

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 25 AUGUST 2014**

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: THURSDAY, 28 AUGUST 2014**

**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, .**

**PRESENT**

P Prendergast (Presiding Member)  
A Templeton  
T Capobianco  
C Taborda

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
Engineering Technical Officer (Engineering  
Design)

**APOLOGIES**

J Ahola

Landscape Architect Coordinator

**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 as 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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**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant  
 Category : Operational  
 Application Number : DA-2014-722  
 Property : Lot 1 (No. 46B) Searle Road, Ardross  
 Proposal : Two storey single house  
 Applicant : Atrium Homes  
 Owner : S & S Waters  
 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

**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>

**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD, ARDROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of a two storey single house at 46B Searle Road, Ardross.
- The proposal has been assessed against all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), Council Policy and the Residential Design Codes of Western Australia (R-Codes) and requires an assessment against the Design Principles of the R-Codes in respect of overshadowing, side setbacks, garage width and visual privacy.
- The applicant has consulted the adjoining property owner with regard to the proposal who has subsequently lodged a submission with the City outlining concerns in respect of the overshadowing of their rear garden area.
- Notwithstanding the objection received, the development is considered to satisfy all of the relevant provisions within CPS5, the R-Codes and Council Policy, including the Design Principles in relation to overshadowing, side setbacks, garage width and visual privacy and is therefore recommended for approval.



**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD, ARDROSS (REC) (ATTACHMENT)****BACKGROUND**

On 16 September 2010, the City granted conditional planning approval for the construction of two, two storey grouped dwellings at 46 Searle Road, Ardross. The two approved dwellings were effectively designed to be mirror images of one another.

On 11 October 2010, the Western Australian Planning Commission granted conditional subdivision approval of 46 Searle Road, Ardross into two lots (resulting in 46A and 46B Searle Road).

In December 2010, the City granted building licence approval for the construction of one of the two approved two storey dwellings (46A Searle Road, Ardross). This dwelling was subsequently constructed.

In October 2013, the City granted further planning approval for the construction of a two storey house on 46B Searle Road, Ardross. The plans approved at this time were essentially the same as those previously approved in 2010. Notwithstanding, 46B Searle Road remains undeveloped and vacant.

**Scheme Provisions**

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

**Site Details**

Lot Area	: 476sqm
Retention of Existing Vegetation	: None applicable
Street Tree(s)	: One street tree to remain
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

The subject lot is an east-west orientated lot of narrow configuration being 10m in width and 42m in length.

U/14 0454 August 2014 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday, 28 August 2014.

**DETAIL**

Planning approval is sought for the construction of a two storey single house at 46B Searle Road, Ardross.

The proposed development has been assessed against the relevant provisions within CPS5, the R-Codes and Council Policy. As outlined below, the proposal requires assessment against the Design Principles of the R-Codes in relation to overshadowing.

**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD, ARDROSS (REC) (ATTACHMENT)**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Overshadowing	25%	49.6%	Requires assessment against Design Principles	Development Advisory Unit
Side Setbacks - Ground Floor (Southern boundary)	1.5m	1.2m	Requires assessment against Design Principles	Manager Statutory Planning (MSP)
Garage Width	50%	64%	Requires assessment against Design Principles	MSP
Visual Privacy	Retreat – 6m	5.1m (Northern and Southern boundaries)	Requires assessment against Design Principles	MSP

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The Applicant consulted with the property owner of the adjoining lot. As a result of this consultation, one submission was received by the City outlining the following concerns:

<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 boundary wall extends more than 5m beyond the rear elevation of the submitter's dwelling and will therefore significantly overshadow the open space to the rear of that property.	Objection	The proposed wall extends 4.5m beyond the rear boundary of the submitter's home. The area of overshadowing from this portion of wall will cover approximately 19% of the submitter's rear yard area on 21 June. See below for further commentary in relation to overshadowing.	Not Uphold



**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD,  
ARDROSS (REC) (ATTACHMENT)**

## **II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

## **STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for planning approval; the applicant will have the right to have the decision reviewed by the State Administrative Tribunal in accordance with part 14 of the Planning and Development Act 2005.

## **FINANCIAL IMPLICATIONS**

No financial implications result for the City as a consequence of this application.

## **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

The proposal is consistent with the requirements of Council Policy, including Council Policy 078: Residential Development.

## **ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is proposed 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 proposal requires assessment against Design Principles 5.1.3, 5.2.2, 5.4.1 and 5.4.2 of the R-Codes in relation to side setbacks, garage width, visual privacy and overshadowing.

### *Side Setbacks*

The proposed setback of the ground floor level from the southern boundary is considered to satisfy the relevant Design Principle as the wall largely abuts the existing two storey boundary walls on the adjoining property. Furthermore, no part of the proposed wall is adjacent to a major opening or sensitive area on the adjoining site.

**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD,  
ARDROSS (REC) (ATTACHMENT)***Garage Width*

The proposed garage width is considered acceptable due to the narrow configuration of the site and as the front elevation is well articulated through the use of varied materials and large major openings on the first floor. The major openings directly above the garage help reduce the impact it has on the streetscape. The proposed design is consistent with the streetscape.

*Visual Privacy*

The proposed Retreat window along the eastern elevation on the first floor level is considered to satisfy the relevant Design Principle as no major openings or sensitive areas will be overlooked. To the south, the cone of vision falls upon the existing two storey boundary wall. To the north, views from the window toward the adjoining property will be screened by the existing vegetation on the adjoining lot.

*Overshadowing*

It is acknowledged that the narrow configuration of the subject east-west facing lot makes the development of the site, particularly for two storey development, difficult within the Deemed to Comply requirements of the R-Codes. Notwithstanding, two storey development is encouraged on narrow lots such as the subject lot, to reduce the impact that the garage has on the streetscape and for enhanced passive surveillance.

The two storey dwelling previously approved (on two occasions) for the subject site resulted in 45% overshadowing of the adjoining property.

The majority of the overshadowing resulting from the proposed dwelling will fall upon the two storey boundary walls and openings to non-habitable rooms of the adjoining property to the south. As a result, the only area of overshadowing that may have an adverse impact, relates to the proposed 4.5m length of single storey height, alfresco wall to the rear of the proposed dwelling due to it extending beyond the adjoining property's rear elevation. This wall represents a 27m<sup>2</sup> area of overshadowing of the adjoining property's rear yard. This is considered acceptable for the following reasons:

- The adjoining property's covered alfresco area is located along the southern side of the dwelling and therefore will not be impacted by the overshadowing resulting from the proposed alfresco wall.
- The rear yard of the adjoining property (excluding the covered alfresco area) is approximately 120m<sup>2</sup> in area, consequently, the 27m<sup>2</sup> overshadowing (which is the worst case scenario being assessed at 12pm, 21 June), is not significant, and will be less throughout the remainder of the year.
- The rear yard of the adjoining property which will be overshadowed is lawn, which is not currently set up as a permanent outdoor living area.
- A standard 1.8m dividing fence for a length of 4.5m (the same length as the proposed alfresco) between the two properties would result in approximately 12m<sup>2</sup> overshadowing of the rear yard. Consequently, the proposed alfresco wall only represents an additional 15m<sup>2</sup> of overshadowing.

**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD,  
ARDROSS (REC) (ATTACHMENT)****CONCLUSION**

Based on the above, the application is considered to satisfy the requirements of CPS5, the R-Codes and Council Policy. On this basis, the proposal is recommended for approval subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m 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.
3. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.
4. Prior to the commencement of the development, the street tree/s within the verge are to be protected through the installation of a Tree Protection Zone (TPZ) which is to remain in place until the completion of the development. Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
  - A free-standing mesh fence (or similar material) erected around each street tree with a minimum height of 1.2m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - 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, chemicals or contaminated water is to be disposed of, or stored within the TPZ.
  - No signage or other fixtures are to be attached to the tree.
  - 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.
5. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.

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**U14/0454 - TWO STOREY SINGLE HOUSE AT LOT 1 (NO. 46B) SEARLE ROAD,  
ARDROSS (REC) (ATTACHMENT)**

- 6. Given the location of the site within a built-up area with limited working space on-site and within the road verge, a Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval prior to the commencement of the development. The Construction Management Plan should encompass the following elements:**
- **public safety, amenity, site security;**
  - **hours of operation, noise and vibration controls;**
  - **air and dust management;**
  - **stormwater, groundwater and sediment control;**
  - **waste and material reuse and disposal;**
  - **traffic management plans for various phases of the construction;**
  - **occupation of the road verge including materials storage; and**
  - **change in existing parking arrangements.**