

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**3 JULY 2012**

- NOTES:**
- 1. This Meeting makes Recommendations to the Manager Planning & Development. Services**
  - 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 Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](mailto: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 Development Advisory Unit (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 Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.**

**DISTRIBUTED: FRIDAY 6 JULY 2012**

**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, 3 JULY 2012.**

**PRESENT**

P Prendergast (Presiding Member)  
L Anderson  
T Capobianco  
L Mannion

Manager Planning & Development Services  
Senior Planning Officer  
Principal Building Surveyor  
Technical Officer

**APOLOGIES**

H Shigeyoshi

A/Planning Services Coordinator

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

**ELECTED MEMBERS' ATTENTION**

Nil

**DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020**

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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**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPLECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2012-47  
 Property : Lot 2 (25) Kinross Road, Applecross  
 Proposal : Two Storey Single House  
 Applicant : Da'Vanti Homes  
 Owner : Ms L H Tan  
 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 : N/a

**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 &amp; 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>

**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning consent is sought for a two storey single house.
- The subject lot is undersized in the context of its setting within an area with a density coding of 'R15', a situation brought about as a result of the subdivision / conversion of a duplex strata lot to survey strata. As such, the existing dwelling shares a common wall with its neighbour along the eastern boundary.
- The proposal is generally compliant with the Acceptable Development provisions of the R-codes with the exception of front and rear setbacks and driveway location.
- Consultation has been undertaken for the setback variations proposed with one (1) objection received.
- Concerns raised relate to the reduced front setback and its detrimental impact on views, ventilation, building bulk and streetscape.
- Whilst the concerns raised are acknowledged, the setback variation is considered to satisfy the relevant Performance Criteria of the R-Codes in this instance.
- The application is recommended for conditional approval.



**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area : 486m<sup>2</sup>  
 Retention of Existing Vegetation : Yes  
 Street Tree(s) : Yes - three (3) *Callistermon Viminalis*  
 Street Furniture (drainage pits etc) : Not Applicable  
 Site Details : Refer photo above

U12\_0418\_July\_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 6 July 2012.

**DETAIL**

**Development Requirements**

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and the applicable Council policies with the exception of those matters listed below.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Vehicle Access	Driveways located to avoid street tree/s	Does not avoid one (1) tree	Does not comply	MPDS	



**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
GF Front	6.0m avg	4.46m avg	Does not comply	MPDS	
GF Rear	6.0m	2.0m (min)	Does not comply	MPDS	
FF Rear	6.0m	2.0m (min)	Does not comply	MPDS	

(Note: GF – Ground Floor, FF – First Floor)

Note: Commentary in this report will be restricted to consideration of the front setback variation only, as this variation is the subject of concerns raised by the adjoining neighbour. Other variations listed above have been assessed in accordance with the relevant performance criteria, and in the absence of any third party comment to the contrary, are deemed to comply with those criteria.

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: R-Code Variation  
 Support/Object: One (1) Objection

Affected Property	Summary of Submission	Support / Object	Officer's Comment	Action (Uphold/ Not Uphold)
29 Kinross Road	The submitter objects to the front setback variation on the grounds that the proposal results in loss of current view corridors and has a detrimental streetscape impact. Furthermore, concerns are raised with regard to the variation and its implications on ventilation and bulk impact.	Object	Whilst the concerns raised are acknowledged, the rear setback variation is supported on the following grounds: <ul style="list-style-type: none"> <li>• There is no detrimental impact on the neighbours with respect to air flow as the proposed dwelling is set well off their common boundary.</li> <li>• There is no consistent streetscape pattern in the portion of Kinross Road in question, there being only two dwellings with an active and primary interface with the street.</li> </ul>	Not Uphold



**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

			<ul style="list-style-type: none"> <li>• There are no views from the objectors property due to the existence of full height solid front fencing located around it.. .</li> </ul>	
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**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**

There are no financial implications relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no anticipated strategic, risk or environmental management implications.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this application.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

**COMMENT**

Approval is sought for the development of a two-storey single house on an undersized lot. Historically, the subject site is the result of the subdivision / conversion of a duplex strata lot to survey-strata. As such, the existing dwelling shares a common wall with its duplex half along its eastern boundary.

**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

The proposal is generally compliant with the relevant Acceptable Development provisions of the R-Codes with the exception of a front and rear setback variation and a driveway that is proposed in the location of an existing street tree.

As detailed in the preceding sections above, the application has been the subject of consultation with regard to the setback variations with one (1) objection received. Concerns raised relate to the reduced front setback and its detrimental impact on views, ventilation, building bulk and streetscape..

### Front Setback

Based on the 'R15' residential density coding of the subject lot, the front setback requirement is 6.0m or an average of 6.0m. In this regard, the proposal seeks approval for an average setback of 4.46m in lieu of the 6.0m required by the R Codes.

This variation has been assessed in accordance with the Performance Criteria of Clause 6.2.1 of the R-Codes, and is considered acceptable on the following grounds:

- The reduced front setback is consistent with the norm on this stretch of the street, where surrounding properties are similarly characterised by reduced front setbacks, a situation that has eventuated in part as a result of their siting on the rear of subdivided former corner lots, where setbacks between 3.0m to 6.0m are accepted as per the Acceptable Development provisions of Clause 6.2.1 Aii) of the R-Codes. That is, secondary street setbacks are permitted to be 1.5m (or 3.0m as per Council Policy) or front setbacks reduced to 2.5m (or 3.0m as per Council Policy) where "...a single house results from subdivision of an original corner lot and has its frontage to the original secondary street"..
- Given the undersized nature of the lot and relatively shallow lot depth of 20.2m, if the property were made to comply with the front and rear setback requirements of 6.0m, this would result in a building footprint with a depth of only 8.0m.
- The front façade is well articulated and designed with roof overhangs / verandahs which add interest to the overall built form whilst contributing to the overall streetscape of Kinross Road.
- Given the provision of open space on this lot is compliant, the variation is not considered to have a adverse impact on the future residents of the proposal.
- .The proposed dwelling does not in any way hinder privacy and open space toward any property within the street and in particular the neighbour who lodged an objection. There are no imposing upper floor windows overlooking any sensitive areas, and windows at the front of the property add to passive surveillance and the appeal to the overall dwelling.
- Adequate clearances for easements for essential services will still be available.

**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

- Whilst the concerns raised by the adjoining neighbour with regard to loss of views is acknowledged, this is not considered to be impacted through the advent of the proposal as existing full height solid front fences and vegetation / street trees that surround the neighbouring properties already obscure views.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and the Amenity Policy CP-067. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

Vehicular Access

The street tree affected by the proposal driveway location has been the subject of referral to the City's Environmental Services Department who support the removal of one (1) street tree to facilitate access and egress, subject to its replacement with two (2) street trees as per Council Policy CP-029.

In order to retain and otherwise protect the remaining trees on site, the proposed crossover will need to be modified to suit. The tree approved for removal, replacement requirement and the protection of existing street trees will be conditional as part of the Planning Approval.

**CONCLUSION**

Notwithstanding the objection that was received, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes and is therefore recommended for conditional approval.

**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

**A) That the proposed development on Lot 2 (25) Kinross Road, Applecross be approved subject to the following Special and Standard Conditions:**

**SPECIAL CONDITION:**

- 1. Prior to the initial occupation of the development, the street tree (as marked in RED on the approved plans) shall be removed and replaced with two (2) trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Planning and Development Services. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.**
- 2. The proposed crossover shall be located a minimum of 2.0m away from the base of any street tree. Amended plans depicting the revised crossover position shall be submitted to and approved in writing by the Manager Planning and Development Services, prior to the commencement of the development. Root Barrier is to be installed on either side of the crossover spanning the road reserve.**
- 3. Prior to the initial occupation of the development, the opening along the southern side of the UPPER FLOOR BED 3 (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.**
- 4. Prior to the commencement of the development, the street trees located within the verge are to the front of the property, and proposed to be retained, are to be protected in accordance with Australian Standard AS4970: Protection of Trees.**

**STANDARD CONDITIONS:**

- 5. Roofing materials must not be highly reflective. The use of highly reflective materials (zinc or white coloured or coated metal roofing) may only be permitted through the grant of a separate planning approval.**

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**U12/0418 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (25) KINROSS ROAD, APPECROSS (REC) (ATTACHMENT)**

5. All stormwater generated on site is to be retained on site.
6. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Planning and Development Services.
7. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 6.2.5 A5 of the Residential Development policy to the satisfaction of the Manager Planning and Development Services.

**ADVICE NOTE:**

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) The neighbour who made a submission on the proposal be advised in writing of A) above.