

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**19 JANUARY 2016**

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: 22 JANUARY 2016**

**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**

P Prendergast (Presiding Member)  
M Scarfone  
J Wardell-Johnson  
M Cosson  
T Capobianco

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

**APOLOGIES**

**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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**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA-2015-1346  
 Property : Lot 2 (46) Warragoon Crescent, Attadale  
 Proposal : Two Storey Single House  
 Applicant : Mr J P Rifici  
 Owner : Mr J P Rifici and Mrs M A Rifici  
 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**

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>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.</i>

**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning Approval is sought for a two storey single house at 46 Warragoon Crescent, Attadale
- 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 front setbacks, boundary wall height, and overshadowing.
- In accordance with Part 4 of the R-Codes and Council policy, the overshadowing variation was advertised to the affected landowner. A submission was received outlining concerns relating to the amenity impact resulting from the proposed overshadowing of the alfresco and living area of the recently approved two storey single house to the south.
- Notwithstanding the objections received, it is considered that the development is acceptable having regard to the relevant Design Principles of the R-Codes and Council Policy.
- It is recommended that approval be granted subject to conditions.



**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	556 sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	No
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

U16\_0469\_January\_2016. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 22 January 2016.

**DETAIL**

Planning approval is sought for the construction of a two storey single house at 46 Warragoon Crescent, Attadale.

The proposal has been assessed against all of the relevant provisions of CPS5, the Acceptable Development provisions of the R-Codes and the applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

***CPS5 and Policy Requirements***

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Boundary Walls	Walls not higher than 3m for a length of 9m to side boundaries behind the front setback. Wall abuts an existing or simultaneously constructed wall of similar or greater dimension.	Height 5.8m  Length 7.2m	Requires assessment using Design Principles	Manager Statutory Planning

**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

**R-Code Requirements**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Overshadowing	25%	39.9 %	Requires assessment using Design Principles	Manager Statutory Planning
Front Setbacks				
Ground	7.5m	7.3m	Requires assessment using Design Principles	MSP
First Floor	7.5m	7.1m		

The front setbacks and boundary wall height are considered to meet the relevant design principles of the R-Codes. The proposed overshadowing is also considered to meet the relevant design principles as discussed in detail below.

**PUBLIC CONSULTATION/COMMUNICATION**

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



**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<p>The overshadowing impacts on the lounge, dining, kitchen, alfresco area and ensuite and will affect the amount of light the home will receive.</p> <p>The shadow may impact on the effectiveness of proposed solar collectors.</p>	Object	<p>Solar access to portions of the proposed lounge, dining and alfresco area would be affected even if the subject proposal was single storey. This is due to the lots north/south orientation, its width and the location of the affected living areas.</p> <p>The majority of the overshadowing is cast over the neighbouring property's roof at midday on 21 June.</p> <p>As the affected house is not constructed at present, the owner has an opportunity to control the location of solar collectors.</p>	Not uphold.

**CONSULTATION WITH 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*.

**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)****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**

The proposal satisfies all of the relevant provisions of Council's policies and the R Codes with the exception of overshadowing, which require assessment against the relevant Design Principles of the R-Codes. This assessment is outlined below.

**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.

**COMMENT**

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of a boundary wall, front setbacks and overshadowing.

Commentary in this report will be restricted to the consideration of the overshadowing, as this was the matter advertised and is the subject of the submission received.

*Overshadowing*

The overshadowing calculation of 39.9% in lieu of 25% is considered to satisfy Design Principle P3.2 of the R-Codes for the following reasons:

**U16/0469 PROPOSED TWO STOREY SINGLE HOUSE AT LOT 2 (46) WARRAGOON CRESCENT, ATTADALE (REC) (ATTACHMENT)**

- The majority of the shadow cast by the proposed development falls onto non-major openings and the roof of the adjoining property;
- The adjoining dwelling has been designed with its pool and major openings in close proximity to the northern boundary. As a result, any dwelling which met the deemed to comply provisions of the R-Codes would be likely to overshadow the lounge, dining, and kitchen windows.
- The adjoining property is not yet under construction, and as such the owners have the opportunity to consider the location of future solar collectors.

**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 walls and overshadowing. On this basis, the proposal is recommended for approval subject to conditions.

**OFFICER RECOMMENDATION**

**APPROVAL**

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 walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
3. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
4. 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.
5. 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.