

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

28 APRIL 2015

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: 1 MAY 2015

**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 APRIL 2015.**

PRESENT

J Wardell-Johnson
A Donaghey
T Capobianco
M Cosson
G Russell
K Brosztl

A/ Planning Services Coordinator
Senior Planning Officer
Manager Building Services
Planning Officer
Building Services Coordinator
Manager Engineering Design

APOLOGIES

P Prendergast (Presiding Member)
R Bailey
T Capobianco

Manager Statutory Planning
Special Projects Officer (Engineering
Design)
Manager Building Services

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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U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2015-261
 Property : Lot 38 (3) Shearman Street, Attadale
 Proposal : Two Storey Single Dwelling
 Applicant : Nick Del Paggio
 Owner : Mr M G Giancola & Mrs A Giancola
 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>

U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a two storey single dwelling at 3 Shearman Street, Attadale.
- 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 boundary setbacks, boundary walls and visual privacy.
- Commentary in this report will be restricted to the consideration of the eastern boundary setbacks and visual privacy as this matter is the subject of the objection.
- In accordance with Part 4 of the R-Codes and Council Policy, the application was advertised to affected landowners and occupiers. One submission was received outlining concerns relating to privacy and impact on amenity from the setback variations sought.
- Overlooking does not comply with the Design Principles of the R-Codes in relation to visual privacy and therefore a condition of approval is recommended to be imposed requiring the bedroom 2 window be screened in accordance with section 5.4.1 of the R-Codes.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant design principles of the R-Codes
- It is recommended that approval be granted subject to conditions. .



U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT)**BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area Precinct
R-Code	:	R15
Use Type	:	Residential
Use Class	:	'P' - Permitted

Site Details

Lot Area	:	1020sqm
Retention of Existing Vegetation	:	None applicable
Street Tree(s)	:	None applicable
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

U15_0458_April_2015. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 1 May 2015.

DETAIL

Planning approval is sought for the construction of a two storey single dwelling at 3 Shearman Street, Attadale

The proposed development has been assessed against the relevant provisions of CPS5, the R-Codes and Council policy. As outlined below, the proposal requires assessment against the Design Principles of the R-Codes in relation to lot boundary setbacks, boundary walls and visual privacy.

U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT)

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary Walls	Walls not higher than 3m for a length of 9m behind the front setback to side boundaries only.	Maximum height of 3.1m for a length of 11m behind the front setback.	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Manager Statutory Planning (MSP)

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Side Setbacks – Ground Floor (Eastern Boundary)	Activity/Store – 1.7m	1.4m	Requires assessment against Design Principles	Development Advisory Unit (DAU)
Side Setbacks – First Floor (Eastern Boundary)	BED 2/Bath/Bed 3 – 2.3m	1.4m	Requires assessment against Design Principles	DAU
Side Setbacks – Ground Floor (Western Boundary)	Bath/Office/Laundry – 2.7m	1.95m	Requires assessment against Design Principles	MSP
Side Setbacks – Ground Floor (Western Boundary)	Kitchen – 5m	3.25m	Requires assessment against Design Principles	MSP
Side Setbacks – Ground Floor (Western Boundary)	Bar – 1.7m	1.2m	Requires assessment against Design Principles	MSP
Visual Privacy	Bedroom 2 – 3.7m	4.5m	Requires assessment against Design Principles	MSP

U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT) STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Part 4 of the R-Codes
 Support/Object: One objection received

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<p>The back portion of the plan which is at present 1.4m from the fence line would be best moved to 2m so as to maintain privacy.</p> <p>With a two storey building going up and obvious windows near the fence line, I feel this will intrude on lifestyle.</p> <p>Most houses on Shearman Street maintain a reasonable distance from side fences.</p>	Object	<p>Increasing the minimum setback of the wall to 2 metres will not increase privacy as there are no major openings on the first floor of the eastern elevation.</p> <p>The section of the eastern elevation does not abut any major openings or outdoor habitable areas of the adjoining property. A condition is recommended to be imposed to require the north facing window from Bed 2 to be screened.</p> <p>There are several examples within the immediate area of dwellings that have a setback less than 2m.</p>	Not uphold.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT) 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 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 application.

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 Council's policies including CP-078: – Residential Development.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

COMMENT

Commentary in this report will be restricted to the consideration of the eastern boundary setback and overlooking, as these matters are the subject of the objection and are addressed below.

As outlined above, the proposal requires assessment against the Design Principles of the R-Codes in relation to lot boundary setbacks and boundary walls.

Lot Boundary Setbacks

The proposed ground and first floor setback variations to the eastern boundary are considered to satisfy the relevant Design Principles of the R-Codes. The building bulk impact from the walls in question is negligible as they do not directly abut any major openings or habitable outdoor living areas of the adjoining property. The walls are only adjacent to a garage and driveway on the eastern lot.

The impact from the reduced setback is also minimal due to the angle of the boundary. While the minimum proposed setbacks do not meet the Deemed-to-Comply requirements, there are portions of each wall that comply with the setback requirements as per tables 2a and 2b of the R-Codes.

U15/0458 – (MC) - TWO STOREY SINGLE HOUSE AT LOT 38 (NO. 3) SHEARMAN STREET, ATTADALE (REC) (ATTACHMENT)

Due to the orientation of the lots, the setback variations do not contribute to any level of overshadowing.

Visual Privacy

The cone of vision from Bed 2 would potentially fall over the western elevation of the adjoining property's outdoor living area. Subsequently, the overlooking does not comply with the Design Principles of the R-Codes in relation to visual privacy and therefore a condition of approval is recommended to be imposed requiring the northern opening to Bed 2 be screened in accordance with section 5.4.1 of the R-Codes.

CONCLUSION

Based on the above, the application is considered to satisfy the requirements of CPS5, the R-Codes and Council policy, including the Design Principles for boundary setbacks. A condition is recommended to be imposed requiring the opening to Bed 2 to be screened in order to comply with visual privacy requirements of the R-Codes. On this basis, the proposal is recommended for approval subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the initial occupation of the development, the opening along the northern side of bedroom 2 (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 (for Single Houses or Grouped Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 3. 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.**
- 4. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the Manager Statutory Planning.**
- 5. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.**

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6. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.
7. Prior to the initial occupation of the development, the surface finish of the boundary wall is to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
8. Prior to the initial occupation of the development, the external surface of retaining walls which are visible from the adjoining property(ies) are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject sites for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.