

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

14 DECEMBER 2010

- NOTES:**
- 1. This Meeting makes Recommendations to the Manager Planning & Development..**
 - 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 Planning & Development. Contact should be established as soon as possible after the publication of the agenda to the City of Melville web site. 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 must be received by the CEO by midday on the Friday following the publication of the DAU agenda to the City's web site.**
 - 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 Friday following the publication of the DAU agenda to the City's web site.**
 - 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 DAU, after midday on the Friday after the publication of the agenda to the City's web site.,**



**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, 14 DECEMBER 2010.**

PRESENT

P Prendergast (Presiding Member)	Manager Planning & Development Services
T Capobianco	Principal Building Surveyor
H Shigeyoshi	Senior Planning Officer
L Anderson	Senior Planning Officer
C Taborda	A/Traffic & Road Safety Coordinator (Engineering Design)
R Bailey	Special Projects Officer (Engineering Design)
M Snell	Senior Team Leader Landscape Construction

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 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 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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**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2010-1038
 Property : LOT 701 (No. 756) Canning Highway,
 APPECROSS
 Proposal : Change of Use from Educational Establishment
 to Office.
 Applicant : Eastcourt Properties Pty Ltd
 Owner : Wallis Enterprises Pty Ltd and McCoy Street
 Property Pty Ltd
 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 Planning and Development Services
 Previous Items : Not Applicable

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 & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review 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>

**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPLCROSS (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the change of use of the site from Educational Establishment to Office.
- The subject site is situated within a Commercial Centre Frame Precinct under the provisions of the City of Melville Community Planning Scheme No. 5 (CPS5).
- Office is an 'S' use within the 'Commercial Centre Frame' Precinct and as such is not permitted unless Council exercises discretion and grants approval after advertising.
- The application was duly advertised in accordance with scheme provisions. One letter of representation has been received in response to this.
- The proposal complies with all of the relevant development requirements of CPS5 and the Council Policies.
- The application is recommended for conditional approval.



**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	Not applicable
Use Type	:	Office
Use Permissibility	:	'S' – use not permitted unless Council exercises discretion and grants planning approval after advertising in accordance with Clause 7.5(d)

Site Details

Lot Area	:	1673sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

U10_0300_December_2010.pdf A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on 20 December 2010.

DETAIL

Development Requirements

The proposed development complies with all of the relevant development requirements of CPS5 and Council policy.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Office is an 'S' use and therefore requires advertising
Support/Object:	Objection

**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
27 Conon Road, Applecross	Part of the property abutting Canning Highway is located within a 'no zone' where development of land cannot occur in accordance with Table 1.	Neutral	This comment relates to Lot 754 Canning Highway, which is owned by the State of WA and is used for drainage purposes. This lot is not part of the application site.	Dismiss
	The proposal will have an effect on residential amenity, caused by associated traffic levels, commercial parking, overlooking and building bulk.	Object	<p>Although the proposed crossover is on to Conon Road, it is anticipated that the majority of traffic accessing or exiting the property will travel from Conon Road north, on to Canning Highway rather than through the surrounding residential streets.</p> <p>The parking of vehicles associated with the proposed use are satisfactorily accommodated on the site in accordance with Council Policy. The application site is located within a Commercial Frame, where uses such as that proposed are acceptable in principle in land use terms.</p> <p>The proposal includes very minor alterations only to the external appearance of the front of the building. As such no additional building bulk or overlooking impacts are created.</p>	Dismiss
	The Scheme requires a 2m setback from side boundaries and a 6m setback from the rear boundary where adjacent to residential properties.	Object	The only boundary that adjoins a residential lot is the western boundary. The setback to this boundary is 6.9m and is therefore compliant.	Dismiss
	The application is required to be advertised	Neutral	The application has been advertised in accordance with Clause 7.5 of CPS5.	Noted

**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

REFERRALS TO GOVERNMENT AGENCIES

The application was referred to Main Roads Western Australia for comment as the lot abuts Canning Highway, which is a Main Roads controlled road.

Main Roads has provided conditions to be incorporated into the Planning Approval. These conditions are included within the recommendation below.

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

None applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

None applicable.

POLICY IMPLICATIONS

The following policy is of specific relevance in the determination of the subject application:

Policy 06-PL-024 – Car Parking (Non-Residential)

This Policy controls the provision of car parking for non-residential development proposals throughout the City.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

As indicated above, planning approval is sought for a change of use of Lot 701 (756) Canning Highway, Applecross from Educational Establishment to Office.

The application also proposes minor additions and modifications to the building and the site, which include:

- A 10 bay car park located to the east and southeast of the building, including 1 disabled bay and 4 undercover bays. At present there are no on-site car parking bays.
- Construction of a carport, providing 4 undercover car parking bays.
- The rendering of the front façade.
- Modifications to the windows along the front façade.
- Replacement of the existing tiled roof with a steel alternative.

U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)

Design

It is considered that the proposed rendering, the window modifications and the replacement of the existing roof will improve the overall aesthetics of the building.

The proposed carport is of a flat roof construction. Whilst the use of such construction can result in a somewhat stark and uninteresting building form, in this case, the impact that the carport will have is considered mitigated by the landscaping proposed between the carport and the lot boundary, particularly along the more visually prominent elevation facing Canning Highway.

Land Use Matters

The proposed use is defined as an 'Office' under CPS5, which is an "S" use within the Commercial Centre Frame zone. This means that the use is not permitted unless Council exercises discretion and grants planning approval after advertising in accordance with Clause 7.5(d).

The proposed Office use is considered to be similar to the existing use of the site as an Educational Establishment as both activities are carried out wholly within the building, do not result in any significant noise impacts and have similar operating hours. In addition, there are other office uses existing within the immediate locality. Overall, it is considered that the proposed Office use is acceptable in principle in land use terms.

Car Parking

As indicated above, the proposal has been assessed in accordance with the provisions of the City's Non-Residential Car Parking policy. Under this policy, the development requires the provision of eight car parking bays and 10 bays are to be provided. The proposed development therefore satisfies the requirements of the policy.

Traffic Considerations

The application has been considered by the City's Technical Services Division who raise no objections in principle to the use proposed. A number of are however recommended in respect of mobility impaired access, crossover construction, vehicle manoeuvring, drainage and a refuse collection point. These are included as recommended conditions of approval.

CONCLUSION

As the proposed development is fully compliant with the provisions of both CPS5 and the relevant Council Policies, it is recommended that the application be conditionally approved.

OFFICER RECOMMENDATION

APPROVAL

That the application for the change of Use from Educational Establishment to Office at Lot 701 (756) Canning Highway, Applecross be approved with the following Special Conditions and Standard Conditions:

**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

SPECIAL CONDITIONS:

1. Prior to the issue of a Building Licence, amended plans must be submitted to the City for its consideration and approval. The amended plans must demonstrate compliance with the following points to the satisfaction of the Manager Planning and Development:
 - The provision of level access to the building for the benefit of those with impaired mobility in accordance with AS1428.1.
 - The re-location of the proposed mobility impaired car parking bay close the proposed level access point in accordance with AS1428.1.
 - The provision of a minimum 0.5m radius to the kerbing at the entrance to car parking bay No 1.
 - The provision of a waste collection area. This should be located to the western end of the Conon Road frontage, and be provided at the applicants expense.

2. Prior to the issue of a Building Licence, a landscaping plan must be submitted to and approved in writing by the Manager Planning and Development. The plan should demonstrate the provision of landscaping within the Council owned verge to the front of the property, and must include details of:
 - the location and type of proposed tree and shrub species including their size and planting density,
 - grassed areas,
 - how the area will be reticulated, and
 - maintenance schedules.

The approved landscaping must be implemented during the first available planting season after the completion of the construction phase, and thereafter retained to the satisfaction of the Manager Planning and Development. Any planted species that fail to establish within one year of the planting phase must be replaced.

3. A drainage plan is to be submitted to and approved in writing by the Manager Planning and Development prior to the issue of a Building Licence.

4. In accordance with the approved plans all parking bay/s, driveway/s and points of ingress and egress areas are to be permanently provided, constructed, drained, marked prior to the development first being occupied and thereafter maintained. The parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the City of Melville Plan Nos 102A2-80E/1 (concrete commercial crossover), 423A2-87E (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay for where any damage is caused to a council facility, tree or street furniture, or where alteration to a council facility is required, the cost of such damage or alteration. A concrete apron having width of 0.75 metres is to be installed between any brick paved crossing and the bitumen surface of a road. The cost of any damage to a street tree will be determined in accordance with the "tree amenity valuation formula" adopted by the Council in September 1994.

**U10/0300 (TW) CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO OFFICE
AT LOT 701 (756) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

5. Prior to the occupation of the office, all unused crossover(s) are to be removed and the kerbing and verge reinstated at the applicant/owner's full expense to the satisfaction of the Manager Planning and Development Services.
6. 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. 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.

STANDARD CONDITIONS:

7. Prior to the commencement of operation, the front elevation of the building/s and wall/s is to be treated with non-sacrificial anti-graffiti agent.
8. Prior to the commencement of operation, lighting must be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS1158.3.1 (cat. P). All external lighting must be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
9. All sewerage wastes and water pipes to be concealed within the building.
10. 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 4m² and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.

ADVICE NOTES:

The proposal will need to comply with all aspects of the Building Code of Australia including fire rating, fire separation, provision of hydrants, hose reels, access ramps and disabled facilities, emergency lighting and signage.

A separate application for Planning Approval and a Signs Licence is required for all signage.

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2010-1183
Property	:	Survey Strata Lot 1 (15A) Beach Street, BICTON WA
Proposal	:	TWO STOREY GROUPED DWELLING
Applicant	:	Honest Holdings Pty Ltd
Owner	:	Mr K B Jackman and Mrs D E Jackman
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Mr Peter Prendergast Manager Planning and Development Services
Previous Items	:	Not Applicable

AUTHORITY / DISCRETION

Definition

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	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>
	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
	Review	<i>when Council review decisions made by Officers.</i>
✓	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, application 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>

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of a two-storey dwelling at Lot 1 (15A) Beach Street, Bicton.
- The proposal satisfies the acceptable development provisions of the Residential Design Codes (R-Codes) with the exception of four boundary setback variations.
- The variations have been advertised to the affected adjoining landowners, with one objection being received. The objection relates to the setback of the ground floor level of the western elevation which is proposed to be 1m in lieu of the acceptable development requirement of 1.5m.
- The proposed development has been assessed against the Performance Criteria of the R-Codes relating to boundary setbacks and is considered to satisfy the Criteria.
- The proposal is recommended for conditional approval.



U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

BACKGROUND

In October 2008, the parent lot of the subject site was subdivided into two survey strata lots. Both survey strata lots are of narrow configuration being approximately 10m wide and 50m long. The two lots have remained vacant since the subdivision.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area
 R-Code : R12.5/17.5 (R17.5)
 Use Type : Residential
 Use Class : 'P-Use' – use is permitted.

Site Details

Lot Area : 505sqm
 Retention of Existing Vegetation : The application site is devoid of vegetation
 Street Tree(s) : No street tree exists along the Beach Street frontage
 Street Furniture (drainage pits etc) : No infrastructure identified
 Site Details : See aerial photo above
 U10_0301_December_2010.pdf A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on 20 December 2010.

DETAIL

Development Requirements

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Western Side ground floor wall portion	1.5m	1.0m	Does Not Comply	MPDS	
Eastern Side Garage wall	1.0m	Nil	Does Not Comply	MPDS	
Eastern Side ground floor portion	1.0m	Nil	Does Not Comply	MPDS	
Eastern Side ground floor portion	1.0m	Nil	Does Not Comply	MPDS	

**U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA
LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: One received.
 Reason: As per Residential Design Codes
 Support/Object: One objection

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold / Not Uphold)
13 Beach Street, Bicton.	<p>Concern is raised regarding the 1m (in lieu of 1.5m) western boundary setback variation due to a reduction in sunlight and privacy. Concern is further raised at the overall length of wall.</p> <p>The submission states that the proposal would be acceptable with a setback of 1.5m.</p>	Objection	<p>The portion of wall relating to the setback variation along the western boundary is single storey. As such, the proposed setback variation to this length of wall by 0.5m is not considered to result in a significant loss of amenity as the setback variation is minor, there are no major openings within the wall length, and there are a number of mature trees located within the objectors property. This provides additional screening between the two lots, and mitigates the visual impact that the wall might have.</p>	Not uphold
2.	<p>The neighbours also state that there is propensity for structural instability between the two properties due to there being a significant difference in ground levels between the them and a lack of retaining.</p>	Objection	<p>Structural stability is considered as part of the Building Licence assessment. The Building Licence will ensure that all necessary precautions are taken to prevent the damage or collapse of adjoining properties.</p>	Noted

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)**REFERRALS TO GOVERNMENT AGENCIES**

There are no referral requirements to external agencies.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse to grant consent for the development, 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 anticipated financial implications resulting from this application.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic or risk management implications.

POLICY IMPLICATIONS

There are no policies applicable to this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

This application may be refused by Council however such a decision is not considered appropriate as the application is deemed to satisfy the relevant Acceptable Development and Performance Criteria requirements of the R-Codes.

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*.

COMMENTS

The proposal satisfies all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5) and the Residential Design Codes (R-Codes) with the exception of the following:

Buildings Set Back from Boundary – West

The proposed wall at ground floor level located along the western elevation (Family to Study) is 13.75m in length and has a maximum height of 2.9m. It is proposed to be set back a minimum of 1m in lieu of 1.5m as required by the Acceptable Development provisions of the R-Codes.

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

As outlined above, the landowner of the adjoining property to the west has raised concerns with regard to the proximity of the proposed western elevation. In particular, the adjoining landowner considers that their amenity will be impacted as a result of the wall being placed next to their outdoor living area. In addition, concerns were also raised with regard to the bulk of the wall and the structural integrity between the properties.

The Performance Criteria of the R-Codes (Clause 6.3.1) requires buildings to be setback from boundaries so as to provide adequate sun and ventilation to the building and open spaces on the subject lot and adjoining property, ameliorate the impacts of bulk, and protect privacy.

The proposed reduced setback to the western boundary relates only to the single storey portion of the proposed development. In addition, it is noted that there is substantial vegetation existing along the western elevation of the adjoining property which already results in the overshadowing of a large area of the adjoining property's outdoor living area. Consequently, it is anticipated that the proposed reduced setback will not result in any significant adverse impact in respect of access to sunlight and ventilation for the adjoining property.

The building bulk along the western elevation is minimised through the incorporation of a total of 10 window and door openings along the elevation, varying roof pitches, eave heights, and other architectural features. In addition, the existing vegetation along the western boundary of the adjoining property will provide further mitigation by screening the majority of the ground floor elevation from view.

The portion of wall relating to the reduced setback contains no major openings and therefore privacy between the two properties is safeguarded and maintained..

For the reasons outlined above, the proposal is considered to satisfy the Performance Criteria of the R-Codes relating to boundary setbacks.

Accordingly, whilst concerns from the affected adjoining neighbour are acknowledged, the variation to the setback requirement is supported.

Buildings With Nil Setbacks from Boundary – East

Three boundary walls are proposed along the eastern boundary as follows:

- Garage wall with a length of 6.18 metres and a height of 2.9 metres;
- Ground floor bedroom and ensuite wall has a length of 8.945 metres and a height of 2.9 metres.
- Ground floor Alfresco and Dining Room wall with a length of 10.98 metres and a height of 2.9 metres.

The nil setbacks for two of these three walls are in lieu of the standard 1.0 metre setback in accordance with the Acceptable Development provisions, with the third wall being in lieu of 1.5m.

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

The adjoining property to the east is currently vacant, and the City is yet to receive plans for its development.. No submission was received for the landowners of this adjoining property during the advertising period. Should the proposed boundary walls be approved, it is anticipated that future development to the east will take advantage of the boundary walls and construct up to them..

The Performance Criteria of the R-Codes relating to boundary walls (Clause 6.3.2) requires buildings with nil setbacks to make effective use of space, enhance privacy, or otherwise enhance the amenity of the development whilst not having any significant adverse effect on the amenity of the adjoining property and ensuring that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

The proposed boundary walls are considered to make effective use of the available space on the narrow site which will enhance the amenity of the proposed development.

Although the adjoining site to the east is not currently developed, it is anticipated that the proposed boundary walls will not have a significant adverse impact upon the amenity of the adjoining property as the future development of this property will take into account the location of the boundary walls in their development and build up to them. If the latter is not the case, the east elevation of the proposed residence is well articulated, and that in itself ensures future building bulk impacts are avoided..

The proposal is not expected to cause any undue loss of sunlight or ventilation to the adjoining property as the adjoining property is located to the west. Furthermore, it is anticipated that any outdoor living area associated with the future development of the adjoining site will be located to the north of the dwelling to take advantage of winter sunlight.

As a result of the above assessment, it is considered that the proposal satisfies the Performance Criteria relating to boundary walls.

Clause 7.8 of CPS5 Considerations

The proposed development has been assessed in accordance with the amenity provisions of Clause 7.8 of CPS5. To satisfy the provisions of the Scheme, the development has been assessed in accordance with the performance criteria of the R-Codes, and as concluded elsewhere in this report, is found to be acceptable in that context.

Accordingly, the proposal is considered to entirely satisfy the provisions of Clause 7.8 of CPS5.

CONCLUSION

It is considered that the application (subject to appropriate conditions) suitably addresses the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that the application be conditionally approved..

U10/0301 PROPOSED TWO STOREY GROUPED DWELLING ON SURVEY STRATA LOT 1 (15A) BEACH STREET, BICTON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (INSERT ITEM NUMBER)

APPROVAL

- A) That the application for a two storey grouped dwelling on Survey Strata Lot 1 (15a) Beach Street, Bicton be approved subject to the following Special and Standard Conditions:

STANDARD CONDITIONS:

1. 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.
2. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfsmist colour metal roofing may only be permitted through special planning consent).
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 4m² and a height of 1m and a hinged lid. The receptacle should not be allowed to overfill.
4. A 1.8 metre high fence to be provided 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.
5. Ground levels may not be changed other than approved as part of this approval.
6. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.

ADVICE NOTES

1. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.
- B) That the affected adjoining landowner be advised of A) above.

U10/0302– (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 14 DECEMBER 2010

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	107 Stoneham Rd Attadale	Two immature Agonis flexulosa in good health. Planted by former house owner. Underneath power lines. Incorrect alignment for street trees. Approximately 1.5m from road.	Recommend that the existing street trees be removed and replaced with two 100 litre semi advanced trees, in keeping with existing streetscape, one to be planted in correct position on verge, and one planted elsewhere as nominated by City of Melville Aboricultural Supervisor. All work to be undertaken by the City of Melville at the owner/applicants expense.

