



— City of —  
**Melville**

**REPORTS AND RECOMMENDATIONS**

**FROM THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**11 NOVEMBER 2008**

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development Services.
  2. Should any Elected Member want any matter referred and considered by the Council, please contact the Manager Planning & Development Services prior to the Tuesday (or Wednesday if Monday is a public holiday) following the date of this Meeting.
  3. Unless 'called in' by an Elected Member it is expected that the Manager Planning & Development Services will after the 'call in' date approve the recommendations, refer the matter to the Council or back to the Development Advisory Unit for further considerations.

**DISTRIBUTED: 14 NOVEMBER 2008**



— City of —  
**Melville**

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**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 1:30PM ON TUESDAY 11 NOVEMBER 2008**

**PRESENT**

D Vinicombe (Presiding Member)  
J Gonzalez  
P. Prendergast  
T Capobianco  
D Monteiro  
R Jessup  
R Bailey

Manager Planning & Development Services  
Planning Services Coordinator  
Planning Services Coordinator  
Principal Building Surveyor  
Environmental Health Officer  
Senior Horticultural Technical Officer  
Technical Officer

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

**ELECTED MEMBERS' ATTENTION**

Nil

**DELEGATED AUTHORITY – PLANNING POLICY (1) 2**

**The following items are recommendations to the Manager Planning & Development Services for decision.**

## 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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**U08/0267 – (GD) - APPLICATION FOR PROPOSED TEMPORARY INFLATABLE  
BALLOON ON LOT 736 (367) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
Category : Policy

Application Number : DA 2008-1462  
Property : 367 Canning Highway, Palmyra  
Proposal : Advertising Balloon  
Applicant : Dr I Skinner  
Owner : Renniks Asset Management  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Responsible Officer : D Vinicombe  
Manager Planning and Development Services

Previous Items : N/A

**AUTHORITY / DISCRETION**Definition

- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative *includes adopting local laws, town planning schemes & policies.*
- Review *when Council reviews decisions made by Officers.*
- Quasi-Judicial *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.*

**U08/0267 – (GD) - APPLICATION FOR PROPOSED TEMPORARY INFLATABLE BALLOON ON LOT 736 (367) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Consent is sought for approval to display an inflatable balloon advertisement.
- Council Policy in relation to Inflatable Advertising Devices requires the referral of such proposals to Council where they do not relate to the opening of a new business venture.
- This proposal does not relate to the opening of a new business venture. The business to which it is associated opened for business earlier this year and benefited from the display of an inflatable balloon advert at that time.
- As the current proposal does not relate to the opening of a new business it is recommended for refusal.

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Medical Centre
Use Class	:	Permitted

**Site Details**

Lot Area	:	1355 sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	<a href="#">U08_0267_PROPERTY_MAP.pdf</a>

[U08\\_0267\\_November\\_2008.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 14 November 2008.

**REFERRALS TO GOVERNMENT AGENCIES**

Required:	The Department of Planning and Infrastructure was consulted on the previous proposal to display this inflatable advertisement balloon. This consultation was not repeated in respect of the current application.
Reason:	Proposal abuts a Primary Regional Road Reservation – Canning Highway.
Support/Object:	Offered support for the proposal previously.

**U08/0267 – (GD) - APPLICATION FOR PROPOSED TEMPORARY INFLATABLE BALLOON ON LOT 736 (367) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the Planning and Development Act 2005.

**FINANCIAL IMPLICATIONS**

N/A

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

N/A

**POLICY IMPLICATIONS**

Council Policy 06-PL-001 “Inflatable Advertising Devices” exists to control the use of temporary inflatable advertising devices, and requires the following:

- a) Balloon Signs shall only be permitted as an incidental purpose to a commercial or industrial premise.*
- b) Balloon Signs are to be firmly secured and shall not interfere with other approved signs.*
- c) Approval shall be for a maximum period of thirty (30) days only.*
- d) The balloons shall only be permitted by the Development Advisory Unit for the opening of new business ventures and any applications for any other reason shall be referred to the Council.*
- e) Minimum public risk insurance to be five million dollars (\$5,000,000).*
- f) Not to be used in areas where it could affect the safety of road users by causing a distraction.*
- g) The Council to be indemnified against any liability should the object fall and cause damage and/or injury as a result.*
- h) A license fee is to be paid in accordance with the Council’s Fees and Charges Manual.”*

The application has been assessed in accordance with the provisions of this Policy.

**BACKGROUND**

An application for the change of use of the property at 367 Canning Highway from shop to medical centre was approved on 13 December 2006. On 2<sup>nd</sup> September 2008 the applicant was granted approval for the temporary display of an inflatable balloon for the purpose of advertising the opening of the new business venture. The device was in place for a period of 30 days and thereafter removed. The applicant now proposes to reinstate the inflatable advertising balloon for a period of 30 days in January 2009.

**U08/0267 – (GD) - APPLICATION FOR PROPOSED TEMPORARY INFLATABLE BALLOON ON LOT 736 (367) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)****COMMENT**

The Council Policy for inflatable advertising devices exists to ensure that control is exercised over the display of such features in the interests of visual amenity and highway safety. To that end, the use of balloon devices by businesses is only considered acceptable when the business is opened for trading for the first time. Although the Policy does not specifically state that use of balloon advertising is prohibited, it is interpreted that the intent of the Policy is to discourage the extent and frequency of this type of advertising and therefore reduce the impact of advertising on the local amenity traffic safety by requiring the matter to be referred to Council for consideration.

The business the subject of this proposal is operational. The use of a balloon advert is therefore not substantiated under the terms and intent of Council Policy, and would if approved, detract from the visual amenity of the locality.

As the application site is located on Canning Highway, the proposal would ordinarily be the subject of consultation with the Department of Planning and Infrastructure. This consultation was not undertaken in this case as the DPI have previously commented on this proposal late 2007 and raised no objection to the display of the inflatable device at that time. Nonetheless verbal confirmation was sought from staff at the DPI to confirm that formal consultation was not necessary in respect of the current application.

**CONCLUSION**

The display of an inflatable balloon device on these existing business premises conflicts with the provisions of Council Policy and should be refused accordingly.

**OFFICER RECOMMENDATION****REFUSAL**

**THAT THE APPLICATION FOR PROPOSED TEMPORARY INFLATABLE BALLOON ON LOT 736 (367) CANNING HIGHWAY, PALMYRA BE REFUSED FOR THE FOLLOWING REASON:**

- 1. THE PROPOSAL DOES NOT COMPLY WITH COUNCIL POLICY 06-001 INFLATABLE ADVERTISING BALLOONS IN THAT THE TIMING OF THE DISPLAY DOES NOT COINCIDE WITH THE OPENING OF A NEW BUSINESS VENTURE. AS SUCH IT WOULD ADD TO LEVELS OF ADVERTISEMENT CLUTTER IN THE LOCALITY AND DETRACT FROM THE VISUAL AMENITY OF THE AREA CONTRARY TO COUNCIL POLICY.**

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward  
Category : Operational  
Application Number : DA-2008-624  
Property : Strata Lot 2 (No. 91A) Tweeddale Road,  
APPLECROSS  
Proposal : Three Storey Single Dwelling  
Applicant : Iredale Pedersen Hook Architects  
Owner : Mr F Rezvaninejad  
Disclosure of any Interest : No Officer involved in the preparation of this report  
has a declarable interest in this matter.  
Responsible Officer : Mr David Vinicombe  
Manager Planning and Development Services  
Previous Items : Nil

**AUTHORITY / DISCRETION**

	<u>Definition</u>
<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 reviews decisions made by Officers.</i>
<input checked="" type="checkbox"/> Quasi-Judicial	<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>

**KEY ISSUES / SUMMARY**

- This application seeks consent for a three storey single dwelling.
- The development involves relaxations to the requirements of the R Codes and Council Policy and the acceptability or otherwise of these variations involves interpretation of the Performance Criteria of the Codes.
- The proposal is architecturally innovative and has been assessed in accordance with the provisions of Council Policy in relation to Aesthetics.
- The proposal has been the subject of consideration by the Council's Architectural Advisory Panel.
- The application is recommended for approval.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R15
Use Type	:	Residential
Use Class	:	'P'

**Site Details**

Lot Area	:	401.00 sqm
Retention of Existing Vegetation	:	Nil
Street Tree(s)	:	Two (Small)
Street Furniture (drainage pits etc)	:	Nil
Site Details	:	<a href="#">U08_0268_PROPERTY_MAP.pdf</a>

[U08\\_0268\\_November\\_2008.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 14 November 2008.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

**DETAIL**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	50% (200.5 sqm)	41.2% (165.4 sqm)	Complies		
Building Height	8m to eaves <b>10.5m max.</b>	10.372m max. <b>11.29m roof vent / light feature</b>	<b>Does Not Comply</b>	<b>MPDS</b>	
Carparking	2 bays (1 covered)	2 bays (2 covered)	Complies		
Fencing within the street setback area	Solid to 1.2m above NGL	Nil	Complies		
Overshadowing	25% of adjoining neighbour	17%	Complies		
Site Works	500mm fill	100mm fill	Complies		
<b>Overlooking from Bedrooms 2, 3 &amp; 4 - North</b>	<b>4.5m setback or screening</b>	<b>1.503m setback, plus screening</b>	<b>Does not comply</b>	<b>MPDS</b>	
<b>Overlooking from Bedroom 1 - North</b>	<b>4.5m setback or screening</b>	<b>1.503m setback, plus screening</b>	<b>Does not comply</b>	<b>MPDS</b>	
<b>Overlooking from deck - North</b>	<b>7.5m setback or screening</b>	<b>1.503m Setback, plus screening</b>	<b>Does not comply</b>	<b>MPDS</b>	

(Note: Non compliance is emphasised in bold)

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	2.5m	5.003m	Complies		
Setback of Garage	2.5m	5.003m	Complies		
Secondary Street	N/A	N/A			
Rear (Ground)	1.0m	1.106m	Complies		
(First)	3.0m	9.968m	Complies		
(Second)	1.6m	9.968m	Complies		
Side (N) (Ground)	1.5m	1.5 - 8.2m	Complies		
<b>(First)</b>	<b>3.6m</b>	<b>1.503m</b>	<b>Does not comply</b>	<b>MPDS</b>	
<b>(Second)</b>	<b>6.5m</b>	<b>1.503m</b>	<b>Does not comply</b>	<b>MPDS</b>	
Side (S) (Ground)	1.5m	Nil / 1.66m	<b>Does not comply</b>	<b>MPDS</b>	
(First)	1.6m	6.45m	Complies		
(Second)	2.9m	6.45m	Complies		

(Note: Non compliances are emphasised in bold)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes (by applicant)  
Reason: Required in accordance with the R-Codes  
Support/Object: Support

**REFERRALS TO GOVERNMENT AGENCIES**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant may have the right to have the decision of the Council reviewed in accordance with Part 14 of the Planning and Development Act 2005.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable

**POLICY IMPLICATIONS**

Council Policy 06-008 exists to control the quality of residential development throughout the City.

Council Policy 06-035 “Aesthetics” exists to assist and guide staff and Council in dealing with aesthetics as part of the Planning Approval process. This Policy recommends that in dealing with suburban residential developments, architectural advice should be sought where necessary.

Council Policy 06-031 “Architectural and Urban Design Advisory Panel” provides the ability to procure this advice in the context of an Advisory Panel. A “Panel” considered the details of this application on 5<sup>th</sup> November 2008.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Not applicable.

**COMMENT**

This application seeks consent for the erection of a three storey single dwelling on this vacant and cleared lot located on Tweeddale Road in Applecross. The lot is the rear portion of a survey strata lot with direct frontage to Gairloch Street. The front portion of the survey strata lot has its major street frontage onto Tweeddale Road and is the subject of residential development to provide a single storey dwelling. This construction is nearing completion.

The application site is located in a Living Area Precinct under the provisions of the City of Melville Community Planning Scheme. No 5 (CPS No 5). The dominant land use activity in this Precinct is residential, and the existing immediate streetscape is made up of 4 single detached one and two storey dwellings on the west side of Gairloch Street and a single storey complex of grouped dwellings located on the east side of Gairloch Street to the immediate south of the application site. The wider area typically houses executive domestic properties, and its proximity to the River Foreshore has made it an extremely desirable and sought after location. This means that there is a high demand for properties, and the housing stock is experiencing significant change as lots are redeveloped and properties modernised. The proposal the subject of this report is a good example of this, where the lot is relatively small and the resultant property design is innovative and contemporary.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

Despite its location within a Living Area Precinct under the provisions of the CPS No 5, the application site is located within close proximity to (within 40m of) the Applecross Village Commercial Centre Frame where the land use character is more varied.

The proposed dwelling is contemporary in design and incorporates a flat roof of colorbond construction. The main elevations of the dwelling will be constructed of face brickwork. The footprint of the proposed dwelling is 165 sqm, and the floor area of the upper floors is 83 sqm each. The design of the house is driven by environmentally sustainable design principles including passive solar design and night cooling and breeze through ventilation openings. This results in a design based around the creation of a ground level podium containing internal and external living areas with the bedrooms contained within the two upper floors.

The property is generally designed to comply with the R Codes and CPS No 5. However, in recognition of the undersized lot area, there are a number of variations to these requirements for which the applicant seeks approval under the performance criteria of the Codes. These variations are detailed as follows:

**Privacy Setbacks**

Reduced privacy setbacks of 1.503m in lieu of 4.5m are proposed from window openings to Bedrooms 2, 3 and 4 on the first floor level, and from Bedroom 1 and a decked area on the second floor level. All of these window openings are on the northern elevation of the dwelling and are designed to incorporate horizontal screens at lower sill height to restrict downward view.

The applicant has demonstrated through cross section plans that viewing from these windows openings will be significantly restricted and any overlooking will be of the garage and dwelling roof of the adjoining survey strata property to north. The adjoining owner (north) has consented to the plans, including the window and wall setbacks.

The design meets the relevant Performance Criteria under the R Codes as there is no overlooking of active habitable spaces and outdoor living areas of the adjoining property and the screening devices proposed are integrated with the building design and have minimal impact on resident's or neighbour's amenity.

**Building Height**

The majority of the building complies with the maximum height provisions of CPS No 5 with the exception of a 0.8m high ventilation structure sited on the roof. This structure is 5.0m long and 1.0m wide and is designed to enable northern light penetration for warming in winter and hot air to escape in summer. The structure is considered to be a minor design feature which would not be visible from the street level or from the majority of adjoining properties. Its inclusion as a minor architectural feature does not conflict with the intent of CPS No 5 or Council's Policy in relation to maximum building height and as such it is supported.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)****Building Setbacks**

The applicant proposes a setback of 1.503m from the northern boundary (ground, first and second levels). The required setbacks for the first and second levels (as indicated in above table) are 3.6m and 6.5m respectively. The proposed setback of 1.503m to the northern façade meets the Performance Criteria under Clause 6.3.1 of the R Codes, as it should provide for adequate light and ventilation to the subject building and adjoining building (to north), and protects access to direct sun for the adjoining property to the south. The design also concentrates the building bulk to the north western corner of the site, reducing impact on existing properties sited to east and south. The northern elevation has a length of 12.11m and height of 10.5m thereby resulting in minimal building bulk in comparison to many new homes constructed today.

The proposed garage sited along the southern boundary incorporates an overheight wall built directly on the lot boundary at a height of 3.5m in lieu of a required height of 3.0m max, 2.7m average. Under the Performance Criteria this element of the building design may be supported as it makes effective use of space, enhances the amenity of the development by increasing the ground floor bulk in contrast to upper floor height and bulk, does not have an adverse affect on the adjoining property to south and ensures that direct sun to major openings to habitable rooms and outdoor living areas to the adjoining property to south is safeguarded.

In light of the above it is recommended that the setbacks be approved as proposed.

**Aesthetics Policy**

The proposed development has been assessed in accordance with the provisions of the Council Policy on 'Aesthetics'. This Policy recommends *“that as a general principle in suburban residential environments, the following should be observed:*

- 1). *Avoid out of character developments – ie building materials, architectural-style, colour or textures not in general use in the area, or widely accepted.*

COMMENT: There are some examples of hidden roof architectural style within the locality and the street. The style is an emerging trend for the locality and more commonly accepted by the community as evident by consent from adjoining neighbours to north, south and east.

- 2) *Avoid out of scale or bulky structures too close to boundaries which create a focal point or distraction.*

COMMENT: The focus of the building bulk to the north western corner of the site is offset by the narrowness of the vertical building element. The narrow upper floor design across the lot frontage reduces the building bulk significantly in the streetscape. The extra width of the ground floor (ie boundary wall to garage) reduces the presence of the vertical building bulk.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

- 3) *Strive for a balance and scale of development commensurate with the surroundings which integrate with the boundaries and adjoining spaces – be it walls, buildings or vegetation.*

COMMENT: The building will be out of scale with the immediate surroundings until redevelopment occurs on the southern adjoining property. It is likely that a minimum of two storey development will replace ageing housing stock in the street scene, and this redevelopment will, more readily compliment the three storey development proposed on the subject site.

There are two existing street trees located to the front of the application site, and although these are considered to be in poor condition they would screen the site within the streetscape and minimise the vertical emphasis of the three storey building proposed. It is recommended that the trees in question should be replaced with new species with the potential to grow to a similar scale as the building proposed. This would ameliorate the bulk and vertical element of the proposed development further.

- 4) *Avoid dominant distracting elements and strive for proportion/balance within and on/adjacent to the boundaries of a space.*

COMMENT: The upper floor levels of the development, whilst prominent, are not considered to be dominant or distracting elements. The southern elevation of the upper floor levels of the proposed building can be the subject of additional architectural articulation in order to promote further assimilation within the streetscape.

- 5) *Seek Architectural advice where necessary.*

COMMENT: The application was referred to Architectural and Urban Design Panel for comments as follows.

**Architectural and Urban Design Advisory Panel**

The application was presented to the Architectural and Urban Design Advisory Panel on 5 November 2008, and after due consideration the following conclusions were reached;

- i) The design was generally supported as it was considered to be a good example of refined architecture, due to the sustainable attributes for solar, cross ventilation and energy efficiency.
- ii) One member had some concern about the blankness of the upper levels of the southern facade. Other members were satisfied that the use of face brick (brown tone as advised by applicant) would enhance the wall and compliment housing styles in the locale.
- iii) The narrow upper level component of the design (6.95m width, 12.11m length and 10.5m height) was considered to be prominent but not dominant in the streetscape.
- iv) The hidden roof design is an emerging trend for the area.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

- v) Street tree planting could be applied to reduce the impact of the building prominence but the redevelopment of adjoining properties for two or three storey residential uses would bring the development into context with it's changing residential environ.

**Applicant's Comments**

The applicant and the owner made a deputation to the Architectural and Urban Design Advisory Panel meeting highlighting the intent and merit of the proposed design. The applicant was requested to provide written commentary as to how the Council Policy on Aesthetics was addressed by the design proposed. The comments received are summarised below:

*"1. Query: How does the project address the Cities Aesthetics Policy?"*

*Section 5.0 General Principle*

- 1) *"Avoid out of character developments etc."*

*As discussed during our presentation and in our report, there is no clear discernible style in this precinct. There are houses from single to double storeys in the area, multiple house styles and from decades ranging from 1940s to current era houses, there are houses with tiles and metal roofs, and houses with flat roofs and parapet walls. Therefore we believe that our development will not be in conflict with this principle.*

- 2) *"Avoid out of scale or bulky structures too close to boundaries etc."*

*Our proposal is appropriately setback from the boundary as indicated by your officers. While the height of the building is 3 storeys it is within the allowable height limits set by Council. Furthermore the 3 story section of the building has a plate area of 6.95m (to street) x 12.11m (perpendicular to street) which is seen as too small to be deemed "bulky".*

- 3) *"Strive for a balance and scale of development commensurate with the surroundings etc."*

*Again, as per Principle 1, the precinct is diverse therefore this principle has reduced relevance. Our landscaping proposal can include vegetation and tree planting to compliment the streetscape to the councils' satisfaction.*

- 4) *"Avoid dominant distracting elements and strive for proportion/balance within and on/adjacent to the boundaries of a space"*

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

*Again, as per Principle 1 the immediate precinct has a diverse range of housing styles and scale. Our proposal, while providing a counterpoint vertical element over the horizontal volume of the ground floor, is not in conflict with this principle. Furthermore in determining whether aesthetics of the development is acceptable or otherwise to the City or residents, one must acknowledge that “beauty is in the eye of the beholder”. That is; what one person may see as acceptable another may see as ugly. In this case our immediate neighbours have supported the application and these people are those most affected by the proposed development.*

*2. Query: Address the treatment to the southern elevation of the 3 storey section.*

*I assume query relates to Section 5 of the Aesthetic Policy as addressed above. We have designed this section of the building to be a counterpoint to the horizontal plain of the ground floor - as described in the response to section 5.4 above. Furthermore, the area of wall is 12.11m perpendicular to the street and 6.75m high (approx.). The closest viewing distance at 45 degrees from the south-west corner of this vertical plain is 15m (approx. to nearest street edge). Should this wall be deemed “too blank”, interest could be introduced by articulating the brickwork to create a feature or feature trees can be planted in the foreground of the view lines, in the planter bed to the west of the garage parapet wall.*

In general the Applicant's comments provide additional support to the interpretation and conclusions already provided in this report.(see previous section on Aesthetics Policy). Whilst the main façade of the building is setback at 3.0m to the street it complies specifically with the front setback requirements of the R-Codes (greater than 2.5m) as applicable to corner lots which have been subdivided and Council Policy (3.0m). Neither the Codes nor Council Policy requires a setback of greater than 3.0m in this situation, notwithstanding that the subject façade of the dwelling raises to a 3 storey height. In view of the above, it is recommended that two advanced specimen Jacaranda *mimosifolia* be planted on the verge directly in front and adjacent to the frontage of the property to reduce the impact of the development on the streetscape, together with the provision of an articulated surface to the southern façade at the upper levels to reduce the impact of the blank façade.

**CONCLUSION**

It is recommended that the application be supported subject to special conditions requiring articulation of the upper levels of the southern elevation and planting of new replacement trees in the road verge.

U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)

**OFFICER RECOMMENDATION**

**APPROVAL**

THAT THE APPLICATION FOR A THREE STOREY DWELLING ON STRATA LOT 2 (NO.91A) TWEEDDALE ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

**SPECIAL CONDITIONS**

1. THE UPPER LEVELS OF THE SOUTHERN FAÇADE TO INCORPORATE AN ARTICULATED SURFACE TO REDUCE THE BLANKNESS OF THE WALL TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
2. THE OWNERS TO PAY COSTS FOR THE REMOVAL OF THE EXISTING TREES AND INSTALLATION TWO NEW JACARANDAS *MIMOSIFOLIA* OF A MINIMUM 250 LITRE SIZE, IN APPROPRIATE LOCATIONS ON THE VERGE TO REDUCE THE IMPACT OF THE FACADE AND BUILDING BULK ON THE STREETScape TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**STANDARD CONDITIONS**

3. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4M<sup>2</sup> AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.
4. SPECIFIC APPROVAL MUST BE OBTAINED TO REMOVE A STREET TREE TO PERMIT THE CONSTRUCTION OF A VEHICLE CROSSOVER OTHERWISE IT SHOULD BE ASSUMED THAT STREET TREES ARE TO BE RETAINED. ANY WRITTEN APPROVAL FOR THE REMOVAL OF STREET TREES IS SUBJECT TO THE APPLICANT/OWNER PAYING ALL COSTS AND MAY ENTAIL REMOVAL AND RELOCATION COSTS; OR REMOVAL AND REPLACEMENT COSTS.
5. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
6. THE EXTERNAL FACE OF THE PARAPET WALL TO BE FINISHED TO THE SATISFACTION OF THE ADJOINING NEIGHBOUR OR, IN THE EVENT OF A DISPUTE TO BE FINISHED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**U08/0268 - (CP) THREE STOREY SINGLE DWELLING ON STRATA LOT 2 (NO. 91A)  
TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

- 7. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.**
- 8. ALL UNUSED CROSSOVER(S) ARE TO BE REMOVED AND THE KERBING AND ROAD VERGE ARE TO BE REINSTATED AT THE OWNERS FULL COST TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 9. ALL COMMON BOUNDARY FENCING WHERE ABUTTING RESIDENTIAL LOTS TO BE 1.8 METRES IN HEIGHT AT ANY POINT ALONG THE DIVIDING BOUNDARIES MEASURED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.**

**FOOTNOTES**

- 1. THE DETERMINATION OF THIS APPLICATION FOR PLANNING APPROVAL HAS BEEN UNDER DELEGATED AUTHORITY BY OFFICERS OF THE COUNCIL. IF YOU DO NOT LIKE ALL OR PART OF THE DETERMINATION, YOU HAVE A RIGHT OF APPEAL TO THE COUNCIL FOR RECONSIDERATION. THIS RIGHT OF APPEAL TO THE COUNCIL DOES NOT IMPINGE UPON ANY RIGHTS OF APPEAL OTHERWISE PROVIDED FOR UNDER THE PLANNING AND DEVELOPMENT ACT 2005 AND SHOULD NOT BE CONFUSED WITH SUCH RIGHTS OF APPEAL WHICH IS TO BE LODGED WITHIN TWENTY EIGHT (28) DAYS OF THE DECISION BEING ISSUED. THE RIGHT OF APPEAL TO THE COUNCIL SHOULD NOT BE CONFUSED WITH SUCH RIGHTS OF APPEAL UNDER THE ACT.**
- 2. THIS IS A PLANNING APPROVAL ONLY AND DOES NOT OBIVATE THE RESPONSIBILITY OF THE APPLICANT/OWNER TO COMPLY WITH ALL RELEVANT BUILDING, HEALTH AND ENGINEERING REQUIREMENTS OF THE COUNCIL OR WITH ANY OTHER REQUIREMENTS OF COMMUNITY PLANNING SCHEME NO. 5. PRIOR TO THE COMMENCEMENT OF ANY WORKS A BUILDING LICENCE MAY BE REQUIRED.**