

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 23 MARCH 2021

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 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, 26 MARCH 2021



**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, 23 MARCH 2021.**

PRESENT

M Scarfone
B Ashwood
T Cappellucci
R Tu

Planning Services Coordinator
Senior Planning Officer
Senior Planning Officer
Planning Officer

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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**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2021-183
 Property : Lot 5 (No. 1) Brown Road BICTON WA 6157
 Proposal : Patio
 Applicant : Abel Group
 Owner : Pauline Margaret Shack
 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 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>

**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for a minor patio addition to an existing dwelling at Lot 5 (No. 1) Brown Road, Bicton WA 6157.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies
- The proposal was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. Following this consultation the adjoining landowners provided the City with a written submission expressing concern that the development would result in an adverse impact on their property.
- Notwithstanding the submissions 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- Aerial Photography

**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R15
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	327m ²
Retention of Existing Vegetation	:	Yes
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc.)	:	No
Site Details	:	Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 26 March 2021.

DETAIL

In February 2021 a development application was lodged for a Patio Addition at Lot 5 (No. 1) Brown Road, Bicton WA 6157.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes (SPP 3.1 Vol. 1) and applicable local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
R-Codes Clause 5.1.2 Street Setback / Local Planning Policy 3.1 Boundary Walls Clause 2.3	1.5 metre setback to truncation.	1metre to truncation boundary	Requires assessment against the Design Principles of the R- Codes.	Manager Statutory Planning
R-Codes Clause 5.1.3 – Lot Boundary Setbacks	1m	0.8m setback	Requires assessment against the Design Principles of the R- Codes.	Development Advisory Unit (DAU)

**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
 Support/Object: One objection received.

A summary of the objections received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Adverse bulk impact of proposed patio into adjoining entertainment area and entrance	The proposed patio is a modest single storey structure effectively setback from the neighbours outdoor living area by a distance of some 4.5m. As such there is no adverse bulk impact. Refer to the comments section of this report.	Not Uphold
Contravenes strata-by-laws regarding exterior appearance	Not a relevant planning matter.	Not Uphold.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they 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 is no strategic, risk, or environmental management implications with this application.

**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications for the City relating to this proposal.

COMMENTPatio Setback

The deemed to comply provisions of Clause 5.1.3 Lot Boundary Setback of R-Codes Volume 1 require a 1.0 metre setback to the north boundary. With a setback of 0.8m, the proposed patio does not meet the deemed-to-comply criteria and instead requires a performance assessment. The proposed patio is considered to meet the Design Principles of Clause 5.1.3 of the R-Codes Volume 1 for the following reasons:

1. The bulk impact to the adjoining property to the north (4/126-128 Waddell Road) is minimal as the proposed patio is a light-weight open sided structure.
2. The patio does not directly abutting any habitable spaces, rather it abuts the driveway of 4/126-128 Waddell Road and is screened by an existing dividing fence/wall and vegetation on site, see Figure 2 and 3 below.
3. The separation that exists between the proposed patio and existing structures on the neighbours property equate to approximately 4.5m. This ensures that there will be no direct adverse amenity impacts for the neighbours. It is noted that the variation to the boundary setback of 20cms will not compromise access to direct sun or ventilation to the adjoining property given the single storey nature of the proposed patio and its position to the south of the neighbouring property.
4. No visual privacy concerns can arise from a development of this nature given it is not raised more than 500mm from the existing natural ground level, is single storey in terms of its construction, and an existing dividing fence removes any opportunity for overlooking. In addition existing mature vegetation mitigates any visual bulk impacts.



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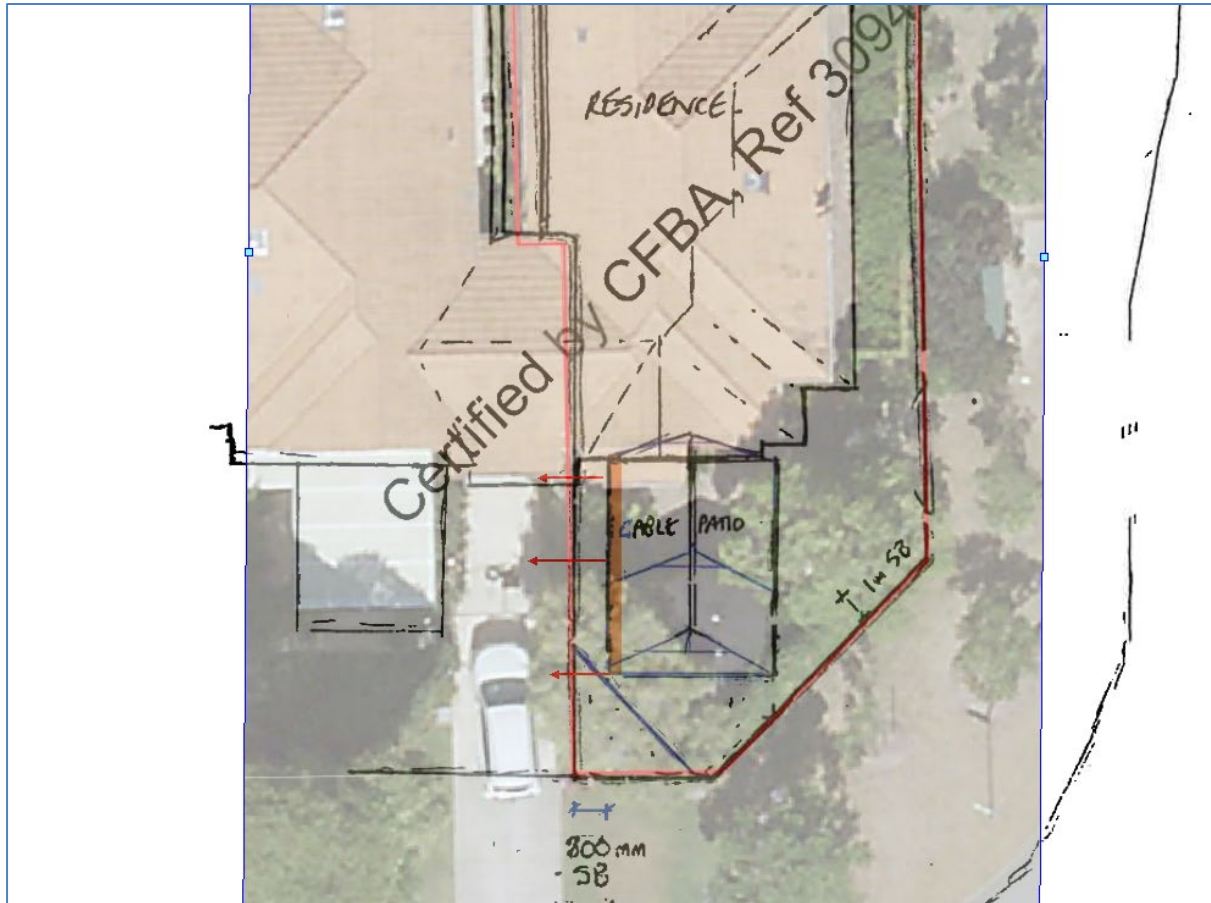


Figure 2: Aerial view of the proposed patio relative to the neighbouring property at 4/126-128 Waddell Road. Note the intervening driveway access.

**U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
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Figure 3: Site photo of subject site and adjoining property. Note existing dividing fence, existing driveway, and mature vegetation.

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 application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On that basis, it is recommended that the DA be approved subject to conditions.

U21/0556 – PATIO ADDITION TO SINGLE HOUSE - LOT 5 (NO. 1) BROWN ROAD
BICTON WA 6157 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVAL

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.