

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**20 AUGUST 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: 23 AUGUST 2013**



**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, 20 AUGUST 2013.**

**PRESENT**

P Prendergast (Presiding Member)

A Templeton

T Capobianco

J Wardell-Johnson

L Mannion

Manager Statutory Planning

Planning Services Coordinator

Manager Building Services

Senior Planning Officer

Technical Officer

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

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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.**

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**U13/0445- (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B) WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2013-972  
 Property : Lot 2 (No. 35B) Williams Road, Melville  
 Proposal : Two Storey Grouped Dwelling  
 Applicant : Cityside Design  
 Owner : Gregory Henderson  
 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 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B) WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of a two storey dwelling at Lot 2 (No. 35B) Williams Road, Melville.
- The subject lot is a narrow east-west orientated lot that satisfies all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5), the Deemed to Comply provisions of the Residential Design Codes, (R-Codes) and Council Policy, with the exception of the proposed boundary walls.
- The application was advertised in accordance with the R-Codes and two submissions opposing the proposal were received.
- Notwithstanding the objections received, the proposed boundary walls have been assessed and found to comply with the relevant R Code Design Principles, in that no significant adverse visual amenity or overshadowing impacts will result.
- The application is recommended for conditional approval.



**Scheme Provisions**

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

**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B)  
WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

**Site Details**

Lot Area : 454sqm  
Retention of Existing Vegetation : None applicable  
Street Tree(s) : None applicable  
Street Furniture (drainage pits etc) : None applicable  
Site Details : See aerial photo above

U13\_0445\_August\_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 23 August 2013.

**DETAIL**

The development is broadly compliant with the R Codes, CPS5 and Council Policies, with the exception of the proposed boundary walls which constitute a variation to the deemed to comply provisions of the R Codes.

**R-CODE REQUIREMENTS**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Boundary Walls	<i>Length</i> 9m or 1/3 <sup>rd</sup> the length of one side boundary (whichever is greater)  <i>Height</i> 3m average height 3.5m max. height  Up to one boundary only	<i>North Side</i>  Length 6.3m  Height 6.5m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
		<i>South Side</i>  Length 4.2m  Height 3.2m		

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: Part 4 of the R Codes  
Support/Object: Two objections

**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B)  
WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The boundary wall will result in the feeling of being 'boxed in'.	Objection	The marked change in the finished floor levels of the objector's property when compared to the subject property, is such that a view over the proposed boundary wall will be maintained.	Not Uphold
	Note that the boundary wall is proposed at the widest portion of the block.  Access during the building phase will be difficult.		Noted.  Not a material planning consideration.	Not Uphold  Not Uphold
2	The proposed boundary wall will be an eyesore as viewed from the street.  The boundary wall will create a wind tunnel and additional drainage requirements for the submitter's property.  The proposed window into Bedroom 1 will look straight into the submitter's bedrooms.  The northern side of the balcony should be screened.	Objection	The 6.5m high proposed boundary wall to the north side will be setback 1.0m behind the forward most point of the objectors property. As such it will be effectively obscured by the existing property to the north, when viewed within the streetscape.  Not material planning considerations.  The Bedroom 1 window and balcony satisfy the Deemed to Comply provisions of the R-Codes.	Not Uphold  Not Uphold  Not Uphold



**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B)  
WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

None 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 applicable to this application.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal has been assessed and is considered to satisfy all of the applicable Council Policies.

**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 to construct a two storey dwelling at 35B Williams Road, Melville..

As outlined above, the proposal satisfies all of the applicable provisions contained within CPS5, the Deemed to Comply provisions of the R-Codes and Council Policy with the exception of boundary walls.

**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B)  
WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

Design Principle 5.1.3 of the R-Codes acknowledges that buildings can be built up to boundaries in order to make effective use of space for enhanced privacy, providing they do not result in any significant adverse effects on the amenity or solar access to the adjoining properties and they positively contribute to the prevailing development context and streetscape.

The proposal is considered to satisfy the abovementioned Design Principle for the following reasons:

*Southern boundary wall*

- The adjoining property to the south has a front setback of approximately 12m. The proposed boundary wall to the south side, which is 4.2m in length, and is setback 6.0m from the street in accordance with the Deemed to Comply requirements of the R Codes, is wholly sited in front of the building line of that adjoining property. As the wall is short in length, as only a very short portion of it extends to 3.2m in height, and as it abuts the front garden area of the adjoining property, adverse amenity impacts will not result.
- The floor level of the adjoining property to the south is elevated by approximately 1.4m above ground level. This means that the kitchen window located on the northeast corner of the adjoining dwelling will continue to have a view, above the top of the wall, towards the street.
- Solar access is not affected as the wall abuts open garden area, not a habitable room or outdoor living area.
- The proposed boundary wall is only 200mm higher than that permitted by the Deemed to Comply provisions of the R-Codes. This 200mm is at the point closest to the road and is a result of a drop in ground level. The scale of the variation is therefore considered minor.

*Northern boundary wall*

- The proposed boundary wall will abut an existing single storey boundary wall on the adjoining property to the north. The upper floor level of the adjoining dwelling does not incorporate any major openings adjacent to the proposed boundary wall. A small highlight window is however located within the southeast corner of the upper floor level. This window will only allow a view of the proposed boundary wall at an oblique angle. As such, not significant adverse amenity impact is anticipated.
- The proposed boundary wall is to be located approximately 1m behind the front setback line of the adjoining dwelling and therefore will not be highly visible within the streetscape.
- Solar access is not compromised, mainly due to the orientation of the lots, but also in view of the lack of any major window openings within the southern side elevation of the adjoining dwelling.

**U13/0445 – (BA) - TWO STOREY, GROUPED DWELLING AT LOT 2 (NO. 35B)  
WILLIAMS ROAD, MELVILLE (REC) (ATTACHMENT)**

### **CONCLUSION**

The proposal is considered to satisfy the relevant Design Provisions of the R-Codes and as such, is recommended for conditional approval.

### **OFFICER RECOMMENDATION**

### **APPROVAL**

- 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.**