

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

21 FEBRUARY 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: 24 FEBRUARY 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, 21 FEBRUARY 2012.**

PRESENT

P Prendergast (Presiding Member)	Manager Planning & Development Services
H Shigeyoshi	A/Planning Services Coordinator
L Anderson	Senior Planning Officer
G Russell	Building Services Coordinator
R Bailey	Special Projects Officer (Engineering Design)
C Taborda	Engineering Technical Officer

APOLOGIES

T Capobianco	Principal Building Surveyor
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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.

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U12/0402 –(SM) - AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE – REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC) (ATTACHMENT)

Ward : Bicton – Attadale
 Category : Operational
 Application Number : DA-2011-1245/A
 Property : Lot 2 (25B) Milne Street, Bicton
 Proposal : Amendment to approved Two-Storey Single House – reduced front setback
 Applicant : Lorimer Homes
 Owner : Glen Stuart
 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 : not applicable

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>

**U12/0402 –(SM) -AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE –
REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- Amended Planning Approval is sought to a two-storey single house previously approved under delegated authority on 5 December 2011.
- The amendment refers to a reduction of the ground and upper floor primary street setbacks to 5.0m and 5.7m respectively. No other modifications are proposed.
- Initially, a ground and upper floor primary setback variation of 4.5m and 5.2m was proposed to which, two objections were received from the adjoining neighbours.
- The proposal was then further amended to 5.0m and 5.7m (as per above) in response to the concerns raised by the objectors. Despite this however, concerns still stand.
- Notwithstanding the objection received, the proposal is considered to satisfy the relevant performance criteria of the R-Codes and as such is recommended for conditional approval.



**U12/0402 –(SM) -AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE –
REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC)
(ATTACHMENT)**

BACKGROUND

The subject application has previously been granted planning approval under delegated authority on 5 December 2011. The amended proposal is identical to the previous application with the exception of a reduced front setback, which represents a variation to the Acceptable Development provisions of the R-Codes.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area – BC1
 R-Code : R17.5
 Use Class : Residential
 Use Permissibility : P - permitted

Site Details

Lot Area : 504.00sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : To be retained
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer to photo above

U12_0402_February_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 24 February 2012.

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
GF Front Setback	6m avg	5.0m avg	Does not comply	MPDS	
FF Front Setback	6m avg	5.7m avg	Does not comply	MPDS	

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

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variations to R-Codes
 Support/Object: Objection

**U12/0402 –(SM) -AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE –
REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC)
(ATTACHMENT)**

Affected Property	Summary of Submissions	Support / Objection	Officer's Comment	Action (Uphold / Not Uphold)
27 Milne Street	Concerns raised in relation to: <ul style="list-style-type: none"> - Excessive building bulk projecting into the streetscape; - Non-compliance with 6.0m average frontage requirements; - Impinges on future redevelopment and design of property. 	Object	The concerns raised relate to an initial proposal for a reduced front setback of 4.5m. In response to these concerns, the setback was increased, resulting in the current variation of 5.0m and 5.7m respectively. The variation now sought is considered to satisfy the Performance Criteria of the R-Codes (refer to comments section for further detail).	Not Uphold
25A Milne Street	Object to a reduced front setback	Object	The variation is considered to satisfy the Performance Criteria of the R-Codes (refer to comments section for further detail).	Not Uphold

REFERRALS TO GOVERNMENT AGENCIES

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*.

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.

**U12/0402 –(SM) -AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE –
REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

There are no relevant policies in the assessment of the current application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

As noted amended planning approval is sought for a two-storey single house approved under delegated authority on 5 December 2011. Specifically, the amendment relates to a reduced front setback, initially proposed at 4.5m (ground floor) and 5.2m (upper floor). The variation was the subject of neighbour consultation with two objections being received. In response to the concerns raised (refer to public consultation / communication table above), the setback variation was modified to 5.0m (ground floor) and 5.7m (upper floor).

Notwithstanding the modified setback, concerns have still been raised by a submitter. Whilst the issues raised are acknowledged, it is considered that the variation sought satisfies the Performance Criteria of clause 6.2.1 for the following reasons:

- The proposed setback is consistent with that of the adjoining property at 25A Milne Street which is setback at 4.9m (ground and upper floor), thus maintaining a consistent streetscape.
- Whilst the adjoining property at 27 Milne Street currently features a front setback of approximately 8.0m, plans to redevelop the property (which was outlined in the residents' submission) propose a front setback of 6.0m. The proposed variation will have no implications on the redevelopment of this property.
- The setback variation will not have any privacy implications. It is noted that overlooking of the existing balcony at 25A Milne Street satisfies the Performance Criteria of clause 6.8.1 by virtue of the fact that the majority of the balcony is contained within the street setback line. Additionally, it is noted that the balcony is entirely visible from the public realm / street.
- The open space requirements still comply notwithstanding the minor setback variation.

Based on the above, the variation is supported.

Amenity

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

**U12/0402 –(SM) -AMENDMENT TO APPROVED TWO-STOREY SINGLE HOUSE –
REDUCED FRONT SETBACK AT LOT 2 (25B) MILNE STREET, BICTON (REC)
(ATTACHMENT)**

CONCLUSION

It is considered that the proposed development, subject to compliance with the conditions imposed as part of the original application, satisfy the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that approval be granted.

OFFICER RECOMMENDATION

APPROVAL

- A) That the application for an amendment to DA-2011-1245, a Two-Storey Single House at Lot 2 (25) Milne Street, Bicton be approved subject to compliance with the conditions of planning approval reference DA-2011-1245..**
- B) That the neighbours who submitted an objection to the application be notified of (A) above.**