

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

7 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.**

**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, 7 FEBRUARY 2012**

PRESENT

P Prendergast (Presiding Member)
H Shigeyoshi
T Capobianco

Manager Planning & Development Services
A/Planning Services Coordinator
Principal Building Surveyor

APOLOGIES

R Bailey
C Taborda
L Anderson

Special Projects Officer (Engineering
Design)
Engineering Technical Officer
Senior Planning Officer (Planning Services)

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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U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2011-1513
 Property : Lot 17 (1A) Dee Road Applecross
 Proposal : Two-Storey Single House
 Applicant : Webb and Brown-Neaves Homes
 Owner : Mr P and Mrs B Rayner
 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>

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for a two storey single house at 1A Dee Road Applecross.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (the R-Codes) and applicable Policies with the exception of an upper floor boundary setback variation and two (2) privacy setbacks variations along the eastern side elevation. .
- In respect of the former, the upper floor setback variation is 2.1 metres in lieu of 3.3 metres, and the privacy setback variations relate to the ground floor bed 4 and upper floor kitchen window openings.
- Details of the variations sought were the subject of consultation with neighbouring property owners. This resulted in the receipt of representations from the owner of the property located to the east, who stated concerns relating to loss of privacy, loss of views, adverse overshadowing impact and general non-compliance with the provisions of the R-Codes.
- Whilst the concerns raised are acknowledged, the variations are considered to satisfy the relevant Performance Criteria of the R-Codes.
- It is recommended that the application be approved subject to conditions.



U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R12.5
Use Type	:	Residential
Use Permissibility	:	P- Permitted

Site Details

Lot Area	:	827.97sqm
Retention of Existing Vegetation	:	not applicable
Street Tree(s)	:	not applicable
Street Furniture (drainage pits etc)	:	not applicable
Site Details	:	Refer photo above

U12_0401_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 10 February 2012.

DETAIL

Development Requirements

The proposal satisfies all of the applicable CPS5, R-Codes and Council policy provisions with the exception of those matters outlined below:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Side Setback (east)					
UF – Wet Kitchen / Lift / WIR / ENS	3.3m	2.1m	Does not Comply	MPDS	
Privacy Setback (east)					
GF – Bed 4	4.5m	1.5m	Does not Comply	MPDS	
UF - Kitchen	6.0m	2.1m	Does not Comply	MPDS	

*Note: GF – Ground Floor, UF – Upper Floor

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

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

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold/ Not Uphold)
1 Dee Road	<p>Concerns have been raised as follows:</p> <ul style="list-style-type: none"> ○ Object to the proposed upper floor study and kitchen due to loss of privacy. ○ Objection to the upper floor setback at 1.5m in lieu of 3.3m due to non compliance with the R-Codes. ○ Object to retaining of up to 900mm above natural ground level which is not in keeping with the existing levels of other houses. ○ Object to the ground floor setback of 1.5m in lieu of 1.8m due to non compliance with the R-Codes. 	<p>Object</p> <p>Object</p> <p>Object</p> <p>Object</p>	<p>The upper floor study and kitchen does not contain any major openings</p> <p>Amended plans have been submitted increasing the setback to 2.1m. These are considered acceptable when assessed in accordance with the performance criteria..</p> <p>Amended plans have been submitted with retaining now compliant at a maximum of 600mm.</p> <p>Amended plans have been submitted with a compliant ground floor setback</p>	<p>Not Uphold</p> <p>Not Uphold</p> <p>Not Uphold</p> <p>Not Uphold</p>

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

	<ul style="list-style-type: none"> ○ Loss of views from the balcony due to the proposed garage intrusion. ○ Adverse overshadowing impact in the evening. 	<p>Object</p>	<p>The proposed front setback complies with the Acceptable Development provisions of the R-Codes.</p> <p>Overshadowing impact is calculated based on the midday sun at June 21 (not evening / afternoon shadow impact). In this regard, the proposal presents no overshadowing onto the submitters property.</p>	<p>Not Uphold</p> <p>Not Uphold</p>
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CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None required as part of this application.

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.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions within the applicable Council policies.

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)**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 to construct a two storey single house at 1A Dee Road Applecross.

The subject site is a north-south oriented with a fall across the lot east-west of approximately 1.6m.

As stated, the proposed development generally satisfies the relevant provisions of CPS5, the R-Codes and Council policy with the exception of those matters detailed below.

Upper Floor Setback (east)

An upper floor setback variation of 2.1 metres in lieu of 3.3 metres is sought on the eastern elevation of the proposed dwelling.

This variation has been assessed, and deemed to be acceptable, in accordance with the performance criteria of clause 6.3.1 of the R- Codes, for the following reasons:

- Given the subject site is north-south oriented; the proposed setback variation does not present any overshadowing impact to the adjoining eastern property.
- Ventilation to both properties is not affected given the proposed building is setback along the remainder of its length in accordance with the Acceptable Development provisions of the R-Codes.
- The bulk of the proposed building is ameliorated via articulation of the proposed building including the use of varied openings, differing wall lengths, and fenestration.

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPLECROSS (REC) (ATTACHMENT)

- There is an existing two storey wall facing the objectors property, built in roughly the same position as the side wall of the proposed dwelling.
- There are no privacy implications from the upper floor setback variation given no major openings are present within it.

Privacy Setback (east)

The plans as proposed include two (2) privacy setback variations. These are in respect of a bedroom window located on the ground floor, and the upper floor kitchen window. Given the opportunities that are thus created for overlooking, it is recommended that both windows be brought into compliance with the acceptable development provisions of the R-Codes via the inclusion of screening or other alternative measures.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is concluded that subject to the inclusion of a condition to ensure compliance with the privacy provisions of the R-Codes, that the details of the proposal are acceptable in this context, notwithstanding the other variation sought.

CONCLUSION

It is concluded that subject to the imposition of a planning condition to ensure compliance with the privacy provisions of the R- Codes, the proposed development, be recommended for approval.

U12/0401 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 17 (1A) DEE ROAD APPECROSS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION****APPROVAL**

A) That the application for a Two-Storey Single House at Lot 17 (1A) Dee Road, Applecross be approved subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the initial occupation of the development, the GROUND FLOOR BED 4 and UPPER FLOOR KITCHEN window openings (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.**
- 3. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).**

ADVICE NOTES:

- 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) That the neighbour who submitted on the application be notified of A) above.**