

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY 26 NOVEMBER 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 29 NOVEMBER 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 26 NOVEMBER 2013 .**

PRESENT

P Prendergast (Presiding Member)
A Templeton
A Donaghey
J Wardell-Johnson
M Giancaspro

Manager Statutory Planning
Planning Services Coordinator
Senior Planning Officer
Senior Planning Officer
Senior Building Surveyor

APOLOGIES

T Capobianco
R Bailey

Manager Building Services
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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U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-1376
 Property : Lot 1 (No. 1E) First Avenue, Applecross
 Proposal : Three Storey Single Dwelling
 Applicant : B Taddeo
 Owner : F & F Esat
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 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 & 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>

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a three storey dwelling at 1E First Avenue, Applecross.
- 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 (R-Codes) and applicable Council Policies, with the exception of side setbacks, garage width, outdoor living area and site works.
- The application was advertised to the adjoining property owners and occupiers and one objection was received outlining concerns with regard to the proposed reduced setbacks to the southern boundary.
- Notwithstanding the objection received, the proposed development is considered to meet the relevant Design Principles of the R-Codes and is therefore recommended for conditional approval.



**U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE,
APPLECROSS (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	R50
Use Type	:	Residential
Use Class	:	D - discretionary

Site Details

Lot Area	:	178sqm
Retention of Existing Vegetation	:	None applicable
Street Tree(s)	:	Street tree to be removed. See Comment section below
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

U13_0451_26_November_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 29 November 2013.

DETAIL

Planning approval is sought to construct a three storey building at 1E First Avenue, Applecross.

The proposal satisfies all of the relevant provisions contained within CPS5, R-Codes and Council policy with the exception of the following:

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Side Setback (south)	GF - 1.5m FF- 1.9m	GF - 1m FF - 1.5m	Requires assessment using Design Principle	Development Advisory Unit
Side Setbacks (west)	FF - 2.5m	FF - 2m-4m	Requires assessment using Design Principle	Manager Statutory Planning (MSP)
Garage Width	60% of lot width	75% of lot width	Requires assessment using Design Principle	MSP
Outdoor Living Areas	16sqm with min. 4m x 4m width	13sqm with min. 3.4m x 3.7m	Requires assessment using Design Principle	MSP
Site Works	Cut and fill behind street setback and within 1m of boundary not more than 0.6m above natural ground level (NGL)	Max. 0.7m above NGL	Requires assessment using Design Principle	MSP

GF – Ground Floor, FF – First Floor

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Part 4 of the R-Codes
 Support/Object: One objection

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	The proximity of the southern wall to the submitter's property will have an impact upon the enjoyment of their courtyard and the view from a bedroom window.	Objection	<p>By virtue of the lot configuration, the proposed development will not abut the neighbour's outdoor living area.</p> <p>The aspect from the bedroom window in question is already compromised as it opens out onto a very small courtyard area with a boundary wall to one side, and a boundary fence to the rear which also houses an existing washing line.</p>	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval, the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

No financial implications result for the City as a consequence of 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 of applicable Council Policies.

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (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 third parties have an alternative view, the DAU 'call up' procedures provide an opportunity to call this matter up for Council consideration.

COMMENT

As outlined above, the proposal requires assessment against the Design Principles of the R-Codes in relation to boundary setbacks, garage width, outdoor living area and site works.

Commentary in this report will be confined to the ground floor and first floor setbacks from the southern boundary as these are the matters which the submitter has raised objection. The remainder of the abovementioned variations have been assessed against the relevant Design Principles and are deemed acceptable in that context.

The reduced setbacks from the southern boundary for the ground and first floor levels are largely as a result of the limited width of the lot, being 8m wide. The proposed setbacks are however considered to meet the relevant Design Principle of the R-Codes for the following reasons:

- The proposed development does not abut the adjoining property's outdoor living area which is located approximately 8m to the west of the proposed dwelling. Consequently, access to direct sun and ventilation to this area will be maintained.
- The adjoining property has one major opening facing the proposed development which is a bedroom window. The aspect from this window is already compromised by the existing dividing fence to the north, boundary wall to the east and the storeroom of the subject property to the immediate west.
- The design of the dwelling incorporates varied openings and a reduced wall length to the third floor in order to mitigate the impact of building bulk on the neighbouring property;
- The proposed dwelling satisfies the Deemed to Comply provisions of the R-Codes in relation to overshadowing; and
- Privacy of occupiers of the the adjoining dwelling will be maintained as there are no major openings proposed along the southern elevation.

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)**Street Tree**

The proposed location of the crossover to the dwelling results in a request to remove the existing street tree.

The City's Parks Services have reviewed this request and provided the following comment:
U13/ THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)

The existing 'Jacaranda mimosifolia' street tree is in poor condition and adds little value to the existing streetscape. Therefore, the application for the tree to be removed is acceptable in line with the City's street tree policy.

A condition of approval is recommended in accordance with the above advice which will result in the planting of two new street trees..

CONCLUSION

Based on the above, the application is considered to satisfy the objectives of the R-Codes and it is considered that the proposed variations can be accommodated without detriment to residential or visual amenity. For these reasons, the proposal is recommended for conditional planning approval.

U13/0451 THREE STOREY SINGLE DWELLING AT LOT 1 (NO. 1E) FIRST AVENUE, APPLECROSS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION****APPROVAL**

That the application for a three storey single dwelling at Lot 1 (No. 1E) First Avenue, Applecross be approved subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.
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 initial occupation of the development, the surface finish of the garage boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.

