

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**24 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](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: 27 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, 24 SEPTEMBER 2013**

**PRESENT**

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

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

**APOLOGIES**

R Bailey

Special Projects Officer (Engineering  
Design)

**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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**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2013-539  
 Property : Lot 304 (No.34B) Doney Street, Alfred Cove  
 Proposal : Two Storey Single House  
 Applicant : H Atturo  
 Owner : H Atturo  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : None applicable  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

|                                     |                |  |
|-------------------------------------|----------------|--|
| <input type="checkbox"/>            | Advocacy       | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>  |
| <input type="checkbox"/>            | Executive      | <i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | Legislative    | <i>Includes adopting local laws, town planning schemes &amp; policies.</i>   |
| <input type="checkbox"/>            | Review         | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>  |
| <input checked="" type="checkbox"/> | 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> |
| <input type="checkbox"/>            | Information    | <i>For the Council to note.</i>  |

**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct a two storey single dwelling with undercroft at 34B Doney Street, Alfred Cove
- The proposed development requires assessment under the relevant design principles of the Residential Design Codes (R-Codes) in respect of boundary setbacks, boundary walls, site works and retaining, overshadowing and visual privacy.
- The application was advertised and one submission in objection to the proposal was received.
- Commentary in this report will be restricted to the consideration of the boundary wall, overshadowing and the site works along the southern boundary only, as these matters were the subject of the objection.
- Notwithstanding the objections raised, it is considered that the proposed development satisfies the relevant design principles and results in no significant adverse impacts.
- 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    | : 'P' - Permitted |

**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

**Site Details**

Lot Area : 506m<sup>2</sup>  
 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\_0447\_September\_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 27 September 2013.

**DETAIL**

Planning approval is sought to construct a two storey single storey house with undercroft at 34B Doney Street, Alfred Cove.

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**

| <b>Development Requirement</b>       | <b>Deemed to Comply</b>   | <b>Proposed</b>   | <b>Comments</b>                             | <b>Delegation to approve variation</b> |
|--------------------------------------|---|---|---|--|
| Boundary Walls                       | <p><i>Length</i><br/>14m</p> <p><i>Height</i><br/>3m average height<br/>3.5m max. height</p> <p>Up to one boundary only</p> | <p><i>Length</i><br/>9.8m (porch) + 8.5m (bed 3/laundry) = 18.3m</p> <p><i>Height</i><br/>Maximum 4.1m<br/>Average 3.4m</p> | Requires assessment using Design Principles | Development Advisory Unit (DAU)        |
| Fill within 1m of a common boundary. | 0.6m  | <p>0.6-0.8m fill along the northern boundary.</p> <p>0.6-1.3m fill along the southern boundary.</p>                         | Requires assessment using Design Principles | Manager Statutory Planning (MSP)       |

**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

| Development Requirement    | Deemed to Comply                              | Proposed  | Comments                                    | Delegation to approve variation |
|----------------------------|---|---|---|---------------------------------|
| Setback of retaining walls | Northern elevation – 1m                       | 0m  | Requires assessment using Design Principles | MSP                             |
|                            | Southern elevation – 1m                       | 0m  | Requires assessment using Design Principles | DAU                             |
| Overshadowing              | 25%   | 30.7%   | Requires assessment using Design Principles | MSP                             |
| Privacy                    | Bedroom setback 4.5m.                         | Bed 2 – 2.8m from the south-western boundary of 36A Doney Street  | Requires assessment using Design Principles | MSP                             |
|                            | Kitchen setback 6m.                           | Kitchen - 5.4m from the south-western boundary of 36A Doney Street  | Requires assessment using Design Principles | MSP                             |
|                            | Outdoor active habitable spaces setback 7.5m. | Balcony - 5.4m from the south-western boundary of 36A Doney Street<br><br>Outdoor entertaining area – from the south-western boundary of 36A Doney Street<br><br>Courtyard - 0m from the south-western boundary | Requires assessment using Design Principles | MSP                             |



**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

| <b>Development Requirement</b> | <b>Deemed to Comply</b>         | <b>Proposed</b> | <b>Comments</b>                             | <b>Delegation to approve variation</b> |
|--------------------------------|---------------------------------|-----------------|---|--|
| Boundary setbacks              | Home Theatre/Bed 2 setback 5.7m | 4.6m            | Requires assessment using Design Principles | MSP                                    |

**PUBLIC CONSULTATION/COMMUNICATION**

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

The plans originally submitted with the application were the subject of the abovementioned advertising period and one submission was received. In response to the concerns outlined within the submission the Applicant submitted the amended plans which are the subject of this report.

The submitter who lodged the previous objection was informally consulted in relation to the amended plans and given a further opportunity to comment. The submitter made a further comment which is outlined below.

| <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                        | The proposed overshadowing is excessive, especially at the rear of the property. Request for the overshadowing to be reduced further. | Objection                | The adjoining property to the south of the subject site is currently vacant. As outlined in the Comment section below, it is considered that the design of the proposed dwelling has taken into account the likely future development of the adjoining lot. | Not Uphold                                  |

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

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**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)****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 for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are 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.

**COMMENT**

As outlined above, the proposed development requires assessment against the design principles of the R-Codes in respect of boundary setbacks, boundary walls, site works and retaining, overshadowing and visual privacy.

Commentary in this report will be restricted to the consideration of the proposed boundary walls, overshadowing and the site works and retaining along the southern boundary only, as these matters are the subject of the objection. The remainder of the proposal has been assessed against the relevant Design Principles and are considered to comply.

**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)***Site works and retaining walls*

The Design Principles relating to site works and retaining walls require that finished ground levels respect the natural ground level at the lot boundary and as viewed from the street and are not to result in a detrimental effect upon the adjoining properties.

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

- The topography of the site drops from the south-east (rear boundary) of the site to the north-west (front boundary) by 6m. The proposed floor level of the upper ground level reflects the average ground level across the site. As a result, there is an equal amount of cut and fill across the site which therefore respects the natural ground level of the site as viewed from the adjoining lot and street.
- The proposed retaining wall is adjacent to a lot which is currently vacant, however it is anticipated that similar earthworks will be required to develop this adjoining property in the future due to the topography of the area.
- The proposed retaining and fill would not have a detrimental impact on the likely future development of the adjoining lot.

*Boundary Walls*

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 walls along the south-western boundary are comprised of two separate sections, one enclosing the proposed entrance stairway and porch and the other for the Laundry and Bedroom 3.

The proposed boundary wall associated with the entrance stairway and porch is of concern due to its maximum height and its potential to be visible within the Doney Street streetscape. Accordingly, a condition of approval is recommended to require that this boundary wall be reduced in length by 1m to be setback a minimum of 7m from the street boundary. This will result in the maximum height of the boundary wall being reduced and will ameliorate the impact upon the adjoining property.

Subject to the abovementioned recommended condition, the proposed boundary walls are considered to meet the Design Principle for the following reasons:

- The boundary walls will make effective use of space and enhance privacy.
- They will not have an adverse impact on the amenity of the streetscape as they will both be setback behind the building line of the dwelling. Furthermore, once a dwelling is constructed on the adjoining property, the front boundary wall will not be highly visible within the streetscape.
- As the adjoining property to the south is currently vacant, the proposed boundary walls will not have an adverse impact upon solar access to any major openings or outdoor living areas on the adjoining property to the south. It is noted however due to the design of the proposal that the future development of the adjoining site has been considered.

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**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)***Overshadowing*

The Deemed to Comply provisions of the R-Codes prescribe a maximum of 25% overshadowing to adjoining properties to the south, whereas the proposed development results in 30.7% overshadowing of 34A Doney Street.

The Design Principles relating to overshadow seek to ensure that effective solar access is available to the subject development whilst protecting solar access to the neighbouring properties outdoor living area, major openings and solar collectors.

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

- The scale of the variation is considered to be relatively minor.
- The proposed development has been constructed taking into account solar passive design.
- Although the adjoining property to the south is currently vacant, the design of the proposed development is considered to have taken the likely future development of the adjoining lot into account. The main bulk of the proposed dwelling is located within the front half of the property ensuring that less overshadowing of the adjoining property's future rear outdoor living area occurs.

*Visual Privacy*

As outlined above, the proposal does not satisfy the deemed to comply provisions relating to privacy from the proposed bed 2 window, kitchen window, front balcony and the raised outdoor living areas.

With the exception of the Bed 2 window, these openings or outdoor living areas would enable views of the adjoining properties behind the street setback line which may fall upon major openings or outdoor living areas. Consequently, conditions of approval are recommended to require screening of these windows / areas in line with the Deemed to Comply provisions of the R-Codes.

The Bed 2 window is to be located adjacent to the future driveway and vehicle turning area of the adjacent property which is not considered to be a sensitive space in terms of privacy. The setback of this window is therefore supported.

*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 proposal is considered to satisfy the relevant Design Principles in the R-Codes and as such, is recommended for approval subject to conditions.

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**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

**A) That the application for the construction of a two storey single dwelling with undercroft at Lot 303 (No. 34B) Doney Street, Alfred Cove be approved subject to the following conditions:**

- 1. Prior to the commencement of the development, amended plans are to be submitted detailing the following:**
  - (a) The boundary walls associated with the entrance stairs and porch is to be reduced in length by a minimum of 1 metre and be setback a minimum of 7m from the street boundary.**

**The amended plans shall be approved in writing to the satisfaction of the Manager Statutory Planning and the development constructed in accordance with those approved plans.**

- 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 walls shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the initial occupation of the development, the Kitchen window (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 C1.1 or C1.2 of Clause 5.4.1 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 Northern elevation of the balcony (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 C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 6. Prior to the initial occupation of the development, a screen/fence of a minimum height of 1.65m above finished ground level shall be installed along the Northern boundary of the site behind the primary street setback line, adjacent to the Outdoor Entertaining Area to the satisfaction of the Manager Statutory Planning.**
- 7. Prior to the initial occupation of the development, a screen/fence of a minimum height of 1.65m above finished ground level shall be installed along the Southern boundary of the site behind the primary street setback line, opposite the Courtyard area to the satisfaction of the Manager Statutory Planning.**

**U13/0447 – (GD) - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 304 (NO. 34B) DONEY STREET, ALFRED COVE (REC) (ATTACHMENT)**

- 8. 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.**
- B) That the resident who made a submission on the proposal be notified in writing of A) above.**

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2013-1134  
 Property : Lot 134 (No. 42) Lamond Street Melville  
 Proposal : Retaining Walls  
 Applicant : C and A Carello  
 Owner : C and A Carello  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning  
 Previous Items : Nil

**AUTHORITY / DISCRETION**

**DEFINITION**

|                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | Advocacy              | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>  |
| <input type="checkbox"/>            | Executive             | <i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | Legislative           | <i>Includes adopting local laws, town planning schemes &amp; policies.</i>   |
| <input type="checkbox"/>            | Review                | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>  |
| <input checked="" type="checkbox"/> | <b>Quasi-Judicial</b> | <b><i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i></b> |
| <input type="checkbox"/>            | Information           | <i>For the Council to note.</i>  |

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct retaining walls and a front fence at 42 Lamond Street, Melville.
- The proposed development requires assessment under the design principles of the Residential Design Codes (R-Codes) in respect of the height of the retaining walls on the boundary and the height of the solid portion of the proposed front fence.
- The application was advertised and one submission was received objecting to the impact of the proposed development upon the streetscape and overshadowing.
- Notwithstanding the objections raised, the proposed development satisfies the relevant design elements and will result no significant adverse impacts.
- The application is recommended for conditional approval.



**BACKGROUND**

The City granted approval to construct a single storey house on the subject property on 14 May 2013. This approval did not include details of the proposed retaining walls or front fence.

**Scheme Provisions**

|              |   |                           |
|--------------|---|---------------------------|
| MRS Zoning   | : | Urban                     |
| CPS 5 Zoning | : | Living Area ML1: Melville |
| R-Code       | : | R20                       |
| Use Type     | : | Residential               |
| Use Class    | : | “P” Permitted             |



**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

**Site Details**

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| Lot Area                             | : | 800sqm               |
| Retention of Existing Vegetation     | : | Not Applicable       |
| Street Tree(s)                       | : | One street tree      |
| Street Furniture (drainage pits etc) | : | Not Applicable       |
| Site Details                         | : | Refer to photo above |

U13\_0448\_September\_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 27 September 2013.

**DETAIL**

Planning approval is sought to construct retaining walls and a front fence at 42 Lamond Street Melville.

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

**CPS5 and Policy Requirements**

| <b>Development Requirement</b> | <b>Required/ Allowed</b>   | <b>Proposed</b>         | <b>Comments</b>   | <b>Delegation to approve variation</b> |
|--------------------------------|--|-------------------------|---|--|
| Street Walls and Fences        | Fencing within the front setback to have a maximum height of 1.8m and visually permeable above 1.2m. | Maximum height of 2.7m. | Requires assessment against amenity provisions of Clause 7.8 of CPS5. | Development Advisory Unit (DAU)        |

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

**R-Code Requirements**

| <b>Development Requirement</b> | <b>Acceptable Development</b>                               | <b>Proposed</b> | <b>Comments</b>                             | <b>Delegation to approve variation</b> |
|--------------------------------|---|-----------------|---|--|
| Site Works                     | Fill within 3m of the street alignment not height than 0.6m | Maximum 1m      | Requires assessment using design principles | DAU                                    |
|                                | Fill within 1m of a boundary not more than 0.6m.            | Maximum 1m      | Requires assessment using design principles | DAU                                    |
| Retaining Walls                | Setback 1.5m from the side eastern boundary.                | 0m              | Requires assessment using design principles | DAU                                    |

**PUBLIC CONSULTATION/COMMUNICATION**

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

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

| <b>Submission Number</b> | <b>Summary of Submission</b>   | <b>Support/Objection</b> | <b>Officer's Comment</b>   | <b>Action</b> |
|--------------------------|--|--------------------------|--|---------------|
| Submission 1             | There are no dwellings on Lamond Street with the fence higher than the eaves on the adjoining dwelling having detrimental impact to the streetscape. | Object                   | The proposed front fence is setback 4.7m from the front boundary in line with the garage and behind the garage on the neighbouring lot.  | Not Uphold    |
|                          | Non-compliant with Part 6.6: Site Works Part 5: Streetscape of the R-Codes.  | Object                   | Not satisfying the deemed to comply provisions is not in itself a reason to resist development, it instead requires assessment against the relevant design principles as outlined below. | Not Uphold    |
|                          | The proposal may overshadow the submitter's future solar collectors.   | Object                   | Overshadowing complies with part 5.4.2 of the R-Codes and the proposal would not overshadow the submitter's roof space.  | Not Uphold    |
|                          | Fencing within the primary street setback area should be solid to 1.2 metres with pillars and visually permeable to 1.8 metres                       | Object                   | The fencing is to screen the primary outdoor living area and therefore is permitted to be solid for 50% of the lot frontage.   | Not Uphold    |
|                          | Any retaining wall/fence must be located entirely within the boundary of the subject property so not to interfere with the residents site.           | Object                   | All structural elements are to be within the property boundary.  | Not Uphold    |

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or 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 City's Residential Development policy is of relevance to the proposal. The proposal has been assessed against its provisions as outlined above.

**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 consideration by Council.

**COMMENTS**

The proposed development generally complies with the requirements of CPS5, the deemed to comply provisions of the R-Codes and council policy with the exception of the height of the fill and retaining and the resultant height of the front fence. Consequently, the proposal requires assessment under the relevant design elements of the R-Codes.

The subject site gradually slopes down from the south-western to the north-eastern corner by approximately 2m. This slope has resulted in the need to undertake site works to construct the approved single storey dwelling on the site.

The dwelling which is currently under construction has a finished floor level (FFL) of 10.5m. This FFL is equal to the average ground level of the site and therefore the proposed site works equate to an equal amount of excavation and fill across the site.

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**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)**

The current proposal seeks to raise the ground level along the eastern portion of the site to match the FFL of the dwelling to create a flat, usable outdoor living area adjacent to the dwelling's living area. The applicant has indicated that a future swimming pool is planned to this area.

Raising the ground level in this portion of the site to match the FFL of the dwelling will result in a maximum fill and retaining height of 1m along the southern boundary. This will also result in the height of the front fence being up to 2.7m

*Site Works and Retaining Walls on the Boundary*

CPS5 allows for up to 0.6m fill and retaining along the boundary as of right. The proposed fill and retaining exceeds 0.6m for a 12m section of the eastern boundary.

The area of fill and retaining which exceeds 0.6m is located directly adjacent to the neighbouring property's garage, store room and en suite. These rooms are not considered to be habitable rooms and have no major openings facing the subject site.

The area between the neighbouring property's garage, store room and en suite also does not permit use as an active habitable space given the minimum setback is approximately 1m from the boundary. Furthermore, the primary outdoor living area of the adjoining property is within the south east area of the site which will not be affected by the proposal.

For the above reasons, the proposal is not anticipated to result in any significant adverse impacts upon the adjoining property and is considered to satisfy the relevant design principles.

*Streetscape*

Site works and retaining are proposed within the front setback to create two terraced retaining walls each up to 0.5m in height to retain site works with a total height of 1m. The terracing of the retaining walls reduces the impact of the retaining and site works on the streetscape and would allow landscaping in the future.

As a result of the proposed site works and retaining, the front fence is proposed to exceed 1.8m in height and is proposed to be solid for its entire length. The fencing is proposed to screen the primary outdoor living area of the property from the street.

The impact of the front fence is considered to be ameliorated as it is proposed to be setback between 4.7 metres and 4.9 metres from the street alignment and will follow the building line of the garage on the subject property and sit behind the garage line on the adjoining property. For this reason, the proposed front fencing is not considered to result in any significant impact upon the streetscape.

*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.

**U13/0448 – (SB) - RETAINING WALLS AND FRONT FENCE AT LOT 134 (NO. 42)  
LAMOND STREET, MELVILLE (REC) (ATTACHMENT)****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 retaining wall and front fence on Lot 134 (42) Lamond Street, Melville be approved subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site.**
- 2. 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.**
- 3. Prior to the initial occupation of the development, the surface finish of the retaining 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.**

**ADVICE NOTE**

- 1. In order to satisfy condition (2), 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 sure that no damage is caused to the tree including its trunk, roots and structural branches during construction.**
- B) That the resident who made a submission on the proposal be notified in writing of A) above.**