



REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 18 JULY 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, 21 JULY 2017

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 11:00 AM ON TUESDAY, 18 JULY 2017.**

PRESENT

P Prendergast
M Scarfone
T Capobianco
M Cosson
M Rea

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
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.

TABLE OF CONTENTS

U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT) 5

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2017-235
 Property : Lot 1000 (66B) McCallum Crescent, Ardross
 Proposal : Two storey single house with under croft
 Applicant : Tuscom Subdivision Consultants – Liz Wong
 Owner : Aihong Zhang
 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>

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of a two storey single house with under croft at Lot 1000 (66B) McCallum Crescent, Ardross
- The proposal satisfies the relevant provisions of Local Planning Scheme No.6 (LPS6), the deemed-to-comply provisions of the Residential Design Codes (R-Codes), applicable Local Planning Policies and applicable Council Policies with the exception of lot boundary setbacks, boundary walls, garage width, overshadowing and site works, for which an exercise of judgement is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy to affected land owners. One submission was received outlining concerns relating to boundary wall height, lot boundary setbacks, visual privacy and building height.
- The objection received raised relevant planning issues and amended plans were provided by the applicant in response to a request from the City.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



Figure 1 – Ariel Photography

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 506sqm
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : Yes
 Street Furniture (drainage pits etc) : Not Applicable
 Site Details : Refer Figure 1 above

U17_0489_July_2017 - A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 21 July 2017.

DETAIL

Planning approval is sought for the construction of a two storey single house with under croft level at Lot 1000 (66B) McCallum Crescent, Ardross.

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

Table 1: Local Planning Scheme and Local Policy Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Wall (North East)	Height: 3.5m maximum height 3m average height Length: 14.56m	4.15m maximum height 3.8m average height 5.9m	Requires assessment having regard to the Design Principles of the R-Codes	Development Advisory Unit (DAU)
Boundary Wall (South West)	Height: 3.5m maximum height 3m average height	7.8m maximum height 7.3m average	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Wall (South West) Continued	Length: 14.4m	Height 4.59m		
Boundary Wall (South West)	Height: 3.5m maximum height 3m average height Length: 14.4m	4.7m maximum height 4m average height 10.7m	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Crossover Location	To be located 2m from street tree	0.88m	Condition to be applied	Manager Statutory Planning (MSP)

Table 2: R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Side Setback – Ground Floor (south west) Total Dwelling	1.8m	1.5m to 1.65m	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Side Setback – First Floor (south west) Total Dwelling	3.5m	1.5m to 1.65m	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Side Setback – Ground Floor (north west) Living, Bed 1, Ensuite, Laundry, Guest	5m	1.5m	Requires assessment having regards to the Design Principles of the R-Codes	Development Advisory Unit (DAU)
Side Setback – First Floor (north west) Ensuite, Kitchen, Living, Balcony	3m	1.5m	Requires assessment having regard to the Design Principles of the R-Codes	Development Advisory Unit (DAU)

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

Development Requirement	Deemed Comply	to Proposed	Comments	Delegation to approve variation
Side Setback – First Floor (north west) Kitchen	1.3m	1m	Requires assessment having regard to the Design Principles of the R-Codes	Development Advisory Unit (DAU)
Garage Width Variation	60%	70%	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Overshadowing Variation	25% (126.75sqm)	29% (149sqm)	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
Site Works Variation (north west) Retaining	0.5m	0.59m max	Requires assessment having regard to the Design Principles of the R-Codes	Manager Statutory Planning (MSP)

The discussion in this report relates only to the variations that are the subject of the objection. All other variations outlined above are considered to meet the relevant Design Principles of the R-Codes and Local Planning Policy.

STAKEHOLDER ENGAGEMENT

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	The increased boundary wall height will have a building bulk impact The variations to the lot boundary setbacks will result in increased building bulk The variation to	Object	Refer to comments section of this report Refer to comments section of this report Amended plans	Not Uphold

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1 Continued	Building height is considered to impact on the privacy of the adjoining residents. The overlooking variation from Master Bedroom and the Ground Floor Living will affect visual privacy.	Object	have been submitted which propose a compliant building height. Amended plans have been submitted which meet the Deemed to Comply requirements of the R-Codes.	Not Uphold

II. 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 has 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 the 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 applicable Local Planning Policies.

COMMENT

Several aspects of the drawings submitted as part of the original development application did not meet the deemed to comply standards of the R-Codes and were considered to have the potential to adversely impact occupiers of adjoining properties. For this reason consultation was undertaken in accordance with LPP1.1. Planning Process and Decision Making.

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ADDRESS (REC) (ATTACHMENT)**

Following the consultation process and a request from the City, amended plans were submitted which meet the Deemed to Comply provisions of the R-Codes and LPP 1.9 Height of Buildings in relation to building height and visual privacy. Several aspects of the proposed development require assessment having regard to the Design Principles of the R-Codes as outlined in the table above. The discussion in this report relates only to the variations that are the subject of the objection being the setbacks and boundary wall proposed on the north western side of the building. All other variations outlined above are considered to meet the relevant Design Principles of the R-Codes and Local Planning Policy.

North West Boundary Wall Height

The proposed boundary wall is considered to meet the Design Principles contained in Clause 5.1.3 of the R- Codes, as follows:

- The proposed boundary wall abuts the driveway, an existing under croft level garage and a portion of the front balcony area with its primary aspect to the street. These areas are not considered to be sensitive locations for the purposes of the R-Codes, The building bulk impact from the balcony area is reduced due to its raised finished floor level.
- There are no privacy variations.
- The orientation of the lot results in no loss to the provision of adequate direct sun and ventilation to the property

North West Lot Boundary Setback

- When measured independently the portion of wall highlighted in Figure 2 below, meets the Deemed to Comply provisions of the R-Codes.
- The majority of the wall abuts the driveway and front balcony of the adjoining property. These spaces are not considered sensitive for the purposes of the R-Codes and the bulk impact is considered acceptable.
- There are no privacy variations.
- The orientation of the lot results in no loss to the provision of adequate direct sun and ventilation to the property

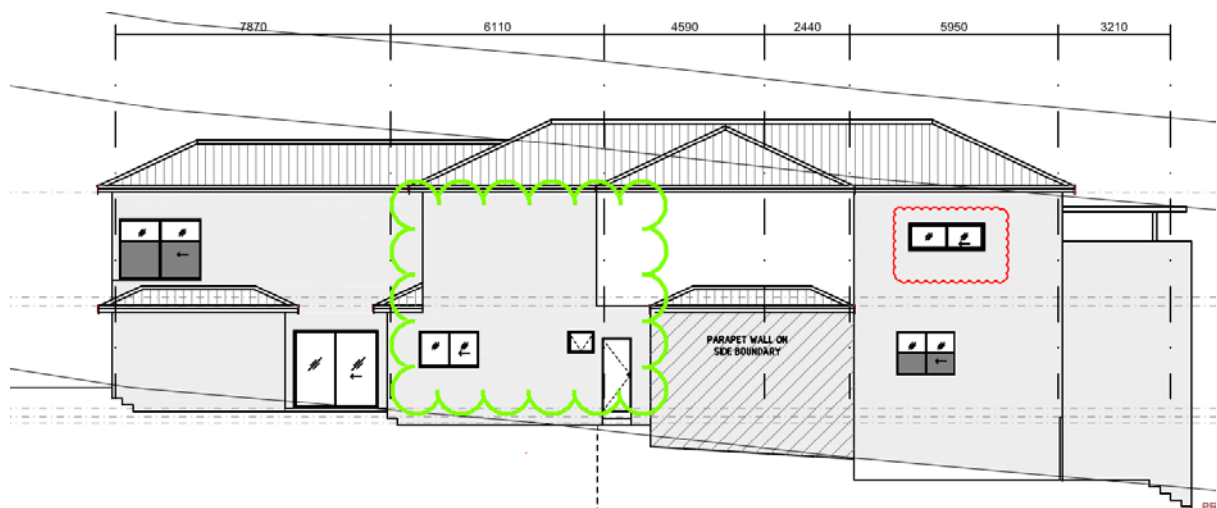


Figure 2

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)****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 Local Planning Policy, including the design principles for lot boundary setbacks and 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 wall(s) are to be finished externally to the same standard as the rest of the development to the satisfaction of the City.**
- 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 City.**
- 4. 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 City.**
- 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. 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 City.**
- 7. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development, to the satisfaction of the Manager Statutory Planning.**

**U17/0489 TWO STOREY SINGLE HOUSE WITH UNDER CROFT LOT 1000 (66B)
MCCALLUM CRESCENT, ARDROSS (REC) (ATTACHMENT)**

8. Prior to the commencement of the development, retained street trees are required to be retained and protected through the installation of Tree Protection Zones (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.