

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 5 JULY 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](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: FRIDAY, 8 JULY 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, 5 JULY 2016**

**PRESENT**

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

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

**APOLOGIES**

P Prendergast

Manager Statutory Planning

**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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**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra – Melville - Willagee  
 Category : Operational  
 Application Number : DA-2016-562  
 Property : Lot 2 (31A) Kitchener Road, Melville  
 Proposal : Single Storey Grouped Dwelling  
 Applicant : Ross North Group  
 Owner : Mark and Jessica Zlokich  
 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 : Mark Scarfone  
 A/ 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>

**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a single storey grouped dwelling at Lot 2 (31A) Kitchener Road, Melville.
- The proposal satisfies all of the relevant provisions of Local Planing Scheme No.6 (LPS6) the Deemed-to-comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of boundary walls.
- The application has been advertised in accordance with part 4 of the R-Codes and clause 1.7 of CP-056: *Planning Process and Decision Making* policy.
- One submission was received outlining concerns relating to the amenity impact and overshadowing resulting from the proposed boundary wall along the southern boundary.
- Notwithstanding the objection received, it is considered that the development is acceptable taking into account the Design Principles of the R-Codes and Council Policy.
- It is recommended that approval be granted subject to conditions.



**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 LPS 6 Zoning : Living  
 R-Code : R20  
 Use Type : Residential  
 Use Class : Permitted

**Site Details**

Lot Area : 377sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : One street tree  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer photo above

U16\_0475\_JULY\_2016 A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 8 July 2016.

**DETAIL**

Planning approval is sought for the construction of a single storey grouped dwelling at Lot 2 (31A) Kitchener Road, Melville.

The proposal has been assessed against all of the relevant provisions of LPS6, the Deemed-to-comply provisions of the R-Codes and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

**R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed-to-comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Boundary Walls (Southern boundary)	Walls not higher than 3.5m (3m average) for a length of 9m	Maximum height of 3m for a length of 9.95m	Requires assessment using Design Principles	Development Advisory Unit (DAU)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with Part 4 of R-Codes and Council Policy  
 Support/Object: One objection

**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

<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>
Submission 1	<p>The excessive length of the boundary wall will dominate the outdoor living area of the adjoining property.</p> <p>The height of the wall will block light and sun to the outdoor living area of the adjoining property.</p> <p>The face brick and the colour of the brick will not match the adjoining dwelling or the colourbond fence along the boundary.</p>	Object	The southern boundary wall is considered to satisfy the R-Codes Design Principle P3.2 as detailed below.	Not uphold

**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 in the comments section below.



**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members or interested third parties have an alternative view, the DAU ‘call-up’ procedures provide opportunity to call this matter up for Council consideration.

**COMMENT**

As outlined above, the proposed development generally satisfies the relevant requirements contained within LPS6, the Deemed-to-comply provisions of the R-Codes and Council policy with the exception of boundary walls.

The southern boundary wall is considered to satisfy Design Principle P3.2 for the following reasons:

- The boundary wall allows the applicant to make more effective use on a battleaxe lot which in turn enhances the privacy for the occupants of the subject site and the adjoining lot;
- The variation to boundary wall length of 9.95m in lieu of 9m is not considered to adversely impact the adjoining property through the imposition of building bulk. The existing retaining wall and dividing fence on the boundary of the adjoining lot mitigates the visual impact of the wall on the adjoining lot. (See Figures 1 and 2);

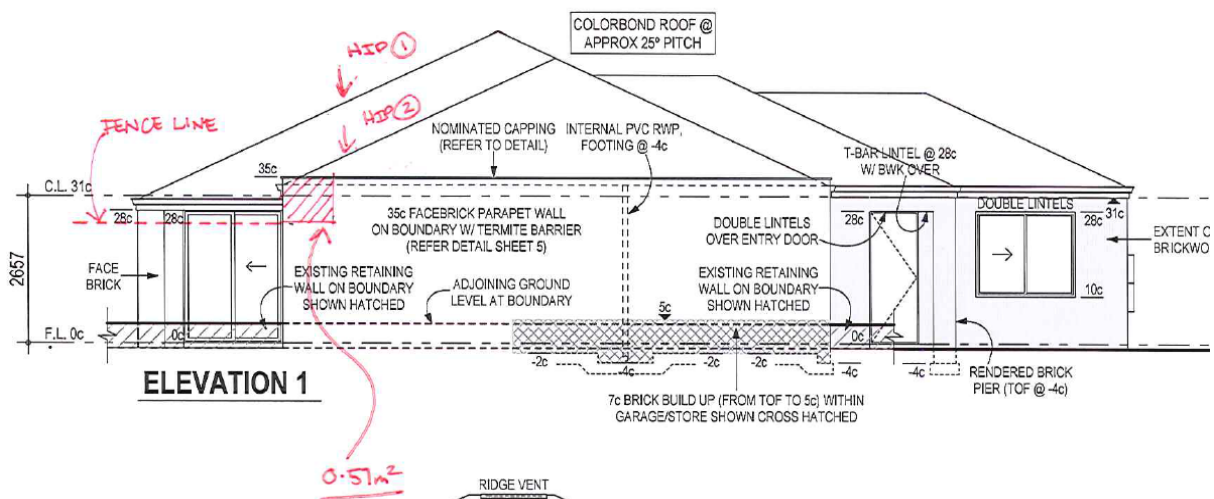


Figure 1. Hatched area indicates the extent of variation above the existing dividing fence

**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**



**Figure 2. Existing retaining wall and boundary fence.**

Despite the proposed wall's location on the northern boundary of the adjoining lot, the proposed development complies with the Deemed-to-comply provisions of the R-Codes for overshadowing.

**CONCLUSION**

Based on the above, the application is considered to satisfy the provisions of LPS6, the R-Codes and Council Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION**

**APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**
- 2. 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.**
- 3. 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.**
- 4. 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.**

**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

5. 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.
6. 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.
7. 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.
8. 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.

**U16/0475 – SINGLE STOREY GROUPED DWELLING AT LOT 2 (31A) KITCHENER ROAD, MELVILLE (REC) (ATTACHMENT)**

**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.**