

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

5 MARCH 2013

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 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 Planning & Development Services, 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.



**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, 5 MARCH 2013.**

PRESENT

P Prendergast (Presiding Member)

A Templeton

T Capobianco

J Wardell-Johnson

C Taborda

L Mannion

Manager Planning & Development Services

Planning Services Coordinator

Principal Building Surveyor

Senior Planning Officer

Engineering Technical Officer (Engineering
Design)

Technical Officer (Environmental Services)

APOLOGIES

R Bailey

Special Projects Officer (Engineering Design)

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

Nil.

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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**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2012-1572
 Property : Lot 14 (No. 32) Harris Road, Bicton
 Proposal : Four, Two Storey Grouped Dwellings
 Applicant : Valleyview Nominees Pty Ltd
 Owner : A & A Senjuschenko
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 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 & 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"/>	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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought to construct four, two-storey dwellings at 32 Harris Street Bicton.
- The proposed development requires assessment under the relevant performance criteria of the Residential Design Codes (R Codes) in respect of buildings on the boundary, garage setback, fence height, the height of the retaining/ fill, visual privacy and the removal of a street tree.
- The application has been advertised and two submissions were received. One objecting to the boundary wall along the southern boundary on the basis of reduced solar access and building bulk. The other objecting to the setback of the garage associated with Unit 1, density and visual privacy.
- Notwithstanding the objections raised, it is considered that the proposed development satisfies the relevant Performance Criteria as no significant adverse impacts will result.
- The application is recommended for conditional approval.



**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial centre frame
R-Code	: R50
Use Type	: Residential
Use Class	: "P" Permitted

Site Details

Lot Area	: 728sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Two street trees (one to be removed)
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer to photo above

U13_0434_5_March_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 8 March 2013.

DETAIL

The proposal satisfies all the requirements set out within Community Planning Scheme No. 5 (CPS5), the R-Codes and Council Policy with the exception of those matters outlined below.

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Buildings on the Boundary	<p>Length – two-thirds the length of the boundary behind the street setback line = 29.53m</p> <p>Height – Maximum 3.5m Average 3m</p> <p>Up to one boundary only</p>	<p>Boundary walls up to the northern, eastern and southern boundaries.</p> <p>Southern boundary wall: Length - 7.9m Height – 3.3m max. and 3.2m average</p>	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

Retaining/ Fill on the Boundary	0.6m	0.7m at a point midway along driveway length	Requires assessment using Performance Criteria	MSP
Visual privacy	Major Openings to Bedrooms setback 4.5 metres from the boundary	Unit 2 – 3.6m Unit 3- 3.6m	Requires assessment using Performance Criteria	MSP
Setback of Garages and Carports	4.5m	3.3m	Requires assessment using Performance Criteria	MSP
Street Tree	Development to avoid the street trees.	Proposed to remove one street tree	Requires assessment using Performance Criteria	MSP

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Part 4 of R Codes.
 Support/Object: Object

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	<p>The proposed boundary wall will overshadow 50% of the submitter's backyard and will darken the interior of the home. In addition, the garden will not receive any sunlight. The property will feel enclosed and the loss of sunlight will be detrimental to the submitter's mental health and quality of life.</p>	Object	<p>The overshadowing of the submitters rear yard will predominantly result from the upper floor level of the proposed Unit 4 which is setback to comply with the Acceptable Development provision. Only an additional 4m² of overshadowing will occur as a result of the proposed boundary wall. In addition, the proposed development satisfies the Acceptable Development criteria in relating to overshadowing.</p> <p>Furthermore, in order to address the potential overshadowing and building bulk impacts raised by the submitter, the Applicant has submitted amended plans reducing the height of the proposed boundary wall.</p>	Not Uphold

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

2	<p>The proposal is greater than what the R50 density permits.</p> <p>Do not support the reduced garage setback from the street boundary.</p> <p>All upper floor windows facing north should be fixed with obscured glass</p>	Object	<p>The proposed development meets the minimum lot requirements for R50.</p> <p>When considered in its context, the impact of the reduced setback will be minimal, and not such that refusal is warranted...</p> <p>All windows proposed on the northern elevation comply with R-Code provisions.</p>	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

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

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, 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 construct four, two storey grouped dwellings at 32 Harris Street, Attadale.

The proposed development generally satisfies the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of buildings on the boundary, the setback of the garage, fence height, the height of the retaining/ fill, visual privacy and the removal of a street tree. These matters require assessment against the Performance Criteria of the R-Codes.

Commentary in this report will be restricted to the consideration of the boundary wall along the southern boundary and the setback of the garage from the front boundary only, as these matters are the subject of objection. The other departures from the Acceptable Development provisions of the R-Codes mentioned above have been assessed and it is concluded that they are acceptable in the context of the performance based assessment undertaken..

Boundary Walls

The boundary wall proposed to be constructed to the southern boundary is 7.65m in length with a maximum height of 3.3m above natural ground level. This wall requires consideration under the performance criteria of the R Codes as more than one such boundary wall is incorporated within the development in this case., the other walls proposed to be sited along the northern and eastern boundaries of the development.

Performance Criteria 6.3.2 allows for the construction of boundary walls where they make effective use of space, enhance privacy or the amenity of the development, whilst also not resulting in any significant adverse effect on the amenity or overshadowing of the adjoining property.

As a result of the submission received in relation to the proposed boundary wall along the southern boundary, the Applicant has submitted amended plans which have reduced the height of the boundary wall by 0.5m.

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

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

- The proposed wall makes effective use of the available space on the narrow lot. In particular, the boundary wall is sought along the southern boundary to allow for adequate vehicle manoeuvrability into and out of the garages proposed as part of Units 3 and 4.
- There are no major openings to habitable rooms along the northern elevation of the adjacent dwelling to the south which would be adjacent to the proposed boundary wall.
- The proposed development satisfies the Acceptable Development provisions relating to overshadowing.
- The majority of the overshadowing of the adjoining property's rear outdoor living area will occur as a result of the proposed second storey of Unit 2 which is setback to satisfy the Acceptable Development provisions of the R-Codes. The proposed boundary wall will cast a shadow of only 4m² above that which will result from the second storey.
- A compliant wall in this location, setback 1m from the southern boundary would still result in 3m² shadow of the adjoining property's outdoor living area above that which would result from the second storey.
- In this case the application site currently houses an outbuilding located in the south east corner, the siting of which already casts a shadow towards the property to the south (see aerial photograph). The removal of this somewhat weathered outbuilding and its replacement with a new boundary wall, could be seen to represent an upgrade to the outlook from the adjoining property's outdoor living area.
- The proposed boundary wall does not include any openings and as such will not give rise to any privacy impacts..

Street Setback

The proposed garage associated with Unit 1 is setback 3.3m from the street boundary in lieu of 4.5m as prescribed within the Acceptable Development provisions.

Performance Criteria 6.2.1 allows for the construction of garages within the front setback distance where they do not detract from the streetscape or the appearance of dwellings, including the obscuring of views from and/or to it..

The street setbacks along Harris Street are varied and as such the setback proposed can be accommodated without prejudice to the streetscape as a whole. The proposed garage is incorporated into the design of Unit 1 such that views of the street from the proposed Family / Dining Room are not prejudiced. The setback variation is supported in that basis.

Street Tree

There are two street trees located within the verge adjacent to the subject property. The one to the south is proposed to be removed to enable the construction of a crossover to the development.

This tree is a *Callistemon 'Bottlebrush Tree'* The tree is in poor condition and provides little value to the streetscape. As a result, the request to remove the tree is accepted on the basis that the Applicant will finance two replacement trees in accordance with Council Policy..

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**Amenity

The above assessment has taken into account 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 proposed development, subject to the imposition of appropriate conditions satisfies the provisions and requirements of CPS5, the R-Codes and Council policy, and on that basis is recommended for approval.

OFFICER RECOMMENDATION**(APPROVAL)**

A) That the proposed Four, Two Storey Grouped Dwellings on Lot 14 (32) Harris Street, Bicton be approved subject to the following conditions:

- 1. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be completed to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be completed to the satisfaction of the Manager Statutory Planning.**
- 2. All stormwater generated on site is to be retained on site.**
- 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.**
- 4. Prior to the initial occupation of the development, the opening along the Southern side of the Unit 2 Upper Floor Master Bedroom and Unit 3 Upper Floor Master Bedroom (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.**
- 5. Prior to the initial occupation of the development, the street tree (as marked in RED on the approved plans) shall be removed and replaced with two trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Statutory Planning. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense. All works involving street trees is to be undertaken in conjunction with the City's Arboriculture Coordinator.**
- 6. Prior to the commencement of the development, the remaining street tree within the verge is to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.**

**U13/0434 – (SB) - FOUR, TWO STOREY GROUPED DWELLINGS AT LOT 14 (NO. 32)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

ADVICE NOTE

1. In order to satisfy Condition (6), 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 residents who made a submission on the proposal be notified in writing of A) above.

**U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A)
GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)**

Ward : University
 Category : Operational
 Application Number : DA-2013-124
 Property : Lot 2 (17A) Gilbertson Road, Kardinya
 Proposal : Single Storey Single House
 Applicant : New Choice Homes
 Owner : Mrs Le Shi
 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 Statutory Planning
 Previous Items : Not Applicable

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 & 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"/>	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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A)
GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought to construct a single storey Single House at 17A Gilbertson Road, Kardinya.
- The proposed development requires assessment under the relevant performance criteria of the Residential Design Codes (R Codes) in respect of boundary setbacks and buildings on the boundary.
- The application was advertised and one objection was received expressing concerns in respect of the proposed boundary wall along the eastern boundary, its impact upon sunlight into the submitter's living room windows, and building bulk impacts.
- Notwithstanding the objections raised, it is considered that the proposed development satisfies the relevant Performance Criteria as no significant adverse impacts will result.
- The application is recommended for conditional approval..



BACKGROUND

In September 2011, the Western Australian Planning Commission (WAPC) approved the subdivision of 17 Gilbertson Road, Kardinya into two lots (with a common property access leg) against the advice of the City. The City recommended refusal of the proposed subdivision on the basis that the configuration of Lot 2 was inadequate and did not provide sufficient effective lot area upon which to construct a dwelling.

The subdivision created the front lot (Lot 1) with an area of 355m² and the rear lot (Lot 2) with an area of 305m² which is undersized for the R25 zoning. Under the R-Codes, the minimum lot area for R25 properties is 320m².

The rear lot is the subject of this application.

**U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A)
GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R25
Use Type	: Residential
Use Class	: 'P' – Permitted use

Site Details

Lot Area	: 305m ²
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_0435_5_March_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 8 March 2013.

DETAIL

Development Requirements

The proposal satisfies all the requirements of Community Planning Scheme No. 5 (CPS5), the R-Codes and Council Policy with the exception of those matters outlined below.

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Boundary Setback Rear (West) Study/Bed 3	1.5m	1.3m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Walls	Length 9m Maximum height 3m Average height 2.7m Up to one boundary only	<i>South</i> Length – 9.5m Height – 2.6m <i>East</i> Length – 8.6m Height – 2.3m	Requires assessment using Performance Criteria	MSP

**U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A)
GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Part 4 of R Codes.
 Support/Object: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	<p>The boundary wall along the eastern boundary will restrict sunlight into the living room windows and have a negative building bulk impact.</p> <p>The garage door opening and closing will cause noise.</p>	Object	<p>The proposed boundary wall will only restrict access to sunlight in the afternoon due to the orientation of the lot. Due to the low height of the proposed boundary wall, the majority of its external face will be screened by the existing dividing fence.</p> <p>Noise from the installation of a standard domestic garage door will not give rise to any adverse noise impacts..</p>	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*.

**U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A)
GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

As outlined above, planning approval is sought to construct a single storey Single House at 17A Gilbertson Road, Kardinya.

The proposed development generally satisfies the relevant development requirements contained within CPS5, the R-Codes and Council policy with the exception of boundary setbacks and buildings on the boundary which require a performance based assessment in accordance with the R-Codes.

Commentary in this report will be restricted to the consideration of the boundary wall along the eastern boundary only, as this matter is the subject of the objection. The other development variations have been assessed and are deemed to comply with the relevant Performance Criteria of the R-Codes.

Boundary Walls

The boundary wall proposed to be constructed up to the eastern boundary is 8.6m in length with a height of 2.3m. This wall requires approval as properties zoned R25 are only permitted a boundary wall up to one boundary under the Acceptable Development criteria. As another boundary wall is also proposed along the southern boundary, this boundary wall is not permitted as of right.

Performance Criteria 6.3.2 allows for the construction of boundary walls where they make effective use of space, enhance privacy or the amenity of the development, whilst not resulting in any significant adverse effect on the amenity or overshadowing of the adjoining property.

U13/0435 - (MC) PROPOSED SINGLE STOREY SINGLE HOUSE ON LOT 2 (17A) GILBERTSON ROAD, KARDINYA (REC) (ATTACHMENT)

The proposed boundary walls along the eastern and southern boundaries will make effective use of the limited space available on the subject site.

The existing dwelling located on the adjoining property to the east contains two major openings and a door into the living room along the rear elevation, adjacent to the proposed boundary wall. Since the subdivision of the parent lot, these openings, being located approximately 1m from the boundary, represent a variation to the standard setback requirements of the R Codes.

Irrespective of this, the height of the proposed boundary wall is kept to a minimum, it being 0.5m higher than the existing boundary fence. This minimal increase in height above that of the existing boundary fence ameliorates any adverse impacts that could otherwise result.

In addition, it is noted that in the absence of the second boundary wall proposed by the subject development, the wall located along the eastern boundary would be accepted as of right,

Amenity

The proposed development has been assessed in accordance with the provisions of Clause 7.8 of CPS5, and those of 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 Policy. Accordingly, it is recommended that conditional approval be granted.

OFFICER RECOMMENDATION**(APPROVAL)****A. That the application for a single storey Single House at Lot 2 (17A) Gilbertson Road, Kardinya be approved subject to the following conditions:**

- 1. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be completed to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be completed 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.