

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

9 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 12 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, 9 JULY 2013.**

PRESENT

P Prendergast (Presiding Member)
T Capobianco
J Wardell-Johnson
L Mannion

Manager Statutory Planning
Manager Building Services
Senior Planning Officer
Technical Officer (Environmental Services)

APOLOGIES

A Templeton
R Bailey

Planning Services Coordinator
Special Projects Officer (Engineering
Design)

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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**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-350
 Property : 4 Millington Street Ardross
 Proposal : Two, Two Storey (with Undercroft) Grouped Dwellings
 Applicant : Sapphire Homes
 Owner : D. Halcomb, M. Halcomb, P. Corry, C. Corry
 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>

U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the development of two, two storey grouped dwellings.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Acceptable Development provisions of the Residential Design Codes (the R-Codes) and applicable Council Policies with the exception of boundary setbacks, visual privacy and building height.
- The application was advertised in accordance with the provisions of the R-Codes and Council policy and one submission was received in opposition to the proposal on the grounds of building bulk arising from the proposed building height.
- In the light of this submission, amended plans have been submitted which incorporate highlight windows along the sides of the first and second floor balconies of both houses to provide further articulation and to mitigate any adverse building bulk impacts.
- Whilst the objection is acknowledged, the amended proposal is considered to satisfy the requirements of Clause 7.8 of CPS5, the Performance Criteria 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 Area
R-Code	: R20
Use Type	: Residential
Use Class	: Permitted

**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)**

Site Details

Lot Area	: 1012sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: One street tree to be removed (see Comment section below)
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer photo above

U13_0441_July_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 12 July 2013.

DETAIL

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

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	8m to eaves 10.5m overall	<i>House 1</i> Max. eave height 8.8m Max. overall height 10.4m <i>House 2</i> Max. eave height 8.8m Max. overall height 10.1m	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Manager Statutory Planning (MSP)

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R-Code Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary setback variations	<i>House 1</i> 1 st floor – stair/lift (east) – 1.3m	<i>House 1</i> 1.2m	Requires assessment using Performance Criteria	MSP
	Bed 3 (west) – 2.4m	1.86m		
	<i>House 2</i> Bed 1 (east) – 2.7m	<i>House 2</i> 1.76m	Requires assessment using Performance Criteria	MSP
	Living/balcony (west) – 3.3m	2.5m		
Visual Privacy	Major openings to bedrooms setback 4.5m from boundaries.	<i>House 1</i> Bed 2 – 1.1m from western boundary (House 2)	Requires assessment using Performance Criteria	MSP
		Bed 4 – 1.1m from western boundary (House 2)		
		<i>House 2</i> Bed 2 – 1.1m from eastern boundary (House 1)	Requires assessment using Performance Criteria	MSP
		Bed 3 – 4.1m from eastern boundary (House 1)		

**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

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

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Submission 1	The variation to permitted wall height will create an adverse bulk impact on the submitter's property.	Objection	As a result of the submission the Applicant has submitted amended plans incorporating highlight windows along the side of the first and second floor balconies which adds further articulation to break up the elevation. Consequently, the potential building bulk impacts are considered to be mitigated.	Not Uphold

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*.

FINANCIAL IMPLICATIONS

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

**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)****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 to construct two, two storey dwellings, both with undercroft parking areas, at 4 Millington Street, Ardross.

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

Commentary in this report will be restricted to the consideration of building height only, as this matter is the subject of the objection. The other matters listed above have been assessed and found to comply with the relevant Performance Criteria of the R-Codes.

**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)***Building Height*

As outlined above, CPS5 prescribes an eave height of 8m and an overall height of 10.5m. The maximum eave height of both of the proposed houses is 8.8m which exceeds the CPS5 requirement.

The proposed eave height variation is supported for the following reasons:

- The overall height of both proposed houses complies.
- The subject site slopes down from rear to front by approximately 3m. The design of the two dwellings has taken into account this sloping topography and as such, only the front portion of the dwelling adjacent to the street exceeds the CPS5 eave height.
- The over-height portion relates to the front balcony area of both dwellings. Accordingly, there will be limited building bulk impact upon the street as a result of the increased wall height, as the building presents as an open design at that point.
- The additional articulation provided by the amended plans in the form of further openings along the eastern and western sides of the balconies reduces the potential building bulk and amenity impacts upon the adjoining properties.
- The area of the dwelling which exceeds the CPS5 eave height will not have a significant impact upon any views of significance due to the topography of the site and surrounding area.
- The design of the proposed dwellings is contemporary and does not include exposed eaves. Were the design of the dwellings amended to include eaves, it is anticipated that the eave height of the proposed dwellings would comply (or be very close to compliant), whilst maintaining the same impact.
- The proposed scale and character of the two dwellings are consistent with that of other recent developments within the area, including the adjoining property to the east (6A Millington Street).
- The proposal satisfies the Acceptable Development provisions of the R-Codes in relation to overshadowing.

As such, the proposal is considered to satisfy the requirements of CPS5, the Performance Criteria of the R-Codes and Council Policy.

Street Tree

It is noted that the proposed crossover to House 1 requires removal or relocation of an existing street tree. The removal of this tree has been assessed by the City's Parks Services who support its removal provided the Applicant pays for the cost of two replacement trees and all other works associated with the removal, in accordance with Council Policy 029: Street Trees. A condition to this effect is recommended.

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.

**U13/0441 - (MC) – TWO, TWO STOREY (WITH UNDERCROFT) GROUPED DWELLINGS
AT LOT 222 (4) MILLINGTON STREET, ARDROSS (REC) (ATTACHMENT)****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 two, two storey (with undercroft) grouped dwellings 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.**
- 3. Prior to the initial occupation of the development, the street tree shall be removed and replaced with two trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Statutory Planning. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.**
- 4. Prior to the commencement of the development, the street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.**
- 5. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**

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