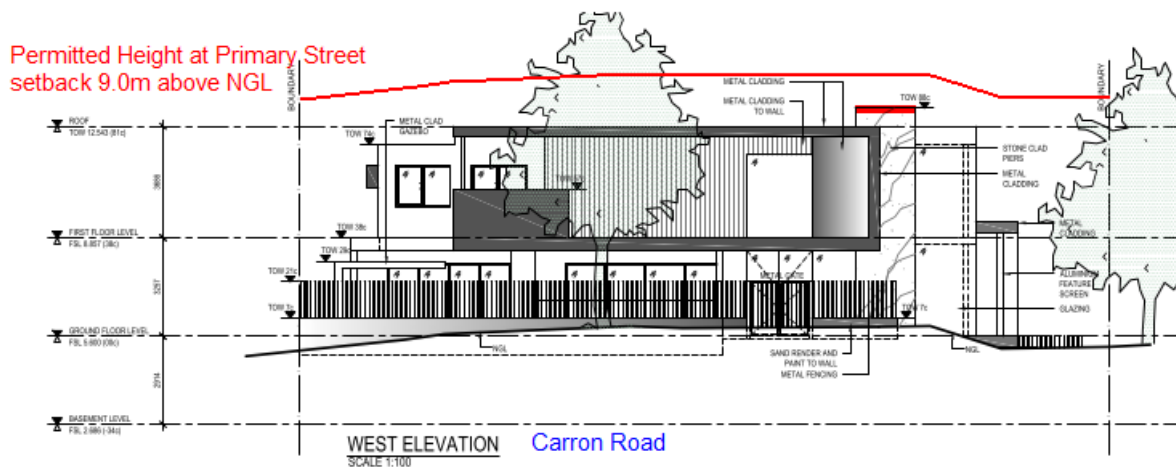
**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

The building height variation does not adversely impact the amenity of neighbouring properties or the streetscape through the imposition on building bulk. The height variation is considered acceptable as it is minor (0.7m) and relates only to a small portion of the building at the lowest point of the site (See figure 2). Due to the orientation of the development no overshadowing results from the height variation.

The height variation does not reduce access to views of significance which are in the direction of the river to the east of the property. The topography of the site means that the portion of the proposed building which is within the maximum height tolerances of the policy, itself obscures the over height portion of the building when viewed from the western side (See Figure 3) and therefore there is no adverse affect on access to views of significance for the submitters property as a result of the height variation.



**Figure 2 – South Elevation.**



**Figure 3 – West Elevation**

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members or interested third parties have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for Council consideration.

**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (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. It is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Prior to the initial occupation of the development, the Northern elevation of the OUTDOOR LOUNGE (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, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.
4. The development shall be serviced by a concrete or brick paved vehicle crossover in accordance with the approved plans and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.
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 Manager Statutory Planning.
6. Any street walls and fences (including the height of any retaining walls) constructed within the primary and secondary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy LPP3.1- Residential Development to the satisfaction of the Manager Statutory Planning.
7. 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.

**U17/0490 TWO STOREY SINGLE HOUSE WITH UNDERCROFT AND ANCILLARY DWELLING AT LOT 5 (16) KILLIAN ROAD, APPLECROSS (REC) (ATTACHMENT)**

8. 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.
9. Prior to the commencement of the development, the street tree required to be retained are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
  - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.