



## **REPORTS AND RECOMMENDATIONS**

### **FOR THE**

### **DEVELOPMENT ADVISORY UNIT**

### **MEETING**

### **HELD ON**

**TUESDAY, 5 DECEMBER 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](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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 DECEMBER 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, 5 DECEMBER 2017**

**PRESENT**

P Prendergast  
M Scarfone  
M Giancaspro  
B Ashwood  
A Miller

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

**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 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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**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross-Mount Pleasant

Category : Operational

Application Number : DA-2017-1030

Property : 127B Reynolds Road

Proposal : Proposed Two Storey Single House

Applicant : Stannard Group Pty Ltd

Owner : Mr Jordan and Rhoda Kosek

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 &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>

**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a two storey Single House at 127B Reynolds Road, Mount Pleasant
- The proposal satisfies all of the relevant provisions of Local Planning Scheme No. 6, the Deemed-to-Comply provisions of State Planning Policy 3.1 'Residential Design Codes' (R-Codes) and applicable Council and Local Planning Policies with the exception of the average height of the boundary wall and solar access.
- In accordance with Part 4 of the R-Codes and Council policy, these issues were advertised to affected landowners and one objection was received.
- Notwithstanding the objection received, it is considered that the development is acceptable against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



**Figure 1: Aerial image of the site**

**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT))**

**BACKGROUND**

No recent development applications or background information which is relevant to the subject application.

**Scheme Provisions**

MRS Zoning : Urban  
 LPS Zoning : Residential  
 R-Code : 20  
 Use Type : Residential  
 Use Class : P

**Site Details**

Lot Area : 563 sqm  
 Retention of Existing Vegetation : N/A  
 Street Tree(s) : Yes  
 Street Furniture (drainage pits etc) : N/A  
 Site Details : See site photo above.

A Copy of the plans forms part of the attachments to the Agenda which were distributed to Elected members on Friday 8 December 2017.

**DETAIL**

**R-Code Requirements**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Solar Access	25%	30.49%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Wall height (south)	3 m	3.1 m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: As per Part 4 of the Residential Design Codes.  
 Support/Object: Object



**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Steps have been taken to mitigate overlooking	N/A	Noted.	N/A
1	Overshadowing The house has been designed to take into account the winter sun. Our assessment is that the overshadowing will not affect our hot water system solar power system.	Objection	See comments section below.	Not uphold.
1	Boundary height variation Taking into account the height different, the boundary wall will be 0.424 m higher than our boundary wall.	Objection	See comments section below.	Not uphold.

### STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for development 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

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

- LPP1.1 Planning Process and Decision Making
- LPP3.1 Residential Development



**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**COMMENT**

As outlined above, the proposed development generally satisfies the relevant requirements contained within LPS 6, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of boundary wall height and overshadowing.

*Boundary Wall*

The proposed boundary wall average height is 3.1 m in lieu of 3 m with regard to LPP3.1 Residential Development. This is recommended for support as it achieves the following design principles:

- No privacy concerns as there are no major openings in the garage
- Due to the upper floor the additional height from the boundary wall does not materially add to the overshadowing.
- In regards to the bulk impact, the majority of the wall abuts the neighbour's garage and a portion is adjacent to the neighbour's living room window. The wall is well under the maximum height permitted (3.5 m) and the additional 10 cm is a minor variation and will not create a detrimental amount of additional bulk.

*Solar Access*

The overshadowing calculation of 30.49% in lieu of 25% is considered to satisfy Design Principle P3.2 of the R-Codes for the following reasons:

- The shadow does not fall onto the neighbour's alfresco area
- As noted by the neighbour the solar panel will not be affected by the shadow.
- Due to the orientation the lot and the two storey nature of the proposal a development which met the deemed to comply provisions would overshadow the major openings on the adjoining site. The additional shadow proposed as a part of this development falls on the roof of the adjoining dwelling and therefore has no negative impact.

**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**

Based on the above, the application is considered to satisfy the requirements of LPS6, the R-Codes and Council policy, including the Design Principles for boundary walls and overshadowing. On this basis, the proposal is recommended for conditional approval.

**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (U17/0496)**

**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. 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 *LPP 3.1 Residential Development*, to the satisfaction of the manager statutory planning.
5. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 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 walls are to be finished externally 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.

**U17/0496 (PROPOSED TWO STOREY SINGLE HOUSE AT 127B (LOT 563) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT))**

8. Prior to the commencement of the development, the street tree 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:
    - i. Storage of materials, equipment fuel, oil dumps or chemicals
    - ii. Servicing and refuelling of equipment and vehicles
    - iii. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - iv. Open-cut trenching or excavation works (whether or not for laying of services)
    - v. Changes to the natural ground level of the verge
    - vi. Location of any temporary buildings including portable toilets
    - vii. 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.

**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

Ward : Bull Creek - Leeming

Category : :  
Operational

Application Number : DA-2017-1092

Property : 29 (Lot 504) Wheatley Drive, Bull Creek

Proposal : Proposed home business-hair salon

Applicant : Ms Mi Yeon Kang

Owner : Ms Mi Yeon Kang

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**

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<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Approval is being sought for the development of a studio at the rear of the property and for the use of the studio for the purposes of a Home Business.
- The studio is compliant with State Planning Policy 3.1 'Residential Design Codes' (R-Codes) and Local Planning Policies and is not required to be considered as a part of this report.
- A 'Home Business' is an 'A' use within the 'Residential' zone. An 'A' use requires formal advertising to the surrounding neighbours as per Local Planning Policy 1.1 'Planning Process and Decision Making' and the Planning and Development (Local Planning Schemes) Regulations 2015 prior to a decision being made.
- During the consultation period one objection was received.
- Notwithstanding the objection received, the proposed development is acceptable having regard to the relevant planning considerations and it is recommended that the proposal be approved with conditions.



**Figure 1: Aerial image of the site**



**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

**BACKGROUND**

No recent development applications or background information which is relevant to the subject application.

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R20
Use Type	:	Home Business
Use Class	:	'A' Use

**Site Details**

Lot Area	:	688 sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	Drain
Site Details	:	See site photo above.

A Copy of the plans forms part of the attachments to the Agenda which were distributed to Elected members on Friday 8 December 2017.

**DETAIL**

Planning approval is sought to operate a hair salon from the proposed studio at the rear of the property. Under the provisions of Local Planning Scheme No. 6 (LPS6), this use meets the definition of a 'Home Business'. The proposed studio is deemed to comply provisions of the R-Codes and Local Planning Policies and therefore is not being considered as part of this report.

The proposed home business will be run by one resident of the dwelling with the help of one external employee. A maximum of 2 clients will be permitted at one time and the opening times are 9am-5pm Monday- Sunday.

**STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	As per LPP1.1 Planning Process and Decision Making
Support/Object:	Object

**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	<p>Location and Traffic Safety</p> <p>The subject lot is on a bend on Wheatley Drive which reduces visibility when entering and exiting the property. Furthermore, people speed along Wheatley Drive as it is used as a thoroughfare between South Street and Parry Ave. The additional trips generated by the home business will create more traffic along this road and increase the safety issues which currently exist</p>	Object.	The application has been referred to the City's Technical services who deal with traffic and road safety. The comments received from Technical Services state that the additional cars from the hair salon will not create any traffic congestion or safety issues.	Not uphold.
1	<p>Existing Businesses</p> <p>The home business will take away customers from existing business owners from hair salons in shopping centres.</p>	Object.	The City does not assess the permissibility of one use based on how many there are in the area. This is not a material planning concern.	Not uphold.
1	<p>Notice of Advertisement</p> <p>The application was not advertised to a property which does not directly abut the subject site. The City is required to give due consideration to the views of neighbouring owners.</p>	Object.	As per Clause 1.7.7 Extent of advertising of LPP1.1. Planning Process and Decision Making, only lots directly abutting the site are included in the advertising.	Not uphold.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse the application for development 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*.



**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

**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**

LPP1.1 Planning Process and Decision Making

**COMMENT**

The proposed home business meets the definition of home business as per Local Planning Scheme No. 6 as demonstrated in the table below

Home Business means a dwelling or land around a dwelling used by the occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession-

	Comments
a) Does not involve employing more than 2 people who are not members of the occupier's household; and	1 additional employee
b) Will not cause injury or adversely effect the amenity of the neighbourhood; and	The home business is relatively low scale with a maximum of 2 customers at one time, this level will not adversely impact the neighbourhood.
c) Does not occupy an area greater than 50sqm; and	Studio area 22.76 sqm
d) Does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by the means of the internet; and	The use is for a hairdresser which provides a service with no retail sale.
e) Does not result in traffic difficulties as a result of the inadequacy of parking or an increase of traffic volumes in the neighbourhood; and	The use needs 2 bays provided on site for the residential component and an additional three bays for the home business.  These bays can be accommodated on site without modification to the built form.  The City's Technical Services department has assessed the proposed and the additional trips generated for the home business are within the appropriate traffic volumes for Wheatley Drive.

**U17/0497 PROPOSED HOME BUSINESS AT 29 (LOT 504) WHEATLEY DRIVE, BULL CREEK (REC) (ATTACHMENT)**

	Comments (cont'd)
f) Does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and	Complies.
g) Does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.	Complies.

**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**

The proposed home business meets the requirements of Local Planning Scheme No. 6 and is recommended for conditional approval.

**OFFICER RECOMMENDATION (U17/0497)**

**APPROVAL**

- 1. Planning approval is issued to the Applicant only and is not transferable to another person or property.**
- 2. No more than one non-resident person shall be employed at any one time.**
- 3. The Home Business shall not occupy an area greater than 50m<sup>2</sup>.**
- 4. No retail sale, display or hire of goods of any nature is to occur.**
- 5. No sign of greater than 0.2m<sup>2</sup> shall be displayed at the premises.**
- 6. A maximum of 2 clients at any one time are permitted to visit the property.**
- 7. The Home Business shall not operate outside of the hours of 9am to 5 pm Monday to Sunday.**