

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

5 JANUARY 2016

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: 8 JANUARY 2016

**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, 8 JULY 2014.**

PRESENT

M Scarfone
T Capobianco
M Cosson
J Wardell-Johnson
J Hobbs
A Miller

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

APOLOGIES

P Prendergast

Manager Statutory Planning

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

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

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

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

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U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11 (5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)

Ward : Palmyra-Melville-Willagee
 Category : Operational
 Application Number : DA-2015-872
 Property : Lot 11 (5A) Renton Street, Melville
 Proposal : Two Storey Single House with Under Croft
 Applicant : Paramount Design
 Owner : Michael Collins
 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 & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<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>

**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning Approval is sought for a two storey single house with an undercroft at 5A Renton Street, Melville.
- 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 and primary street setback of the first floor.
- 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 setback variation on the western side.
- 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.



**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 512 sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Not applicable
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer photo above

U16_0466_JANUARY_2016. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 8 January 2016.

DETAIL

Planning approval is sought for the construction of a two storey single house with an undercroft at 5A Renton Street, Melville.

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 proposal satisfies all of these requirements with the exception of those matters listed below:

CPS 5 and Council Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary Wall (east)	Height: 3.5 m maximum height 3 m average height Length: 15 m	8.8 m maximum height 7.29 m average height 25.2 m	Requires assessment using Design Principles	Manager Statutory Planning

**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)**

R-Code Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Primary Street Setback - First Floor	6 m average	5.649 m average	Requires assessment using Design Principles	Manager Statutory Planning
Side Setbacks – First Floor (West)	Nib wall Void/Balcony	1 m in lieu of 1.2 m 1.5 m in lieu of 1.9 m	Requires assessment using Design Principles	Manager Statutory Planning
Side Setbacks - Ground Floor (East)	Terrace/activity/laundry/bed 2 Nursery	1 M IN LIEU OF 1.5 M 1.5 m in lieu of 7.3 m	Requires assessment using Design Principles	Manager Statutory Planning
Site Works	0.6 m cut and fill	MAXIMUM 1.33 M CUT Average 0.8 m fill	Requires assessment using Design Principles	Manager Statutory Planning

The west side setback issue is discussed in detail below as the submission received has identified this issue as a concern. The boundary wall, site works, remaining side setbacks and average front setback are considered to meet the relevant design principles of the R-Codes.

**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

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

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<p>The overheight architectural nib wall on the eastern side is set on the boundary and will create a wind tunnel and direct the wind into the alfresco area. Furthermore the wall is abutting the alfresco area and will negatively impact the visual amenity.</p> <p>The first floor variation will overshadow the alfresco and family areas and create a wind tunnel effect.</p>	Object	<p>The architectural nib wall has been amended to be setback 1 m (in lieu of 1.2 m) rather than on the boundary. The nib wall lines up with the neighbour's dining area which does not have major openings rather than the alfresco.</p> <p>Given the scale of the proposed development wind impacts are not likely to have an adverse impact</p> <p>The overshadowing is compliant.</p> <p>Given the scale of the proposed development wind impacts are not likely to have an adverse impact</p>	Not uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (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. The boundary wall has been assessed against the relevant Design Principles of the R-Codes and is considered acceptable. No objection was received to this aspect of the proposal.

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, lot boundary setback, primary street setback and site work.

Commentary in this report will be restricted to the consideration of the western lot boundary setbacks only, as this matter is the subject of the objection.

**U16/0466 PROPOSED TWO STOREY SINGLE HOUSE WITH UNDER CROFT AT LOT 11
(5A) RENTON STREET, MELVILLE (REC) (ATTACHMENT)***Western Lot Boundary Setback*

The western boundary wall is considered to satisfy Design Principle P3.1 & P3.2 of the R-Codes for the following reasons:

- There are no privacy variations.
- The overshadowing complies with the deemed-to-comply provisions.
- The lot boundary setback of the void/balcony is adjacent to the retreat and lounge room walls of the adjoining property which do not contain no major openings. There is a balcony on the front elevation of the adjoining property that will be able to view the subject wall. This balcony is located 3.5 metres from the side boundary and therefore the proposed variation will have minimal impact in terms of bulk. Due to the location of the proposed wall there will be no impact on the balcony in terms of access to sunlight or access to ventilation. .
- The architectural nib wall is adjacent to the neighbour's dining room on the ground floor which does not contain major openings and a non major opening on the first floor. It therefore will not create any bulk impact.
- Over all the entire western elevation has uses a range of setbacks and materials to articulation the wall and reduce the bulk impact.

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. 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.**

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : DA-2015-1311
 Property : Lot 21 (26) Moolyeen Road, Mount Pleasant
 Proposal : Two Storey Single House
 Applicant : Atrium Homes WA
 Owner : Christophe Demouche & Foong Shin Kong
 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

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

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for a two storey single house at 26 Moolyeen Road, Mount Pleasant
- 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 wall average height, garage width and overshadowing.
- In accordance with Part 4 of the R-Codes and Council policy, the overshadowing and boundary wall average height variations were advertised to affected landowners and occupiers. Two submissions were received outlining concerns relating to the amenity impact resulting from the proposed boundary wall along the western boundary and the proposed overshadowing of the kitchen and living area of the single house to the south.
- Notwithstanding the objections received, it is considered that the development is acceptable having regard to the relevant Design Principles of the R-Codes and Council Policy.
- It is recommended that approval be granted subject to conditions.



U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 506 sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Yes
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer photo above

U16_0467_JANUARY_2016. A copy of the plans forms part of the attachments to the agenda which were distributed to Elected Members on Friday 8 January 2016.

DETAIL

Planning approval is sought for the construction of a two storey single house at 26 Moolyeen Road, Mount Pleasant.

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 proposal satisfies all of these requirements with the exception of those matters listed below:

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary Walls	Walls not higher than 3.5m with an average height of 3 m for a length of one third the boundary length behind the front setback	An average height of 3.3 m	Requires assessment using Design Principles	Manager Statutory Planning

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

R-Code Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Overshadowing	25%	39.6 %	Requires assessment using Design Principles	Manager Statutory Planning
Side Setbacks – First Floor (North)	Balcony	2.03 M IN LIEU OF 3 M	Requires assessment using Design Principles	MSP
Side Setback- First Floor (South)	Linen/WIR	1.943- 2.4 M IN LIEU OF 2.2 M	Requires assessment using Design Principles	MSP
Garage Width	60%	61.6%	Requires assessment using Design Principles	MSP

The boundary wall height and overshadowing issues are discussed in detail below as submissions from adjoining land owners have identified these issues as concerns. The side setbacks and garage width are considered to meet the relevant design principles of the R-Codes.

PUBLIC CONSULTATION/COMMUNICATION

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

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<p>The high boundary wall will be prominent and aesthetically displeasing looking through the master bedroom windows. There are concerns about the ongoing maintenance of the boundary wall.</p>	Object	<p>The proposed boundary wall has an average height of 3.3 m in lieu of 3 m. Overall the wall complies with maximum height and length prescribed in the deemed to comply standards. The bulk impact onto the neighbouring property will be minimal as the master bedrooms windows which face the boundary wall are minor openings.</p> <p>A condition will be attached to the application "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." It will be the owner's responsibility to maintain the boundary wall.</p>	Not uphold

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

2	The overshadowing shades the kitchen and living area major openings and will affect the amount of light the home will receive.	Object	The element of the house that overshadows the neighbouring kitchen/living area is single storey. Due to the north to south orientation and the width of the lots, even if the house complied with the 25% the kitchen/living room window would still be affected.	Not uphold.
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CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / 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 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.

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**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, side setbacks and overshadowing.

Commentary in this report will be restricted to the consideration of the boundary wall height and overshadowing, as these were the matters advertised and the subject of the objections.

Boundary Wall

The northern 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, the narrow lot restricts the design of the house. The garage FFL has been dropped to reflect the natural slope of the land but the ceiling height has been maintained which has resulted in the extra height.
- The boundary wall will not create any adverse bulk impact as it is adjacent to the master bedroom which has no major openings facing toward it and is separated by a 3.2 m side setback.
- Given the orientation of the site, the proposed boundary wall will not restrict the neighbour's access to winter sunlight.
- There is no impact to the neighbour's privacy.

U16/0467 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 21 (26) MOOLYEEN ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)*Overshadowing*

The overshadowing calculation of 39.6% in lieu of 25% is considered to satisfy Design Principle P3.2 of the R-Codes for the following reasons:

- The majority of overshadowing generated from the two storey element of the proposed dwelling falls on non-major openings and the roof of the neighbouring property. No solar collectors are located on the roof. At the rear the proposed single storey element casts a shadow onto the adjoining kitchen window which is a major opening and alfresco area. The approved drawings show that the adjoining kitchen window has a low sill height and is vulnerable to overshadowing even by a compliant single storey dwelling. Due to the orientation and width of the adjoining lot a dwelling which met the deemed to comply provisions would still be likely to overshadow the kitchen window and alfresco area. .

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 and overshadowing. On this basis, the proposal is recommended for approval subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

4. All stormwater generated on site is to be retained on site.
5. 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.
6. Prior to the initial occupation of the development, the opening along the northern side of the balcony (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.
7. 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.

**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)**

Ward : University
 Category : Operational
 Application Number : DA-2015-1372
 Property : Lot 204 (10) Dunstan Place, Murdoch
 Proposal : Additions – Ancillary Dwelling
 Applicant : Modern Home Improvers
 Owner : Mr P J Baird-Murray
 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 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<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>

**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning Approval is sought for Additions (Ancillary Dwelling and Alfresco) to a Single House at 10 Dunstan Place, Murdoch.
- The additions have been assessed against the provisions of Community Planning Scheme No. 5 (CPS5), the relevant Design Principles of the Residential Design Codes (the R-Codes) and applicable Council Policies. The proposed Ancillary Dwelling has a plot ratio of 88.5m² and a 9.0 metre long boundary wall resulting in an aggregate boundary wall length of 15.4m, The size of the Ancillary Dwelling and the length of boundary walls represent variations to the deemed to comply standards of the R-Codes and this has been taken into consideration with the assessment undertaken.
- The application was advertised in accordance with the provisions of the R-Codes and Council policy and one submission was received in opposition to the proposal.
- The submission objects to the development on the grounds of building bulk and visual amenity arising from the boundary wall length variation. The submission also raised concerns regarding reduced property value.
- Whilst the objection is acknowledged, the proposal is considered to satisfy the requirements of the Design Principles of the R-Codes and Council Policy.
- It is recommended that the application be approved subject to conditions.



**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 717sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Not applicable
 Street Furniture (drainage pits etc) : Street light on verge
 Site Details : Refer photo above

U16_0468_JANUARY_2016. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 8 January 2016.

DETAIL

The proposal has been assessed against the provisions of CPS5, the relevant Design Principles of the R-Codes and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary Walls length variation (Western boundary)	9.0m	15.4m	Requires assessment under R Codes Design Principles	Manager Statutory Planning

PUBLIC CONSULTATION/COMMUNICATION

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

**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	<p>The variation to boundary wall provisions will have an adverse impact on the submitter's property through the imposition of building bulk and loss of visual amenity.</p> <p>The submitter also raised concerns regarding property devaluation.</p>	Object	<p>The boundary wall of the ancillary dwelling has a maximum wall height to eaves of 2.4m and length of 9.m. The total boundary wall length is 15.4 metres inclusive of the existing 6.4m garage boundary wall. A boundary wall of that length can be considered subject to assessment under the relevant R Code Design Principles. Refer to comments section below.</p> <p>The concerns expressed in respect of property devaluation are not material planning considerations.</p>	Not upheld

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / 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 for the City relating to this proposal.

**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)****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 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

Planning Approval is sought for Additions (Ancillary Dwelling and Alfresco) to a Single House at 10 Dunstan Place, Murdoch.

The key issue in this case is whether the aggregate boundary wall length, at 15.4m, meets the objectives of the design principles of the R Codes.

The design principles for boundary walls are set out in Clause 5.1.3 of the R Codes, and generally seek to ensure new boundary walls do not have a negative impact on the adjoining landowners or the streetscape in terms of visual bulk, access to direct sun and ventilation and visual privacy while at the same time allowing the landowner to make effective use of space.

In the subject case, the new boundary wall of 9.0m in length and 2.4m in height would be deemed to comply provisions of the R-Codes if no other boundary walls existed on site. The boundary wall length variation, is caused by the existing 6.4m garage boundary wall which takes the total boundary wall length to 15.4 metres. These two boundary walls are separated by a distance of 19.5m. As the boundary walls are significantly separated they are not considered to have a collective impact on the adjoining neighbour in terms of building bulk or in terms of visual amenity. It is noted that the new boundary wall has a maximum height of 2.4m compared to a maximum permissible height of 3.0m under the deemed to comply provisions of the City's *Residential Development Policy (CP-78)*. The reduced boundary wall height effectively acts to mitigate the visual impact of the development from the neighbouring property.

The proposed wall is located to the south east of the adjoining landowners, outdoor living area and pool and therefore will not have an overshadowing impact at midday 21 June. Finally the boundary wall is considered to make effective use of the land and add to the visual privacy of the adjoining landowner.

**U16/0468 ADDITIONS – ANCILLARY DWELLING AND ALFRESCO AT LOT 204 (10)
DUNSTAN PLACE, MURDOCH (REC) (ATTACHMENT)****CONCLUSION**

The application is considered to satisfy the provisions of CPS5, the R-Codes and Council Policy. It is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

A) That the application for an ancillary dwelling and alfresco additions to an existing single dwelling be approved subject to the following conditions:

- 8. All stormwater generated on site is to be retained on site.**
- 9. 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.**
- 10. 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.**

B) That the resident who made a submission on the proposal be notified of A) above.