

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**26 JUNE 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 29 JUNE 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 26 JUNE 2012.**

**PRESENT**

P Prendergast (Presiding Member)	Manager Planning & Development Services
H. Shigeyoshi	A/Planning Services Coordinator
L. Anderson	Senior Planning Officer
T. Cappobianco	Principal Building Surveyor
R Bailey	Special Projects Officer (Engineering Design)
L. Mannion	Technical Officer

**APOLOGIES**

**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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**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2012-569  
 Property : Lot 1 (48A) Davy Street, Alfred Cove  
 Proposal : Two Storey Single House  
 Applicant : Zen Creative  
 Owner : Nicholas Rowley  
 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**

<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>

**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a two-storey single house on a narrow north-south oriented lot at 48A Davy Street, Alfred Cove (the 'subject site').
- The proposal is generally compliant with the requirements of the Residential Design Codes of Western Australia (R-Codes) with the exception of setbacks relating to the proposed boundary walls, boundary wall within the front setback and a privacy setback relative to an upper floor balcony
- The variations have been advertised to the affected neighbour to the west with objections being raised in regard to loss of privacy and potential damage to private property arising out of future construction works.
- Whilst the concerns raised are acknowledged, it is considered that the proposed development satisfies the relevant Performance Criteria of the R-Codes.
- The application is recommended for conditional approval.



**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : Living Area  
 R-Code : R20  
 Use Type : Residential  
 Use Permissibility : P - Permitted

**Site Details**

Lot Area : 466sqm  
 Retention of Existing Vegetation : n/a  
 Street Tree(s) : n/a  
 Street Furniture (drainage pits etc) : n/a  
 Site Details : Refer photo above

U12\_0415\_26\_June\_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 29 June 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.

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>	<b>Plan Notation</b>
Boundary walls behind front setback line	6.0m	4.5m	Does not comply	MPDS	

**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Setback - West					
GF - Garage	1.0 metre	nil	Does not comply	MPDS	
GF – Family	1.0 metre	nil	Does not comply	MPDS	

(GF – Ground Floor, FF – First Floor)

**PUBLIC CONSULTATION/COMMUNICATION**

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

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
46 Davy Street	The submitter objects to the proposal on the grounds that privacy will be compromised, and in respect of potential property damage during and post construction (i.e. from a future pool), of the proposed development.	Object	<p>Whilst the concerns raised are acknowledged, issues relating to property damage during construction are not relevant planning considerations. Damage resulting from construction activities is a metter for the adjoining property owners.</p> <p>A condition of approval to require screening of the upper floor balcony will ensure privacy for neighbouring occupiers is safeguarded.</p>	Partially Uphold



**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

			<p>In relation to the boundary wall variations, the walls are deemed to satisfy the relevant Performance Criteria within the R-Codes (refer comments section below for further detail)</p>	
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**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants is required.

**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.

**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)****COMMENTS**

Approval is sought for the development of a two-storey single house on a narrow, north-south orientated lot. As detailed in the preceding sections above, the application has been the subject of consultation with one (1) objection received.

The objection relates to the setback variation sought for each of the boundary walls proposed. Additionally, privacy concerns are raised (from the upper floor balcony), as well as issues associated with property damage occurring during and post construction.

**Side Setback: Buildings on Boundary**

The boundary wall variations relate to the ground floor family / scullery wall which measures 8.95m (length) by 3.5m (height) and garage wall measuring 6.1m (length) by 3.1m (height). Based on the 'R20' density coding of the subject site, boundary walls measuring up to 9.0m in length and an average height of 2.7m are only permitted as-of-right as per the relevant Acceptable Development Criteria of the R-Codes, to one side boundary only. Therefore, in seeking a variation, the proposed boundary walls must be assessed against the Performance Criteria of Clause 6.3.2 of the R-Codes. In this instance, the variations are supported based on the following reasons:

- The proposed garage parapet wall abuts the neighbouring driveway area whilst the family / scullery wall abuts a carport structure located on the boundary. As such, bulk impact from both boundary walls is considered to be negligible given the abutting areas are not active habitable spaces, nor does it contain major openings.
- The subject lot is north-south oriented and as such adverse overshadowing impacts towards adjacent properties to the west will not result..
- The proposed wall on the boundary makes effective use of the space available, particularly given the narrow lot width.
- There are no privacy implications between properties given the proposed wall contains no major openings.
- Adequate ventilation to the proposed development and adjoining resident will still be afforded by the setback variation.
- A notable section of the proposed garage boundary wall will be concealed by established landscaping located on adjoining property, thus further reducing the impacts of building bulk.

Whilst the concerns raised by the adjoining neighbour are acknowledged, for reasons outlined above, the variation is supported.

**Buildings on Boundary: Front Setback**

As outlined above, the proposal consists of a boundary wall relative to a garage. Clause 6.3.2 requires boundary walls to be located behind the front setback line. On this basis, a setback of 6.0m would be required in lieu of the 4.5m proposed as part of this application.

The variation has been assessed against the provisions of clause 6.3.2 of the R-Codes and is supported based on the following reasons:

**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

- Existing established landscaping located on the adjoining property will conceal the boundary wall thus ameliorating the impacts of bulk onto the streetscape of Davy Street.
- The development does not propose any front walls / fences in front of the garage along the western boundary. Rather, a visually permeable front wall and gate house structure setback 2.5m from the front boundary is proposed on the eastern side which results in maintaining an open streetscape.
- The garage structure will comprise visually permeable doors and an open internal wall which assists in reducing the overall dominance of the garage onto the street.

**Privacy Setback**

The upper floor master suite balcony as proposed seeks a variation to the privacy setback requirements of the R-Codes. Specifically, the variation relates to the eastern setback which does not achieve 7.5m and as such, has the potential to overlook a future outdoor living area on the adjoining lot.

A condition for screening will ensure that adverse residential amenity impacts are avoided.

**Amenity**

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

**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.

**U12/0415 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (48A) DAVEY STREET, ALFRED COVE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

**A) That the proposed development on Lot 1 (45A) Davy Street, Alfred Cove be approved subject to the following Special and Standard Conditions:**

**SPECIAL CONDITION:**

- 1. Prior to the initial occupation of the development, the eastern elevation of the BALCONY (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 Statutory Planning.**

**STANDARD CONDITIONS:**

- 2. The external face of the boundary wall is 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.**
- 3. 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.**

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

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2012-570  
 Property : 48B Davy Street, Alfred Cove  
 Proposal : Two Storey Single House  
 Applicant : Zen Creative  
 Owner : Mr Peter Sgro  
 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**

<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>

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a two-storey single house on a narrow north-south oriented lot at Lot 2 (48B) Davy Street, Alfred Cove (the 'subject site').
- The proposal is generally compliant with the requirements of the Residential Design Codes of Western Australia (R-Codes) with the exception of setbacks relating to three (3) boundary walls, boundary wall in-front of the front setback line and a privacy setback variation.
- The variations have been advertised to the affected neighbour with objections being received on the grounds of potential damage to private property during construction and loss of privacy.
- Whilst the concerns raised are acknowledged, it is considered that the proposed development satisfies the relevant Performance Criteria of the R-Codes.
- The application is recommended for conditional approval.



**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : Living Area  
 R-Code : R20  
 Use Type : Residential  
 Use Class : 'P' - Permitted

**Site Details**

Lot Area : 466sqm  
 Retention of Existing Vegetation : N/a  
 Street Tree(s) : N/a  
 Street Furniture (drainage pits etc) : N/a  
 Site Details : Refer to photo above

U12\_0416\_26\_June\_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 29 June 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.

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>	<b>Plan Notation</b>
Boundary walls behind front setback line	6.0m	4.5m	Does not comply	MPDS	

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Setback - East					
GF - Garage	1.0 metre	nil	Does not comply	MPDS	
GF – Family	1.0 metre	nil	Does not comply	MPDS	
GF – Kitchen	1.0 metre	nil	Does not comply	MPDS	

(GF – Ground Floor, FF – First Floor)

**PUBLIC CONSULTATION/COMMUNICATION**

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

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition / Uphold/ Not Uphold)
50 Davy Street	The submitter objects to the proposal on the grounds that privacy will be compromised, and in respect of potential property damage during construction.	Object	Whist the concerns raised are acknowledged, issues relating to property damage during construction are not relevant planning considerations.  Damage resulting from construction activities is a metter for the adjoining property owners.	Partially Uphold



**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)**

			<p>A condition of approval to require screening of the upper floor balcony will ensure privacy for neighbouring occupiers is safeguarded.</p> <p>In relation to the boundary wall variations, the walls are deemed to satisfy the relevant Performance Criteria within the R-Codes (refer comments section below for further detail).</p>	
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**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants is required.

**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.

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)****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.

**COMMENTS**

Approval is sought for the development of a two-storey single house on a narrow, north-south orientated lot. As detailed in the preceding sections above, the application has been the subject of consultation with one (1) objection received.

The objection relates to the setback variation sought for each of the boundary walls proposed. Additionally, privacy concerns are raised (in respect of the proposed upper floor balcony), as well as issues associated with property damage occurring during construction..

**Side Setback: Buildings on Boundary**

The boundary wall variations relate to three (3) separate portions of wall all located on the ground floor, these being as follows:

- Garage wall measuring 7.59m (length) by 2.8m (height);
- Family wall measuring 5.45m (length) by 3.3m (height); and,
- Kitchen / laundry wall measuring 6.25m (length) by 2.7m (height).

Based on the 'R20' density coding of the subject site, boundary walls measuring up to 9.0m in length with an average height of 2.7m are only permitted as-of-right as per the relevant Acceptable Development Criteria of the R-Codes, to one side boundary only. Therefore, in seeking a variation, the proposed boundary walls must be assessed against the Performance Criteria of Clause 6.3.2 of the R-Codes.

In this instance, the variations are supported based on the following reasons:

- The proposed garage parapet wall abuts the neighbouring driveway and garage area whilst the remaining two walls abut the neighbouring property where there are no active habitable spaces, outdoor living areas and/or major openings to habitable rooms. As such, there are no adverse bulk impacts which result..
- The subject lot is north-south oriented and as such adverse overshadowing impacts towards adjacent properties to the east will not result..
- The proposed boundary walls make effective use of the space, particularly given the narrow nature of the subject site.
- There are no privacy implications between properties given the proposed walls contain no major openings.
- Whilst the concerns raised by the adjoining neighbour are acknowledged, for reasons outlined above, the variations are supported.

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)****Buildings on Boundary: Front Setback**

As stated, the proposed development incorporates the provision of a boundary wall relative to a garage. Clause 6.3.2 requires boundary walls to be located behind the front setback line. On this basis, a setback of 6.0m would be required in lieu of the 4.5m proposed as part of this application.

The variation has been assessed against the provisions of clause 6.3.2 of the R-Codes and is supported based on the following reasons:

- The streetscape is safeguarded given the variation equates to a 1.5m portion of wall which will be partially concealed by existing landscaping situated on the adjoining property;
- The development does not propose any front walls / fences in front of the garage along the eastern boundary. Rather, a visually permeable front wall and gate house structure setback 2.5m from the front boundary is proposed on the western side which results in maintaining an open streetscape.
- The proposed garage structure has been designed to incorporate visually permeable doors and an open internal wall which will assist in minimising any adverse streetscape impacts..

**Privacy Setback**

The upper floor master suite balcony seeks a variation to the privacy setback requirements of the R-Codes. Specifically, the variation relates to the western setback which does not achieve 7.5m and as such, has the potential to overlook a future outdoor living area on the adjoining lot.

A condition for screening will ensure that adverse residential amenity impacts are avoided.

**Amenity**

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

**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.

**U12/0416 - (DR) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 2 (48B) DAVY STREET, ALFRED COVE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

**C) That the proposed development on Lot 2 (45B) Davy Street, Alfred Cove be approved subject to the following Special and Standard Conditions:**

**SPECIAL CONDITION:**

- 1. Prior to the initial occupation of the development, the western elevation of the BALCONY (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 Statutory Planning.**
- 2. The external face of the boundary wall is 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.**
- 3. 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.**

**ADVICE NOTE:**

- 2. 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.**
- D) The neighbours who made a submission on the proposal be advised in writing of A) above.**

**U12/0417 –(GD) - - TEMPORARY TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA2012 -430  
 Property : Lot 24 (23) Queens Road, Mount Pleasant  
 Proposal : Temporary Telecommunications Infrastructure  
 Applicant : Planning Solutions (Aust) Pty Ltd  
 Owner : Hollioake Group 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 : DA2008-753 - Temporary Mobile Phone Tower.

**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>

**U12/0417 –GD) - - TEMPORARY TELECOMMUNICATIONS INTRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Temporary planning approval is sought for the retention of a telecommunications installation at 23 Queens Road, Mount Pleasant.
- The telecommunications installation in question was sited in its current position after the demolition and clearance of the subject site pending its redevelopment. Prior to that it was sited on the roof of the former building.
- Approval was initially granted for a period of 2 years, on the assumption that the redevelopment of the site would take place, after which the installation could be placed back on the roof of the new building
- In reality the redevelopment of the site has stalled, and both the temporary approval for the siting of the free standing telecommunications tower, and the approval for the redevelopment of the site , have lapsed, which means that the tower does not have the benefit of a valid planning approval at this point in time.
- The current DA seeks to rectify that position, and on the basis that telecommunications coverage is not disrupted for the locality, approval for a further three years is sought.
- The details of the planning application have been the subject of consultation with local property owners, as a result of which three objections have been raised.
- To improve the appearance of the installation in the interests of visual amenity, and at the request of the City, the applicant has agreed to erect fencing around the perimeter of the tower and paint the electrical cable housing (which currently runs along the southern boundary of the lot) to colour match it with the existing dividing fences of adjoining properties.
- On that basis, it is recommended that temporary approval for a further period of 3 years is granted.



**U12/0417 – (GD) - TEMPORARY TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)****BACKGROUND**

Planning Approval was granted for the redevelopment of 23 Queens Road for mixed use purposes. (DA-2007-499 approved on 27 November 2007, refers). The previous building housed telecommunications equipment on its roof, this infrastructure being displaced when the former buildings that occupied the lot were demolished and the site cleared pending its redevelopment.

Temporary approval for the erection of a tower to house the displaced telecommunications equipment was granted on 28 October 2008. This was given on the basis that the equipment would be relocated back to the building once it was constructed.

In practice the redevelopment of the site did not take place, and the planning approval lapsed. This meant that the temporary telecommunications tower, which houses infrastructure that is necessary in order to provide access to decent telecommunications facilities for local residents, has been in existence without the benefit of planning approval since the expiry of the current approval in October 2009..

Compliance action undertaken in respect of this fact has now resulted in the submission of the subject application.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Community Centre Precinct (CCR)
R-Code	:	R40
Use Type	:	N/A
Use Class	:	N/A

**Site Details**

Lot Area	:	854.822sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer photo above

U12\_0417\_26\_June\_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 29 June 2012.

**U12/0417 – (GD) - TEMPORARY TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)****DETAIL****Development Requirements**

Council Policy CP-064 requires new telecommunications infrastructure installations to satisfy the following criteria:

1. Be located within the City Centre, District Centre, Commercial Centre, Commercial Centre Frame, Community Centre, Mixed Business, Mixed Business Frame or Industrial Precincts or on land reserved as Open Space under the provisions of the City of Melville Community Planning Scheme No 5, or Parks and Recreation under the provisions of the Metropolitan Region Scheme (MRS) (refer to Land Reserved under the MRS section below);
2. Where located within proximity to residential properties and other sensitive land uses, such as schools and child day care facilities, care must be taken to ensure facilities are well designed, and sited to minimise visual impact;
3. Be integrated with the building it is attached to rather than free-standing or be designed to have a minimal impact on the streetscape and surrounding properties;
4. Be constructed using non-reflective materials of a colour that is compatible to the building it is attached to, or the surrounding area within which it is located;
5. Be located so to not have any significant adverse impacts on the visual character and amenity of areas of natural conservation value, places of heritage significance, prominent landscape features and significant views; and
6. Be designed in such a manner as to permit the future co-location of other providers.

The current retrospective proposal has been assessed against this policy criteria, as detailed in the 'comments' section below.

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes – three (3) submissions received
Reason:	As per Policy CP-064: Telecommunications Facilities and Communications Equipment
Support/Object:	Object



**U12/0417 – (GD) - TEMPORARY TELECOMMUNICATIONS INTRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition / Uphold/ Not Uphold)
Submission 1	<p>Concerns raised in relation to the following:</p> <ul style="list-style-type: none"> <li>• Does not improve mobile phone and data coverage around our area.</li> <li>• Possible radiation effects given the facilities proximity to residential.</li> </ul>	Object	<p>The applicant has demonstrated that the installation is required in providing uninterrupted telecommunications coverage for this particular operator. .</p> <p>With regard to radiation concerns, all telecommunication facilities are the subject of assessment against the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards. In this case an Electromagnetic Energy level report which states the highest exposure level will be 0.29% of the exposure level</p>	Not Uphold

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			permitted for the general public (24 hour continuous exposure). This level has been set by ARPANSA, with a safety margin, below a level for which there have been no reported biological effects of radio frequency energy in the band used by mobile phones.	
Submission 2	<p>Concerns raised in relation to the following:</p> <ul style="list-style-type: none"> <li>• The tower is not in keeping with the area.</li> <li>• The tower presents a serious health risk to our children given the proximity to Mount Pleasant Primary School.</li> <li>• Object to the temporary tower been approved for 3 years.</li> </ul>	Object	<p>Concerns raised with regard to the visual amenity impact are acknowledged. In this respect,, the applicant has agreed to erect fencing around the perimeter of the tower and colour match the electrical cable housing with the existing dividing fences of adjoining properties. This will improve the appearance of the infrastructure and its immediate surrounds.</p> <p>Health risks (refer above)..</p>	Partially Uphold
Submission 3	<p>Concerns raised in relation to the following:</p> <ul style="list-style-type: none"> <li>• Extension to the time frame.</li> <li>• Omitting continual radiation;</li> <li>• Has not made a difference to mobile phone reception.</li> </ul>	Object	Noted - refer comments above.	Not Uphold

**U12/0417 – (GD) - TEMPORARY TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 24 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

None required as part of this application.

**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**

There are no financial implications associated with this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications associated with this proposal.

**POLICY IMPLICATIONS**

Council Policy CP-064 requires new telecommunications infrastructure installations to satisfy the following criteria:

1. Be located within the City Centre, District Centre, Commercial Centre, Commercial Centre Frame, Community Centre, Mixed Business, Mixed Business Frame or Industrial Precincts or on land reserved as Open Space under the provisions of the City of Melville Community Planning Scheme No 5, or Parks and Recreation under the provisions of the Metropolitan Region Scheme (MRS) (refer to Land Reserved under the MRS section below).

Given the subject site is zoned 'Community Centre' Precinct, the proposal satisfies clause 1 of CP-064.

2. Where located within proximity to residential properties and other sensitive land uses, such as schools and child day care facilities, care must be taken to ensure facilities are well designed, and sited to minimise visual impact.

The proposal directly abuts land zoned for and otherwise containing residential uses. The structure which measures 12.0m in height contains three (3) panel antennas and is considered to have a limited visual impact.

However, as the tower is proposed to be sited for a temporary period only, and as it will ultimately be resited on the roof of the proposed buildings once the site is redeveloped, a variation to this clause is considered to be acceptable.

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3. Be integrated with the building it is attached to rather than free-standing or be designed to have a minimal impact on the streetscape and surrounding properties.

Proposed fencing and painting of the electrical cable housing is considered to minimise the streetscape impact of the proposal. Upon redevelopment of the site, the facility will be relocated (most likely in the form of a low impact installation), at which stage any perceived adverse visual amenity impacts from the free standing structure will be removed. ..

4. Be constructed using non-reflective materials of a colour that is compatible to the building it is attached to, or the surrounding area within which it is located.

The tower is of a galvanized finish which is considered to be the most unobtrusive colour option.

5. Be located so to not have any significant adverse impacts on the visual character and amenity of areas of natural conservation value, places of heritage significance, prominent landscape features and significant views.

This clause is not considered to be applicable in this case given the location of the application site in a 'Community Centre' Precinct..

6. Be designed in such a manner as to permit the future co-location of other providers.

Ultimately, the future redevelopment of the site will allow the telecommunications infrastructure to be relocated as a low-impact facility with likely options for other providers to follow suit...

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

**COMMENTS**

As stated, temporary approval is sought to retain the existing telecommunications infrastructure pending the redevelopment of the subject site.

Whilst it is unclear when the redevelopment will occur, it will ultimately allow for the relocation of the telecommunications infrastructure, likely in the form of a low impact installation (e.g. roof mounted). Redevelopment is not likely to be delivered in the short term, in which case a temporary approval period of three (3) years is sought.

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The applicant has submitted supporting information demonstrating telecommunications coverage information with and without the proposal. This shows that the installation is required in order to maintain access to quality coverage for local residents, as without the tower, mobile phone coverage will be reduced.

Since initial submission, the applicant has confirmed his agreement to install a fence around the base of the installation, as well as to undertake the painting of the cable housing that extends along the southern boundary of the site between the tower itself, and an electricity supply some 50m away.

On that basis, the proposed development has been assessed against the provisions of City of Melville Policy CP-064 - Telecommunications Facilities and Communications Equipment (see Policy Section of this report) and whilst discretion is sought in respect of some of the Policy provisions, it is considered that on balance the proposal is consistent with its key policy objectives.

**CONCLUSION**

As the proposal is for a temporary period only and given any approval will be conditional upon the provision of fencing and painting, temporary approval for a period of three (3) years is recommended.

**OFFICER RECOMMENDATION****APPROVAL**

- A) That the application for a Temporary Telecommunications Infrastructure at Lot 24 (23) Queens Road, Mt Pleasant be approved subject to the following conditions:**
- 1. A 1.8m high fence measuring 4.8m x 4.8m being constructed around the base of the tower.**
  - 2. The electrical cable housing located along the southern boundary of the subject site be painted to colour match the adjoining dividing fence/s.**
- B) That the residents who made a submission in relation to the proposal be notified of A) above.**