

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**14 MAY 2013**

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 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 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: 17 MAY 2013**

**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, 14 MAY 2013.**

**PRESENT**

P Prendergast (Presiding Member)  
A Templeton  
H Shigeyoshi  
T Capobianco  
L Mannion

Manager Statutory Planning  
Planning Services Coordinator  
Senior Planning Officer  
Manager Building Services  
Technical Officer

**APOLOGIES**

R Bailey

Special Projects Officer (Engineering  
Design)

**IN ATTENDANCE**

**OBSERVERS**

**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 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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**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2013-510  
 Property : 28A Ventnor Avenue, Mount Pleasant  
 Proposal : Single Storey Single Dwelling  
 Applicant : T Merendino  
 Owner : T & A Merendino  
 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 : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

	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"/>	<b>Quasi-Judicial</b>	<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 (eg 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>

**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct a single-storey single house at Lot 352 (28A) Ventnor Avenue, Mount Pleasant.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Acceptable Development provisions of the Residential Design Codes (the R-Codes) and applicable Council Policies with the exception of boundary walls, boundary setbacks and open space.
- The application was advertised in accordance with the R-Codes to the adjoining property owners and two submissions were received. One stating no objection to the proposal and the other objecting on the grounds of adverse overshadowing and ventilation impacts.
- Whilst the concerns raised are acknowledged, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes.
- It is recommended that the application be approved subject to conditions.



**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : Living Area  
 R-Code : R20  
 Use Type : Residential  
 Use Class : P-Permitted

U13\_0439\_May\_2013 A copy of the plans form part of the attachments to the Agenda which were distributed to members of council on Friday 17 May 2013.

**Site Details**

Lot Area : 551sqm  
 Retention of Existing Vegetation : Not Applicable  
 Street Tree(s) : Condition of approval recommended  
 Street Furniture (drainage pits etc) : Not Applicable  
 Site Details : Refer photo above

**DETAIL**

**R-Code Requirements**

<b>Development Requirement</b>	<b>Acceptable Development</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Boundary Setback (South) Master Bed	1.5m	1.0m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Setback (North) Bed 3/Guest	1.5m	1.0m	Requires assessment using Performance Criteria	MSP

**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)**

Boundary Walls	Length 9m Maximum height 3m Average height 2.7m Up to one boundary only	<i>South</i> Length 8.8m Height Average 3.4m Max. 3.6m  <i>North</i> Length 5.9m Height Average 2.9m Max 2.9	Requires assessment using Performance Criteria	MSP
Open Space	275sqm	48% 265sqm	Requires assessment using Performance Criteria	MSP

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with the R-Codes  
 Support/Object: One Non-objection and one objection

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The boundary wall along the northern boundary will restrict sunlight and airflow into the submitter's bedroom window and patio area.	Objection	The proposed boundary wall will not restrict access to sunlight or airflow due to the siting of the dwelling located on the adjoining lot, as well as the orientation of the subject lot itself.	Not Uphold
2	No objection to the proposal	No objection	Noted	Uphold

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.



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**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)****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, risks or environmental management implications associated with this application.

**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.

**COMMENT**

Planning approval is sought to construct a single storey dwelling at Lot 352 (28a) Ventnor Avenue, Mt Pleasant.

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the Acceptable Development provisions of the R-Codes and Council policy with the exception of boundary walls, boundary setbacks and open space.

Commentary in this report will be restricted to the consideration of the boundary wall and setbacks along the northern boundary only, as these matters are the subject of the objection. The other matters listed above have been assessed and comply with the relevant Performance Criteria of the R-Codes.

**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)***Boundary Wall*

As outlined above, two boundary walls are proposed, one along the southern boundary associated with the proposed garage and the other along the northern boundary associated with the proposed laundry, powder room and bathroom. The acceptable development provisions allow, as of right, one boundary wall on development within an area coded R20 such as this.

As there are two boundary walls proposed in this case, neither satisfy the Acceptable Development provisions of the R-Codes and therefore both require assessment against the applicable Performance Criteria.

No objection to the proposed boundary wall along the southern boundary was received therefore this assessment will be confined to the northern boundary wall only.

Performance Criteria 6.3.2 allows for the construction of boundary walls where they make effective use of space, enhance privacy or the amenity of the development, whilst also not resulting in any significant adverse effect on the amenity or access to direct sun into major openings or outdoor living areas of the adjoining properties.

The proposed northern boundary wall will, in this case, make effective use of the space available on the subject site. Privacy will be unaffected for occupiers of the adjoining property given no openings will be included within the wall..

With respect to amenity and access to direct sun, the existing dwelling located on the adjoining property to the north contains one major opening approximately 3m away. Due to the setback of this window and the location of the proposed boundary wall along the northern boundary, no significant impacts upon access to direct sun are anticipated. Furthermore, given the low height (2.9m) and length (5.9m) of the proposed boundary wall and the single storey design of the dwelling, no significant amenity impacts will result.

The proposal is therefore considered to satisfy the relevant Performance Criteria set out within the R-Codes and is therefore supported on that basis.

*Boundary Setbacks (North)*

The northern side setback is proposed at 1m in lieu of the Acceptable Development provision of 1.5m. As such, this variation requires assessment against the relevant Performance Criteria.

Performance Criteria 6.3.1 allows for reduced setbacks where proposals provide adequate direct sun and ventilation to the subject and adjoining dwelling, privacy between properties is protected and where setbacks assist in ameliorating the impacts of building bulk on adjoining properties. The proposal is considered to satisfy these criteria for the following reasons:

**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)**

- The reduced setback relates to the northern boundary, as such access to direct sun will not be significantly affected by the proposal.
- There are no major openings located within the opposing wall of the adjoining dwelling, thereby safeguarding amenity from any privacy impacts, or ventilation concerns .
- The design of the northern elevation is well articulated through the use of varied setbacks and openings which serve to ameliorate any adverse building bulk impacts..

*Street Tree*

The proposed driveway crossover is indicated to be located 0.5m from the existing tree located within the road reserve. In consultation with the City's Technical Services, a condition of approval is recommended requiring that the crossover be amended to be located a minimum of 1.8m from the tree.

*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.

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**U13/0439 – (GD) - PROPOSED SINGLE-STOREY SINGLE HOUSE AT LOT 352 (28A)  
VENTNOR AVENUE, MOUNT PLEASANT (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

- A) That the application for a Single-Storey Single House at Lot 352 (28A) Ventnor Avenue, Mount Pleasant be approved subject to the following conditions:**
- 1. All stormwater generated on site is to be retained on site.**
  - 2. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.**
  - 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).**
  - 4. The new crossover shall be located a minimum of 1.8m away from the base of the existing street tree. Amended plans showing the new location of the crossover shall be submitted and approved in writing by the Manager Statutory Planning prior to the commencement of the development.**
  - 5. Prior to the commencement of the development, the street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.**
- B) That the residents who made submissions on the proposal be notified in writing of A) above.**