

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 29 MAY 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, 1 JUNE 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, 1 JUNE 2018**

PRESENT

P Prendergast
M Scarfone
T Capobianco
B Ashwood
M Rea

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
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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U18/505 PROPOSED AMENDMENT TO TWO STOREY SINGLE HOUSE WITH BASEMENT AT LOT 54 (134A) PETRA STREET, BICTON (REC) (ATTACHMENT)

Ward : Bicton – Attadale
 Category : Operational
 Application Number : DA-2016-546/A
 Property : Lot 54 (134A) Petra Street, Bicton
 Proposal : Amendment to two storey Single House with basement
 Applicant : Arc Seven 1
 Owner : Mr Michael Crowther and Mrs Margaret Crowther
 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 : DA-2016-546

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>

U18/0505 PROPOSED AMENDMENT TO TWO STOREY SINGLE HOUSE WITH BASEMENT AT LOT 54 (134A) PETRA STREET, BICTON (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- In December 2016 Development Approval was granted for a two storey 'Single House' with a basement at Lot 54 (134A) Petra Street, Bicton. The dwelling is currently under construction. It has come to the City's attention that a portion of the eastern wall has been built closer to the boundary than shown on the approved drawings.
- Development approval is now sought to maintain the wall in its current position.
- The amendment to retain the wall as constructed requires assessment against the applicable design principles of the R Codes.
- The application was advertised in accordance with the provisions of the R-Codes and Council Policy to the adjoining land owner who subsequently lodged a submission outlining concerns relating to amenity impact resulting from the lot boundary setback variation.
- 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.



U18/0505 PROPOSED AMENDMENT TO TWO STOREY SINGLE HOUSE WITH BASEMENT AT LOT 54 (134A) PETRA STREET, BICTON (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
LPS6 Zoning : Living
R-Code : R17.5
Use Type : Residential
Use Class : Permitted

Site Details

Lot Area : 753 sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : Not applicable
Street Furniture (drainage pits etc) : Not applicable
Site Details : Refer photo above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members Friday, 1 June 2018.

DETAIL

Planning approval is sought for the amendment to the eastern façade of a two storey single house with a basement at Lot 54 (134A) Petra Street, Bicton. The dwelling is currently under construction.

The amendment to retain the wall as constructed requires assessment against the applicable design principles of the R Codes.

R-Code requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Side Setback – (east)	1.8m	0.85m to 1.1m	Requires assessment using Design Principles	DAU

U18/0505 PROPOSED AMENDMENT TO TWO STOREY SINGLE HOUSE WITH BASEMENT AT LOT 54 (134A) PETRA STREET, BICTON (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	The side setback variation to the eastern façade feature creates visual bulk.	Object	Refer to comments section of this report	Not uphold

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 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

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

The proposal satisfies all of the relevant provisions of applicable Local Planning Policies.

U18/0505 PROPOSED AMENDMENT TO TWO STOREY SINGLE HOUSE WITH BASEMENT AT LOT 54 (134A) PETRA STREET, BICTON (REC) (ATTACHMENT)**COMMENT**

Planning approval is sought for an amendment to the lot boundary setback of the wall located on the eastern façade of the dwelling.

The two storey single house with basement was approved on 2 December 2016 and was subject to the DAU process at that time. The eastern side wall in question has not been constructed in strict accordance with the plans as previously approved by the City, the setback in this case now being reduced from that approved of between 1.2m and 1.4m, to between 0.85m and 1.1m.

Lot Boundary Setback

The proposed setback variation has been assessed against the relevant design principles of the R Codes, (refer Clause 5.1.3 of the R Codes) and is supported in planning terms on the basis that:

- There are no impacts on the privacy of the adjoining neighbour.
- The north to south orientation of the lot ensures there is no adverse impact in respect of direct sun and ventilation to the adjoining property.
- The outdoor living areas of the adjoining site are located on the north eastern corner away from the wall in question. Major openings are oriented to the north toward the river, and are therefore unaffected by the setback variation now sought.

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

Given the design principle assessment that has been applied in this case concludes that the development as amended is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

1. **This development approval relates to the portion of wall highlighted on the drawings stamped xx date. The remainder of the development shall be constructed in accordance with the previous planning approval DA-2016-546 dated 2 December 2016 (including remaining conditions) and enclosed plans (referenced Site Plan, and Elevations) stamped as approved on xx date.**