



— City of —  
**Melville**

**REPORTS AND RECOMMENDATIONS**

**FROM THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**19 MAY 2009**

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development Services.
  2. Should any Elected Member want any matter referred and considered by the Council, please contact the Manager Planning & Development Services prior to the Tuesday (or Wednesday if Monday is a public holiday) following the date of this Meeting.
  3. Unless 'called in' by an Elected Member it is expected that the Manager Planning & Development Services will after the 'call in' date approve the recommendations, refer the matter to the Council or back to the Development Advisory Unit for further considerations.

**DISTRIBUTED: 22 MAY 2009**



— City of —  
**Melville**

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**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 1:30PM ON TUESDAY 19 MAY 2009**

**PRESENT**

D Vinicombe (Presiding Member)  
J Gonzalez  
P. Prendergast  
T Capobianco  
D Monteiro  
R Jessup  
R Bailey

Manager Planning & Development Services  
Planning Services Coordinator  
Planning Services Coordinator  
Principal Building Surveyor  
Environmental Health Officer  
Senior Horticultural Technical Officer  
Technical Officer

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

**ELECTED MEMBERS' ATTENTION**

Nil

**DELEGATED AUTHORITY – PLANNING POLICY (1) 2**

**The following items are recommendations to the Manager Planning & Development Services for decision.**

## 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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**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	51 Boston Way Booragoon	Pathway request 108196 for removal and replacement of one street tree to allow construction of a crossover to access a proposed new garage. Development Approval DA-2007-1750 for the new garage and internal alterations has previously been granted however plans submitted for the development did not detail the existing street tree. The tree is a mature <i>Melaleuca quinquenervia</i> (Broad-leafed Paperbark) in good condition. There is no common theme of street trees along this street, however the tree does contribute to significant streetscape amenity. The owner has advised in their application that they do not wish to have a single crossover to access the double garage.	It is recommended that the existing street tree be retained and the crossover be reduced in width to accommodate this tree. This will allow a crossover approximately 4.0 metres in width and maintain the streetscape amenity.



**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**



2	119 Point Walter Road Bicton	<p>Pathway request 92855 to remove one street tree to allow access to a proposed new garage which replaces an existing carport. Planning Services are currently assessing the development application. The tree is a semi-mature <i>Agonis flexuosa</i> (WA Peppermint) in average condition, there is some evidence of wood borer activity which is typical of this species causing some decline in this particular tree. The owner would like to have a double crossover in place of the existing single crossover which will improve safety when egressing the property.</p>	<p>Due to the condition of this tree, it is recommended that the existing street tree be removed and replaced with one semi-advanced <i>Agonis flexuosa</i> in a 100 litre container in the Kent Street verge, subject to: a Building license being approved and all works by the City of Melville at the applicant's expense.</p>
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**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**



**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**

3	24      Campion Crescent Attadale	Pathway request 107329 for removal of one street tree to allow widening of the crossover to the new garage and front renovation of the existing dwelling. The tree is a <i>Eucalyptus sideroxylon rosea</i> in poor condition with limited streetscape appeal. Whilst on site it was noted that should the crossover be increased in width there is a row of <i>Sempervirens stricta</i> (Pencil Pine) on either side of the existing crossover that would also require removal.	It is recommended that the existing street tree and Pencil Pines be removed and replaced with one semi-advanced tree in a 100 litre container all works by the City of Melville at the applicant's expense.
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**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**



**U09/0079– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**

4	52 (Lot 1) Waddell Road Bicton	Data Works request ref 2082412 for removal and replacement of one street tree to allow construction of a central crossover to access four proposed units. The tree is a <i>Lophostemon conferta</i> (Box Tree) in good condition. The tree forms part of an avenue of similar trees along this street which provide a consistent streetscape amenity. A development application has not been submitted to date, however applicant has requested consideration for the removal prior to preparation of plans. The central crossover arrangement would allow replacement with two trees, one either side of the new crossover.	It is recommended that the existing street tree be retained so that the design of the development can accommodate the retention of this tree. This will provide for a new driveway on the southern side of the property and thereby provide a greater distance between the proposed dwellings (most likely two storey) and the adjoining property to reduce potential overshadowing impacts on that property. Retention of the Box Tree will also maintain the theme of trees along this street and contribute to streetscape amenity.
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**U09/0079- (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 19 MAY 2009**



**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward  
Category : Operational  
Application Number : DA-2008-869  
Property : 11D Sleat Road, Mount Pleasant  
Proposal : Two Storey House  
Applicant : Shayne Leroy Design  
Owner : Ms K J Bezant and Mr W L Bezant  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Responsible Officer : Mr David Vinicombe  
Manager Planning and Development Services  
Previous Items : Nil

**AUTHORITY / DISCRETION**

Definition

- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative *includes adopting local laws, town planning schemes & policies.*
- Review *when Council reviews decisions made by Officers.*
- Quasi-Judicial** *when 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.*

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The application is for a two-storey residence on a narrow, east-west orientated lot.
- The application proposes a number of variations to the Residential Design Codes (R-Codes).
- These variations specifically, relate to boundary setbacks and overshadowing impact.
- The variations require consideration under the relevant Performance Criteria provisions of the R-Codes.
- Two (2) objections have been received from neighbouring property owners.
- The application is recommended for conditional approval.



**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
CPS 5 Zoning : MP2 - Living Area  
R-Code : R17.5  
Use Type : Residential  
Use Class : Residential

**Site Details**

Lot Area : 507 sqm  
Retention of Existing Vegetation : n/a  
Street Tree(s) : No  
Street Furniture (drainage pits etc) : No  
Site Details : See above image

[U09\\_0080\\_May\\_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 22 May 2009

**DETAIL**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	50%	53.3%	Complies		
Building Height	8m to eaves 10.5m max	6.0m to eaves 7.1m max.	Complies		
Carparking	2 bays (1 covered)	2 bays (2 covered)	Complies		
<b>Overshadowing</b>	<b>25% of adjoining neighbour</b>	<b>30.9%</b>	<b>Does not comply</b>	<b>MPDS</b>	
Site Works	500mm fill	180mm	Complies		
<b>Garage Door Width</b>	<b>60% of frontage</b>	<b>65.6%</b>	<b>Does not comply</b>	<b>MPDS</b>	

(Note: Non compliance is emphasised in bold)

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Primary Street Setback					
o Ground Floor	6.0m	12.6m	Complies		
o Upper Floor	6.0m	7.7m	Complies		
Side Setbacks (North)					
(GF) Dining	1.0m	1.05m	Complies		
<b>(GF) Stairs / Garage</b>	<b>1.0m</b>	<b>0m</b>	<b>Does not comply</b>	<b>MPDS</b>	
(GF) Family	1.5m	2.026m	Complies		
(GF) Living	1.5m	2.024m	Complies		
(GF) Alfresco	1.0m	2.02m	Complies		
<b>(UF) Stairs</b>	<b>1.2m</b>	<b>0m</b>	<b>Does not comply</b>	<b>MPDS</b>	
(UF) Mast. Bed	1.2m	2.023m	Complies		
(UF) Sitting / WC / Linen	2.0m	2.024m	Complies		
<b>(UF) Bed 3</b>	<b>1.2m</b>	<b>1.005m</b>	<b>Does not comply</b>	<b>MPDS</b>	
Side Setbacks (South)					
(GF) Garage/ Store	1.5m	3.23m	Complies		
(GF) Entry	1.0m	1.1m	Complies		
(GF) Pantry	1.0m	1.0m	Complies		
(GF) Laundry / Living	1.5m	1.5m	Complies		
(GF) Office	1.5m	2.2m	Complies		
(GF) Family / Kitchen	1.5m	1.5m	Complies		
(GF) Alfresco	1.5m	1.5m	Complies		
(UF) Bed 2 / Bath	1.2m	1.27m	Complies		
(UF) Sitting / ENS / WIR / Mast. Bed	1.9m	2.23m	Complies		
(UF) Bed 3	2.5m	3.58m	Complies		

(Note: Non compliance is emphasised in bold)

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: R-Code Variations  
 Support/Object: Two (2) neighbours consulted. Two (2) submissions received objecting to the proposal.

Submission Number	Summary of Submission	Support / Object	Officer's Comment	Action (Condition/ Uphold/ Not uphold)
1.	Disagree with the staircase parapet wall as it will obliterate all sunlight to our kitchen and family room.	Object	The objector's property is located to the north of the subject site (the R-Codes measures the impact of overshadowing to the south), and is setback from it by approximately 4.8m. As such the impact of the proposed development on loss of sunlight to the objector's property will be negligible.	Not uphold
2.	Non-compliance with <i>Clause 6.2.8 – Garage Doors</i> of the R-Codes. Detrimental impact on streetscape and neighbours property due to dominant garage.	Object	The proposed garage occupies approximately 65.4% of the property frontage in lieu of 60%. This variation is supported when judged against the Performance Criteria relative to Clause 6.2.8 of the R-Codes. (See comments section below).	Not uphold

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

	<p>Excessive overshadow impact (approximately 40.7%). Adverse impact on living areas, outdoor living and courtyard. Reduced setbacks and wide eaves restrict access to direct sunlight.</p>	<p>Object</p>	<p>Plans have been revised as a result of the objection received. The revisions have resulted in the relocation of the garage/storeroom from the southern to northern boundary, reduction in the upper-floor eave overhangs and a reduction to the finished floor level. Cumulatively these revisions have resulted in a reduction to the amount of overshadowing from 40.7% to 30.9% of the adjoining lot. This variation is supported when judged against the Performance Criteria of the R-Codes relative to Clause 6.9.1 (see comments section below).</p>	<p>Not uphold</p>
	<p>Non-compliance with <i>Clause 6.2.2 – Minor Incursions into street setback area</i> of the R-Codes. Garage requires setback of 6.0m and wall height average of 2.7m.</p>	<p>Object</p>	<p>4.5m garage setback to the primary street is permitted under the provisions of the R-Codes and Council Policy. The proposed garage is setback 4.5m.</p> <p>The R-Codes does not require a garage wall height to average 2.7m. It is noted that the Acceptable Development requirements of the Codes does not allow for a boundary wall at the R17.5 coding unless behind the front setback line and where it abuts an existing or simultaneously constructed wall of similar or greater dimension. Notwithstanding, boundary walls may approved under the Performance Criteria of the R-Codes (Clause 6.3.2 – see comments below).</p>	<p>Not Uphold</p>

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

	Non-compliance of upper floor setback. Upper floor wall equates to 26.03m (length) and 5.5m (height), thus requiring a setback of 2.5m.	Object	The upper floor setbacks are in compliance with the R-Codes (refer 'setbacks' table above). It is not necessary to assess the setback requirement of the upper floor based on its entire length.	Not uphold
	Non-compliance with Clause 6.3.2 – Buildings on Boundaries of the R-Codes.	Object	As detailed above, the Council is in receipt of revised plans which relocate the garage/storeroom wall from the southern boundary to the northern side of the lot.	Not uphold

**REFERRALS TO GOVERNMENT AGENCIES**

Not 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 in accordance with Part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

NA

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

NA

**POLICY IMPLICATIONS**

NA

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)****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.

**COMMENTS**

This application seeks consent for the erection of a two storey single house on a cleared strata lot with separate road frontage. The property has an angled frontage of 11.5 metres to Sleat Road, and is one half of an original 1014 sqm lot.

A new two storey dwelling was recently constructed on the southern half of the former lot and this has design elements similar to the subject proposal.

The subject site is located in a Living Area Precinct under the provisions of the City of Melville Community Planning Scheme. No 5 (CPS No 5). The dominant land use activity in this Precinct is residential, and the existing immediate streetscape is made up of single detached one and two storey dwellings.

The proposed dwelling is of contemporary two storey design and incorporates a 'trim deck' pitched roof and rendered external walls. The property is generally designed to comply with the R-Codes and CPS No 5. However, in recognition of the relatively narrow width of the lot (minimum of 9.4m for the bulk of its depth), there are a number of variations to the provisions of the R-Codes for which the applicant seeks approval under the relevant Performance Criteria. These relate to the following matters.

**Garage Door Width**

The proposed garage door measures 6.3m (65.6%) in lieu of 5.7m (60%). Clause 6.2.8 of the R-Codes requires consideration of the extent of the frontage and garage relative to maintaining a desired streetscape not dominated by garage doors.

The proposed development incorporates a visible upper storey window and oversized pivot-style entry door. These features assist in ameliorating any dominant impact of the garage door within the streetscape. Furthermore, turf and landscaping is proposed for the front setback area which would further reduce the impact of a garage door on the streetscape.

It is noted that it is difficult for narrow lots such as the subject site and adjoining lot to the south to conform to the requirements of the R-Codes. It is interesting to note that in the case of the objector's property to the immediate south that, the garage door width of that property was approved at 6.3m (63%).

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Accordingly, the variation to the garage door width for the proposed residence is similarly supported.

Northern Side Setback – Ground and Upper Floors (Garage, store room and stairwell)

A 12.7m long portion of the ground floor wall, being the garage/storeroom and staircase, and a 5.11m long portion of the upper floor wall, being the staircase, is proposed to be setback 0m in lieu of 1.0m to the northern side boundary. The Performance Criteria of the R-Codes (Clause 6.3.2) allows buildings built up to boundaries where it is desirable to do so in order to make effective use of space, and enhance privacy or amenity, provided to do so would not have a detrimental impact on the amenity of occupiers of adjoining properties nor restrict direct sun to major openings to habitable rooms and outdoor living areas.

Since initial submission and assessment, the detailed plans for the proposed dwelling have been amended and the location of the garage/storeroom has been moved from the south side of the proposed dwelling to the north side. This amendment has resulted in the proposed parapet wall being similarly relocated to the northern boundary. In so doing, this has addressed the bulk and amenity concerns raised by the adjoining resident at 11E Sleat Road. In its amended position, part of the proposed parapet wall directly abuts an existing and similarly constructed boundary wall contained on the adjoining property at 11C Sleat Road; that being a wall to a galvanised shed. Clause 6.3.2 of the R-Codes allows buildings on boundaries where the wall abuts an existing constructed wall of similar or greater dimension. The remainder of the proposed parapet wall, (a section of 6.4m's in length), will abut the boundary with 10B Wren Street. A portion of this, 1.3m in length is of single storey height, whilst the remainder, a length of 5.1m, rises to a height of 6.2m.

Whilst the neighbours from 10B Wren Street were consulted on the plans as initially submitted, they have not been consulted on the revised plans which site the garage and store room on the northern boundary. That is because the revised plans differ very slightly from the initial ones in so far as they introduce a 1.3m length of single storey garage boundary wall to that boundary (see previous paragraph of this report).

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

Notwithstanding this, the neighbour has objected to the 6.2m high parapet wall to the proposed stairwell, and this boundary wall is common to both the plans as initially submitted, and as amended. Concern is expressed by the adjoining owner that the staircase parapet wall will obliterate all sunlight to the kitchen and family room of the property at 10B Wren Street. Notwithstanding the amended details, the comments made by the neighbour in relation to the stairwell parapet wall are unsubstantiated as the objector's property is located to the north of the wall in question thereby safeguarding it from the effects of overshadowing. Additionally, the main dwelling of 10B Wren Street is setback approximately 4.8m from the rear boundary and located behind a patio, therefore the impact of bulk or loss of amenity is considered to be minimised. Bulk impact is further ameliorated by the existing vegetation planted along the rear boundary at 10B Wren Street. Loss of privacy is not an issue given there are no major openings proposed on the proposed parapet wall.

As such and in view of the above, the variation to the side setback is supported.

Northern Side Setback – Upper Floor (Bed 3)

A 4.89m long portion of the upper floor level wall (i.e. Bed 3) is proposed to be setback 1.005m in lieu of 1.2m. The Performance Criteria of the R-Codes (Clause 6.3.1) requires buildings to be setback from boundaries so as to provide adequate sun and ventilation to the building and open spaces on the subject lot and adjoining property and ameliorate the impacts of bulk and protect privacy.

The west-facing high-light window will provide adequate sun (and ventilation) to the proposed residence in accordance with the performance requirements of the R-Codes. Given that the subject wall is short in length (4.89m) and north facing, and as the variation to the setback requirement is minor at 19.5cm, it is considered that the variation will not result in any significant adverse impact on residential amenity for occupiers of the adjoining property. As such, the variation may be supported in principle.

Overshadowing Impact

The proposed development will result in approximately 30.9% overshadowing of the adjoining property to the south. This is in lieu of 25% overshadowing envisaged as 'acceptable' under the Acceptable Development provisions of the R-Codes. Consideration under the Performance Criteria of Clause 6.9.1 of the R-Codes is therefore required.

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

It is noted that since initial submission, the detailed plans associated with this proposal have been revised. The revisions have resulted in the relocation of the garage/storeroom from the southern to northern boundary, the reduced length of the upper floor, a reduction in the upper-floor eave overhangs and a reduction in the finished floor level by 0.214m. These amendments have resulted in the reduction of the overshadowing caused by the proposed development from 42.7% to 30.9%, in lieu of the 25% permitted under the provisions of the R-Codes.

The Performance Criteria (Clause 6.9.1) of the R-Codes requires developments to be designed to protect solar access taking into account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs.

The shadow cast on the objectors dwelling will, in the worst case scenario, overshadow the windows to their entry area and stairwell, theatre room, dining room and areas of open space located on the northern side of their property. Whilst the theatre room is classed as a habitable room, it is designed to operate most successfully in darkness. To that end it is designed with two high level windows, primarily for ventilation purposes. The entry and stairwell areas are classed as non-habitable rooms for which overshadowing is not an issue under the terms of the R-Codes. The dining room windows do not face north and therefore the shadow cast from the subject residence will not impede them to any significant degree. Other windows along this elevation of the objectors property are unaffected by overshadowing, in particular two (2) floor to ceiling windows contained in the living room. The covered alfresco area is also unaffected as the amount of shadow does not encroach past the roof line of that area or the shadow cast by the roof line, and leaving the immediate area in front of and on the northern portion of the alfresco open to direct sunlight. It is noted that the existing fence casts a shadow of more than 50% of the remaining open courtyard area. Further, the shadow cast by the proposed dwelling only exceeds the shadow cast by the fence by approximately 3.0sqm.in one location, located to the east of the alfresco area. Given that the alfresco area is fully roofed, it is also reasonable to assume that the area has not been designed to receive the solar benefits of direct sunlight penetration.

The open areas of the affected property are also generally unaffected by the proposed development. It is important to note that where blocks are orientated in an east-west direction, overshadowing impacts are always going to be the greatest, particularly when lots are also narrow. For example, a 1.8m high dividing fence will in itself result in overshadowing that exceeds the 'acceptable' 25% for this particular development.

Based on the above, the variation is supported given that the overshadowing impact is considered to satisfy the relevant Performance Criteria of the R-Codes.

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)****CONCLUSION**

As the proposed development and its variations are deemed to satisfy the Performance Criteria of the R-Codes and is otherwise in full compliance with the remaining provisions of the R-Codes and the City of Melville Community Planning Scheme No. 5 and relevant Policies, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION****APPROVAL**

- A) That the application for two-storey dwelling on Lot 1 (11D) Sleat Road, Mount Pleasant be approved with the following conditions:**

**Standard Conditions:**

- 1. All stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of a twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the manager planning and development services. All downpipes to be connected to soakwells. The proposed stormwater drainage system is required to be shown on the Building Licence submission for approval prior to the commencement of construction.**
- 2. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.**
- 3. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**
- 4. Roofing materials being of a non-reflective material (zinc or white colour metal roofing may only be permitted through special planning consent).**
- 5. Prior to the commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4sqm and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.**
- 6. All unused crossover(s) are to be removed and the kerbing and road verge are to be reinstated at the owners full cost to the satisfaction of the Manager Planning and Development Services.**

**U09/0080 - (HS) TWO STOREY HOUSE ON LOT 1 (11D) SLEAT ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**

7. All new residential dwellings to be serviced by a concrete or brick paved vehicle crossing of no greater width than the lesser of 6m or 40% of the width of the frontage of the lot and constructed in accordance with the council's specification to the satisfaction of the Manager Planning and Development Services.
  8. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Council Plan Nos 528A2-91E (barrier kerb crossover), 284A2/84E/7 (minimum clearances) unless otherwise specified by this approval. Where any damage is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost of the applicant shall pay for such damage or alteration. A concrete apron having width of 0.75m must be installed between a brick paved crossing and the bitumen surface of a road. The cost of damage to a street tree will be determined in accordance with the "tree amenity valuation formula" adopted by the Council.
  9. A 1.8 metre high fence to be provided from the highest retained ground level. All fencing to be provided in accordance with the dividing fences act. And be constructed as a minimum standard of fibre cement.
  10. Specific approval must be obtained to remove a street tree to permit the construction of a vehicle crossover otherwise it should be assumed that street trees are to be retained. Any written approval for the removal of street trees is subject to the applicant/owner paying all costs and may entail removal and relocation costs; or removal and replacement costs.
  11. The development is to be connected to the Water Corporation's reticulated sewerage system.
  12. Ground levels may not be changed other than approved as part of this approval.
- B) The adjoining property owners who objected to the development be advised in writing of A) above.**