

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 5 JUNE 2018

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, 8 JUNE 2018



**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, 5 JUNE 2018**

PRESENT

P Prendergast
M Scarfone
T Capobianco
B Ashwood
M Rea

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

DISCLOSURES OF INTEREST

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995**

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

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

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

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U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2018-262
 Property : Lot 18 (227) The Esplanade, Mount Pleasant
 Proposal : Three Storey Single Dwelling
 Applicant : Anthony Rechichi Architect
 Owner : Mr H Karelis and Mrs L M Karelis
 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 & 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> |

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of a three storey single house at Lot 18 (227) The Esplanade, Mount Pleasant
- The proposal satisfies the relevant provisions of Local Planning Scheme No. 6 (LPS6) the deemed to comply provisions of the Residential Design Codes (R-Codes), and applicable Local Planning and Council Policies with the exception of lot boundary setbacks, building height, open space, visual privacy and site works, for which assessment against the Design Principles of the R Codes is sought.
- The application was advertised to effected land owners in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. One submission was received outlining concerns relating to building height, lot boundary setback, visual privacy and site works.
- 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 development approval be granted subject to conditions.



Figure 1 – Aerial Photography

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

| | |
|--------------------------------------|------------------------|
| Lot Area | : 1112sqm |
| Retention of Existing Vegetation | : Not applicable |
| Street Tree(s) | : No |
| Street Furniture (drainage pits etc) | : Not applicable |
| Site Details | : Refer Figure 1 above |

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 8 June 2018

DETAIL

Planning approval is sought for the construction of a three storey single dwelling at Lot 18 (227) The Esplanade, Mount Pleasant.

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

Local Planning Scheme and Local Policy Requirements

| Development Requirement | Deemed to Comply | Proposed | Comments | Delegation to approve variation |
|-------------------------|-------------------------|----------------------|--|---------------------------------|
| Building Height | Maximum Eave Height: 8m | 9.15m maximum height | Requires assessment against amenity provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 | Development Advisory Unit (DAU) |

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

| Development Requirement (Continued) | Deemed to Comply | Proposed | Comments | Delegation to approve variation |
|--|-------------------------------|-----------------------|--|--|
| Fences and Street Walls | Visually permeable above 1.2m | Solid fencing to 1.6m | Requires assessment against amenity provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 | Manager Statutory Planning (MSP) |

R-Code Requirements

| Development Requirement | Deemed to Comply | Proposed | Comments | Delegation to approve variation |
|---|-------------------------|-----------------|--|--|
| Rear Setback – Ground Floor (south west) Pool house, Bed 4 | 6m | 1.5m | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Side Setback – Basement (north west) Garage | 1.5m | 1.11m to 3.2m | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Side Setback – Ground Floor (north west) Living, Alfresco | 1.7m | 1.16m to 2m | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Side Setback – Ground Floor (south east) Front stair | 1.8m | 1m to 1.8m | Requires assessment using Performance Criteria | Development Advisory Unit (DAU) |
| Open Space | 55% | 52.5% | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Site Works Variation - (north west) Retaining, fill | 0.5m | 1.4m maximum | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

| Development Requirement (Continued) | Deemed to Comply | Proposed | Comments | Delegation to approve variation |
|--|------------------|--------------|--|----------------------------------|
| Site Works Variation - (south east) Retaining, fill | 0.5m | 1.1m maximum | Requires assessment using Performance Criteria | Development Advisory Unit (DAU) |
| Privacy Variation – (north west) Landscape Deck | 7.5m | 2.5m min | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Privacy Variation – (north west) Alfresco (Living) | 7.5m | 4.7m min | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |

Commentary in this report relates only to the variations that is the subject of the objection. All other variations outlined above are considered to meet the relevant design principles of the R-Codes and Local Planning Policy, and are supported on that basis.

STAKEHOLDER ENGAGEMENT

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

A summary of the content of the 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) |
|--------------------------------|---|--|
| Lot boundary setback variation | Refer to comments section of this report. | Not Uphold |

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

| Summary of Issues Raised (Continued) | Officer's Comment | Action (Condition/ Uphold/ Not Uphold) |
|---|--|---|
| Visual privacy will be effected | A condition of planning approval will be applied to require the window to be screened or modified to comply with the requirements of the R-Codes Cl.5.4.1 C1.1. In this way, visual privacy requirements of the R Codes will be met. | Condition |
| Site works and associated retaining is in excess. | Refer to comments section of this report | Not Uphold |
| Increased building height (eaves) is in excess. | Refer to 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 has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)****COMMENT**

Several aspects of the drawings submitted as part of the original Development Application did not meet the deemed to comply provisions of the R-Codes and were considered to have the potential to adversely impact occupiers of adjoining properties. For this reason consultation was undertaken in accordance with LPP1.1 Planning Process and Decision Making.

Several aspects of the proposed development require assessment having due regard to the Design Principles of the R-Codes as outlined in the table above. The discussion in this report relates only to the variations that are the subject of the submission received these being the lot boundary setback, the maximum building height and site works including retaining on the south east side of the building . All other matters outlined above are considered to meet the relevant Design Principles of the R-Codes and Local Planning Policy.

South East Lot Boundary Setback

- The proposed wall (highlighted in figure 2) abuts the driveway and a small portion of a front balcony of the adjoining property. These spaces are not considered sensitive for the purposes of the R-Codes and the bulk impact is considered acceptable.
- There are no privacy variations.
- The resultant level of overshadowing from the proposed development is in accordance with Cl. 5.4.2 of the R-Codes.



Figure 2

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)**

Building Height

- The proposed maximum eave height is not considered to create an adverse streetscape impact as the proposed development is consistent with the existing scale and character of The Esplanade streetscape.
- The proposed development is compliant with the overshadowing provisions outlined by Cl. 5.4.2 of the R-Codes, and the over height portion of the development (figure 3) does not result in adverse overshadowing impacts.
- The additional wall height does not impact on views of significance.
- The building bulk impact towards the adjoining south eastern property associated with the over height eave is minimal given the lot boundary setbacks meet the deemed to comply provisions of the R-Codes.

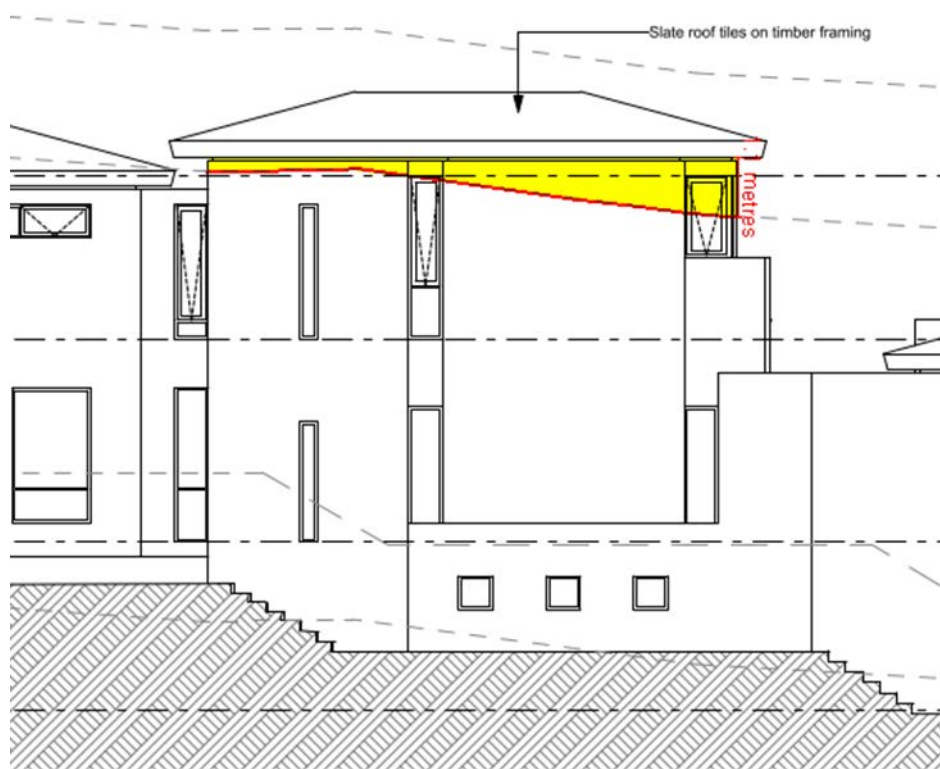


Figure 3

Site Works

- There is a significant slope present on the site from the rear lot boundary to the primary lot boundary, approximately 2.9m. The majority of the site works along the eastern boundary are limited to less than 0.5m with a portion of cut also being undertaken. The proposed development has been appropriately stepped in accordance with the existing topography of the site.
- The natural topography of the site has been respected at the lot boundary of the site as viewed from the street with less than 0.5m of cut being proposed within the primary street setback area.

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of LPP-3.1: *Residential Development* to the satisfaction of the Manager Statutory Planning.
3. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of LPP-3.1: *Residential Development*, to the satisfaction of the Manager Statutory Planning.
4. 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.
5. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree and 0.5m from the adjoining lot boundary. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications, to the satisfaction of the Manager Statutory Planning.
6. 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.
7. Prior to the initial occupation of the development, the opening along the SE elevation of the Activity Room, the NW and NE elevation of the Master (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 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
8. Prior to the initial occupation of the development, the privacy screening/obscure glazing shown on the approved plans is to comply with the purpose and intent of Cl. 5.4.1 of the Residential Design Codes, to the satisfaction of the City. The screening measures must thereafter be retained in perpetuity.

**U18/506 THREE STOREY SINGLE DWELLING AT LOT 18 (227) THE ESPLANADE,
MOUNT PLEASANT (REC) (ATTACHMENT)****Advice Notes**

1. Notwithstanding the detail provided on the approved plans, the construction and materials of the dividing fence is to be governed by the *Dividing Fences Act 1961*.

Swan River Trust Advice Notes

1. The applicant is advised that in the event the site requires dewatering during construction, the Department of Biodiversity, Conservation and Attractions Policy 50 – *Planning for dewatering affecting the Swan Canning Development Control Area*, has dewatering effluent discharge standards which are required to be met.
2. The applicant is advised that the proposed works are located in a moderate low risk Acid Sulphate Soils risk area. The Acid Sulphate Soils Guideline Series for Guidance on the identification, assessment and management of Acid Sulphate Soils in Western Australia is available from the Department of Water and Environmental Regulation website at www.dwer.wa.gov.au. If any Acid Sulphate Soils is exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.