

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**9 OCTOBER 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: 12 OCTOBER 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, 9 OCTOBER 2012.**

**PRESENT**

A Templeton(A/Presiding Member)  
T Capobianco  
H Shigeyoshi  
J Wardell – Johnson  
C Taborda

Planning Services Coordinator  
Principal Building Surveyor  
Senior Planning Officer  
Senior Planning Officer  
Engineering Technical Officer

**APOLOGIES**

P Prendergast (Presiding Member)  
L Mannion  
R Bailey

Manager Planning & Development Services  
Technical Officer  
Special Projects Officer (Engineering  
Design)

**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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**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2012-1041  
 Property : Lot 913 (5/1) Bridges Road, Melville  
 Proposal : Carport with Storage  
 Applicant : Mr Ross Crane  
 Owner : Mr Ross Crane  
 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 : No Previous Items

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council reviews decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the 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>

**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought to construct a carport with storage at Unit 5, 1 Bridges Road, Melville.
- The carport is proposed to be constructed up to the southern and western boundaries.
- The proposal satisfies the requirements of the City of Melville Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council policies with the exception of the boundary walls.
- During the advertising period, three submissions were received, two with no objection to the proposal and one objection. The objection outlined concerns with respect to building bulk and overshadowing.
- Notwithstanding the concerns raised, the proposal is considered to satisfy the applicable Performance Criteria and is recommended for approval.



**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area (ML-1 Melville)
R-Code	:	R20
Use Type	:	Residential
Use Class	:	'P' Permitted

**Site Details**

Lot Area	:	2024sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to aerial photo above

U12\_0423\_October\_2012 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 12 October 2012.

**DETAIL**

**Development Requirements**

<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 Wall	<p><i>Height</i> 3m max height 2.7m average height</p> <p><i>Length</i> 9m</p> <p>Up to one boundary only</p>	<p><i>Height</i> 2.7m maximum and average</p> <p><i>Length</i> West - 9m South – 4.8m</p> <p>Up to two boundaries</p>	Boundary walls proposed up to two boundaries- Does not comply	MPDS	

**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variation to R-Codes  
 Support/Object: Three submissions received, two with no objection and one objection.

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Submission 1	<p>The wall will be unsightly.</p> <p>The boundary wall will create a claustrophobic feel in the courtyard, particularly due to the change in ground levels between the two sites.</p>	Object	<p>A condition of approval is recommended requiring the boundary wall be finished to the satisfaction of the neighbour.</p> <p>The adjoining site to the west is approximately 0.3m lower than the subject property as the adjoining site was excavated. The height of the proposed boundary wall satisfies the Acceptable Development criteria as it is 2.7m above natural ground level.</p>	<p>Condition</p> <p>Not Uphold</p>



**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

	<p>The parapet wall will block out the sun, ruining the ability to use the outdoor living area.</p>		<p>The east-west orientation of the two lots mean that the proposed boundary wall will result in very minor overshadowing of the adjoining property's courtyard in the early morning. The proposal satisfies the Acceptable Development criteria of the R-Codes with regard to overshadowing.</p>	<p>Not Uphold</p>
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**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies was required as part of this application.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for planning approval; the applicant will have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council associated with this application.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic risk or environmental management implications applicable to this application.

**POLICY IMPLICATIONS**

There are no policy provisions applicable to this application.

**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (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**

Planning approval is sought for the construction of a 32sqm carport and storage area at Unit 5, 1 Bridges Road, Melville.

The proposed carport is to be located in the south-west corner of the lot, with boundary walls up to the southern and western boundaries, which are 4.8m and 9m in length respectively and 2.7m in height. The carport is proposed to house the Applicant's work vehicle which does not fit within the existing garage.

The proposal satisfies all of the applicable CPS5, R-Code and Council Policy provisions with the exception of the two proposed boundary walls.

The subject property is zoned R20. Under the Acceptable Development criteria, properties zoned R20 zone are permitted to have boundary walls up to 9m in length, with a maximum and average height of 3m and 2.7m respectively, up to one boundary only. The proposed carport satisfies the Acceptable Development criteria with the exception of the boundary walls up to two boundaries. As such, a minimum setback of 1m is required for one of the proposed boundary walls.

It is noted that the ground level of the adjoining property to the west (18C Prinsep Road) has been excavated in the past and now has a finished ground level which is approximately 0.3m lower than the subject property. The existing ground level of 5/1 Bridges Road is deemed to be natural ground level, which is where height is measured from.

The proposal is considered to satisfy the Performance Criteria for the following reasons:

- The location of the proposed carport within the southwest corner of the property will make effective use of the available space on the property.
- The proposed carport will enhance the privacy between the subject property and the two abutting properties.
- The 4.8m length of the proposed southern elevation of the carport will result in overshadowing on to the backyard of 1E Kitchener Road, however this will not be significant due to its limited length and 2.7m height. Furthermore, the proposal satisfies the Acceptable Development criteria of the R-Codes relating to overshadowing.
- The 9m boundary wall proposed along the western boundary will not result in any significant overshadowing of the adjoining property to the west and will be limited to early morning sun.

**U12/0423 – (BA) - PROPOSED CARPORT AT LOT 913 (UNIT 5/1) BRIDGES ROAD, MELVILLE (REC) (ATTACHMENT)**

- The potential impact upon the amenity of the adjoining property to the west is considered to be exacerbated by the difference in ground levels between the two lots. The 0.3m difference in ground levels will result in the proposed boundary wall appearing to be 3m in height when viewed from the adjoining property, however when measured from the natural ground level (as required by the R-Codes), the boundary wall height is 2.7m and satisfies the Acceptable Development criteria. Notwithstanding this, the bulk impact of the proposed boundary wall is anticipated to be minor as only 0.9m of parapet wall will be visible above the existing fence. A condition of approval is recommended to ensure that the boundary wall (if approved) is finished to the satisfaction of the neighbour.
- Were the carport repositioned to be located a minimum of 1m off the rear (southern) boundary, the western boundary wall as proposed would be permitted as of right under the Acceptable Development criteria of the R-Codes.

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**

The proposal is considered to satisfy the Performance Criteria of the R-Codes relating to boundary walls. The proposal is otherwise in compliance with the provisions of the CPS5 and the R-Codes 2010. As such, it is recommended that the application be given approval.

**OFFICER RECOMMENDATION****APPROVAL**

- A) That the application for the proposed Carport on Lot 913 (5/1) Bridges Road, Melville be approved subject to the following Special and Standard Conditions:**

**SPECIAL CONDITIONS:**

- 1. All stormwater and drainage run off to be contained on site.**

**STANDARD CONDITIONS:**

- 2. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**

- B) That the objector be notified of A) above.**