



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

23 FEBRUARY 2010

- 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: 26 FEBRUARY 2010



— 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 9:00 AM ON TUESDAY, 23 FEBRUARY 2010.**

PRESENT

D Vinicombe (Presiding Member)
P Stuart
T Capobianco
C Chew
R Jessup
R Bailey

Manager Planning & Development Services
A/ 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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**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : City
Category : Policy
Application Number : DA-2010-53
Property : Lot 2 (192A) Reynolds Road, MOUNT PLEASANT
Proposal : Two Storey Single Dwelling
Applicant : Honest Holdings Pty Ltd
Owner : Mr V H Luong and Ms T T Truong
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 : Not Applicable

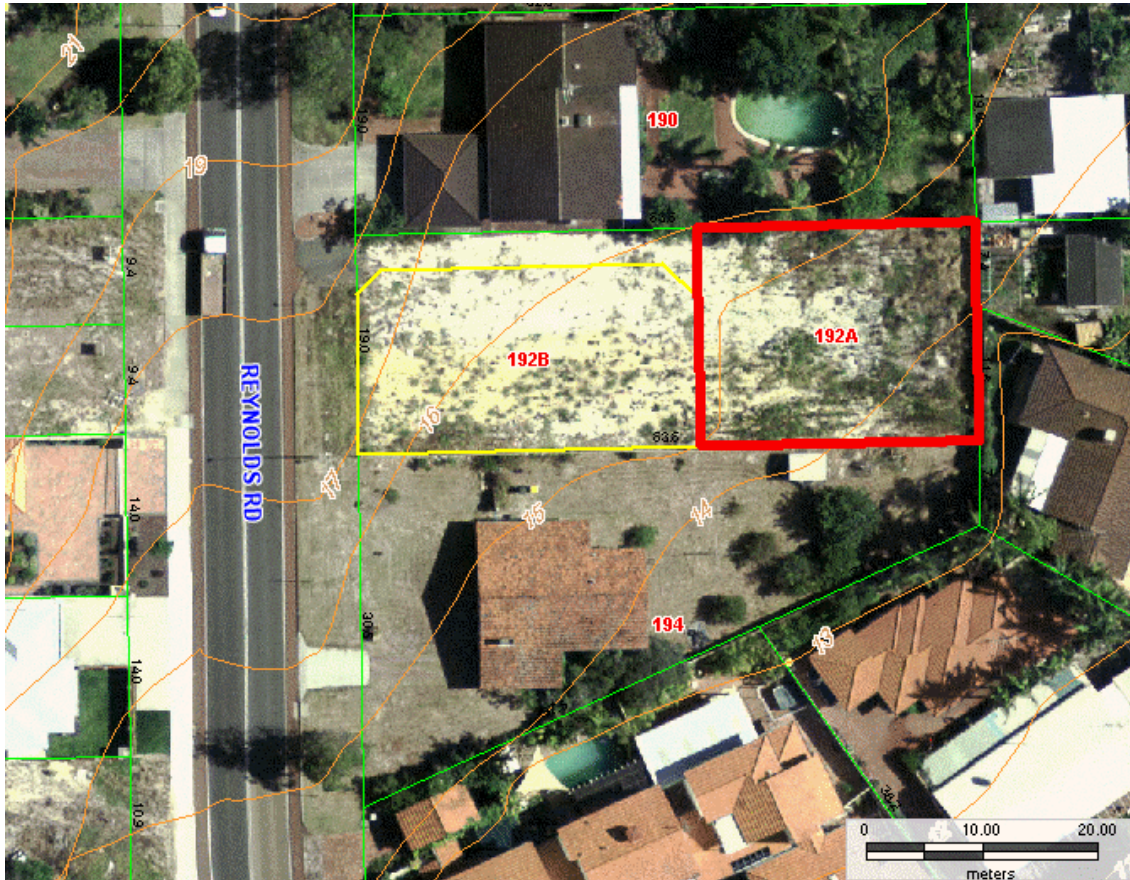
AUTHORITY / DISCRETIONDefinition

- 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.*

KEY ISSUES / SUMMARY

- Setback variations are sought for boundary wall development on the north, south and west boundaries. The walls specifically relate to the garage and alfresco area.
- Neighbour consultation undertaken by the applicant resulted in one objection for the garage boundary wall being received.
- Objection relates to building bulk and overshadowing.
- It is considered that the proposal complies with the Performance Criteria requirements of the Residential Design Codes relative to boundary walls and therefore recommended that the application be conditionally approved.

U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)



BACKGROUND

The proposed development occurs on a lot subdivided under the R 17.5 transitional provisions contained within the 2002 Residential Design Codes which permitted grouped dwelling subdivisions to apply the 1991 minimum site area standards where applications were made before 31 December 2004. Subdivision approval for the subject property was granted by the Western Australian Planning Commission on 23 September 2004 and later endorsed on 28 September 2007.

**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning : Urban
CPS 5 Zoning : Living Area Precinct
R-Code : R17.5
Use Type : Residential
Use Class : 'P' Use - Permitted

Site Details

Lot Area : 455 sqm
Retention of Existing Vegetation : Not applicable.
Street Tree(s) : Not applicable
Street Furniture (drainage pits etc) : Not applicable
Site Details : {Link to Site Photo}

U10_0184_February_2010.pdf A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on 26 February 2010.

DETAIL

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
West Side Garage	1m	0m	Does not comply	MPDS	
South Side Garage	1m	0m	Does not comply	MPDS	
North Side Alfresco	1m	0m	Does not comply	MPDS	

Note: Non-compliance is emphasised in bold.

**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Setback variations
Support/Object: 1 support. 1 objection

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not uphold)
1.	Does not approve of the wall being on the boundary and does not approve of the creation of two sites on a lot which is only 1012sqm.	Objection	The creation of 2 lots was permitted under the R Code requirements relevant to the time of subdivision application. The lot area necessitates the use of boundary walls for effective use of space and practicable development.	Not uphold
2.	No Objection to nil setback	Support	Noted.	Uphold

REFERRALS TO GOVERNMENT AGENCIES

Not required.

STATUTORY AND LEGAL IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members have an alternative view, the DAU 'call up' procedures provide the opportunity to have this matter called up for formal Council consideration.

FINANCIAL IMPLICATIONS

No financial implications occur.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic and risk management implications occur.

**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

No Policy implications occur

COMMENT

The subject application proposes 3 boundary walls. The west boundary wall applies to the garage abutting the boundary of 192B Reynolds Road which is under the same ownership as 192A Reynolds Road. The wall is proposed to be 2.4m high with a length of 6.35m.

The garage is also proposed to include a boundary wall to southern side with a height of 2.4m and length of 6.35m.

The north boundary wall applies to the alfresco. The wall is 4.8m in length and an average of 3m in height.

The Acceptable Development requirements of the Residential Design Codes do not support boundary walls under the R17.5 coding. However, the Codes allow for the consideration of the boundary walls under the Performance Criteria. Clause 6.3.2 'Buildings on Boundary' allows buildings to be built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development;*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

In relation to the portion of wall facing the north side of the adjoining lot, no shadow concerns arise. The wall is also located towards the back of the adjoining lot which is well away from the residence. This ensures no obstruction to sunlight and ventilation. Privacy is also not impacted and the amenity of the neighbour is maintained. The neighbour has provided written support for the wall and is therefore considered acceptable.

The western wall of the proposed garage adjoins the common boundary of the front strata lot (also owned by the applicant). The site is presently vacant and no plans are approved for development. The owner (applicant) will therefore have ample opportunity to design the future development on this site to ensure that impact on that property in terms of bulk, overshadowing, ventilation or privacy is suitably addressed. Relative to the natural ground level the garage is to be extensively cut along the common boundary with the front lot. This will result in an average height of 2.1m (2.0m minimum and 2.2m maximum). Accordingly, and in acknowledgement of the common ownership (and therefore support), this boundary wall is also supported.

**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)**

The south boundary wall which applies to the garage adjoins a 1012sqm lot. The neighbouring lot consists of expansive back yard area. The residence is well clear of the wall and the area immediately impacted by the wall appears to be under utilised. The proposed wall is a total length of 6.3m with a height of 2.5m. Notwithstanding the objection raised by the affected adjoining landowner, the applicant has provided the following comments in support of the boundary wall:

“The proposed location on the boundary makes effective use of space by providing an adequate vehicle turning bay to the battle-axe driveway while enhancing privacy between the two properties by shielding the front Porch and Entry from any possible overlooking from that neighbouring property. Given that the proposed boundary wall is below 2.7M in average height and its location adjacent the neighbouring property owner’s detached garage/store it can be deemed to have minimal effect on access to direct light and ventilation to that property.”

It is noted that the wall will be forward of the adjoining garage, however, notwithstanding, it is concluded that the wall will not have an averse impact on the adjoining properties amenity in terms of access to light, ventilation, privacy and in view of the proposed height being less than 2.7m (2.4m average with 2.25m minimum to 2.6m maximum – relative to sloping natural ground level on the adjoining property), not considered to have a detrimental impact in terms of building bulk.

On the basis of the above comments, the proposed wall is deemed to satisfy the performance criteria, and accordingly is recommended for support.

CONCLUSION

The proposal as submitted is considered to be reasonable with the setback variations achieving the objectives of the Performance Criteria within the R Codes relating to Clause 6.3.2 Buildings on Boundary. It is therefore recommended that the subject application be conditionally approved.

**U10/0184 - (MB) TWO STOREY SINGLE HOUSE ON LOT 2 (192A) REYNOLDS ROAD,
MOUNT PLEASANT (REC) (ATTACHMENT)**

- A) That the application for a Two Storey Single House on Lot 2 (192A) Reynolds Road, Mount Pleasant be approved subject to the following conditions:**

SPECIAL CONDITIONS:

- 1. During excavations, all necessary precautions to be taken to prevent damage or collapse of adjoining properties (driveways, garden beds, walls, etc), (adjacent streets or right-of-way). It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**

STANDARD CONDITIONS:

- 2. 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.**
 - 3. 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.**
 - 4. Roofing materials being of a non-reflective material (Zinc or white colour metal roofing may only be permitted through special planning consent).**
 - 5. 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.**
 - 6. The construction of retaining walls not to exceed the heights specified on the approved plans unless otherwise approved by Council. Details, signed by a practicing Structural Engineer must be submitted for approval at the time of submitting a Building Licence Application.**
 - 7. 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.**
- B) The adjoining property owner to the development be advised in writing of A) above.**

U10/0185– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 23 FEBRUARY 2010

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	26 Lilian Avenue Applecross	<p>Data Works request 2212907 for removal and replacement of one street tree to allow reconstruction of a crossover to improve access to the right hand bay of the double garage of an existing dwelling. The tree is a mature Jacaranda mimosifolia (Jacaranda) in good condition positioned centrally to the existing double garage. The applicant has recently purchased the property and is concerned about safety entering and leaving the property. Modifications to the garage and a new front boundary fence with gate are proposed however a determination is required on the tree prior to finalizing the design & making application.</p>	<p>Recommend that the existing street tree is retained. Modifications to the garage by removing the central column will improve access however the proposed front fence and gate arrangement will further impinge on access to the garage with the tree in the current location. Alternatively, the tree may be relocated by a recognized contractor at the owners full cost to the satisfaction of the Manager of Planning and Development Services including payment of a \$2,000 Bond to the City of Melville to be held for 12 months from planting for replacement of the tree should it not survive.</p>



26 LILIAN AVENUE APPLECROSS