

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

20 MARCH 2012

- NOTES:**
- 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 Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.**
 - 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 Friday following the publication of the DAU agenda to the City's web site.**
 - 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 Friday after the publication of the agenda to the City's website.**

DISTRIBUTED: 23 MARCH 2012

**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, 20 MARCH 2012.**

PRESENT

P Prendergast (Presiding Member)
H. Shigeyoshi
L. Anderson
T Capobianco
R Bailey

Manager Planning & Development Services
A/Planning Services Coordinator
Senior Planning Officer
Principal Building Surveyor
Special Projects Officer (Engineering
Design)

APOLOGIES

C. Taborda

Engineering Technical Officer

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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U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA – 2011 - 1451
 Property : Lot 300 No.21 Ormond Street, Attadale
 Proposal : Alterations/additions to an existing two storey Single House
 Applicant/owner : Mr Peter Cornell Robbins
 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 Planning and Development
 Previous Items : Not applicable

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 & 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>

U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for alterations/additions to an existing two-storey Single House. The additions include a new gazebo in the northern corner with a raised ground level, modifications to the existing building and a new pool.
- Initially, the increase in the ground level for the gazebo proposed 2m of retaining. to which, an objection was received from the adjoining neighbour relating to the possible visual privacy issues and total bulk of the retaining wall.
- The proposed height of the retaining wall was then amended to 1.45m, in response to the concerns raised by the objector. Despite this however, concerns still stand.
- Notwithstanding the objection received, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes and Community Planning Scheme No. 5 (CPS5) and as such is recommended for conditional approval



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R15
Use Type	: Residential
Use Class	: 'P' Permitted

U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)

Site Details

Lot Area : 743sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Not applicable
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer to photo above

U12_0406_March_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 23 March 2012.

Development Requirements

As outlined above, the proposed development satisfies all of the relevant provisions contained within CPS5, the R-Codes and Council policy with the exception of the height of the retaining wall as outlined below:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Retaining wall height	0.6m permissible without Planning Approval (height inclusive of dividing fence 2.4m)	1.45m (height inclusive of dividing fence 3.25)	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: One objections received
 Reason: Variation to Acceptable Development Criteria of the R-Codes and CPS5
 Support/Object: Object

U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)

Affected Property	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
19B Ormond Rd	Concerns relating to loss of privacy due to the proposed raised gazebo and existing balcony and terrace.		Given the existence of a dividing fence, there are no issues in respect of loss of privacy.	Not Uphold
	Concerns relating to the height of the retaining wall.		It is considered that the overall height of the proposed retaining wall/dividing fence is acceptable given that it faces the southern boundary of an approved drying court area and the visual impact of it will not detract from the views that will exist from the neighbours proposed outdoor living area.	Not uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or 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*.

U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)**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.

COMMENTS

Planning approval is being sought for alterations/additions to an existing two storey Single House at 21 Ormond Street, Attadale. Specifically, the additions include a new gazebo, modification to the existing building and a new pool. The proposal was the subject of neighbour consultation, the adjoining neighbour expressing concerns relating to the increased height of the retaining and possible visual privacy issues from the raised area. In response to the concerns raised, the height of the retaining was lowered from 2.06m to 1.45m, a total reduction of 0.61m. Despite this reduction in height, the concerns of the neighbour remain.

Visual Privacy

The raised gazebo area is effectively enclosed by the existence of the proposed boundary wall/fence, the effect of which will remove the opportunity for overlooking from the gazebo, into the adjoining property.

Height of the retaining wall and dividing fence

- The height of the retaining wall proposed is 1.45m in lieu of the permissible 0.6 metres in accordance with the CPS5. The resultant boundary fence/wall, which will comprise 1.45m high retaining wall and a 1.8m high fence has been assessed, and it is concluded that given it will essentially abut a proposed outdoor clothes drying area, which occupiers of the adjoining property will not use in any passive recreational sense, that its impact is acceptable..

U12/0406 - (GD) – ALTERATIONS/ADDITIONS TO AN EXISTING TWO STOREY SINGLE HOUSE – LOT 300 (21) ORMOND ROAD, ATTADALE (REC) (ATTACHMENT)Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and the Amenity policy. It is considered that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

Notwithstanding the objection that was received, the proposal is considered to satisfy the applicable Performance Criteria of the R-Codes and is therefore recommended for approval subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

A) THAT THE PROPOSED DEVELOPMENT ON LOT 300 (21) ORMOND ROAD, ATTADALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. All Stormwater and drainage run off to be contained on site.**
- 2. Roofing materials must not be highly reflective. The use of highly reflective materials (zinc or white coloured or coated metal roofing) may only be permitted through the grant of a separate planning approval.**

B) The property owners of the Affected Property be advised in writing of A) above.