

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

9 JUNE 2015

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: 16 JUNE 2015

**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, 9 JUNE 2015.**

PRESENT

P Prendergast
G Russell
M Cosson
A Leith
A Donaghey
J Wardell-Johnson
J Ahola

Manager Statutory Planning
Acting Manager Building Services
Planning Officer
Planning Services Coordinator
Senior Planning Officer
Senior Planning Officer
Landscape Architect Coord (Landscape
Design)

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.

TABLE OF CONTENTS

U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A) CLIVE STREET, BICTON (REC) (ATTACHMENT)	1
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**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2015-219
 Property : Lot 501 (25A) Clive Street, Bicton
 Proposal : Proposed two storey single dwelling
 Applicant : Lomma Homes
 Owner : D J & K L Brown
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 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>

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
 CLIVE STREET, BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a two storey single dwelling at 25A Clive Street, Bicton.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of lot boundary setbacks, boundary walls, open space, garage width and site works.
- In accordance with Part 4 of the R-Codes and Council Policy, the application was advertised to affected landowners and occupiers. One submission was received outlining concerns relating to the amenity impact resulting from the proposed boundary wall along the eastern boundary .
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	: 506sqm
Street Tree(s)	: Yes – tree to remain
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to site photo above

U15_0461_June_2015 A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Tuesday, 16 June 2015.

DETAIL

Planning approval is sought for the construction of a two storey single dwelling at 25A Clive Street, Bicton

The proposed development has been assessed against the relevant provisions of 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 lot boundary setbacks, boundary walls, open space, garage width and site works.

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Walls	Walls not higher than 3m for a length of 9m behind the front setback to side boundaries only	Maximum height of 3m for a length of 20.7m along the eastern boundary	Requires assessment using Design Principles	Development Advisory Unit (DAU)
Side Setbacks – First Floor (Western Boundary)	Ensuite / Master Suite – 1.5m	1.2m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
Open Space	50%	48.5%	Requires assessment using Design Principles	MSP

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (REC) (ATTACHMENT)**

Garage Width	50%	56.6%	Requires assessment using Design Principles	MSP
Site Works and Retaining	0.6m	0.77m	Requires assessment using Design Principles	MSP

Commentary in this report will be restricted to the consideration of the eastern boundary wall as this matter is the subject of the objection. The remainder of the abovementioned matters have been assessed against the relevant Design Principles of the R-Codes and are considered acceptable.

STAKEHOLDER ENGAGEMENT

1. COMMUNITY

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

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE 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 results in excessive building bulk and will result in a terrible eye sore which will loom over the adjoining property.</p> <p>The lack of an adequate setback will adversely impact the amenity of the western side of the adjacent lot and therefore have a major impact on the value of the lot.</p>	<p>Object</p> <p>Object</p>	<p>The proposed boundary wall has a maximum height of 3m and in parts is 2.4m in height, therefore it is not considered that it will loom over the adjoining property or result in excessive building bulk.</p> <p>The adjoining lot is currently vacant with no pending applications. The proposed boundary wall increases the development potential of 25B Clive St by allowing any future development to directly abut the boundary wall as of right.</p>	<p>Not uphold</p> <p>Not uphold</p>
	<p>The boundary wall will significantly restrict direct sunlight and ventilation to the adjoining lot. Access to afternoon sun and the sea breeze will be restricted.</p>	<p>Object</p>	<p>Due to the orientation of the lots, the proposed boundary wall does not contribute to an unacceptable level of overshadowing. A shadow cast from a compliant two storey wall would be significantly greater than what is proposed.</p>	<p>Not uphold</p>

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (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 satisfies all of the relevant provisions of Council's policies with the exception of the boundary wall provisions of CP-078: – Residential Development. This therefore requires assessment against the relevant Design Principles of the R-Codes. This assessment is outlined below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

COMMENT

The proposed boundary wall along the eastern boundary is considered to satisfy Design Principle P3.2 of the R-Codes for the following reasons:

- The proposed wall makes effective use of the available space on the narrow lot, allowing the creation of a private outdoor living area along the western side of the dwelling.

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
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- The building bulk impact on the adjoining lot is considered mitigated by the height of the wall. An 8.7m length of the boundary wall has an average height of 2.4m above natural ground level which is consistent with the height of a standard dividing fence on top a compliant 600mm high retaining wall. The remainder of the wall has a maximum height of 3m which is not anticipated to significantly detract from the amenity of the adjoining lot.
- The adjoining property is currently vacant with no pending applications lodged with the City of Melville. The proposed boundary wall increases the development potential of the adjoining lot through being able to construct a wall of similar length and height up to the proposed boundary wall as of right. This will be of benefit given the narrow lot formation of the two lots.
- The location of the proposed boundary wall results in the outdoor living area and majority of the major openings of the proposed dwelling being located along the western side of the lot. This will increase the level of privacy between the two properties.
- Due to the orientation of the lots, the boundary wall does not contribute to an unacceptable level of overshadowing on the adjoining lot. Given the orientation of the sites, the proposed boundary wall will not restrict access to sunlight from the north. A compliant two storey wall setback off the boundary would have a greater impact on overshadowing than what is proposed. In addition, it is noted that the proposed dwelling satisfies the Deemed to Comply requirements of the R-Codes in relation to overshadowing.
- The proposed boundary wall is located behind the front setback line and therefore will not impact upon the prevailing development context and streetscape.

CONCLUSION

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

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.
3. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.
4. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
5. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, the surface finish of the boundary wall(s) are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
7. Prior to the initial occupation of the development, the external surface of the retaining wall(s) which are visible from the adjoining property(ies) are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
8. 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.

**U15/0461 – (MC) PROPOSED TWO STOREY SINGLE DWELLING AT LOT 501 (25A)
CLIVE STREET, BICTON (REC) (ATTACHMENT)**

9. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). 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 erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
- If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
- Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
- The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
 - Open-cut trenching or excavation works (whether or not for laying of services)
 - Changes to the natural ground level of the verge
 - Location of any temporary buildings including portable toilets
 - The unauthorised entry by any person, vehicle or machinery
- No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.