

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

22 JANUARY 2013

1. This Meeting makes Recommendations to the Manager Planning & Development. Services
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 Planning & Development Services. 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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 Planning & Development Services, 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.



**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.**

PRESENT

A Templeton (Presiding Member)

H Shigeyoshi

J Wardell-Johnson

G Russell

T Capobianco

R Bailey

L Mannion

Planning Services Coordinator

Senior Planning Officer

Senior Planning Officer

Building Services Coordinator

Principal Building Surveyor

Special Projects Officer (Engineering
Design)

Technical Officer

APOLOGIES

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

**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 has 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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U13/0430 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-835
 Property : Lot 91 (199A) Reynolds Road, Mount Pleasant
 Proposal : Two Storey Single Dwelling with Undercroft Garage
 Applicant : Da'Vanti Homes
 Owner : Ms M Kolker
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Amanda Templeton
 A/Manager Planning Development Services

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 reviews decisions made by Officers.</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>

**U13/0430 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought for a two storey single house with undercroft garage at Lot 91 (199A) Reynolds Road, Mount Pleasant.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (the R-Codes) and applicable Council Policies with the exception of overshadowing, boundary setbacks, boundary walls and driveway width.
- The application was advertised to the adjoining properties, an objection was received relating to adverse overshadowing impacts, the location of the entry, boundary setback variations and the height of the building.
- To address the concerns raised within the submission, the Applicant has submitted amended plans which have increased the proposed setbacks and reduced the height of the dwelling through lowering the floor level and changing the roof pitch.
- Whilst the concerns raised are acknowledged, the variations are considered to satisfy the relevant Performance Criteria of the R-Codes.
- It is recommended that the application be approved subject to conditions.



U13/0430 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

BACKGROUND

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

Site Details

Lot Area : 376 sqm
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : Not Applicable
 Street Furniture (drainage pits etc) : Not Applicable
 Site Details : Refer photo above

U13_0430_January_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 25 January 2013.

DETAIL

The proposal satisfies all of the applicable CPS5, R-Codes and Council policy provisions with the exception of those matters outlined below:

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Overshadowing	25%	57.7%	Does not comply	MPDS	
Driveway Width	48%	40%	Does not comply	MPDS	
Boundary Walls	No as of right boundary walls within R17.5	<p><i>South</i> Ground floor – Foyer / Porch and Kitchen / Pantry</p> <p><i>North</i> Ground floor - Alfresco</p>	Does not comply	MPDS	

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Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
<i>Ground Floor (South)</i>					
Laundry / dining / lounge	1.8m	1m	Does not comply	MPDS	
<i>First Floor (South)</i>					
Hallway / PDR	2.3m	1.5m	Does not comply	MPDS	
Stairs	1.3m	1.0m	Does not comply	MPDS	
Master bed	3.3m	1.7m	Does not comply	MPDS	
<i>Ground Floor (North)</i>					
Balcony / Theatre / Guest	1.7m	1m	Does not comply	MPDS	
<i>First Floor (North)</i>					
Bath / Bed 2 & 3 / Study	3.3m	2.46m	Does not comply	MPDS	

Note: Commentary in this report will be restricted to consideration of the overshadowing, boundary walls and southern boundary setback variations only, as these variations are the subject of the objection received. Other variations listed above have been assessed and in the absence of any third party comment to the contrary, are considered to comply with the relevant Performance Criteria of the R-Codes.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to the Acceptable Development criteria of the R-Codes
 Support/Object: One objection

Affected Property	Summary of Submission	Support / Object	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	The boundary walls and setback variations will cut out light into the submitter's porch, hallway, highlight windows and alfresco area.	Object	Amended plans have been submitted to address the concerns raised by the submitter.	Partially Uphold

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	<p>The height of the building contributes to the detrimental overshadowing of the submitters property and restricts the option of installing solar heating.</p>		<p>Notwithstanding this, overshadowing and boundary setback variations still remain. These are assessed in detail below. The height of the building however complies.</p>	
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CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None required as part of this application.

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 in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risk or environmental management implications.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions within the applicable Council policies.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members or interested third parties have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for Council consideration.

U13/0430 – (SB) - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

COMMENTS

Planning approval is sought to construct a two storey single house with an undercroft garage at Lot 91 (199A) Reynolds Road, Mount Pleasant.

The subject site is an east-west oriented lot which slopes up from east to west by approximately 4.5m in height.

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of overshadowing, boundary setbacks, boundary walls and driveway width.

It should be noted that as a result of the submission received, the Applicant has amended the plans with the intention of mitigating the overshadowing impact upon the adjoining property. These changes included:

- A change of the roof design from a skillion to a flat roof;
- The floor level and overall building height have been lowered through additional excavation; and,
- The area of the upper floor has been reduced, specifically towards the rear of the dwelling, to allow for improved solar access into the adjoining property's alfresco area.

Overshadowing

As outlined above, the proposal results in an overshadowing impact of 57% in lieu of 25% at 12pm, 21 June.

Where a variation is sought, assessment against the Performance Criteria of the R-Codes is necessary. The Performance Criteria relating to overshadowing requires developments to be designed to protect solar access for neighbouring properties, taking into account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors and balconies / verandahs.

The proposal is considered to satisfy Performance Criteria 6.9.1 of the R-Codes based on the following reasons:

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- Due to the physical constraints of the subject property, overshadowing in excess of 25% is considered inevitable with any development of the subject site, for the following reasons:
 - A standard 1.8m dividing fence built along the common boundary would result in 28% overshadowing of the adjoining property to the south which already exceeds the 25% allowed under the Acceptable Development criteria.
 - Both 199A and 199B Reynolds Road are undersize lots for their R17.5 zoning. Under the R-Codes, R17.5 properties are to be a minimum of 500m², however both 199A and 199B Reynolds Road are 376m² in area.
- The three major openings along the ground floor level of the adjoining property will be entirely overshadowed by a standard 1.8m dividing fence due to the ground floor level being located between 1.5-2m lower than the natural ground level at the boundary.
- There are no major openings, only minor openings (highlight windows) located along the northern elevation of the adjoining property at first floor level. The R-Codes provide no protection of solar access to minor openings.
- There are currently no solar collectors located on the roof of the southern dwelling. Whilst concerns have been raised by the submitter about future solar collectors which may be installed, at this point, this is not a relevant consideration. Notwithstanding, the adjoining dwelling to the south is taller than the proposed dwelling by virtue of its pitched roof, of which, the majority of the roof area will be unaffected by shadow.
- The proposed area of overshadowing is approximately 217m². The adjoining property to the south benefits from being located to the north of a larger property in terms of its calculation of overshadowing, however this dwelling results in approximately 162m² of overshadowing, which would equate to 43% if it were proposed on the subject site.
- The proposed dwelling has been designed so to minimise the overshadowing impact upon the primary outdoor living area of the adjoining property to the south. This property's outdoor living area is approximately 74m² in area and incorporates a large roofed alfresco area and shade sail. The proposal will result in 5m² overshadowing of this area above that which will be created by a standard 1.8m dividing fence.

Please note that the overshadowing assessment is undertaken at 12pm, 21 June and therefore is the worst case scenario, as this is when the sun is the lowest in the sky. For the remainder of the year the level of overshadowing resulting from the proposal would be less than the 57% noted.

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Boundary Walls (South)

The R-Codes do not prescribe Acceptable Development criteria for boundary walls within the R17.5 zone, as such; all applications for boundary walls within this zone require assessment against the Performance Criteria.

Performance Criteria 6.3.2 of the R Codes acknowledge that buildings can be built up to boundaries, in order to make effective use of space, enhance privacy, or otherwise enhance the amenity of the development, whilst not having any significant adverse effect on the amenity of the adjoining property and ensuring that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

The proposal is considered to satisfy the Performance Criteria for the following reasons:

- The two proposed boundary walls make effective use of the available space on the subject property and do not contain any openings, therefore maintaining privacy between the two properties;
- The boundary wall associated with the proposed foyer and porch is approximately 2.1m in length and is adjacent to a similar entry / porch area on the adjoining dwelling to the south. The proposed boundary wall creates a separation between the two entries for privacy, and due to its limited length, is not anticipated to result in any significant impact upon the adjoining property's amenity.
- The kitchen and pantry boundary wall is approximately 5.1m in length and between 1.85-2.4m in height above natural ground level. As such, the proposed boundary wall will not be much higher than a standard 1.8m dividing fence. As such, the potential impacts upon the amenity of the adjoining property are likely to be minor.
- The proposed boundary walls are limited to the ground floor level only and do not provide any additional overshadowing on to the adjoining property to the south above that proposed by the first floor level.

Boundary Setbacks (South)

Performance Criteria 6.3.1 allows for variations to the Acceptable Development criteria where setbacks provide adequate direct sun and ventilation to the subject and adjoining dwelling and appurtenant open spaces, privacy between properties is protected, and where setbacks assist in ameliorating the impacts of building bulk on adjoining properties. The proposed setback variations along the southern boundary are considered to satisfy these criteria for the following reasons:

- The southern elevation is well articulated through the use of varied setbacks and openings which ameliorates the building bulk impacts upon the adjoining property.
- The ground floor level does not provide any additional overshadowing on to the adjoining property to the south above that proposed by the first floor level.

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- The southern elevation of the adjoining property to the south contains no major openings at first floor level and as such maintains the privacy of the adjoining property to the south.
- As outlined above, the proposal is considered to satisfy the Performance Criteria relating to overshadowing as the major openings along the ground floor level of the adjoining property are capable of being overshadowed by a standard 1.8m dividing fence; no major openings on the first floor level will be overshadowed and only a minor area of the property's outdoor living area will be overshadowed.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined in Clause 7.8 of CPS5 and Council Policy CP-067: Amenity. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the proposed development satisfies the relevant provisions of CPS5, the R-Codes and Council's policies. Accordingly, it is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

- A) That the application for a Two-Storey Single House with Undercroft Garage at Lot 91 (199A) Reynolds Road, Applecross be approved subject to the following conditions:**

SPECIAL CONDITIONS:

- 1. All stormwater generated on site is to be retained on site.**

CONDITIONS:

- 2. 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.**
- 3. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfsmist colour metal roofing may only be permitted through special planning consent).**

- B) That the resident who made a submission on the proposal be notified in writing of A) above.**