



AGENDA

LATE REPORTS
COUNCIL MEETING

19 JUNE 2025

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ATTACHMENT

9.4.7 Proposed Porch and Roofed Balcony - Lot 63 (No 10) Horan Way, Horrocks

PROPONENT	D & A Ash
OWNER	D & A Ash
LOCATION / ADDRESS:	Lot 63 (No 10) Horan Way, Horrocks
ZONE:	Residential (R20)
BUSINESS AREA:	Planning Services
FILE REFERENCE:	10.5.1.1 & A760
LEGISLATION:	<i>Planning and Development Act 2005</i>
AUTHOR:	Brian Robinson
APPROVING OFFICER:	Brian Robinson
DATE OF REPORT:	12 June 2025
DECLARATION OF INTEREST:	Nil

BACKGROUND:

The subject land is a 635m² residential property located at the southern end of Horan Way. As shown on the location plan below, similar residential properties abut the site to the east and west, whilst undeveloped land owned by the Shire is located to the rear. There is a larger than normal verge located in front of the property due to the design of the Horan Way cul-de-sac

Location Plan



The site is currently developed with a two storey dwelling and a detached garage. The dwelling is setback approximately 5.7m from the front boundary.

Approval is being sought to extend the dwelling forward in the form of a patio, with roofed balcony above and a deck between the existing home and the street

boundary. Plans submitted with the application indicate that the patio/balcony will be attached to the northeast corner of the home, be approximately 4m deep and 5m wide, setback 1.7m from the front boundary and 1.5m from the side boundary. An attached deck being 3 metres wide is to be located on the western side of the patio, connecting with an existing deck.

A copy of the submitted plans is shown attached.

ATTACHMENT: 9.4.7 (1)

Council is requested to determine the application as the proposed development does not meet the “Deemed to Comply” provisions of the Residential Design Codes of Western Australia.

PUBLIC CONSULTATION UNDERTAKEN:

Letters of support from both adjacent landowners were submitted with the application. Notwithstanding this, in accordance with Council’s Local Planning Policy – Consultation for Planning Proposals, the application was referred to the adjacent landowners for comment over a 14 day period. At the close of submissions on 4 June 2025, no submissions had been received.

COMMENT (Includes Options):

In determining an application for Development Approval, clause 67(2) of the Deemed to Apply provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* require that Council take various matters into account. These matters include, but are not limited to, the following:

- i) The aims and provisions of the Scheme (including any planning codes that are read into the Scheme;
- ii) The requirements or orderly and property planning;
- iii) Any approved State Planning Policy;
- iv) The compatibility of the development within its setting, including the compatibility of the development with the desired future character of its setting and the relation of the development to development on adjoining land including the likely effect of the height, bulk, scale, orientation and appearance of the development; and
- v) Any submission received on the application.

To assist Council in determining the application, the following comments and advice are provided.

Local Planning Scheme No 10 (LPS 10)

The provisions of the LPS 10 include the subject land within the Residential Zone with an applicable density of R20 under the Residential Design Codes of Western Australia (R-Codes).

State Planning Policy - Residential Design Codes (R-Codes)

Table 2 in the R-Codes identifies that an average front setback of 6m is required where a density of R20 applies.

In accordance with clause 5.1.2 – C2.4 a porch, verandah or unenclosed balcony can project forward of the primary street setback line to a maximum of half of the primary setback line without applying the compensating area required under clause 5.2.1 of the R-Codes. Given this, if the roofed patio/balcony was setback a minimum of 3 metres the proposal would comply with the R-Codes Deemed to Comply provisions relating to front setbacks.

As a setback of 1.7m is being proposed, the application must be determined under the R-Code Design Principles of clause 5.1.2. These are:

P2.1 Buildings setback from street boundaries an appropriate distance to ensure they:

- *Contribute to, and are consistent, an established streetscape;*
- *Provide adequate privacy an open space for dwellings;*
- *Accommodate site planning requirements such as parking, land and utilities; and*
- *Allow safety clearances for easements for essential service corridors.*

P2.2 Buildings mass and form that:

- *Uses design features to affect the size and scale of the building;*
- *Uses appropriate minor projections that do not detract from the character of the streetscape;*
- *Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and metres and the like; and*
- *Positively contributes to the prevailing or future development connect and streetscape as outlined in the local planning framework.*

An assessment of the above criteria is provided within the balance of this agenda item.

Streetscape

Currently residential development within both Horan Way and the wider Horrocks townsite is wide and varied in its visual appearance and setbacks, ranging from large newish homes to original beach shacks. Due to the undulation of the land in Horrocks and landowners in the area desiring to take advantage of ocean views, many homes are setback substantial distances from the road. Other homes have been designed and constructed to be as close to the street boundary as possible.

No 8 Horan Way, located on the western boundary of the subject land has been constructed at an angle to the front boundary. The dwelling comes as close as approximately 1.5m to the street boundary immediately adjacent to the subject land. Despite this relatively small setback, the dwelling on No 8 is still located some 14 metres from the Horan Way road pavement due to a substantial road verge.

It is also noted that No 1 Horan Way has a single car garage within the front setback, being setback a minimum of 1m from the street boundary.

Should the proposed development be approved, the building will still be located more than 12 metres from the road. Given this it is not anticipated that the development as proposed will detrimentally impact on the streetscape or amenity of the area.

Potential visual impacts are also minimised due to the fact that neither the patio nor balcony are proposed to be enclosed. This and the design of the roof will minimise the bulk of the building as viewed from the street.

Potential for Overlooking

Although the proposed development is located within the front setback, the angle of the development when compared to the side boundary means that there is potential for a person standing on the eastern side of the balcony to view portion of the rear yard at No 12 Horan. To prevent overlooking, it is recommended that permanent fixed screening be required to a minimum height of 1.6m.

Conclusion

Given that neither immediately adjoining landowner has objected to the proposal and that the development is unlikely to detrimentally impact on the streetscape or amenity of the area, conditional approval is recommended.

STATUTORY ENVIRONMENT:

*Planning and Development Act 2005; and
Planning and Development (Local Planning Scheme) Regulations 2015.*

POLICY / STRATEGIC IMPLICATIONS:

Nil.

ORGANISATIONAL RISK MANAGEMENT:

Risk rating is considered Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non- compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact
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FINANCIAL IMPLICATIONS:

The required application fee has been paid in accordance with Council's adopted 2024/25 Schedule of Fees and Charges.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Determine that the proposed development at Lot 63 (No 10) Horan Way, Horrocks as shown at Attachment: 9.4.7 (1) is consistent with the Design Principles prescribed under clause 5.2.1 of the Residential Design Codes of Western Australia; and**
- 2. In accordance with Local Planning Scheme No 10 – Northampton grant planning approval to the proposed Patio/Roofed Balcony and deck at Lot 63 (No 10) Horan Way, Horrocks in accordance with the plans shown at Attachment: 9.4.7 (1), subject to compliance with the following conditions:**
 - a) The development hereby approved is to be carried out generally in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Northampton:**

Reference	Document Title	Date
1	Site Plan & Elevations	9 May 2025

- b) Any additions to or change of use of any part of the building or land (not the subject of this consent) requires further application and development approval for that use/addition;**
- c) The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Northampton but the use of reflective materials and colours is not permitted;**

- d) Screening devices such as obscure glazing, timber screens, external blinds etc. are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and to restrict view in the direction of the eastern side boundary so as to prevent overlooking of the rear yard of the adjacent residence.

Advice Notes:

- i) This development approval is NOT a building permit. A building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works. (Land clearing to facilitate development and BAL report is permitted).
- ii) If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- iii) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- iv) The applicant is advised that compliance with any and all governmental legislation and regulations, including but not limited to *Health (Miscellaneous Provisions) Act 1911*, the National Construction Code of Australia and the relevant *Aboriginal Cultural Heritage Act*, is required at all times.
- v) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

ATTACHMENTS

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