

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 13 FEBRUARY 2018

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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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, 16 FEBRUARY 2018





**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, 13 FEBRUARY 2018**

PRESENT

P Prendergast
M Scarfone
T Capobianco
B Ashwood
T Cappellucci
A Miller

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

DISCLOSURES OF INTEREST

Nil

**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 as 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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**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
AURELIAN STREET, PALMYRA (REC) (ATTACHMENT)**

Ward : Palmyra – Melville - Willagee
 Category : Operational
 Application Number : DA-2017-1358
 Property : 25 (Lot 281) Aurelian Street, Palmyra
 Proposal : Outbuilding (Garage with mezzanine store)
 Applicant : Peter Banks
 Owner : J A Brindle
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 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> |

**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
AURELIAN STREET, PALMYRA (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of an outbuilding consisting of a garage with mezzanine store at Lot 281 (25) Aurelian Street, Palmyra.
- The proposal satisfies the relevant provisions of Local Planning Scheme No. 6 (LPS6), the Deemed-to-Comply provisions of the R-Codes and applicable Council Policies with the exception of lot boundary setbacks, retaining wall height, outbuilding size, wall height and maximum height where discretion is sought.
- The outbuilding size, wall height and maximum height variations along with the lot boundary setback variation were advertised in accordance with Part 4 of the R-Codes and Council Policy..
- Three submissions were received, two in support and one objection. The concerns raised by the objection relate to privacy and visual impact.
- 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.

**Figure 1 – Aerial photo of subject site**

**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
AURELIAN STREET, PALMYRA (REC) (ATTACHMENT)**

BACKGROUND

There is no applicable planning background in this case.

Scheme Provisions

MRS Zoning : Urban
LPS Zoning : Residential
R-Code : R20
Use Type : Residential
Use Class : Permitted

Site Details

Lot Area : 1047 sqm
Retention of Existing Vegetation : Not Applicable
Street Tree(s) : Not Applicable
Street Furniture (drainage pits etc) : Not Applicable
Site Details : Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 16 February 2018.

DETAIL

Planning approval is sought for the construction of an outbuilding at Lot 281 (25) Aurelian Street, Palmyra.

The proposal has been assessed against all of the relevant provisions of LPS6, the acceptable development provisions of the R-Codes and applicable Council Policies. The proposal satisfies all of these requirements with the exception of the matters listed below:

R-Code Requirements

| Development Requirement | Deemed to Comply | Proposed | Comments | Delegation to approve variation |
|-------------------------|------------------|----------|--|---------------------------------|
| Outbuilding size | 60 sqm | 83 sqm | Requires assessment using Performance Criteria | Development Advisory Unit (DAU) |

**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
AURELIAN STREET, PALMYRA (REC) (ATTACHMENT)**

| Development Requirement continued | Deemed Comply to | Proposed | Comments | Delegation to approve variation |
|--|------------------|-----------|--|----------------------------------|
| Outbuilding wall height | 2.4 m | 5.24 m | Requires assessment using Performance Criteria | Development Advisory Unit (DAU) |
| Outbuilding Maximum height | 4.2 m | 6.9 m | Requires assessment using Performance Criteria | Development Advisory Unit (DAU) |
| Lot boundary setback (western side) | 1.1 m | 1 m | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |
| Retaining wall height and site works (northern side) | 0.5 m | 0.6 m max | Requires assessment using Performance Criteria | Manager Statutory Planning (MSP) |

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: As per Part 4 of the Residential Design Codes
 Support/Object: Two supports and one objection received

| Submission Number | Summary of Submission | Support/Objection | Officer's Comment | Action (Condition/Uphold/Not Uphold) |
|-------------------|---|-------------------|---|--------------------------------------|
| 1 | The shed is higher than the dividing fence. There is an impact on the neighbour's privacy. | Objection. | Refer to the comments section below in regards to height. There are no visual privacy variations as an outbuilding is non-habitable. | Not uphold. |

**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
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| Submission Number continued | Summary of Submission | Support/Objection | Officer's Comment | Action (Condition/Uphold/Not Uphold) |
|--------------------------------|--|-------------------|-------------------|--------------------------------------|
| 2 | In support of the outbuilding and have signed the plans with no objection. | Support. | Noted. | Noted. |
| 3 | In support of the outbuilding and have signed the plans with no objection. | Support. | Noted. | Noted. |

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for development 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

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

There are no policy implications that result from the development proposed by this application.

COMMENT

As outlined above, the proposed development generally satisfies the relevant requirements contained within LPS 6, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of lot boundary setbacks, retaining wall height and outbuilding size and height requirements.

**U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
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The impact of the proposed lot boundary setbacks and retaining wall height have been considered against, and are considered to meet the relevant design principles of the R-Codes and Council policy.

The discussion below relates to outbuilding size, including wall height and maximum building height as these matters are the subject of the submission received opposing the development.

Outbuilding Size, Wall Height and Maximum Height

The size of the proposed outbuilding is 66.6 sqm, which when coupled with an existing outbuilding on the lot equals an area of outbuildings of 83.47 sqm. The wall height and maximum height exceed the deemed-to-comply requirements of Clause 5.4.3 Outbuildings of the R-Codes as the proposal includes a mezzanine. With regard to the design principles, the proposed outbuilding size is recommended for approval for the following reasons:

- The outbuilding will not detract from the streetscape as it will not be seen from the street; and
- In respect to the impact on amenity for occupiers of the neighbouring property to the rear, the outbuilding has a domestic appearance, more akin to a dwelling extension as opposed to an outbuilding. rather than a shed due to the wall cladding proposed. If the application were assessed as a residential addition rather than an outbuilding, it's design, siting and scale would be acceptable in all respects.

Despite the single submission received in objection, the application is recommended for approval on the grounds that there is no adverse impact in streetscape or visual amenity terms.

ALTERNATE OPTIONS AND 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.

CONCLUSION

Based on the above, the application is considered to satisfy the requirements of LPS6, the R-Codes and Council policy, including the design principles for outbuilding size and height, lot boundary setbacks and retaining wall height. On that basis, the proposal is recommended for approval subject to conditions.

U18/0499 – OUTBUILDING (GARAGE WITH MEZZANINE STORE) AT 25 (LOT 281)
AURELIAN STREET, PALMYRA (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVAL

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the city.
2. All stormwater generated on site is to be retained on site.
3. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development, to the satisfaction of the manager statutory planning.
4. 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 site(s) 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.