

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

23 JULY 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 26 JULY 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, 23 JULY 2013 .**

PRESENT

P Prendergast (Presiding Member)
A Templeton
T Capobianco
C. Taborda

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
Engineering Technical Officer (Engineering
Design)

APOLOGIES

R Bailey
J.Wardell-Johnson

Special Projects Officer (Engineering
Design)
Senior Planning Officer

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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**U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3)
DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-549
 Property : Lot 252 (3) Drumfern Street, Ardross
 Proposal : Single Storey Residential Addition to a Single Dwelling
 Applicant : Concept Carpentry WA Pty Ltd
 Owner : M Sutjiawan
 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

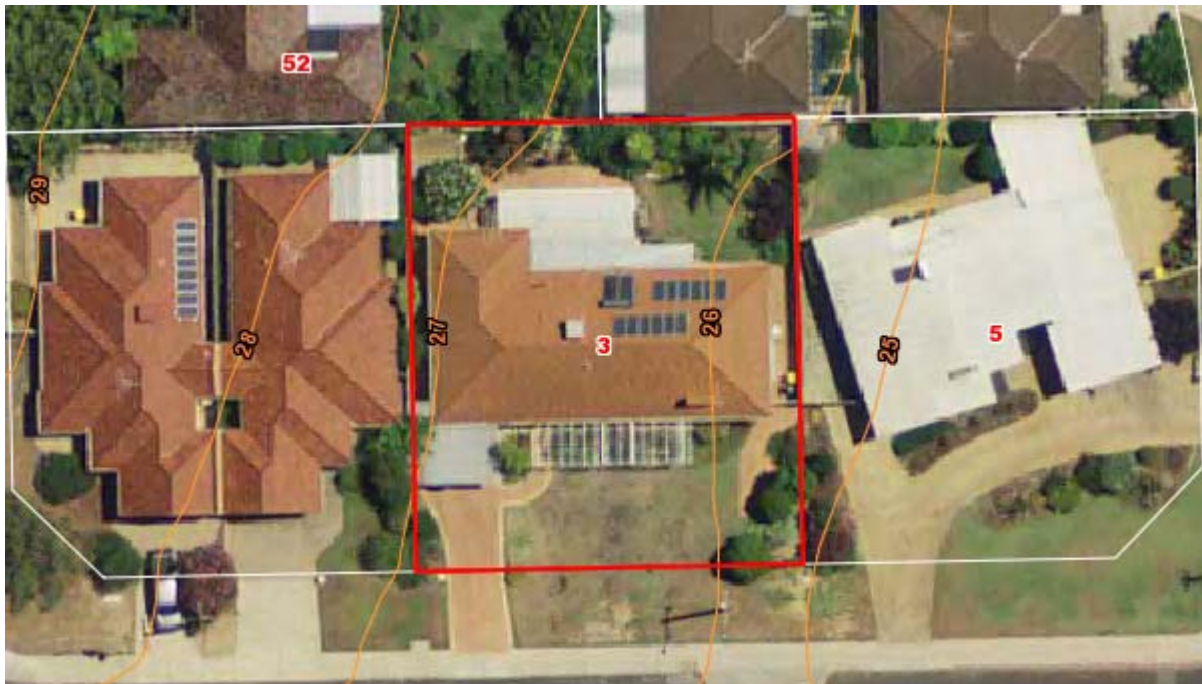
DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3) DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought to erect a single storey addition to the existing single dwelling at 3 Drumfern Street, Ardross.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (the R-Codes) and applicable Council Policies with the exception of boundary setbacks and visual privacy.
- The application was advertised in accordance with the provisions of the R-Codes and Council policy and one submission was received in opposition on the grounds of building bulk concerns that will arise from the reduced setback to the northern boundary. The submission also raised concerns of noise and overcrowding as a result of the potential increase in residents at the house, but these are not material planning considerations.
- Whilst the objection is acknowledged, the proposal is considered to satisfy the requirements of Clause 7.8 of CPS5, the Design Principles of the R-Codes and Council Policy.
- It is recommended that the application be approved subject to conditions.



BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Precinct
R-Code	:	R20
Use Type	:	Residential
Use Class	:	P - Permitted

**U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3)
DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)**

Site Details

Lot Area : 789sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Not applicable
 Street Furniture (drainage pits etc) : Powerpole on verge
 Site Details : Refer photo above

U13 0443 July 2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 26 July 2013.

DETAIL

The proposal has been assessed against all of the relevant provisions of CPS5, the R-Codes and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

R-Code Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary setbacks	Northern elevation – 1.5m	0.5m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
	Western elevation – 1.5m	1.1m	Requires assessment using Design Principles	MSP
Visual privacy	Bedroom windows with a floor level greater than 0.5m above ngl setback 4.5m	2m	Requires assessment using Design Principles	MSP

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with R-Codes and Council Policy
 Support/Object: One objection

**U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3)
DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition / Uphold/ Not Uphold)
1	<p>The reduced setback will shut out light, air, allow overlooking and create a sense of enclosure.</p> <p>The proposed addition will result in an eight bedroom house. This will create additional noise and overcrowding.</p>	Object	<p>The northern elevation of the proposed addition and the southern elevation of the submitter's dwelling do not contain any major openings. Therefore no overlooking will occur as a result of the reduced setback. Furthermore, the impact of the proposed wall is less than what would result from a boundary wall which could be constructed as-of-right.</p> <p>The number of bedrooms contained in a dwelling is not a material planning consideration.</p>	<p>Not uphold</p> <p>Not Uphold</p>

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / 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*.

**U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3)
DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

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

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.

COMMENT

Planning Approval is sought for a single storey addition to an existing single dwelling at 3 Drumfern Street, Ardross.

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of boundary setbacks and visual privacy.

Commentary in this report will be restricted to the consideration of the reduced setback to the northern boundary only, as this matter is the subject of the objection. The proposed reduced western boundary setback and visual privacy impact have been assessed against the relevant Design Principles and are considered to comply.

Buildings setback from the boundary

The Deemed-to-Comply provisions of the R-Codes prescribe a 1.5m setback for the proposed northern elevation, however a setback of 0.5m is proposed..

**U13/0443 - (MC) – SINGLE STOREY RESIDENTIAL ADDITION AT LOT 252 (3)
DRUMFERN STREET ARDROSS (REC) (ATTACHMENT)**

The proposed setback is considered to satisfy Design Element 5.1.3 for the following reasons:

- The impact of the proposed wall is less than that of an 'as-of-right' boundary wall which could be constructed in this location.
- There are no major openings contained within the northern elevation of the subject property, and none within the opposing elevation of the adjoining property. As such there are no resultant visual privacy impacts..
- The outdoor living area of the lot to the north-east is almost completely covered, and therefore effectively closed in. The impact of the proposed building with its reduced setback is essentially mitigated by that fact..
- In view of the low height of the proposed addition, coupled with the fact that the adjoining property contains no major openings facing the subject site, no adverse amenity impacts are likely.
- The subject site is to the south of the submitter's property and as such access to sunlight for residents of the neighbouring property is safeguarded.

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.

CONCLUSION

The application is considered to satisfy the provisions of CPS5, the R-Codes and Council Policy. It is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

A) That the application for a single storey addition to an existing single dwelling be approved subject to the following conditions:

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

B) That the resident who made a submission on the proposal be notified of A) above.