

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**12 FEBRUARY 2013**

- 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.



**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, 12 FEBRUARY 2013.**

**PRESENT**

P Prendergast (Presiding Member)  
T Capobianco  
H Shigeyoshi  
A Templeton  
J Wardell Johnson  
R Bailey

Manager Planning and Development  
Principal Building Surveyor  
Senior Planning Officer  
Planning Services Coordinator  
Senior Planning Officer  
Special Projects 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.**

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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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**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA 2012-1415  
 Property : 23 Troy Street, Applecross  
 Proposal : Single storey house  
 Applicant : Dale Alcock Homes  
 Owner : Mr G Spalding  
 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 reviews decisions made by Officers.</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>

**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct a single storey dwelling at Lot 16 (23) Troy Street, Applecross.
- The proposal is generally compliant with the provisions of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council Policies with the exception of boundary setbacks, a boundary wall and open space.
- The application has been advertised and four submissions were received. Two in support and the other two objecting to the proposal due to privacy, access to sunlight and ventilation concerns.
- Notwithstanding the objections received, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes and is therefore recommended for approval subject to conditions.



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**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)****BACKGROUND**

The original application submitted to the City for consideration included the use of 'Surfmist' colorbond roofing, a colour deemed to be 'highly reflective' under the provisions of Council Policy 06-PL-023: Highly Reflective Roofing Materials. This fact was advertised to the surrounding property owners as part of the consultation undertaken, and as a result of the submissions received the applicant amended the roofing material to 'Mist Grey' or 'Paperbark'. Accordingly, the roofing material no longer represents a variation to Council Policy.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R12.5
Use Type	: Residential
Use Class	: P - permitted

**Site Details**

Lot Area	: 889m <sup>2</sup>
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Retained
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer to photo above

U13\_0431\_12\_February\_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 15 February 2013.

**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)**

**DETAIL**

The application has been assessed against the requirements of CPS5, the R-Codes and Council Policy. The following matters do not satisfy the Acceptable Development Criteria of the R Codes and therefore require assessment against the Performance Criteria:

**Development Requirements**

<b>Development Requirement</b>	<b>Acceptable Development Provisions</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>	<b>Plan Notation</b>
Open Space	55% (489m <sup>2</sup> )	51% (455m <sup>2</sup> )	Requires assessment using Performance Criteria	MSP	
Boundary Wall	No 'as of right' boundary walls in R12.5 zone	Length – 12.7m Height – 2.8m	Requires assessment using Performance Criteria	MSP	
Southern Side Setback	1.5m	1.06m	Requires assessment using Performance Criteria	MSP	
Rear Setback	7.5m	1.6 – 3m	Requires assessment using Performance Criteria	MSP	

Note: Commentary in this report will be restricted to consideration of the rear setback variation only, as this variation is the subject of the objection. The other variations listed above have been assessed against, and are found to be consistent with, the intent of the relevant Performance Criteria..



**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variation to the R-Codes  
 Support/Object: One support, One objection

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
1 & 2	No objection to the proposal	Support	Noted	Uphold
3 & 4	Express concern that the proposed variations (rear setback and roofing material) will lead to excessive noise, overshadowing, loss of privacy and unwanted glare.	Objection	As mentioned above, the Applicant has amended the proposed roofing material and as such is no longer a variation to Council Policy.  This is a proposed single storey dwelling, and as such is unlikely to be visible from the properties located to the west due to the change in topography and the existence of a dividing fence between the two opposing properties. As such, the proposed development will not adversely impact access to sunlight, nor will it compromise privacy..	Not Uphold

**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

None applicable in respect of this application.

**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 is no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions within 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 single storey dwelling at Lot 16 (23) Troy Street, Applecross.

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of open space, a boundary wall, side setback and the rear boundary setback distance.

**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)**

Details of the proposed development, including all development variations, were the subject of consultation with the owners of potentially affected properties, which resulted in the receipt of submissions in respect of the proposed rear setback variation only. As such, further commentary in this report will be restricted to a detailed consideration of the implications that the proposed rear setback variation will have on levels of residential amenity currently enjoyed by those residents. .Otherwise, it is concluded that the remaining development variations as previously outlined, have been assessed and are considered to be acceptable and in accordance with the relevant Performance Criteria.

**Rear Setback**

Performance Criteria 6.3.1 allows for variations to the Acceptable Development criteria where setbacks provide adequate direct sun and ventilation to the subject and adjoining dwelling and appurtenant open spaces, privacy between properties is protected, and where setbacks assist in ameliorating the impacts of building bulk on adjoining properties. The proposed setback variations along the southern boundary are considered to satisfy these criteria for the following reasons:

- The proposed dwelling is of single storey design and has a wall height of only 2.6m along the rear elevation. As such, the proposed dwelling will not have an impact upon the adjoining property's privacy or access to sunlight and ventilation.
- The property to the rear of the subject site is set at a lower natural ground level than the subject site. This difference in ground levels is noted to be 0.4m immediately adjacent to the common boundary between the two properties.. This area is a landscaped terrace which is currently not an active outdoor living area. The remainder of this property has a finished ground level which is approximately 2.0m lower than the natural ground level of the subject site. As a result of this change in ground level between the two properties, it is anticipated that the proposed dwelling will not be visible from the adjoining property.
- The existing dwelling on the subject lot (recently demolished ) was itself located within the 7.5m rear setback distance.
- There are many other dwellings constructed within the 7.5m rear setback distance within the surrounding location.

**Amenity**

The proposed development has been assessed in accordance with the amenity provisions outlined in 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.

**U13/0431 – (BF) - PROPOSED SINGLE STOREY HOUSE ON LOT 16 (23) TROY STREET, APPLECROSS (REC) (ATTACHMENT)****CONCLUSION**

It is considered that the proposed development satisfies the relevant provisions of CPS5, the R-Codes and Council's policies. Accordingly, it is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- A) That the application for a single storey house on Lot 16 (23) Troy Street, Applecross be approved with the following conditions:**
- 1. 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.**
  - 2. 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.**
  - 3. All stormwater generated on site is to be retained on site.**
- B) That the residents who made a submission on the proposal be notified in writing of A) above.**

**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2010-1242/A  
 Property : 28 Blackwall Reach Parade, Bicton  
 Proposal : Roof Top Balustrade  
 Applicant : Emmerton Pty Ltd  
 Owner : N Lomma  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : DA-2010-1242 approved by the State Administrative Tribunal on 22 September 2011.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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<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	<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>

**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The State Administrative Tribunal (SAT) granted approval for the construction of a three storey dwelling with undercroft at Lot 950 (28) Blackwall Reach Parade on 22 September 2011.
- Planning approval is now sought to amend the previously approved plans to allow for the installation of a balustrade around the perimeter of the roof to create a larger balcony on the third floor level.
- The proposal requires consideration under the Performance Criteria of the Residential Design Codes (R-Codes) in respect of visual privacy and boundary setbacks.
- The application was advertised and one submission was received outlining concerns with regard to the proposed visual privacy setback.
- The proposal has been assessed against the relevant Performance Criteria of the R-Codes and is considered to satisfy the criteria notwithstanding the objection raised.
- The application is recommended for conditional approval.



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**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)****BACKGROUND**

On 22 September 2011, the SAT approved an application for the construction of a three storey dwelling with undercroft at 28 Blackwall Reach Parade, Bicton. This dwelling is currently under construction.

The approved plans denoted a balcony on the third floor level of approximately 70m<sup>2</sup> setback 3.7m from the southern boundary. The majority of the remaining flat roof area was to be an inaccessible roof garden.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living
R-Code	:	R12.5/17.5
Use Type	:	Residential
Use Class	:	'P' Permitted

**Site Details**

Lot Area	:	676 sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to photo above

U13\_0432\_February\_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 15 February 2013.

**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)**

**DETAIL**

The application has been assessed against the requirements of CPS5, the R-Codes and Council Policy. The following matters do not satisfy the Acceptable Development Criteria of the R Codes and therefore require assessment against the Performance Criteria:

**Development Requirements**

<b>Development Requirement</b>	<b>Acceptable Development Provisions</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>	<b>Plan Notation</b>
Visual Privacy	Balconies which overlook any part of an adjoining property behind its street setback line setback 7.5m.	0.85 – 2m	Requires assessment using Performance Criteria	MSP	
Southern boundary setback	3.5 – 7.6m	0.85 – 2m (as previously approved)	Requires assessment using Performance Criteria	MSP	

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Variation to R-Codes
Support/Object:	One objection



**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	The proposal is a gross invasion of privacy.	Objection	The objector expresses concern regarding the overlooking of an area within the front setback of his property, which is already capable of being overlooked from the street, and in any event, is not afforded such protection by the R Code provisions..	Not Uphold

**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 applicable Council policies.

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**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (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 to amend the plans previously approved by the SAT, to allow for the installation of a balustrade around the perimeter of the second floor roof to create a larger balcony at third floor level.

The resultant balcony is proposed to be approximately 170m<sup>2</sup> in area and setback between 0.85 – 2m from the southern boundary. This will allow for the entire area of the flat roof of the second floor area to be accessible as an outdoor living area. Much of the additional balcony area was previously planned to be an inaccessible green roof or rooftop garden.

As outlined above, the proposal satisfies all of the relevant requirements contained within CPS5, the R-Codes and Council policy, although given the setback to the proposed balcony is less than 7.5m, assessment using the performance criteria of the R Codes is required..

Visual Privacy

The proposed extension to the roof top balcony will continue to allow views to the north, east and south of the site. The extended balcony will also allow views into the front and side (north) setback area of the adjoining property to the south.

As stated, as the proposed balcony extension is not setback a minimum of 7.5m from the common boundary, assessment against the Performance Criteria of the R-Codes is required in order to determine whether the development can be considered acceptable in the context of the R Codes requirements.

Performance Criteria 6.8.1 acknowledge that reduced setback distances for balconies can be approved where direct overlooking of sensitive spaces such as habitable room and outdoor living areas are protected.

In this instance, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes for the following reasons:

- The proposed balcony will allow overlooking of the existing balcony on the adjoining property to the south which wraps around the front (western) and side (northern) elevations. This balcony is not considered to be a sensitive space requiring protection from overlooking because the majority is located within the front setback area and it is entirely visible from Blackwall Reach Parade.

**U13/0432 – (SB) - ADDITION OF A BALCONY BALUSTRADE TO THE THIRD FLOOR OF A THREE STOREY DWELLING (WITH UNDERCROFT) UNDER CONSTRUCTION AT LOT 950 (28) BLACKWALL REACH PARADE, BICTON (REC) (ATTACHMENT)**

- Due to the height of the proposed balcony, the remainder of the views from the proposed balcony over the adjoining property to the south will fall upon the roof space and open front setback area.
- The SAT approved a balcony on the second floor level which already provides overlooking of the open balcony and front setback area of the adjoining property to the south. This decision being taken on the basis that privacy was not compromised given the location of the balcony of the adjoining property within its front setback area, wholly visible from the street.

Boundary Setbacks

Performance Criteria 6.3.1 of the R-Codes acknowledges that reduced setbacks can be approved where adequate solar access is maintained to adjoining properties, building bulk is ameliorated and privacy is protected. The proposal is considered to satisfy these criteria as the proposed balustrade is to be constructed of transparent glass which is 0.75m high. As such, the balustrade will be light weight and will allow sun light to penetrate through. Accordingly, the proposal will not have any additional impact upon the adjoining property's access to sunlight or the perception of building bulk.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined in 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**

It is considered that the development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5, the R-Codes and Council policies. Accordingly, it is recommended that conditional approval be granted.

**OFFICER RECOMMENDATION**

**APPROVAL**

**A) That the application for an Addition of a Balcony Balustrade to the Third Floor of a Three Storey Dwelling at Lot 950 (28) Blackwall Reach Parade, Bicton be approved subject to the following conditions:**

**1. All stormwater generated on site is to be retained on site.**

**B) That the residents who made a submission on the proposal be notified in writing of A) above.**

**U11/0433 RETENTION OF SURFMIST ROOFING AT LOT 2 (39B) COLEMAN CRESCENT, MELVILLE (REC)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2011-1319/A  
 Property : 39B Coleman Crescent Melville  
 Proposal : Retention of Surfmist Roofing  
 Applicant : Lorimer Homes Pty Ltd  
 Owner : R & R Spencer  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : DA-2011-1319/A  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

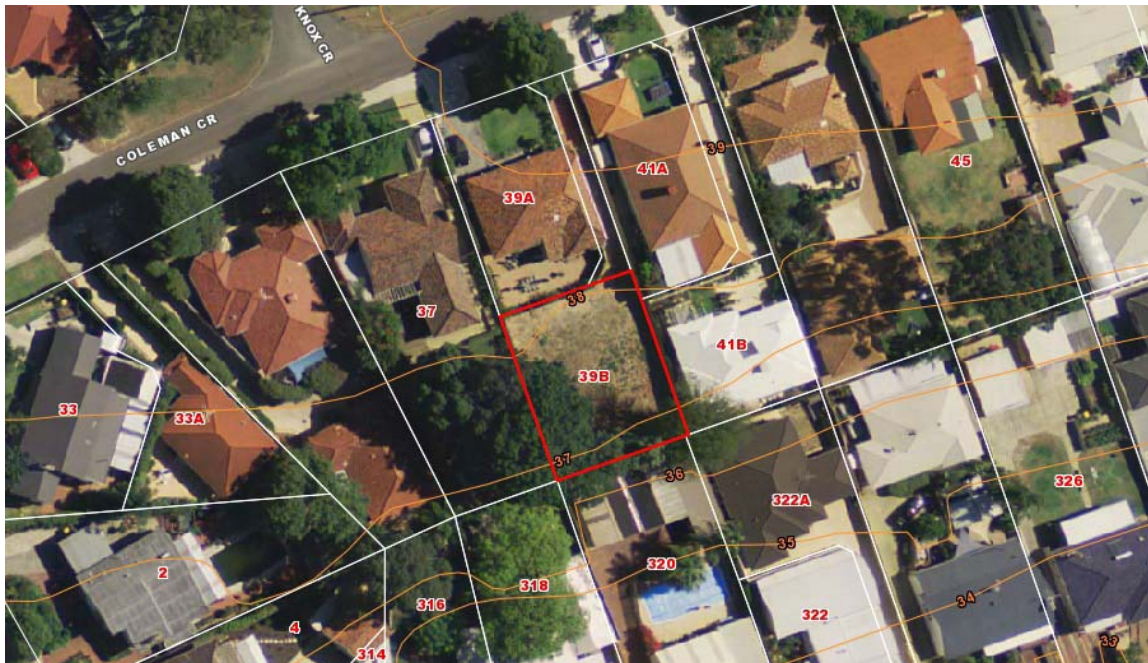
**DEFINITION**

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<input checked="" type="checkbox"/>	Quasi-Judicial	<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>

**U11/0433 RETENTION OF SURFMIST ROOFING AT LOT 2 (39B) COLEMAN CRESCENT, MELVILLE (REC)**

**KEY ISSUES / SUMMARY**

- The City granted planning approval for the construction of a two storey dwelling at Lot 2 (39B) Coleman Crescent, Melville on 21 October 2011. This approval included a condition to require that the roofing material was not highly reflective..
- The two storey dwelling is currently under construction and white coated metal roofing panels (Surfmist Colurbond) have been installed.
- Retrospective planning approval is now sought for the retention of this material..
- The application was advertised to the adjoining property owners and three submissions were received outlining concerns regarding reflection.
- The proposal has been assessed against the provisions of the Draft Highly Reflective Roofing Policy and the provisions of Clause 7.8 of the City of Melville Community Planning Scheme No.5 and is considered acceptable notwithstanding the objections raised.
- The application is recommended for conditional approval.



**U11/0433 RETENTION OF SURFMIST ROOFING AT LOT 2 (39B) COLEMAN CRESCENT, MELVILLE (REC)**

**BACKGROUND**

The City granted planning approval for the construction of a two storey dwelling at 39B Coleman Crescent, Melville on 21 October 2011. This approval included the following condition:

- 3 *Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).*

The two storey dwelling is currently under construction and Surfmist Colurbond has been utilised. This was brought to the City's attention via a complaint received from an adjoining property owner. Following contact by the City's Officers the Applicant submitted the subject retrospective planning application.

Council at its meeting held 11 October 2001 resolved to adopt the Draft Highly Reflective Roofing Policy for public consultation. This policy was advertised for a period of 21 days and no submissions were received. Following the close of advertising, Council Officers identified that further research and amendment to the policy is required. As such, the draft policy has not yet been submitted to Council for final adoption, however is deemed to be a highly entertained planning document and accordingly provides assessment parameters against which officers may assess the current proposal.

**Scheme Provisions**

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

**Site Details**

Lot Area	:	408sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to Photo Above

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**DETAIL**

The application has been assessed against the requirements of CPS5 and Council Policy. The following variation to Council Policy 06-PL-023: Highly Reflective Roofing Materials is identified.

**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>
Roofing Materials	No white or zinc colour metal unless there will be no adverse impact to amenity	White ('Surfmist' Colourbond) metal	Does not comply in principle.	MSP	

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variation to Council Policy  
 Support/Object: Three objections

<b>Affected Property</b>	<b>Summary of Submission</b>	<b>Support/ Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Submission 1	The roofing material is reflective and shines directly into the rear outdoor living area, living room and bedrooms of the submitter's home.	Object	The submitter's dwelling itself is located to the north west of the subject site, outside the area within which glare from the roof would ordinarily be expected to cause an amenity issue.	Not Uphold

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			<p>The rear garden area of the submitters property is however located due west of the subject lot, where glare and reflection could be an issue. An assessment of the impact that the roof has in this context has been made, and it is concluded that impacts will generally be restricted to the early morning and late afternoon periods only. The maturing of trees that have recently been planted will also act to mitigate any adverse impacts.</p>	
Submission 2	<p>The garage roof creates a large amount of glare from the morning sun.</p>	Object	<p>In this case the submitters property is located to the north east of the subject lot, outside the area within which glare from the roof would ordinarily be expected. In addition, the majority of the offending garage roof is screened from the view of the submitter's dwelling and outdoor living area by vegetation, a cubby house and a patio roof.</p>	Not Uphold



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Submission 3	The material emits a high glare. On a sunny day you cannot look at the roof or the surrounds.	Object	In this case, the submitters property is also located to the north of the subject lot, outside the area within which glare from the roof would ordinarily be expected to be an amenity issue	Not Uphold
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**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**

Existing Council Policy 06-PL-023: Highly Reflective Roofing Materials and the draft Highly Reflective Roofing policy are of relevance to the proposed development and are assessed in detail below.

**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.

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**COMMENTS**

As outlined above, retrospective planning approval is sought for the retention of white (Surfmist Colourbond) roofing material at 39B Coleman Crescent, Melville.

The use of Surfmist Colourbond roofing represents a variation to Council Policy 06-PL-023: Highly Reflective Roofing Materials, which specifies that white coloured metal roofing is not permitted unless it can be demonstrated that there will be minimal adverse impact on the amenity of the area or on adjoining properties.

As outlined above, Council adopted a draft Highly Reflective Roofing policy in October 2011 for public consultation. As the policy has been advertised, albeit not finalised, it is now deemed to be a seriously entertained planning document against which applications should be assessed.

The draft policy expanded upon the existing policy, providing criteria against which proposals can be assessed. Included within the policy is an identification of the 'potentially affected properties' where highly reflective roofing is proposed. This is described as those properties located within 80 to 280 degrees of the roof clad in the highly reflective materials. The aerial photo below provides an indicative diagram as to which properties are identified as the 'potentially affected properties' by the draft policy.



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According to the draft policy the properties most affected by reflection and/or glare would be those properties located due south. No objections from the properties to the south of the subject site were received during the advertising period.

Of the three properties from which objections were received, only one has a portion of their property located within 80 and 280 degrees of the subject property.

A site visit was undertaken to each of the submitter's properties between 12 and 12:30pm on 7 February 2013 (which was a sunny day) when the sun was at its highest point. Upon inspection, the roof did result in some glare nuisance by way of reflection into these properties; however it did not impose any discomfort when looking directly at the roof for an extended period of time.

It must be acknowledged that directly reflected sunlight from all roof surfaces will create a level of glare regardless of the type of material or colour. The benefits of the use of light coloured roofing are well documented in terms of improving the energy efficiency of a building. Furthermore, as can be seen in the above aerial photograph, light coloured roofing is evidenced elsewhere within the immediate locality, as well as elsewhere throughout the City of Melville area.

Overall, the proposed roofing material is considered acceptable and does not result in any significant adverse impacts upon the surrounding area or adjoining properties.

**Amenity**

The proposed development has been assessed in accordance with the amenity provisions outlined in 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 subject roofing is a benefit to the dwelling environmentally, and is not considered to have any significant adverse impact to the amenity of the surrounding property owners. Furthermore, the proposal is considered to satisfy the requirements of CPS5 and Council policies. Accordingly, it is recommended that conditional approval be granted.

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**U11/0433 RETENTION OF SURFMIST ROOFING AT LOT 2 (39B) COLEMAN CRESCENT, MELVILLE (REC)****OFFICER RECOMMENDATION****APPROVAL**

- A) That the retrospective application for the installation of Surfmist Roofing at Lot 2 (39B) Coleman Crescent, Melville be approved.**

**Advice Notes**

- 1. Please be advised that the expiry date on the original planning approval applies.**
  - 2. Any additional development which is not in accordance with the original application or conditions of approval will require further approval.**
- B) That the residents who made submissions on the proposal be notified in writing of A) above.**