

## **REPORTS AND RECOMMENDATIONS**

### **FOR THE**

### **DEVELOPMENT ADVISORY UNIT**

### **MEETING**

### **HELD ON**

**TUESDAY, 4 OCTOBER 2022**

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](mailto: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, 7 OCTOBER 2022**



**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, 4 OCTOBER 2022**

**PRESENT**

P Prendergast  
M Scarfone  
T Cappellucci  
T Geddes  
A Brooksbank  
R Boswell

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

**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 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.**



## **TABLE OF CONTENTS**

U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET, ALFRED COVE 6154 (REC) (ATTACHMENT) .....	4
U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT) .....	13

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET, ALFRED COVE 6154 (REC) (ATTACHMENT)**

Ward : Bicton-Attadale-Alfred Cove  
 Category : Operational  
 Application Number : DA-2022-515  
 Property : Lot (1) No. 7B Chesson Street, Alfred Cove  
 Proposal : Two Storey House  
 Applicant : Aintree Holdings P/L T/A Beaumonde Homes  
 Owner : Elke Kanagalingam  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : No Previous Items  
 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 &amp; 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>

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET,  
ALFRED COVE 6154 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey single house at Lot 1 (No. 7B) Chesson Street, Alfred Cove.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1) and Local Planning Policy 1.9 Height of Buildings, and the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- The proposed development requires a performance assessment in relation to solar access to the adjoining southern property.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, one objection was received relating to the amenity impact from the level of shadow cast.
- 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 Photography

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET, ALFRED COVE 6154 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	: 350m <sup>2</sup>
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: n/a
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, 7 October 2022.

**DETAIL**

In June 2022 a development application was lodged for a two-storey single house at Lot 1 (No.7B) Chesson Street, Alfred Cove.

In response to concerns raised by the City, revised plans were submitted in September 2022 which increased the southern boundary setback to meet the relevant deemed to comply provisions of the R-Codes. These amended plans are the subject of this report.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.4 Open Space	50%	45.9	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
5.4.2 C2.2 Solar Access	25% of the site area of 7C Chesson Street	28%	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET, ALFRED COVE 6154 (REC) (ATTACHMENT)**

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 2 Setback of Garages and Carports  C1.1 Garages	Minimum 4.5 metres	3 metres	Requires assessment against the Design Principles of the R-Codes.	MSP

The officer comment below is limited to solar access as this was the subject of the objection received. The proposed elements in relation to open space and garage setbacks are considered to meet the relevant design principles and are supported on that basis.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
 Support/Object: One objection received

A summary of the content of the objection received and an officer's response is provided in the table below.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The level of shadow exceeds the requirements of the R-Codes	Refer to the comments section of this report.	Not Uphold
Massing of the development caused by reduced setbacks	Since initial consultation the plans have been amended to ensure that the setbacks to the southern boundary meet the deemed-to-comply standards of the R-Codes.	Not Uphold
Bulk impact of the boundary wall at the home under construction at 27B Doney Street	This report pertains to the proposed development, not to other developments in the immediate vicinity. As such the reference to the existing wall at 27B Doney Street is not a material planning consideration for the subject DA	Not Uphold

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET,  
ALFRED COVE 6154 (REC) (ATTACHMENT)**

## **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**

There are no policy implications in relation to this proposal.

## **COMMENT**

### Solar Access

The subject development site at No.7B Chesson Street shares its southern boundary with No.7C Chesson Street. Each lot is of an east-west orientation. The design principles contained in Clause 5.4.2 of the R-Codes seek to ensure sufficient solar access for the development site and the protection of outdoor living areas, major openings and solar collectors on adjoining properties. The shadow cast is considered to meet the design principles for the following reasons:

- The design elements contained within the Explanatory Guidelines of the R-Codes state that areas most vulnerable to overshadowing are east-west orientated sites on the south side of a development site. In such cases, even a relatively low building may cast a mid-winter shadow over a greater proportion of a site than allowed under the deemed-to-comply provisions of the R-Codes;
- The primary shadowing impact from the development will fall onto the wall and roof of the garage of the approved development at 7C Chesson street. The remainder will fall onto the roof of kitchen/scullery and laundry (see Figures 2 & 3) below. Whilst the shadow will affect the north facing window of the kitchen, a west facing window will still allow for adequate sunlight to the room;

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET, ALFRED COVE 6154 (REC) (ATTACHMENT)**

- The primary outdoor living area of the southern adjoining lot will also be unaffected. Whilst a portion of the garden associated with the future outdoor living area will be impacted, the adjoining landowners will retain access to outdoor areas which will be unaffected during the winter months; and
- As detailed in the cross section below, the upper floor and associated roof of the approved dwelling are unaffected by the proposed development. This ensures future solar panels will be unaffected by this proposal.

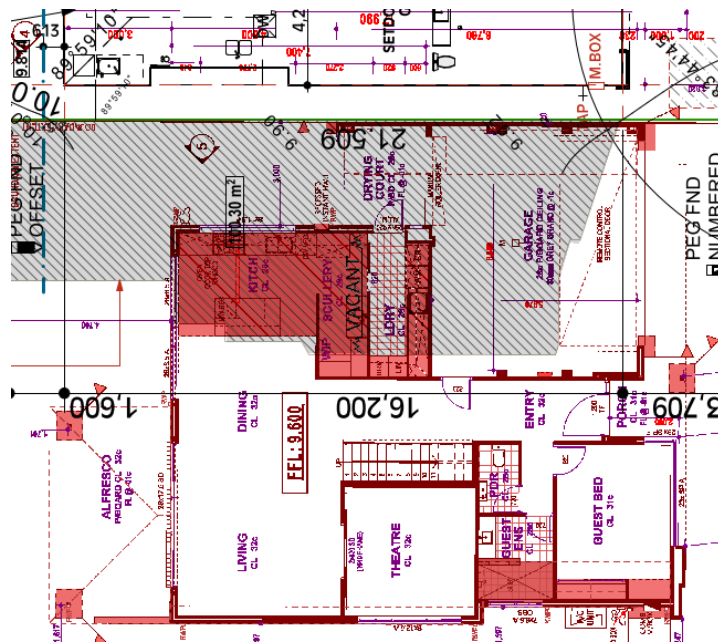


Figure 2 - 2D shadow plan of the development in relation to the approved development at 7B Chesson St

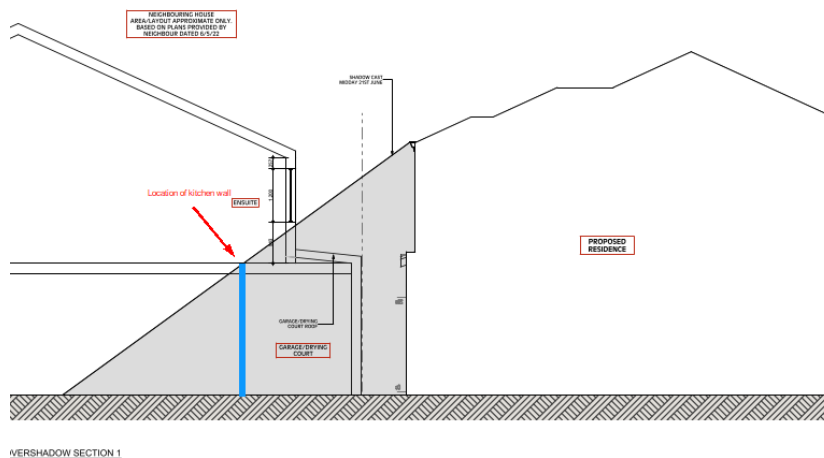


Figure 3 - Cross-section diagram showing the effect to the neighbouring property in regard to shadowing of the garage and the kitchen wall

U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET,  
ALFRED COVE 6154 **(REC)** **(ATTACHMENT)**



Figure 4 - View west across the vacant site from Chesson Street

## 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

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

## 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 in accordance with the City's stormwater design guidelines.**

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET,  
ALFRED COVE 6154 (REC) (ATTACHMENT)**

3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - a. a maximum width of 6m;
  - b. located a minimum of 2m away from the outside of the trunk of any street tree; and
  - c. a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

4. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
5. Any street walls and fences (including the height of any retaining walls) constructed within the primary / secondary street setback area shall meet the requirements contained under clause 3 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City
6. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
7. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, 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 City and are to be removed prior to initial occupation of the development

**U22/0592 – TWO STOREY SINGLE HOUSE - LOT 1 (NO. 7B) CHESSON STREET,  
ALFRED COVE 6154 (REC) (ATTACHMENT)**

- 10. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:**
- a. A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.**
  - b. If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.**
  - c. Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.**
  - d. The following actions shall not be undertaken within any TPZ:**
  - e. Storage of materials, equipment, fuel, oil dumps or chemicals;**
  - f. Servicing or refuelling of equipment or vehicles;**
  - g. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);**
  - h. Open-cut trenching or excavation works (whether or not for laying of services);**
  - i. Changes to the natural ground level of the verge;**
  - j. Location of any temporary buildings including portable toilets; or**
  - k. The parking of vehicles or machinery.**

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross - Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2009-144/B  
 Property : Lot 2 (No. 153) The Esplanade, MOUNT PLEASANT WA 6153  
 Proposal : Amendment to DA-2009-144 – Alterations and Additions to a Three Storey Single House  
 Applicant : Mr Kevin Ryding  
 Owner : Mrs Marion Ryding  
 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 : N/A

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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	<b><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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- In February 2022, the City received a complaint regarding 153 The Esplanade, Mt Pleasant and commenced a compliance investigation.
- As a result of this investigation, it was found that elements of the dwelling as constructed are inconsistent with the original development approval and associated approved plans. The original approval was approved on the basis that a number of the major openings to rooms on the northern side elevation of the property would be screened in accordance with the deemed to comply provisions of the R Codes. In practice, no such screening measures have been implemented.
- To regularise this situation, an amended development application has been lodged. This application is the subject of this report.
- The details of the alterations and additions have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 1.7.6 of Local Planning Policy 1.1, the proposed development was advertised to the adjoining landowner. This resulted in one submission being received.
- The details of the development have been assessed against the provisions of the R-Codes and Local Planning Policy. It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography (153 The Esplanade, Mount Pleasant)

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R12.5
Use Type	: Residential
Use Class	: Permitted

**Site Details**

Lot Area	: 717sqm
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes
Street furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 7 October 2022.

**DETAIL**

Development approval is sought for amendments to an existing three storey single house at Lot 2 (No. 153) The Esplanade, Mount Pleasant. The need for these amendments arises because screening measures that were to be applied to windows within the northern elevation were not applied. The application has been assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setback Cl.3.1(i) – Northern Elevation Ground Floor (Family room)	3 metres	2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.1(i) – Northern Elevation Ground Floor (Theatre > Family room)	2.7 metres	2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
5.1.3 Lot Boundary Setback Cl.3.1(i) – Northern Elevation First Floor (Bed 4 > Sitting room)	3 metres	2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.1(i) – Northern Elevation First Floor (Balcony D4)	4.3 metres	3.8 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Ground floor Family room – Northern Boundary)	6 metres	2.5 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.4.1 Visual Privacy (ground floor Balcony – Northern Boundary)	7.5 metres	3.5 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.4.1 Visual Privacy (First Floor Balcony – Northern Boundary)	7.5 metres	3.8 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comments Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
 Support/Object: One objection received.

A summary of the content of the objection received and a response is provided in the table below.

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Discrepancy in plans	Refer to the comments section of this report.	Not Uphold
Overlooking impact	Refer to the 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 refuse the application or impose a condition that the applicant does not agree with they 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 is no strategic, risk, or environmental management implications with this application.

## POLICY IMPLICATIONS

There are no Local Planning Policy or Council Policy implications in relation to this development. The proposed development requires a performance assessment having regard to the relevant Design Principles of the R-Codes.

## COMMENT

This report will focus on the apparent discrepancies in the plans and the lack of screening including the impacts that this has on the amenity of the neighbour, taking into account the visual privacy objectives of the R Codes. Other matters as listed above have been assessed under the relevant design principles of the R-Codes and are supported on that basis.

### Discrepancy in Plans

Despite comments received in the submission from the neighbour, the plans lodged as part of the subject application are considered to be consistent with the three-storey house built on the subject lot. No noticeable discrepancies have been observed between the existing building and the plans provided.

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments
The fireplace as constructed is inconsistent with the approved plans.	No noticeable inconsistencies observed on site and on plan.
The Rear Western Elevation/ Obscure glazing to bedroom 4 is inconsistent with the approved plans.	Fixed obscure glazing or a screen will be reinstated as conditioned in the original approval. The screening measures shall be fixed and must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
First floor balcony is inconsistent with the approved plans.	Privacy screening is not proposed for the two north facing balconies and was incorrectly annotated on the first floor plan. The two balconies have been assessed in accordance with the design principles from the R-codes. Refer to the comments section of this report.
Sitting room windows are inconsistent with the approved plans.	The annotated obscure glazing noted next to the first floor balcony has been amended to correspond to the two north facing sitting room windows.

Visual Privacy

In order to meet the deemed-to-comply provisions of clause 5.4.1 'Visual Privacy' of the R-Codes, the following setbacks are required:

- 6 metres from major openings to habitable rooms (Family room) other than bedrooms and studies with a floor level of more than 0.5m above natural ground level; and
- 7.5 metres for an unenclosed outdoor active habitable space (balcony) which has a floor level of more than 0.5m above natural ground level.

Due to the topography of the subject site and the split-level design of the house. The ground floor living area is raised more than 0.5m above natural ground level and is setback 2.5 metres from the northern lot boundary. The ground and first floor balconies both have floor level which is more than 0.5m above natural ground level and are setback 3.5 metres and 3.8 metres respectively. Therefore, the visual privacy setbacks require a performance assessment having regard to the relevant Design Principles of the R-Codes. The design principles aim to minimise direct overlooking of sensitive spaces such as active habitable spaces and outdoor living area of adjoining dwelling.

The proposal is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

- The cone of vision from the ground floor family room and balcony does not directly impact any habitable spaces or major openings of 151 The Esplanade. All overlooking from the ground floor falls on to the adjoining landowner's driveway and roofed driveway structure (see Figures 2, 3 and 4 below). This not an active habitable space and therefore the overlooking will have no adverse impact on this property.



U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)

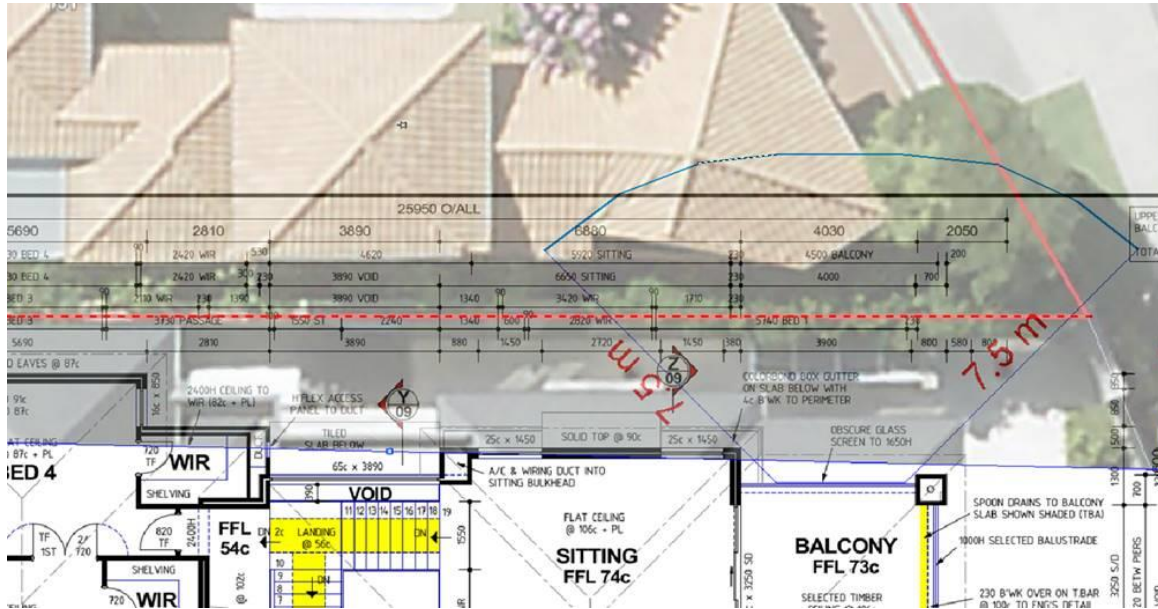


Figure 3 – Image depicting the outlook from the family room on to the adjoining northern property (driveway roofed structure pictured)

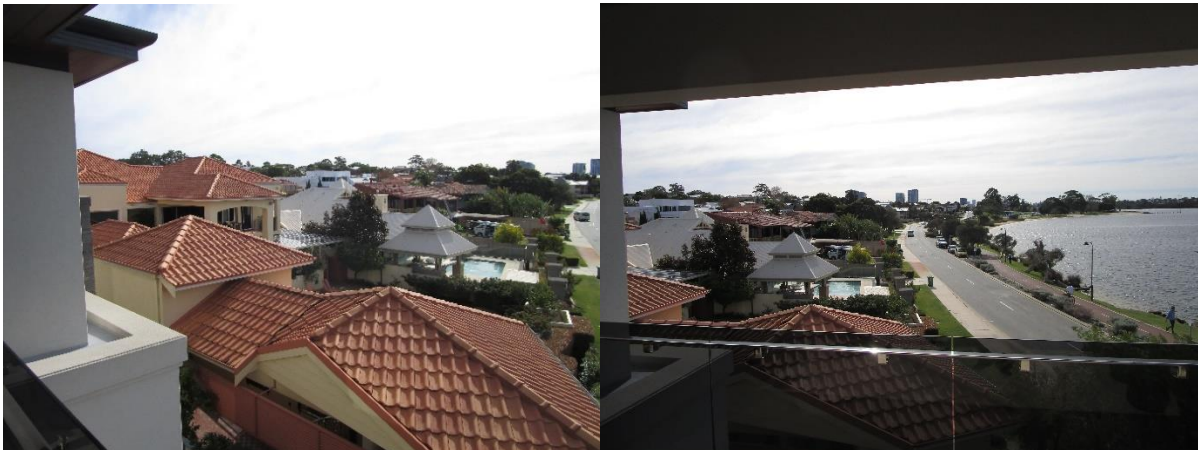


Figure 4 – Image depicting the outlook from the ground floor balcony on to the adjoining northern property (driveway roofed structure pictured)

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**



**Figure 5 – Image depicting the cone of vision from the first floor balcony (in blue) on to adjoining northern property**



**Figure 6 – Overlooking diagram from the first-floor balcony**

**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 an opportunity to call this matter up for formal Council consideration.

**U22/0593 – AMENDMENT TO DA-2009-144 - ALTERATIONS AND ADDITIONS TO A THREE STOREY SINGLE HOUSE - LOT 2 (NO. 153) THE ESPLANADE, MOUNT PLEASANT WA 6153 (REC) (ATTACHMENT)**

## **CONCLUSION**

The proposed amendments to this existing three storey house have been assessed and are considered to comply with the relevant planning framework, including the design principles of the R-Codes. It is therefore recommended that the development be approved subject to conditions.

## **OFFICER RECOMMENDATION**

## **APPROVAL**

- 1. Delete Condition No. 8 and No. 9 of Planning Approval DA-2020-974.**
- 2. The additional condition being added:**
  - 25. The openings along the northern elevation of the first floor sitting room (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. The screening measures shall be installed within 60 days from the date of this approval and must thereafter be retained in perpetuity to the ongoing satisfaction of the City.**