

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**8 SEPTEMBER 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](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: 14 SEPTEMBER 2015**

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 10:00 AM ON TUESDAY, 8 SEPTEMBER 2015.**

**PRESENT**

P Prendergast  
Gerard Russell  
J Wardell-Johnson  
A/Matthew Cosson  
Jack Hobbs

Manager Statutory Planning  
A/Manager Building Services  
A/Planning Services Coord  
A/Senior Planning Officer  
Planning Officer

**APOLOGIES**

Nil

**IN ATTENDANCE**

Nil

**OBSERVERS**

Nil

**DISCLOSURES OF INTEREST**

Nil

## DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

### Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

### Meeting to be informed of disclosures

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

### Disclosing members not to participate in meetings

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

**Please refer to your Handbook for definitions of interests and other detail.**

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**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant  
 Category : Operational  
 Application Number : DA-2015-832  
 Property : Lot 2 (70A) Riseley Street, Ardross  
 Proposal : Two Storey Single Dwelling  
 Applicant : Plunkett Homes  
 Owner : Mr N E Tuke and Mrs P G Tuke  
 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 : N/A

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><i>when 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>

**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a two storey single dwelling at 70A Riseley Street, Ardross.
- 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.
- 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 western boundary.
- Notwithstanding the objection received, it is considered that the development is acceptable against the relevant Design Principles of the R-Codes and Council Policy.
- It is recommended that approval be granted subject to conditions.



**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living
R-Code	:	R25/40
Use Type	:	Residential
Use Class	:	Permitted

**Site Details**

Lot Area	:	343sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

[U15\\_0462\\_September\\_2015](#). A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on 11 September 2015.

**DETAIL**

Planning approval is sought for the construction of a two storey single dwelling at Lot 2, 70A Riseley Street, Ardross

The proposal has been assessed against all of the relevant provisions of CPS5, the Acceptable Development provisions of the R-Codes and the applicable Council Policies. The key issue raised by the submitter relates to the height and length of the proposed boundary wall to the western side elevation. As such for purposes of brevity, commentary in this report will focus on this boundary wall.

**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ADDRESS (REC) (ATTACHMENT)**

***CPS5 and Policy Requirements***

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Boundary Wall to west side	Walls not higher than 3m for a length of 9m	Maximum height of 3.64m for a length of 9.9m along the western boundary	Requires assessment using Design Principles	Development Advisory Unit (DAU)
Boundary Wall to north side	As Above	Maximum height of 3.61m for a length of 9m along the northern boundary	Requires assessment using Design Principles	Manager Statutory Planning (MSP)



**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with R-Codes and Council Policy  
 Support/Object: One objection

<b>Affected Property</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
1: In respect of the western side boundary wall.	The wall is too high. The adjoining property is lower than the proposed development and will be impacted. A 1.8m high wall would be acceptable.	Object	The proposed boundary wall has a maximum height of 3.64m. Council policy allows such walls to a maximum height of 3.5m. The proposed wall is a maximum of 3.64m, and as such and given the relationship it will have with the adjoining residence located to the west, the adverse impacts that might ordinarily result are avoided, despite the additional height and length sought.	Not uphold
2	The boundary wall will block access to views and sunlight.	Object	There are no views of significance from the adjoining property that might be compromised by the proposed development. In addition the wall does not contribute to overshadowing given the orientation of the lot.	

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (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 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**

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of boundary walls.

As stated, commentary in this report will be restricted to the consideration of the impact of the western boundary wall only, as this particular matter is the subject of the objection.

**U15/0462 PROPOSED TWO STOREY SINGLE DWELLING AT LOT 2 (70A) RISELEY STREET, ARDROSS (REC) (ATTACHMENT)***Western Boundary Wall*

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

- The wall makes effective use of the available space, allowing the creation of a private outdoor living area in the north eastern corner of the property.
- The wall directly abuts an area of the western adjoining dwelling which is essentially a service area with access and openings to a laundry. It does not directly abut any major openings or outdoor living areas.
- 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. The compliant two storey wall above has a greater impact 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.

**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.

**OFFICER RECOMMENDATION****APPROVAL**

- 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 walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.**
- 3. Prior to the initial occupation of the development, the opening along the Southern side of the Living room (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 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 (for Single Houses or Grouped Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 4. 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.**
- 5. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6.0m. 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.**