

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

3 SEPTEMBER 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 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: 13 SEPTEMBER 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, 3 SEPTEMBER 2013.**

PRESENT

P Prendergast (Presiding Member)
A Templeton
T Capobianco
J Wardell-Johnson

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
Senior Planning Officer

APOLOGIES

R Bailey

Special Projects Officer (Engineering
Design)

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

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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U13/0446 (BF) - SINGLE STOREY DWELLING AT LOT 346 (NO. 34) ALDRIDGE ROAD, BOORAGOON (REC) (ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : DA-2013-814
 Property : Lot 386 (No. 34) Aldridge Road, Booragoon
 Proposal : Single storey house
 Applicant : Dale Alcock Homes Pty Ltd
 Owner : Y Yeung
 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 & 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>

U13/0446 (BF) - SINGLE STOREY DWELLING AT LOT 346 (NO. 34) ALDRIDGE ROAD, BOORAGOON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought to construct a single storey house at Lot 386 (No. 34) Aldridge Road, Booragoon.
- The proposal satisfies all of the relevant planning provisions 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 a boundary wall along the western boundary.
- The application was advertised in accordance with the R-Codes and one objection was received raising concerns in relation to the impact of the proposed boundary wall upon the streetscape and access to light and ventilation.
- Notwithstanding the objection received, the proposal is considered to satisfy the Design Principles within the R-Codes for boundary walls.
- The application is recommended for approval subject to conditions.



U13/0446 (BF) - SINGLE STOREY DWELLING AT LOT 346 (NO. 34) ALDRIDGE ROAD, BOORAGOON (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area
 R-Code : R17.5
 Use Type : Residential
 Use Class : Permitted

Site Details

Lot Area : 748m²
 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_0446_September_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 13 September 2013

DETAIL

Planning approval is sought to construct a single storey house at 34 Aldridge Road, Booragoon.

The proposal has been assessed against the relevant provisions within CPS5, the Deemed to Comply provisions of the R-Codes and Council Policies and satisfies all of the relevant provisions with exception of those matters outlined below:

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Walls	No as of right boundary walls on R17.5 properties	Boundary wall along the western boundary. Length 7.6m Height 2.6m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Part 4 of the R-Codes
 Support/Object: One Objection

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Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	The garage is out of keeping with the streetscape.	Objection	The proposed garage is setback 6.7m which is in excess of the 4.5m street setback required by the City's Residential Development policy. Furthermore, the wall is setback behind the front setback line of the adjacent dwelling and will therefore not be highly visible within the streetscape.	Not Uphold

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	<p>The proposed boundary wall will affect the amenity and block light and ventilation to the laundry of the adjoining property which is also used as a sewing room.</p>		<p>Laundries are non-habitable rooms under the R-Codes. The wall which contains the laundry door was approved with a reduced 1m setback to the common boundary due to the laundry not being a habitable room. The impact of amenity, access to light and ventilation upon non-habitable rooms are therefore not considered significant by the R-Codes.</p>	<p>Not Uphold</p>
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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

Council resolved on 20 August 2013 to adopt the revised Council Policy – 078: Residential Development for the purposes of advertising.

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This draft policy includes the introduction of Deemed to Comply provisions relating to boundary walls in areas coded less than R20 (such as the subject site) as follows:

- ii in areas coded less than R20, walls not higher than 3m for a length of 9m behind the front setback, to side boundaries only (excludes the rear boundary of the parent lot);*

As this policy is yet to be advertised, the policy is not yet a seriously entertained document and therefore cannot be relied upon in the assessment of the proposal. However, it should be noted that should the policy proceed to final adoption as currently drafted, the proposed boundary wall would satisfy the Deemed to Comply provisions and therefore be able to be constructed without the need of planning approval.

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, the R-Codes do not provide any Deemed to Comply provisions for boundary walls on R17.5 coded properties. Consequently, all boundary walls on R17.5 coded properties are assessed against Design Principle 5.1.3.

Design Principle 5.1.3 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 proposed boundary wall is considered to meet the Design Principle for the following reasons:

- The boundary wall will make effective use of space and enhance privacy.
- It will not have an adverse impact on the amenity of the streetscape as it is setback behind the building line of the adjoining property to the west and will not be highly visible.
- The boundary wall will not have an impact upon solar access to any major openings or outdoor living areas on the adjoining property to the west. It is noted that the proposed wall is adjacent to a laundry however as this is not a habitable room this is not considered significant.
- The amenity of the adjoining property will be maintained as the proposed boundary wall is adjacent to a non-habitable room and drying courtyard.

The above assessment has been the subject of an independent peer review. The peer review has concurred with the above assessment.

U13/0446 (BF) - SINGLE STOREY DWELLING AT LOT 346 (NO. 34) ALDRIDGE ROAD, BOORAGOON (REC) (ATTACHMENT)**CONCLUSION**

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

OFFICER RECOMMENDATION**APPROVAL**

- 1) **That the application for the construction of a single storey dwelling at Lot 346 (No. 34) Aldridge Road, Booragoon be approved subject to the following conditions:**
 1. **All stormwater generated on site is to be retained on site.**
 2. **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.**
 3. **The development shall be serviced by a concrete or brick paved vehicle crossover and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
 4. **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.**
 5. **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.**

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Advice

1. **In order to satisfy Condition (5), 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 (CHECK WITH LUKE) 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.**