

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**25 NOVEMBER 2014**

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: FRIDAY 28 NOVEMBER 2014**

**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, 25 NOVEMBER 2014.**

**PRESENT**

P Prendergast (Presiding Member)  
J Wardell-Johnson  
A Donaghey  
S Burnell  
T Capobianco  
G Davey

Manager Statutory Planning  
A/ Planning Services Coordinator  
Senior Planning Officer  
A/ Senior Planning Officer  
Manager Building Services  
Planning Officer

**APOLOGIES**

J Ahola

Landscape Architect Coord (Landscape  
Design

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 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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**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2014-1081  
 Property : Lot 2 (No.34A) Beamish Avenue, Mt Pleasant  
 Proposal : Two Storey Single Dwelling  
 Applicant : Renee Monteleone  
 Owner : Renee Monteleone  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : None applicable  
 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"/>	<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>

**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for the construction of a two storey dwelling at 34A Beamish Avenue, Mt Pleasant.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No.5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies with the exception of a boundary setback and overshadowing.
- Commentary in this report will be restricted to the consideration of the overshadowing, as this matter is the subject of the objection.
- In accordance with Part 4 of the R-Codes, the application was advertised to the affected landowner. One submission was received outlining concerns relating to overshadowing.
- 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.



**BACKGROUND**

**Scheme Provisions**

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

**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT)**

**Site Details**

Lot Area : 316sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : None applicable  
 Street Furniture (drainage pits etc) : None applicable  
 Site Details : Refer to site photo above

[Attachments\U14\\_0455\\_November\\_2014.pdf](#) A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 28 November 2014.

**DETAIL**

Planning approval is sought for the construction of a two storey single house at 34A Beamish Avenue, Mt Pleasant.

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal requires the exercise of judgement in relation to those matters outlined below.

**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 – Southern Ground Floor Living	1.5m	1.13m - 2.5m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Setback – Southern Upper Floor Bed 2	2.1m	0.850m – 3.0m	Requires assessment using Performance Criteria	MSP
Boundary Setback – Northern Ground Floor Alfresco/Dining/Deck	1.5m	1.1m	Requires assessment using Performance Criteria	MSP
Boundary Setback – Northern Upper Floor Bedroom 1 & 3	1.2m	1.1m	Requires assessment using Performance Criteria	MSP

**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT)**

Boundary Setback Northern - Upper Floor Bedroom 2	1.2m	1.0m	Requires assessment using Performance Criteria	MSP
Boundary Setback Northern - Upper Floor Bath	2.2m	1.9m	Requires assessment using Performance Criteria	MSP
Overshadowing	25% (113sqm)	26.3% (118sqm)	Requires assessment using Design Principles	Development Advisory Unit

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: In accordance with Part 4 of the R-Codes  
 Support/Object: One Objection

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Loss of winter sunlight to indoor living and outdoor areas.  The property was bought for its northerly aspect so warm winter sun could be enjoyed.	Object	Overshadowing has been assessed against the Design Principles of the R-Codes in the Comment section below	Not Uphold

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



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**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT) FINANCIAL IMPLICATIONS**

There are no financial implications for the City associated with this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risks or environmental management implications with this application.

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of Council's policies including CP-078: Residential Development.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is proposed 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 formal Council consideration.

**COMMENT**

Commentary in this report will be restricted to the consideration of the overshadowing, as this matter is the subject of the objection and is addressed below.

As outlined above, the proposal requires assessment against Design Principles 5.4.2 of the R-Codes in relation to overshadowing.

*Overshadowing*

The proposed development requires consideration against Design Principle 5.4.2 P2.1 and P2.2 of the R-Codes in relation to the overshadowing of 36 Beamish Avenue, Mt Pleasant. The proposed development is considered to comply with these criteria for the following reasons.

It is acknowledged that the northern elevation of the adjoining outdoor living area will be completely shadowed by the proposed dwelling, however the entire area will also be completely overshadowed should the development comply with the 25%. This has been demonstrated in the plans attached to this application.

The majority of the overshadowing resulting from the proposed development falls upon the roof of the adjoining dwelling's pergola which has a non permeable retractable roof. The shadow cast at midday on 21 June does not extend to include the area occupied by roof solar collectors. The applicant has provided a cross section showing the location of the sun's angle to demonstrate that the overshadowing will not have an impact on the existing solar collectors.

**U14/0455 - TWO STOREY SINGLE HOUSE AT LOT 2 (NO. 34A) BEAMISH AVENUE, MT PLEASANT (REC) (ATTACHMENT)**

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## **CONCLUSION**

Based on the above, the application is considered to satisfy the requirements of CPS5, the R-Codes and Council Policy, including the Design Principles for boundary setbacks and overshadowing. Consequently, it is recommended that the proposed development be approved subject to the imposition of conditions.

## **OFFICER RECOMMENDATION**

## **APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**
- 2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
- 3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the initial occupation of the development, the surface finish of the boundary walls 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.**
- 5. Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**
- 6. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 Manager Statutory Planning and are to be removed prior to initial occupation of the development.**