

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

2 APRIL 2013

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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 5 APRIL 2013



**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, 2 APRIL 2013.**

PRESENT

P Prendergast (Presiding Member)
T Capobianco
H Shigeyoshi
J Wardell Johnson

Manager Statutory Planning
Manager Building Services
Senior Planning Officer
Senior Planning Officer

APOLOGIES

C Taborda
R Bailey
A Templeton

Engineering Technical Officer
Special Projects Officer
Planning Services Coordinator

IN ATTENDANCE

OBSERVERS

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 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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**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(REC) (ATTACHMENT)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2013-311
 Property : Lot 330 (51) Coldwells Street Bicton
 Proposal : Patio
 Applicant : Austin Developments
 Owner : Julie-Ann Chivers
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

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>

**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought for the erection of a skillion roof patio within the rear garden area of the property.
- The patio measures 8.5m (length) x 4m (width) x 3.7m (max height) and is proposed to be built 0.5m from the side boundary in lieu of the Residential Design Codes of WA (R-Codes) Acceptable Development provision of 1m.
- Neighbour consultation resulted in an objection being raised against the variation on the grounds of adverse overshadow, bulk and noise impacts.
- Whilst the concerns raised are acknowledged, the variation is considered to satisfy the relevant Performance Criteria of the R-Codes.
- The proposal is recommended for conditional approval.



**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R17.5
Use Class	:	Residential
Use Permissibility	:	Permitted Use

Site Details

Lot Area	:	1,011.82m ²
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to Photo Above

U13_0436_April_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 5 April 2013.

DETAIL

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

CPS5 and Policy Requirements

There are no CPS5 or Policy requirements relevant to this proposal.

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve Variation
Side Setback (west)	1m	0.5m	Requires assessment using Performance Criteria	MSP

PUBLIC CONSULTATION/COMMUNICATION

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

**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Object to the variaton sought due to resultant bulk impact from their outdoor living area and main indoor living areas and, long term devaluation of their property.	Object	Whilst the concerns raised are acknowledged, the variation is deemed minimal and considered to meet the Performance Criteria of the R-Codes (refer comments below for further detail). Property values are not a relevant planning consideration.	Not Upheld

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There are no referrals 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 applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications.

POLICY IMPLICATIONS

There are no Policy implications applicable as part of this application.

**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(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 parties have an alternative view, the DAU 'call up' procedures provide opportunity to call this matter up for council consideration.

COMMENTS

Approval is sought for a skillion roof patio proposed to be erected in the rear yard of the subject site. The patio measures 8.5m (length) x 4m (width) x 3.7m (max height) and is proposed to be built 0.5m from the western side boundary; representing a variation to the 1.0m setback required under the Acceptable Development provisions of the R-Codes.

The variation sought to the Acceptable Development provision is supported in this instance based on the following reasons:

- The height of the patio is lowest on the side abutting the western neighbours property being only 2.65m. On the basis that the existing dividing fence located along the common boundary measures 2.0m in height, only 0.65m protrudes above the fence line. The proposed patio will as such have a negligible bulk impact towards the objectors property.
- The setback variation is minor being only 0.5m
- .Given the north-south orientation of lots, no overshadowing will occur as calculated in accordance with design element 6.9 of the R-Codes.
- The use of a low pitch skillion roof minimises building bulk in comparison to a gable style.
- The patio does not abut any outdoor amenity area associated with the objectors property
- Whilst the concerns raised by the neighbour are acknowledged, for reasons outlined above, no adverse impact above the existing levels of residential amenity are deemed to result out of the variation.

Amenity

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

**U13/0436 (BA) PROPOSED PATIO AT LOT 330 (51) COLDWELLS STREET, BICTON
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

A) that the application for the development of a patio at Lot 330 (510) Coldwell Street, Bicton be approved subject to the following conditions:

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

Advice Notes:

- 1. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Melville Community Planning Scheme No. 5. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.**
- 2. Any additional development which is not in accordance with the original application or conditions of approval will require further approval.**
- 3. This approval is not permission to build. A building application is required to be submitted and approved for this development prior to the commencement of any works on the site.**

B) The resident who made a submission to the proposal be notified in writing of A) above.