



— City of —
Melville

REPORTS & RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

26 MAY 2009

- 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: 29 MAY 2009



— City of —
Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6954
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melville.wa.gov.au

**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, 26 MAY 2009.**

PRESENT

D Vinicombe (Presiding Member)	Manager Planning & Development Services
J Gonzalez	Planning Services Coordinator
P. Prendergast	Planning Services Coordinator
T Capobianco	Principal Building Surveyor
R Jessup	Senior Horticultural Technical Officer
R Bailey	Technical Officer
N. Gray	Environmental Health Officer

APOLOGIES

D Monteiro	Environmental Health Officer
------------	------------------------------

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.

TABLE OF CONTENTS

U09/0085– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT 3PROPOSALS AT DAU MEETING 26 MAY 2009	3
U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC) (ATTACHMENT).....	6
U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)	13

U09/0085– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 26 MAY 2009

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	13 Bricknell Road Attadale	<p>Dataworks request ref 2086402 to remove & replace one street tree to allow construction of a crossover for a proposed new two storey single dwelling inclusive of a three car garage adjacent a 4.0m wide side setback.</p> <p>Previously the approved Planning Application DA-2009-325 depicts the crossovers modified by removal of one and relocation of another to allow retention of this street tree.</p> <p>The owner states the tree itself will be in a direct line between the main garage and the road, making access more difficult to what is the principal connection between the house and the street (given that the 3rd garage and side access will see only occasional use).</p> <p>The subject street tree is a <i>Lophostemon conferta</i> (Box Tree) in good condition which forms part of an avenue of similar trees along Bricknell Road. This property has a 28.2m frontage with two street trees located on the verge which is considered reasonable. The adjoining corner property at 82 Stoneham Road has three street trees in the Bricknell Road verge also having a 28.2m frontage.</p>	<p>The street tree is recommended for retention providing that the crossover is constructed allowing a minimum 1.0m clearance to the base of this tree to the satisfaction of the Manager Planning & Development Services.</p> <p>Retention of the Box Tree will maintain the theme of trees along this street and contribute to the streetscape amenity. The City of Melville will carry out remedial pruning of the tree when the development has been completed to ensure that lower branches do not interfere with vehicular use of the crossover.</p>

U09/0085– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 26 MAY 2009

	<p>Removal of this tree will impact the streetscape and it is considered that with retention of the tree, access to the garage is adequate. There is further opportunity to move the dwelling towards the northern boundary of the lot which would further improve access with retention of this tree. A Building Application has not been received at this time.</p>	
--	---	--



U09/0085– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 26 MAY 2009



**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC)
(ATTACHMENT)**

Ward : Bicton/Attadale Ward
Category : Operational
Application Number : DA-2009-353
Property : 9 Linton Road, ATTADALE
Proposal : Patio
Applicant : Ms D Godfrey
Owner : Mr M J Hopkins
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 : N/A

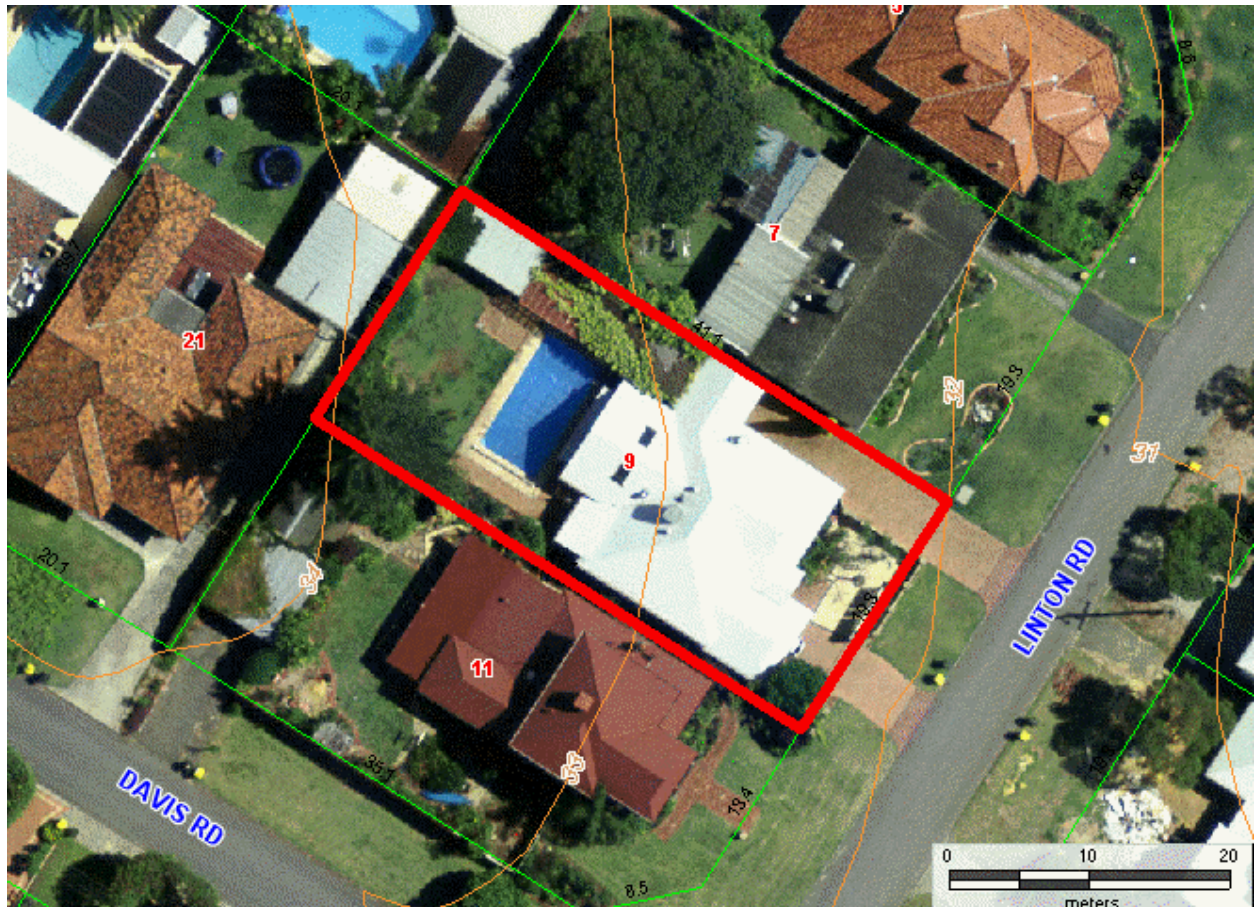
AUTHORITY / DISCRETIONDefinition

- 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.*

**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- Application is for a patio structure measuring 13.35m in length, 3.6m in width and 2.27m in height to the eaves which matches the existing property.
- There is an existing pergola in this exact location; the subject application seeks to replace this with a solid non-permeable patio structure.
- A setback 0.5m from the side boundary in lieu of the acceptable standard of 1.5m is proposed.
- One submission has been received objecting to the reduced setback
- The objector is concerned that the reduced setback will prejudice his amenity and comments that there is sufficient space for the setback to be made to comply with the R-Codes.
- The application is recommended for conditional approval.



**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC)
(ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 794.03 sqm
Retention of Existing Vegetation : N/A
Street Tree(s) : N/A
Street Furniture (drainage pits etc) : N/A
Site Details : See above image

[U09_0086_May_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 29 May 2009

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	50%	No change to existing	Complies		
Building Height	To match existing dwelling	2.27m to eaves 3.2m to ridge	Complies		

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side (North)	1.5m	0.5m	Does not comply	MPDS	

(Note: Non compliance is emphasized in bold)

**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE WA 6156 (REC)
(ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Setback variation in accordance with the provisions of the R-Codes
Support/Object: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not uphold)
1.	No objection to development	Support	Noted	Uphold
2.	Objects to development on the ground of amenity, overshadowing and building bulk in regard to the reduced setback of 0.5m in lieu of 1.5m acceptable standard.	Object	Overshadowing objection not an issue given lot orientation (shadow of patio as or defined R-Codes time – noon on 21 June, falls within subject property). Building bulk not an issue given the existing pergola in the same position. Building bulk also not an issue given the open nature of the proposed structure.	Not uphold

REFERRALS TO GOVERNMENT AGENCIES

N/A

STATUTORY AND LEGAL IMPLICATIONS

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

U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC)
(ATTACHMENT)

FINANCIAL IMPLICATIONS

N/A

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

COMMENTS

The application seeks consent to replace an existing pergola with a new covered patio structure. The proposed patio is to be sited in the same position as the existing pergola, setback 0.5m from the side boundary between the subject property and the neighbouring property at No 7 Linton Road. To all intents the replacement structure is an updated copy of the pergola in terms of its size, bulk and siting. The main difference relates to the roof design which in the case of the proposed structure is of pitched construction using roof sheeting material. The roof of the existing pergola structure is essentially open and flat, albeit covered by vines which have matured over the years to provide an effective solid (but still permeable) roof cover. The introduction of a pitched roof increases the maximum height of the structure to 3.2m at the ridge line. At the eave height, closest to the neighbouring property, the height of the structure will be 2.27m. Otherwise the walls of the proposed structure reflect the character of the existing pergola in that they are of open construction. Privacy within the proposed patio is achieved via the existing fence sited along the boundary of the subject property and No 7 Linton Road. There are no alterations proposed to the height of the existing fence.

Whilst the proposed patio is generally designed to comply with the provisions of the R-Codes and CPS No 5, the applicant seeks approval for a variation to the side boundary setback requirements of the R-Codes for which consideration is required under the Performance Criteria of the Codes.

**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE WA 6156 (REC)
(ATTACHMENT)**Northern Side Setback Variation

Under the provisions of the R-Codes, the northern side setback requirement for the proposed patio is 1.5m. The applicant proposes that this be reduced to 0.5m.

The objective of the boundary setback provisions of the R-Codes is to ensure the provision of adequate direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.

The reduced setback is considered to meet the Performance Criteria under Clause 6.3.1 of the R-Codes as the open sided nature of the proposed construction ensures that there is sufficient daylight, direct sun and ventilation to both the subject property and its neighbour. The fact that the structure is single storey and effectively obscured by the existing boundary fence minimises building bulk and ensures that privacy is safeguarded.

Whilst it is accepted that the existing flat roof pergola structure has a lesser impact in visual terms than the proposed gable roof patio, this is not a material consideration to warrant the refusal of the proposal as submitted.

CONCLUSION

It is concluded that the proposed development satisfies the Performance Criteria of the R-Codes and as such it is recommended that conditional approval be granted

OFFICER RECOMMENDATION**APPROVAL**

That the proposed patio on lot 356 (9) Linton Road Attadale be approved subject to the following 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.***

**U09/0086 - (DR) PATIO ON LOT 356 (9) LINTON ROAD, ATTADALE (REC)
(ATTACHMENT)**

- 2. *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.***

- 3. *Ground levels may not be changed other than approved as part of this approval.***

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale Ward
Category : Operational
Application Number : DA-2008-1403
Property : TAB, 338 Canning Highway, BICTON
Proposal : Change Of Use - Office
Applicant : Compucall
Owner : Redseal Holdings Pty Ltd
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 : DA-2004-1126
DA-2004-1945
DA-2006-1165

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 & 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> |

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Application proposes a change of use of the premises from Dancing School to Office.
- Proposed use is classed as an “S”use under the provisions of Community Planning Scheme No 5 (CPS No 5).
- Proposal has been advertised accordingly under CPS provisions.
- No representations were received in response to the advertising undertaken.
- Level access for the benefit of disabled persons is not available at these premises.
- There is no requirement for the applicant to provide level access in this case as there are no physical alterations proposed to the building.
- Under the Building Code of Australia there are no provisions to require the owner of the building to upgrade the access for use by disabled persons, however, it is appropriate that an advice note be placed on any approval to change the use of the property to alert the property owner of possible obligations to comply with the Disability Discrimination Act.
- It is proposed to use the premises for a computer business, with two employees only.
- A total of 98sqm of Net Lettable Area is proposed, which in accordance with Council Policy for Car parking equates to the need to provide, Four (4) cars parking bays.
- In total six (6) car bays are proposed.
- Application complies with CPS5 and Council Policy requirements.
- Application is recommended for approval.



**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)****BACKGROUND**

Over the years the Council has dealt with a number of planning applications for a variety of uses on this site. In 1973 Planning Approval was granted for the development of a TAB agency. An existing butcher's shop was demolished to make way for the new TAB building, and that use operated from the site for a number of years. Taking into account the slope across the site, the new building was designed and constructed with undercroft car parking facilities which meant that the entrance to the main building was via a flight of stairs. This in turn has meant that level access is not available to the premises for the benefit of disabled persons.

In more recent years the property has been the subject of three applications for change of use. In its determination of each of these applications the Council has referred to the issue of disabled access, either by way of a condition attached to an approval, or as a reason for refusal. It is now clear however that the approach adopted is flawed as there are no provisions within the BCA to require the owner to provide level access for the benefit of disabled persons, unless physical alterations are proposed which warrant the issue of a Building Licence.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	R50
Use Type	:	Office
Use Class	:	'S' Use – use not permitted unless Council grants approval following advertising.

Site Details

Lot Area	:	321.03 sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	See above image

[U09_0087_May_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 29 May 2009

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)**

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.6	0.467	Complies		
Landscaping	25%	As existing	Existing Commercial Property	MPDS	
Building Height	8m to eaves 10.5 max	As existing/ no change	Complies		
Carparking	4 bays	6 bays	Complies		

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes

Neighbour's Comment Supplied: No

Reason: Advertised in accordance with Community Planning Scheme No.5

Support/Object: Not Applicable – No comments received.

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes

Reason: Situated on Canning Highway

Support/Object: Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
DPI	Acknowledges subject property has vehicular access to Canning Highway via Foss Street and as such raise no objection to the proposal on regional transport planning grounds..	Support	Noted	Support

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

Not

Applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Non-residential Car Parking Policy 06-024 requires commercial offices to supply one (1) car bay per 30sqm of Net Lettable Area. As there is 98sqm of Net Lettable Area proposed, four (4) car bays are required.

COMMENTS

The subject property is located within a Commercial Centre Frame under the provisions of CPS No 5. In such areas it is envisaged that the dominant land use activity will be residential, although they may include offices, medical practitioners and ancillary uses where privacy of neighbours is respected and design has a residential character.

In this particular case the application site has housed a variety of non residential uses for a number of years and these uses have operated successfully from the premises without detriment to residential amenity. The current proposal to use the premises as an office to support the activities of a small computer company will not give rise to any additional concerns in that regard and as such the proposed change of use is considered appropriate in land use terms and may be supported on that basis.

The proposal relates to a change of use only. There are no material changes to the external appearance of the building and the car parking provision can be provided without the need for additional site works. There are however a number of issues which warrant further consideration in the context of this report, and these relate to Disability Access provision and car parking layout.

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)**Disabled Access

In accordance with the disabled access requirements within the Building Codes of Australia (BCA), disabled access is required for all new, or altered commercial buildings. The proposal the subject of this application does not include any physical building works and as such there is no requirement to provide improved access for the benefit of disabled persons.

It is accepted that the approach previously adopted by the Council in addressing the issue of disabled access to this building was flawed. On the basis that there are no alterations proposed to the external appearance of the building approval is recommended without the need to provide level access.

It is noted however that the issue of level access provision is one which should be brought to the attention of the property owner in the context of the current planning application, as action could be taken against them under the Disability Discrimination Act (DDA) for the poor access to the premises. To that end it is recommended that an advice note is attached to the Council's decision notice with respect to the current planning application informing the owner of their responsibilities under the DDA.

Car parking

The proposal includes the provision of 6 car parking bays. Under the provisions of Council Policy "Car parking (Non residential)" 4 car parking bays are required for this use. It is noted however that the location and in some cases, the dimensions of the proposed bays do not meet required standards for access and manoeuvring of vehicles on site. In addition, and as the site is located in close proximity to bus routes, and as there is a technical need for one of the bays to be marked out to suit the needs of mobility impaired (notwithstanding the above comments on Disabled Access requirements), it is recommended that the number of bays be reduced to 4. This will provide for sufficient bays for car parking in accordance with the Councils Policy, and ensure that they is sufficient space to mark them out properly without prejudicing ease of movement for vehicles and their users.

It is therefore recommended a condition be placed on an approval reflecting the above, stating at least one bay closest to the entry must be marked disabled and dimensioned in accordance with Australian Standards, and that no more than four (4) bays may be marked out on site to meet required manoeuvring standards.

CONCLUSION

The proposed change of use is considered to be consistent with CPS No 5 provisions and appropriate for the area in principle in land use terms. Accordingly, the application is recommended for conditional approval.

**U09/0087 - (PS) CHANGE OF USE TO OFFICE ON LOT 18 (338) CANNING HIGHWAY,
BICTON (REC) (ATTACHMENT)**

OFFICER RECOMMENDATION

APPROVAL

That the proposed change of use to office on Lot 18 (338) Canning Highway, Bicton be approved subject to the following conditions:

Special Conditions:

1. Two bays being removed from the plan as indicated in red on the copy of approved plans attached to provide for required parking bay dimensions and access and manoeuvring requirements in accordance with Australian Standards.
2. One disabled car parking bay/s to be provided, clearly designated as such, and located conveniently to the main entrance. The bay is to be of minimum dimensions 3.8 metres wide by 6.0 metres deep.

Standard conditions:

3. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
4. Rubbish storage area to be provided and screened from public view to the satisfaction of the Manager Planning and Development Services prior to occupancy. This area is not to be located within the parking area.
5. A separate application for planning approval and a signs licence is required for all signage.

Advice Notes

- i. You are advised that compliance with the Building Code of Australia may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). Under the provisions of the DD), action could be taken against you with regard to the substandard access provisions relative to these premises, and it may be in your interest to secure improvements to the access for the benefit of disabled persons.*