

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

24 APRIL 2012

- NOTES:**
- 1. This Meeting makes Recommendations to the Manager Planning & Development. Services**
 - 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 Planning & Development Services. 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 Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.**
 - 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 Friday following the publication of the DAU agenda to the City's web site.**
 - 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 Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.**

DISTRIBUTED: FRIDAY 27 APRIL 2012

**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, 24 APRIL 2012.**

PRESENT

P. Prendergast (Presiding Member)
H. Shigeyoshi
L. Anderson
T. Capobianco
L. Mannion

Manager Planning & Development Services
A/Planning Services Coordinator
Senior Planning Officer
Principal Building Surveyor
Technical Officer (Environment Services)

APOLOGIES

R Bailey

Special Projects Officer (Engineering
Design)

C Taborda

Engineering Technical Officer (Engineering
Design)

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

The following items are recommendations to the Manager Planning & Development Services for decision.

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 has 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

U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET BICTON (REC) (ATTACHMENT)	1
OFFICER RECOMMENDATION APPROVAL.....	6

**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2012-259
 Property : Lot 2 (45B) Wrexham Street Bicton
 Proposal : Two-Storey Single House
 Applicant : Tooltime Construction Pty Ltd
 Owner : Mr G Hicks
 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 Planning and Development Services
 Previous Items : No Previous Items

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>

**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning Approval is sought for a two-storey single house on a narrow north-south oriented lot at 45B Wrexham Road, Bicton.
- The proposal is generally compliant with the requirements of the Residential Design Codes of Western Australia (R-Codes) with the exception of setbacks relating to a garage boundary wall, the eastern upper floor walls, the western lower floor walls, and the width of the crossover.
- The variations have been advertised to surrounding landowners with one objection being received in respect of the setback of the western lower floor wall.
- Whilst the objection is acknowledged, it is considered that the proposed development satisfies the relevant Performance Criteria of the R-Codes.
- The application is recommended for conditional approval.



**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living
R-Code	:	R17.5
Use Type	:	Residential
Use Permissibility	:	"P" Permitted

Site Details

Lot Area	:	505sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	None
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	See Arial Photo Above

U12_0411_24 April 2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 27 April 2012.

Setbacks

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and the applicable Council policies with the exception of those matters listed below.

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Setback - East					
GF - Garage	1.0 metre	nil	Does not comply	MPDS	
FF – sitting / bed 2 / stairway	1.5 metres	1.2 metres	Does not comply	MPDS	
Setback - West					
GF – Laundry / PDR / Study / Bed 4	1.0 metre	nil	Does not comply	MPDS	

*Note: GF – Ground Floor, FF – First Floor

Commentary in this report will be restricted to consideration of the western ground floor setback variation only, as this variation is the subject of concerns raised by the adjoining neighbour. Other variations listed above have been assessed and in the absence of any third party comment to the contrary, are deemed to comply with the relevant Performance Criteria of the R-Codes,

**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes - One (1) submission received
 Reason: Variation to R-Codes
 Support/Object: Object

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
45A Wrexham Street	<p>Objection has been received raising the following concerns:</p> <ul style="list-style-type: none"> • Will have an adverse impact on amenity as the wall is adjacent to a major opening directly linked to a large sitting room / study. • The window is required for light and ventilation. • Unable to utilise the west facing window on the sitting room / study that is affected due to high temperatures, meaning the blinds must be closed. 	Object	<p>Whilst the concerns raised are acknowledged, the setback variation relative to the proposed boundary wall is supported on the following grounds:</p> <ul style="list-style-type: none"> • The wall is not adjacent to any major openings on the lower floor of the neighbouring dwelling. • Wall has no overshadowing or ventilation impact given north-south lot orientation. • Access to sunlight via another window is considered beneficial and is not a relevant planning concern. 	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants is 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*.

**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risk or environmental management implications.

POLICY IMPLICATIONS

There are no policy implications relevant to this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call this matter up for Council consideration.

COMMENTS

Planning Approval is sought for the development of a two-storey single house on a narrow, north-south orientated lot. As detailed in the preceding sections above, the application has been the subject of consultation with one (1) objection received.

The objection relates to the setback variation sought for the ground floor laundry / PDR / study / bed 4 boundary wall which measures 11.2m (length) and 3.2m (height). In assessing the variations against the Performance Criteria of 6.3.1 of the R-Codes, the variation is deemed to comply for the following reasons:

- 4.4m of the proposed boundary wall abuts an existing boundary wall located on the adjoining property, thereby negating any adverse impact in relation to that part of the proposed wall.
- The balance of the proposed boundary wall is located adjacent to the entry, foyer and hallway windows on the adjacent property. By definition, these windows are not classified as major openings to habitable rooms under the provisions of the R-Codes, and as such they cannot be seen to be negatively impacted by the proposal.
- The subject lot is north-south oriented and as such will not result in any adverse overshadowing impacts towards adjacent properties to the east or west..
- The proposed wall to the boundary makes effective use of the space available, particularly given the narrow lot width.
- There are no privacy implications between properties given the proposed wall contains no major openings.
- A nil setback is not considered to have any detrimental amenity impact on the adjoining property given that the neighbouring house does not contain any habitable rooms or major openings.

**U12/0411 (SB) TWO-STOREY SINGLE-HOUSE ON LOT 2 (45B) WREXHAM STREET
BICTON (REC) (ATTACHMENT)**Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and the Amenity Policy CP-067. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

Notwithstanding the objection that was received, the proposal is considered to satisfy the applicable Performance Criteria of the R-Codes and is therefore recommended for conditional approval.

OFFICER RECOMMENDATION**APPROVAL**

A) That the proposed development on Lot 2 (45B) Wrexham Street, Bicton be approved subject to the following Special and Standard Conditions:

SPECIAL CONDITION:

- 1. The external face of the boundary wall is to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**
- 2. Roofing materials must not be highly reflective. The use of highly reflective materials (zinc or white coloured or coated metal roofing) may only be permitted through the grant of a separate planning approval.**
- 3. All stormwater generated on site is to be retained on site.**

ADVICE NOTE:

- 1. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**
- B) The property owners of the Affected Property be advised in writing of A) above.**