

5.1.1 LATE ITEM: FURTHER REPORT: No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House

Ward:	North	Date:	10 October 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR12043; 5.2016.124.1
Attachments:	1 – Location and Consultation Plan 2 – Development Application Plans 3 – Applicant’s Photos 4 – Arboricultural Assessment Report		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(c) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, REFUSES the application for development approval for the Carport addition at No. 131 (Lot 282; D/P: 2503) Coogee Street, Mount Hawthorn in accordance with amended plans date stamped 5 August 2016, as shown on Attachment 2, subject to the following reasons:

1. Due to the proposed location of the carport, the development is not capable of providing a crossover with a minimum width of 3 metres (Australian Standards AS2890.1); and
2. Due to the proposed location of the crossover, the development is likely to impact the long-term health of the existing well established mature “Weeping Peppermint Tree”, and potentially resulting in the tree having to be removed.

PURPOSE OF REPORT:

For Council to determine an application for development approval for a carport at No. 131 Coogee Street, Mount Hawthorn.

BACKGROUND:

Landowner:	A & R van der Feltz
Applicant:	A & R van der Feltz
Date of Application:	4 April 2016, received 5 April 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
Existing Use Class:	Single House – “P”
Proposed Use Class:	Single House – “P”
Lot Area:	488m ²
Right of Way (ROW):	5 metres wide, City owned, sealed and drained
Heritage List:	No

The subject site is located on the western side of Coogee Street, Mount Hawthorn, between Ellesmere Street and Woodstock Street. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ and are serviced by a right-of-way to the rear.

The carport is proposed to be located within the front setback area near to the northern boundary shared with 133 Coogee Street and will serve a single vehicle. The development plans are included as **Attachment 2**.

The site currently has vehicle access to the existing single house from the right of way to the western boundary. There is no existing crossover that provides access to the site from Coogee Street. Only one other property within this portion of Coogee Street has an existing carport.

The property has an 11.3 metre frontage to Coogee Street. A significant verge tree is located within the adjoining verge and the trunk of this tree trunk sits approximately 4 metres from the northern boundary and 6 metres from the southern boundary. The verge tree is a mature Weeping Peppermint, estimated to be around 60 years old, and is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy. A power pole is also located within the verge and is positioned 3.1 metres north of the base of the verge tree.

The proposed Carport addition was presented to the Ordinary Meeting of Council on 20 September 2016 where Council resolved to defer the item in order to obtain an Arboricultural Assessment Report of the verge tree. An Arboricultural Assessment Report has now been undertaken for the verge tree and is included in **Attachment 4**.

The proposal remains unchanged from the proposal considered on 20 September 2016. The report has been updated to consider the arboricultural assessment report dated 3 October 2016.

17 properties exist within this portion of Coogee Street. Of the 17 properties, 12 have existing verge trees. The mature tree at No. 131 Coogee Street is a landscape and amenity feature that contributes to the aesthetic appeal of Coogee Street.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Parking & Access		✓

Detailed Assessment

The assessment against the principles is as follows:

Parking & Access (Carport)		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements		
<u>Carport location</u>		
(a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way;	Existing garage located off the rear right of way. Carport proposed with access off Coogee Street.	Primary Street crossover from Coogee Street with existing parking being retained from the rear right of way.

Parking & Access (Carport)		
Requirement	Proposal	Variation
<p><u>Vehicle access</u></p> <p>(b) Notwithstanding the above, vehicular access may be from a street, regardless whether a Right of Way is available to the property, where:</p> <p>(3) the applicant demonstrates there is a mobility or access issue by using the Right of Way; or</p> <p><u>Crossover width</u></p> <p>Residential Design Codes Clause 5.3.5</p> <p>Driveways to primary or secondary streets provided as follows:</p> <ul style="list-style-type: none"> - Driveways serving four dwellings or less not narrower than 3 metres at the street boundary. <p>Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification</p> <p>The clearance of any existing tree or pole in the road reserve shall be 0.5 metres. Where an existing tree is within 1.5 metres of a proposed crossover, advice shall be obtained from the City's Parks Services section on the future size of the tree and the advisability of it being retained.</p> <p>Due to the size of the tree, the City's Parking Services have advised that a clearance of 1 metre is required in this instance.</p> <p>Australian Standards AS2890.1</p> <p>Width requirements are low volume down to a minimum of 3 metres at a domestic property.</p>	<p>The applicant has provided a medical certificate to demonstrate a mobility issue with using the existing garage off the rear right of way.</p> <p>2.1 metres</p> <p>0.5 metres from tree and power pole.</p>	<p>0.9 metres</p> <p>0.5 metres</p>

The suitability of the proposed variations are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 24 August 2016 to 6 September 2016. A total of seven letters were hand delivered to owners and occupiers adjoining the subject site in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the consultation period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

Delegation to Determine Applications:

This matter is referred to Council for determination as it was deferred from 20 September 2016 Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Arboricultural Assessment Report

An arboricultural assessment report was undertaken on behalf of the City by Jonathon Epps – member of Institute of Australian Consulting Arboriculturists. The report details the following:

- The current extent of the root zone;
- How much of the root zone in the area where the vehicle crossover is proposed to be constructed would be lost;
- The recommended or ideal tree protection zone where no construction should occur;
- The change of survival if the crossover was built; and
- The measures necessary to give the tree the best chance of survival if the crossover was built.

The report confirmed that the subject tree appears to be between 50-70 years old, with the crown is in good health without any apparent serious defect. Due to the size of the crown and the root system, the report recommends that no ground intrusion should occur within 3-4 metres from the base of the tree stem. If the proposed carport and crossover were permitted, up to 40 percent of the subject tree's root system may be damaged. It is considered by the report that these works are highly likely to damage the primary supporting, woody roots, and that the expected future lifespan of the subject tree is likely to be reduced as a result.

Carport Location, Vehicle Access and Crossover Width

The City requires a minimum 3 metre crossover width to enable safe vehicle access. It is also a requirement that a clearance of 0.5 metres be provided from the edge of the driveway to trees, light poles and other structures. The space between the base of the tree and the light pole has been measured by the City at 3.1 metres. In order to provide some clearance between the tree and light pole, the application proposes a 2.4 metre wide crossover between the tree and light pole.

The 2.4 metre wide crossover in the location proposed is does not meet the requirements of the Australian Standards AS2890.1. It is considered that the proposal will impact on pedestrian safety and will not provide safe vehicle access to the site. In addition, there is insufficient space in this location to provide the necessary 3 metre wide crossover, 3 to 4 metre clearance from the tree and 0.5 metre clearance from the power pole. An alternative option has previously been offered to the applicant to locate of the crossover to the southern side of the verge tree where sufficient space exists for a crossover and necessary setbacks. The applicant has previously rejected this option.

Conclusion

The City's Policy No. 7.2.1 – Residential Design Elements allows access off the primary street to be considered when the applicant demonstrates that there is a mobility access issue with using the right of way. The applicant has demonstrated that there is a medical reason for direct access from Coogee Street with the submission of a medical certificate. In addition, the design of the carport is considered to be appropriate to the streetscape as does not dominate the lot and frontage as it is integrated into the development through the use of compatible materials, colours, scale and roof pitch to the dwelling on site.

On the above basis, the City does not oppose the construction of a new crossover and carport having access off Coogee Street. However, the location of the proposed crossover is not supported for the following reasons:

- The crossover does not meet the requirements of the Australian Standards AS2890.1 as the proposed crossover will be a maximum width of 2.4 metres and will detrimentally impact safe vehicle and pedestrian access; and
- The crossover will be to the detriment of the existing mature verge tree, which is considered a quality landscape feature to the Coogee Street streetscape. The location of a crossover one metre from the base of the tree will impact the drip zone of the tree and the removal of substantial roots, and has the ability to impact the stability of the tree in the future.

In its current form the proposal does not provide safe and compliant vehicle access to the site, impacts pedestrian safety and will have a negative impact on the long term health of the mature "Weeping Peppermint" tree, which can be avoided if the crossover was relocated to the southern side of the tree. The application is recommended for refusal.

Conclusion

The provision of a new crossover and carport off Coogee Street meet the deemed to comply criteria and are acceptable, however the proposed location of the proposed crossover between the existing mature verge tree and power pole make this proposal unacceptable.

Due to the size of the tree, the City's Parks Services have advised that a clearance of 1 metre to the base of the tree. In addition, Western Power requires a 0.5 metre setback from a power pole. The maximum crossover width therefore able to be provided is 2.1 metres. This significantly deviates from the required 3 metre width of the Australian Standards AS2890.1.

The verge tree is estimated to be between 50-70 years old and plays a significant part in the landscape and aesthetic appeal of Coogee Street. The tree is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy. The crossover will pose to have a significant impact on the health of the tree and is avoidable.

Two alternatives options exist for the applicant including the relocation of the crossover to the southern side of the tree or the provision of an ACROD bay on the street directly in front of the property. Both options have been rejected by the applicant.

In its current form it is determined that the proposed development is contrary to proper and orderly planning and it poses to significantly impact the health of the existing mature verge tree.

It is recommended that Council refuses this proposal.
