

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**9 APRIL 2013**

1. This Meeting makes Recommendations to the Manager Statutory Planning.
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 Statutory Planning. 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 second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY 12 APRIL 2013



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## 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.**

## **TABLE OF CONTENTS**

U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT) ..... 1

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2013-234  
 Property : 20 Calpin Crescent Attadale  
 Proposal : Carport  
 Applicant : Shane Le Roy  
 Owner : Ken Cheney  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : None Applicable  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**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 operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct a carport addition along the western side of the existing dwelling at 20 Calpin Crescent, Attadale
- The carport is proposed to be built up to the side boundary which requires assessment against the Performance Criteria of the Residential Design Codes (R-Codes) as there are no as of right boundary wall provisions within areas zoned R15..
- The application was advertised to the adjoining property owners and one submission was received on the basis of overdevelopment, overshadowing, building bulk and noise affecting the enjoyment of their alfresco area.
- While the concerns raised within the submission received are acknowledged, the application is considered to satisfy the relevant Performance Criteria of the R-Codes and as such is recommended for approval.



**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	948m <sup>2</sup>
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Affected
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to Photo Above

U13\_0437\_April\_2013\_A A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 12 April 2013.

**DETAIL**

**Development Requirements**

The proposal satisfies all of the relevant requirements contained within Community Planning Scheme No. 5, the R-Codes and Council Policy with the exception of those matters listed below.

**R-Code Requirements**

<b>Development Requirement</b>	<b>Acceptable Development</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve Variation</b>
Boundary wall	No as-of-right boundary walls within R15 zone	6m long 2.9m high	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with the R-Codes  
 Support/Object: Object

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action</b>
1	The visual bulk of the wall will impact upon the submitter's alfresco area and enclose the area.	Objection	The bulk impact of the proposed boundary wall upon the adjoining property's alfresco area is considered to be ameliorated by the location and design of the carport as only a 3m length of the wall will abut the alfresco area. In addition the height of the proposed wall is such that only 2.5m of it will be evident from the neighbouring property given the change in ground levels that exists between the two lots.	Not Upheld
	The wall will impact upon access to morning light into the submitter's alfresco area and other living areas within the dwelling.	Objection	The proposed development satisfies the Acceptable Development provisions of the R-Codes relating to overshadowing.	
	The roof will negatively impact upon the submitter's property and the submitter seeks for it to be located at least 2m away from the boundary.	Objection	The proposed roof will not be visible from the adjoining property as it will be concealed behind the proposed boundary wall.	



**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

	The carport represents overdevelopment of the site.	Objection	The existing dwelling in conjunction with the proposed carport would result in 58% open space on the subject site which satisfies the Acceptable Development provisions of the R-Codes.	
	The carport is proposed over a sewer easement.	Objection	The proposed carport will be constructed over an existing sewer easement however this is not a material planning consideration. An advice note is recommended advising the Applicant to contact the Water Corporation.	

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / 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 associated with this application.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions within the applicable Council policies.

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT, ATTADALE (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.

**COMMENT**

Planning approval is sought to construct a double carport along the western side of the existing dwelling at 20 Calpin Crescent, Attadale.

The proposal satisfies all of the relevant requirements within CPS5, the R-Codes and Council Policy with the exception of the Acceptable Development provisions of the R-Codes relating to boundary walls. As such, the proposal requires assessment against the relevant Performance Criteria of the R-Codes.

Performance Criteria 6.3.2 allows boundary walls within the R15 zone to be approved where they make effective use of space, or enhance privacy, or otherwise enhance the amenity of the development whilst also not resulting in any significant adverse effects upon the amenity or access to direct sun into the adjoining property.

In this instance, the proposed boundary wall is considered to make effective use of the available space on the subject site and will aid privacy between the two properties as no openings are proposed within the wall.

It is acknowledged that the proposed boundary wall will abut an existing alfresco area on the adjoining property, however the potential bulk and amenity impact as a result of the proposed boundary wall is considered to be ameliorated by the location and design of the carport. Only a 3m length of the proposed boundary wall is proposed to be located adjacent to the the adjoining property's alfresco area, furthermore, the height of the proposed boundary wall will be only 2.5m above the raised floor level of the adjoining property's alfresco area.

The proposed boundary wall will also have an impact upon access to morning sunlight into the adjoining property's alfresco area; however this is also mitigated by the raised floor height of the adjoining property's alfresco area and the limited length of the boundary wall which will be located adjacent to the alfresco area.

In addition to the above, it is considered that the impact of the proposal upon the adjoining property's alfresco area would be similar to that which would occur as a result of a wall setback to satisfy the Acceptable Development (i.e a 3.5m high wall setback 1m from the boundary).

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)****CONCLUSION**

As outlined above, notwithstanding the objection received, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes, and as such is recommended for approval.

**OFFICER RECOMMENDATION****APPROVAL**

**A) That the application for a Carport Addition at Lot 137 (20) Calpin Crescent, Attadale be approved subject to the following conditions:**

- 1. 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.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the commencement of the development, the street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.**

**ADVICE NOTES**

- 1. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.**
- 2. Any additional development which is not in accordance with the original application or conditions of approval will require further approval.**
- 3. This approval is not permission to build. A building application is required to be submitted and approved for this development prior to the commencement of any works on the site.**

**U13/0437 – (BA) - CARPORT ADDITION AT LOT 137 (20) CALPIN CRESCENT,  
ATTADALE (REC) (ATTACHMENT)**

**4. In order to satisfy Condition 4, the following measures (at a minimum) are required:**

- **A Tree Protection Zone (TPZ), in the form of a mesh fence (or similar material) is to be installed around each street tree prior to the commencement of works on site, and retained in place until the completion of the development.**
- **The TPZ is to have a radius of no less than 1.2m from the outside of the trunk of the street tree.**
- **Once established, no persons, vehicles or machinery are to enter the TPZ.**
- **No stockpiling of building materials, debris or soil is to occur within the TPZ.**
- **No fuel, oil dumps or chemicals are allowed or stored within the TPZ.**
- **No signage or other fixtures are to be attached to the tree.**
- **The natural ground level of the verge is not to be altered.**

**All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.**

**B) That the neighbours who submitted on the application be notified of A) above.**