

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 22 AUGUST 2017

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: FRIDAY, 25 AUGUST 2017



**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, 22 AUGUST 2017**

PRESENT

P Prendergast
M Scarfone
T Capobianco
M Cosson
B Ashwood
A Miller

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

APOLOGIES

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 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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U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPLECROSS (REC) (ATTACHMENT)

Ward : APPLECROSS-MOUNT PLEASANT

Category : Operational

Application Number : DA-2017-646

Property : 4 Dunvegan Road, Applecross

Proposal : Proposed single storey single house

Applicant : Brook Rubino and Michele Zammuto

Owner : Mario Tascone

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : N/A

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 (e.g. 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>



U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development Approval is sought for a single storey single house at Lot 753 (No.4) Dunvegan Road, Applecross.
- The proposal satisfies all of the relevant provisions of Local Planning Scheme No.6 (LPS6), the Residential Design Codes (the R-Codes) and applicable Local Planning and Council Policies with the exception to boundary wall length, lot boundary setbacks, open space and front fencing.
- The boundary wall on the east was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making in regards to the boundary wall length. One submission was received, which raises objection to loss of access to natural sunlight and the bulk impact of the boundary wall.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes and Local Planning Policy 1.9 Height of Buildings.
- It is recommended that the application be approved subject to conditions.



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS 6 Zoning	: Residential
R-Code	: R12.5
Use Type	: Residential
Use Class	: Permitted

U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPLECROSS (REC) (ATTACHMENT)

Site Details

Lot Area : 1092sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Yes
 Street Furniture (drainage pits etc.) : Not applicable
 Site Details : Refer photo above

DETAIL

Development Approval is sought for a single storey single house at Lot 753 (No.4) Dunvegan Road, Applecross.

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

Local Planning Scheme and Local Policy Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Wall (east) length	9 m	12.16 m	Requires assessment using Design Principles of the R-Codes	Manager Statutory Planning (MSP)

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Open Space	55%	52.51%	Requires assessment using Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Fences and Street Walls	Visually permeable above 1.2 m	1.8 m	Requires assessment using Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Lot Boundary Setback Alfresco (east)	1.5 m	1.2 m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

Commentary in this report relates only to the boundary wall variation which was advertised. All other variations outlined above have been assessed against and are considered to meet the relevant design principles of the R-Codes and Local Planning Policy.



U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPECROSS (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The proposed boundary wall length and height will result in a loss of access to natural sunlight and ventilation and result in a loss of amenity and aesthetics due to the bulk impact.	Object	The boundary wall height was previously 3.6m high but has been reduced in height to a maximum of 3m which is consistent with Local Planning Policy 3.1 Residential Development. With regard to the boundary wall length refer to comments section of this report	Not uphold.

II. OTHER AGENCIES / CONSULTANTS

Consultation with other agencies / consultants is not 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.



U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPLECROSS (REC) (ATTACHMENT)

POLICY IMPLICATIONS

The boundary wall length represents a variation to Clause 6 of Local Planning Policy LPP3.1 Residential Development and therefore requires a performance assessment having regard to the Design Principles of the R-Codes.

COMMENT

Boundary Wall Length

The boundary wall length in question is considered to achieve design principles of Clause 5.1.3 of the Residential Design Codes.

The boundary wall is 12.16m long in lieu of the permitted 9m under the deemed-to-comply requirements of LPP3.1 Residential Development. The additional length does not adversely impact the amenity of the neighbour in regards to access to natural sun light, privacy and bulk impact.

The proposed boundary wall will face one major opening (study) and four minor openings (bathrooms/laundry) on the neighbouring property. The minor openings in this case cannot, by their very nature, be considered to be adversely affected by the proposed boundary wall. The major study opening opposes the portion of the wall which would be within the length tolerances of the associated deemed to comply provisions. In view of this, and given the height of the wall at 3m is consistent with the City's Local Planning Policy, it does not result in any overshadowing impacts, and privacy concerns are not raised, the variation to the wall length is supported.

ALTERNATE OPTIONS AND 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.

CONCLUSION

With consideration of the above, the application is considered to satisfy the requirements of LPS6, the R Codes and Local Planning Policy. On this basis, the proposal is recommended for approval subject to conditions.

U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPECROSS (REC) (ATTACHMENT)

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 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.
3. 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.
4. The maximum height of the fencing within the primary street setback shall be 1.8 m as viewed from the street as per Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the Manager Statutory Planning.
5. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, the surface finish of the boundary wall is 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 which are visible from the adjoining property is 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.

U17/0491 PROPOSED SINGLE STOREY SINGLE HOUSE LOT 753 (NO.4) DUNVEGAN ROAD APPLECROSS (REC) (ATTACHMENT)

9. Prior to the commencement of the development, the street tree is required to be retained 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.