

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**19 JUNE 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](mailto: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: 22 JUNE 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, 19 JUNE 2012.**

**PRESENT**

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

Manager Planning & Development Services  
A/Planning Services Coordinator  
Senior Planning Officer  
Principal Building Surveyor  
Special Projects Officer (Engineering  
Design)  
Engineering Technical Officer

C. Taborda

**APOLOGIES**

**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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**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant  
 Category : Operational  
 Application Number : DA-2012-530  
 Property : Lot 4 (8B) Atkins Road, Applecross, WA 6153  
 Proposal : Additions and Alterations to Existing Single House  
 Applicant : RWR Developments T/as Kerdels Pty Ltd  
 Owner : Mr C Hidalgo  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Mr 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 &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>

**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought in respect of proposed additions and alterations to an existing single house.
- The proposed development is generally compliant with the Acceptable Development provisions of the Residential Design Codes (R-Codes) with the exception of a side setback variation for a garage boundary wall and rear setback for the ground and upper floor extensions.
- Two objections have been received in relation to the variations sought.
- Concerns relating to building bulk, over-shadowing, loss of ventilation and undesirable building character have been raised.
- Whilst the concerns raised are acknowledged, the variations are considered to satisfy the relevant Performance Criteria of the R-Codes.
- The proposal is recommended for conditional approval on that basis.



**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)**

**SCHEME PROVISIONS**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R- Code	:	R15
Use Class	:	Residential
Use Permissibility	:	P- Permitted

**SITE DETAILS**

Lot Area	:	461 sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to photo above

U12\_0414\_June\_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 22 June 2012.

**DETAIL**

**Development Requirements**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
<b>Rear Setback (North-East)</b>					
(GF) Garage	6.0m	5.1m	Does not comply	MPDS	
(GF) Gym	6.0m	1.1m	Does not comply	MPDS	
(FF) Ensuite	6.0m	1.2m	Does not comply	MPDS	
<b>Side Setback (north-west)</b>					
(GF) Garage	1.5m	0m	Does not comply	MPDS	

(Note: GF – Ground Floor, FF – First Floor)

**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variation to Acceptable Development provisions of the R-Codes  
 Support/Object: Object

<b>Submission Received From</b>	<b>Summary of Submissions</b>	<b>Support / Object</b>	<b>Officer's Comment</b>	<b>Action (uphold / Not Uphold)</b>
23 Strome Road	Object to the rear setback variation on the grounds that it contravenes orderly and proper planning of CPS5 and R-Codes. The variation is considered to result in adverse building bulk, loss of privacy, undesirable precedence and crowding of buildings which is inconsistent with the spirit and intent of the R15 code. The future potential redevelopment of the submitter property will also be negatively impacted through loss of direct sun and ventilation.	Object	Whilst concerns raised are acknowledged, the variations are considered to satisfy the relevant Performance Criteria of the R-Codes (refer to 'Comments' section below for further details).	Not Uphold
2/21 Strome Road	Considers the use is out of character with the site and claims the development will have an impact on airflow and overshadowing on neighbouring properties	Object	The concerns raised are unsubstantiated in planning terms given the location of the submitters property. It is noted that formal consultation was not required with this resident.	Not Uphold
6 Atkins Road	No objection to the garage boundary wall.	Support	Noted	Uphold



**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)****REFERRALS TO GOVERNMENT AGENCIES**

There are no Government referrals required for 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 applicable.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no strategic or risk management implications associated with this proposal.

**POLICY IMPLICATIONS**

There are no policy implications associated with this proposal.

**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 proposed additions and alterations to an existing single house.

The subject lot is a rear survey-strata lot which is undersized in the context of its 'R15' residential density coding. It is square in terms of its configuration which acts to limit the ability for a reasonable degree of development to occur without prejudice to the setback requirements of the R Codes.

**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)**Rear Setback (North-east)

The proposal seeks a variation to the rear setback requirement of R-Codes across the upper and lower floors. Specifically, the variations relate to the gym and garage setback on the lower floor of 1.1m and 5.1m respectively and the ensuite on the upper floor of 1.2m.

The variation has been assessed against clause 6.3.1 of the Performance Criteria of the R-Codes and is supported in this instance for the following reasons:

- As the proposed upper floor addition is located within the northern part of the lot, overshadowing impacts from it are essentially contained within the lot boundary.
- The ground floor variations will have negligible impact in terms of bulk and scale by virtue of the fact that the dividing fence will obscure the majority of the built form at this level.
- Access to ventilation for owners/occupiers of adjoining properties is not prejudiced by the proposal given the degree of separation that exists between the proposed additions and existing buildings.
- Given the upper floor addition only measures 5.8 metres in width (29% of the entire width of the lot), bulk impact is considered to be minor. It is noted that bulk impact is further ameliorated through the use of minor openings on a horizontal and vertical scale which reduces bulk through adding interest to the wall facade.
- Concerns raised by the adjoining resident at 23 Strome Road relating to building bulk, privacy, limiting future development, access to the sun and ventilation whilst acknowledged, are not considered applicable in this instance. It is noted that no major openings are proposed along the rear façade, whilst building bulk is negligible for reasons outlined above.
- Concerns relating to limiting future development on the objectors property are not substantiated given the proposed building is located due west of the submitters property, and separation distances between the buildings will ensure adequate ventilation to them.
- The amenity levels currently enjoyed by surrounding neighbours are maintained as a result of the above.

Side Setback (North-west)

The boundary setback variation along the north-west boundary relates to the proposed garage which measures 11.5 metres in length by 2.75 metres in height. The provision of a boundary wall in this location represents a variation to the R-Codes and as such, requires consideration under clause 6.3.1 and 6.3.2 Performance Criteria of the R-Codes. The variation is supported for the following reasons:

**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPLECROSS (REC) (ATTACHMENT)**

- Bulk impact will be minimal given the boundary wall only measures 2.75 metres in height which is only 950mm higher than the existing dividing fence.
- The garage boundary wall has negligible impact on access to direct sun for adjoining neighbours given the wall is north facing.
- The garage has no major openings being a boundary wall, therefore privacy of neighbours is not compromised.
- No objections are raised in respect of the boundary wall in the position shown.

Amenity

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

**CONCLUSION**

It is considered that the development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that conditional approval be granted.

**OFFICER RECOMMENDATION**

**A) That the application for additions and alterations to the existing single house at Lot 4 (8B) Atkins Road, Applecross to be approved subject to the following special and standard conditions:**

**SPECIAL CONDITIONS:**

- 1. All stormwater generated on site is to be retained on site.**

**STANDARD CONDITIONS:**

- 2. The materials and finishes of the development to complement the existing building to the satisfaction of the Manager Planning and Development Services.**
- 3. The external face of the parapet wall 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.**
- 4. Roofing materials being of a non-reflective material (Zinc or white colour metal roofing may only be permitted through special planning consent).**

**U12/0414 - (MC) ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE ON LOT 4 (8B) ATKINS ROAD, APPECROSS (REC) (ATTACHMENT)**

**ADVICE NOTES:**

- 5. 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 residents who made a submission on the proposal be notified in writing of A) above.**