

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**28 MAY 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](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 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.



**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, 28 MAY 2013.**

**PRESENT**

P Prendergast (Presiding Member)

A Templeton

H Shigeyoshi

J Wardell-Johnstone

C Taborda

Manager Statutory Planning

Planning Services Coordinator

Senior Planning Officer

Senior Planning Officer

Engineering Technical Officer (Engineering  
Design)

**APOLOGIES**

T Capobianco

R Bailey

Manager Building Services

Special Projects Officer (Engineering  
Design)

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

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## 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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**U13/0440 – (MC) - TEMPORARY USE OF RESIDENCE AS A DISPLAY HOME AND SIGNAGE AT LOT 99 (21) RESERVE STREET, BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2013-484  
 Property : 21 Reserve Street, Bicton  
 Proposal : Temporary use of Residence as a Display Home  
 Applicant : Signature Custom Homes  
 Owner : Mr John O'Connor  
 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

**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 &amp; policies.</i>   |
| <input type="checkbox"/>            | Review                | <i>When the Council reviews decisions made by Officers.</i>  |
| <input checked="" type="checkbox"/> | <b>Quasi-Judicial</b> | <b><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></b> |

**U13/0440 – (MC) - TEMPORARY USE OF RESIDENCE AS A DISPLAY HOME AND SIGNAGE AT LOT 99 (21) RESERVE STREET, BICTON (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought to use the existing residence at 21 Reserve Street, Bicton as a display home for a six month period.
- The proposal satisfies all of the relevant provisions of Council Policy CP-045: Exhibition / Display Homes.
- The application has been advertised in accordance with Council Policy and one submission was received opposing the proposed development on the grounds of parking and traffic concerns.
- Whilst the concerns raised are acknowledged, the proposal complies with Council Policy. Furthermore, as temporary approval only is sought, and as hours of operation will themselves be restricted throughout that temporary period, it is considered that the use can be undertaken without prejudice to residential amenity.
- It is recommended that the application be approved subject to conditions.



**BACKGROUND**

**Scheme Provisions**

|              |                 |
|--------------|-----------------|
| MRS Zoning   | : Urban         |
| CPS 5 Zoning | : Living Area   |
| R-Code       | : 12.5          |
| Use Type     | : Residential   |
| Use Class    | : P - Permitted |

**U13/0440 – (MC) - TEMPORARY USE OF RESIDENCE AS A DISPLAY HOME AND SIGNAGE AT LOT 99 (21) RESERVE STREET, BICTON (REC) (ATTACHMENT)**

**Site Details**

|                                      |   |                    |
|--------------------------------------|---|--------------------|
| Lot Area                             | : | 1012m <sup>2</sup> |
| Retention of Existing Vegetation     | : | Not applicable     |
| Street Tree(s)                       | : | To remain          |
| Street Furniture (drainage pits etc) | : | Not applicable     |
| Site Details                         | : | Refer photo above  |

U13\_0440\_May\_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 31 May 2013.

**DETAIL**

Planning Approval is sought to use the existing residence at 21 Reserve Street, Bicton as a display home for a six month period. It is proposed to operate the display home between 2 and 5pm on Wednesday, Saturdays and Sundays.

A 2m<sup>2</sup> sign is proposed along the front boundary of the property beside the existing letter box advertising the building company and the display home opening times.

**PUBLIC CONSULTATION/COMMUNICATION**

|                               |                                       |
|-------------------------------|---------------------------------------|
| Advertising Required:         | Yes                                   |
| Neighbour's Comment Supplied: | Yes                                   |
| Reason:                       | In accordance with Council Policy 045 |
| Support/Object:               | One objection                         |

| <b>Submission Number</b> | <b>Summary of Submission</b>   | <b>Support/Objection</b> | <b>Officer's Comment</b>   | <b>Action (Condition/ Uphold/ Not Uphold)</b> |
|--------------------------|--|--------------------------|--|---|
| 1                        | Concern has been expressed that the construction phase for the building of the subject property caused significant levels of disruption for residents, mainly as a result of construction traffic, but also construction activity. This disruption will continue should approval be given for the property to be used as a display home. | Objection                | The use of the property as a Display Home is a low key use, proposed to take place for a temporary period of 6 months only, for 9 hours per week. It is considered that the implications of the use can be readily accommodated in the subject location, without giving rise to any significant adverse amenity impacts. | Not Uphold                                    |

**U13/0440 – (MC) - TEMPORARY USE OF RESIDENCE AS A DISPLAY HOME AND SIGNAGE AT LOT 99 (21) RESERVE STREET, BICTON (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies 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 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 Council Policy 045: Exhibition / Display Homes and the City's draft Outdoor Advertisements and Signage Policy.

**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**

As outlined above, the proposal complies entirely with Council's planning policies relating to display homes and signage.

Whilst the concerns raised within the submissions are acknowledged, particularly the traffic and parking issues relating to the construction phase of developments, the impacts as a result of the use of the subject property as a display home are anticipated to be less due to the restricted hours of operation and temporary approval period proposed.



**U13/0440 – (MC) - TEMPORARY USE OF RESIDENCE AS A DISPLAY HOME AND SIGNAGE AT LOT 99 (21) RESERVE STREET, BICTON (REC) (ATTACHMENT)****CONCLUSION**

The proposal satisfies all of the relevant provisions within the Council's Exhibition / Display Homes policy and due to the restricted hours of operation and limited approval period proposed, it is recommended that the proposal be approved subject to conditions.

**OFFICER RECCOMENDATION****APPROVAL**

**A) That the application for the Temporary Use of the Existing Residence at Lot 99 (21) Reserve Street, Bicton as a Display Home with Display Home signage be approved subject to the following conditions:**

- 1. This approval is valid for a period of six months from the commencement of the use. An extension to this six month period will require the submission and approval of a separate development application by the City.**
- 2. The use hereby approved shall operate between the hours of 2pm and 5pm on Wednesdays, Saturdays and Sundays only.**
- 3. The sign hereby approved shall be solely contained within the lot boundary.**
- 4. At the expiration of the six month approval period the display home sign shall be removed.**

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