

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

15 JANUARY 2013

- 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: FRIDAY 18 JANUARY 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, 15 JANUARY 2013.**

PRESENT

A Templeton (Presiding Member)
T Capobianco
H Shigeyoshi
J Wardell Johnson
C Taborda
L Mannion

Planning Services Coordinator
Principal Building Surveyor
Senior Planning Officer
Senior Planning Officer
Engineering Technical Officer
Technical Officer

APOLOGIES

R Bailey

Special Projects 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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U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)

Ward : University
 Category : Operational
 Application Number : DA-2012-1203
 Property : Lot 189 (10) Walker Court, Kardinya
 Proposal : Two Grouped Dwellings (1 x Two Storey and 1 x Single Storey)
 Applicant : Dale Alcock Homes
 Owner : R & I Bycroft
 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 : Amanda Templeton
 A/Manager Planning and 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>

U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of two grouped dwellings (one single storey and the other two storey) at 10 Walker Court, Kardinya.
- The proposal is generally compliant with the Acceptable Development standards of the Residential Design Codes (R-Codes) with the exception of boundary setbacks, visual privacy and crossover width.
- The application has been the subject of neighbour consultation. Two submissions were received, one in objection and the other stating no objection to the proposal. The objection cited concerns relating to amenity, bulk, and streetscape.
- Notwithstanding the objection received, the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes.
- The proposed development is recommended for conditional approval.



**U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT,
KARDINYA (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area (Kardinya East - K2)
R-Code	:	R20/25 (R25 applies)
Use Type	:	Residential
Use Class	:	'P' - Permitted

Site Details

Lot Area	:	769sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Existing street tree to be retained
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

U13_0428_January_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 18 January 2013.

**U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT,
KARDINYA (REC) (ATTACHMENT)**
DETAIL
Development Requirements

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and the applicable Council policies with the exception of those matters listed below.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Visual Privacy	Balconies setback 7.5m from the boundary	3.5m	Does not comply	MPDS	
Crossover width	40%	42%	Does not comply	MPDS	
Boundary Walls	Length 9m Max. height 3m Average height 2.7m Up to one boundary only	<u>North</u> Length 7.8m Max and Average Height 2.8m <u>South</u> Length 6.7m Max height 3.6 Average height 3.3	Does not comply	MPDS	

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side setback (north)					
GF entire wall	1.5m	Min 1.0m	Does not comply	MPDS	
Retaining wall	1.0m	0m	Does not comply	MPDS	

Side Setback (south)					
GF entire wall	1.5m	Min 1.2m	Does not comply	MPDS	
FF entire wall	3.9m	Min 1.2m	Does not comply	MPDS	
Retaining wall	1.5m	0m	Does not comply	MPDS	

(Note: GF – Ground Floor, FF – First Floor)

U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)

Note: Commentary in this report will be restricted to consideration of the northern side setback variation and boundary wall only, as this variation is the subject of concern raised by the adjoining neighbour. The 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: Two submissions received.
 Reason: Variation to Acceptable Development provisions of the R-Codes.
 Support/Object: 1 support and 1 object

Affected Property	Summary of Submission	Support / Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	No objection.	Support	Noted.	Uphold
Submission 2	Object to the boundary wall as it will result in a detrimental noise impact to the submitters bedrooms. The upper floor will be intrusive, resulting in a feeling of being "blocked in". This is amplified by the submitter being located on a lower finished ground level.	Objection	The proposed boundary wall has no openings within it which would allow the emission of noise. The height provisions within CPS5 permit two storey development in this location. The upper floor satisfies the height and setback requirements of the R-Codes.	Not Uphold Not Uphold

U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)

	<p>The proposal does not fit into the streetscape and will adversely affect the tranquillity of the submitters property.</p> <p>The two proposed houses should be built up to each other's boundaries rather than being built up to neighbouring boundaries.</p>		<p>CPS5 permits development of the proposed scale in this location. The proposal is for residential development which is consistent with the present use of the property.</p> <p>Provided the proposal is considered to satisfy the relevant Performance Criteria of the R-Codes, boundary walls adjacent to existing properties can be considered.</p>	<p>Not Uphold</p> <p>Not Uphold</p>
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CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for Planning Approval, the applicant may 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 for Council to consider as part of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk, or environmental management implications applicable to this application.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant Council Policy provisions.

U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)**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 formal Council consideration.

COMMENTS

Planning approval is sought for the construction of two grouped dwellings at 10 Walker Court, Kardinya. Specifically, the proposal comprises one, two-storey dwelling and one, single storey dwelling.

The R25 density coding and lot size allow for the construction of two grouped dwellings on the property.

As noted previously, the single-storey dwelling proposed for the southern portion of the property does not form part of this report, as no objections to the proposed variations were received and the development is considered to satisfy all relevant Performance Criteria of the R-Codes.

The following sections below provide a detailed assessment of the variations pertaining to the northern boundary which were the subject of an objection.

Boundary Walls

The boundary wall proposed to be constructed up to the northern boundary is 7.8m in length with a height of 2.8m. This wall requires approval as properties zoned R25 are only permitted a boundary wall up to one boundary under the Acceptable Development criteria. As another boundary wall is also proposed along the southern boundary, this boundary wall is not permitted as of right.

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 overshadowing of the adjoining property.

Both of the boundary walls have been assessed against these criteria. In this instance, the variation relating to the proposed boundary wall along the northern boundary is supported for the following reasons:

- The boundary walls will make effective use of the space available on the subject site, particularly as the frontage per dwelling will reduce from 19.1m to 9.5m.
- There are no major openings to habitable rooms along the southern elevation of the adjoining property to the north (only a small highlight window to a bathroom). As such, there are no bulk, ventilation or privacy implications.
- The boundary wall along the northern boundary, due to its orientation will not result in any adverse shadow impacts on to the adjoining property.

U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT, KARDINYA (REC) (ATTACHMENT)Boundary Setbacks

The side setback variation relates to the ground floor meals and family room wall being 8.3m long and 2.4m in height which is setback 1m in lieu of 1.5m.

Performance Criteria 6.3.1 allows for setback variations where building 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 development is considered to satisfy these criteria for the following reasons:

- Building bulk is ameliorated through the articulation provided along the wall, in addition to screening provided by the dividing fence and existing vegetation.
- This portion of wall abuts the adjoining property's rear yard, as such, there will be no ventilation issues.
- There will be no adverse impact on access to direct sunlight given the subject wall is located south of the adjoining property.
- There are no privacy implications given the finished floor level of the meals / family room is not raised more than 0.5m above natural ground level.

Visual Privacy

A privacy setback variation is proposed relating to the northern face of the proposed balcony. This balcony allows for a small area of overlooking behind the adjoining property's front setback line. This variation is considered acceptable and to comply with the relevant Performance Criteria of the R-Codes on the basis that there are no major openings to habitable rooms or outdoor living areas in this location which are capable of being overlooked.

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 for the construction of two grouped dwellings satisfy the provisions of CPS5, the R-Codes, and relevant Council policies. As such, it is recommended that conditional approval be granted.

**U13/0428 - (NW) - TWO GROUPED DWELLINGS AT LOT 189 (10) WALKER COURT,
KARDINYA (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

- A) That the proposed development of two grouped dwellings on Lot 189 (10) Walker Court, Kardinya be approved subject to the following conditions:**
- 1. The crossover for the proposed two-storey grouped dwelling (as marked in 'RED' in the approved plans) shall achieve a minimum setback of 1.8m as measured from the centre of the tree.**
 - 2. Prior to the initial occupation of the development, the surface finish of the boundary wall(s) shall be to the satisfaction of the adjoining neighbour(s). In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning and Development Services.**
 - 3. 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.**
 - 4. All stormwater generated on site is to be retained on site.**
 - 5. 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 Planning and Development Services.**
- B) That the resident who made a submission on the proposal be notified in writing of A) above.**

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)

Ward : Bull Creek/Leeming
 Category : Operational
 Application Number : DA-2012-1479
 Property : 3 Gemmell Place, Bull Creek
 Proposal : Outbuilding
 Applicant : M A Willey
 Owner : M A Willey and L M Sidi
 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 : Amanda Templeton
 A/Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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<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>

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Approval is sought to construct an outbuilding within the north west corner of 3 Gemmell Place, Bull Creek.
- The original proposal complied with all of the relevant Acceptable Development criteria of the Residential Design Codes (R-Codes), with the exception of the height and area of the proposed structure.
- The proposal was the subject of public consultation and one submission in objection to the proposal was received. This submission outlined concerns relating to reduced access to light, ventilation and existing views.
- In order to address the concerns raised in the submission, the Applicant has agreed to a condition of approval reducing the wall and ridge height of the proposed outbuilding. As a result of these agreed changes, the ridge height of the outbuilding now satisfies the Acceptable Development criteria with regard to overall height and the scale of the proposed wall height variation is also reduced.
- The proposed outbuilding is now considered to satisfy the relevant Performance Criteria requirements of the R-Codes and as such is recommended for approval.



U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)**BACKGROUND**

In order to address the concerns raised within the submission received during the advertising period, the Applicant has agreed to a condition of approval reducing the proposed wall and ridge height of the proposed structure to 2.8m and 4.2m respectively. This agreed modified proposal is the subject of this report.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area – Bullcreek
R-Code	:	R20
Use Class	:	Residential
Use Permissibility	:	P - permitted

Site Details

Lot Area	:	797m ²
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to photo above

U13_0429_January_2013 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 18 January 2013

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)

DETAIL

Development Requirements

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and the applicable Council policies with the exception of those matters listed below.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Wall height	2.4m	2.8m	Does not comply	MPDS	
Area	60sqm	62sqm	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to R-Codes
 Support/Object: 1 objection

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)

Affected Property	Summary of Submission	Support / Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	Object to the 9m wall length as it will abut the submitter's dwelling by over 3m. This wall should be setback to allow access to light, ventilation and existing views.	Objection	The proposed outbuilding is setback 1m from the common boundary which satisfies the Acceptable Development criteria relating to boundary setbacks. The proposal also satisfies the Acceptable Development criteria relating to overshadowing. Notwithstanding this, in order to address the concerns of the submitter, the Applicant has agreed to a condition of approval to reduce the wall and ridge height of the proposal to 2.8m and 4.2m respectively.	Partially Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

POLICY IMPLICATIONS

There are no policy implications associated with this application.

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)**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

Approval is sought to construct an outbuilding at 3 Gemmell Place, Bull Creek.

As outlined above, in order to address the concerns raised by the submitter, the Applicant has agreed to a condition of approval reducing the proposed wall and ridge height of the structure to 2.8m and 4.1m respectively. This agreed modified proposal is the subject of this report.

Notwithstanding the agreed modifications, the proposal still results in a variation to the Acceptable Development criteria of the R-Codes relating to wall height and area.

Where a variation to the Acceptable Development provisions is sought, consideration against the relevant Performance Criteria of the R-Codes is required. Performance Criteria 6.10.1 Outbuildings states:

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposal is considered to satisfy these criteria for the following reasons:

- The outbuilding is setback over 16m from the primary street boundary and as such, is not deemed to have any detrimental impact to the streetscape.
- The development is located along the northern boundary of the subject site and will not result in any loss of sunlight to the adjoining properties.
- The proposed development still allows for adequate ventilation as it is proposed to be setback 1m from the common boundary.
- In light of the agreed reduced height and 1m setback, the potential building bulk impact is considered to be negligible, particularly as the existing dividing fence and vegetation along the boundary will provide some amelioration from the adjoining property to the north.
- The proposed outbuilding is to replace an outbuilding which was previously located in a similar position on the subject site.

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.

U13/0429 - (LA) - PROPOSED OUTBUILDING AT LOT 29 (3) GEMMELL PLACE, BULL CREEK (REC) (ATTACHMENT)**CONCLUSION**

It is considered that the proposed development satisfies the relevant provisions contained within CPS5, the R-Codes, and relevant Council policies. Given the proposal is not considered to have an adverse impact on the streetscape or the adjoining neighbour; it is recommended that the application be conditionally approved.

OFFICER RECOMMENDATION**APPROVAL**

A) That the proposed outbuilding on Lot 29 (3) Gemmell Place, Bull Creek be approved subject to the following Special and Standard Conditions:

SPECIAL CONDITION:

- 1 Prior to the commencement of the development, amended plans are to be submitted detailing the following:**
 - (i) Maximum wall height: 2.8 metres; and**
 - (ii) Maximum ridge height: 4.2 metres.**

The amended plans shall be approved in writing to the satisfaction of the Manager Planning and Development Services and the development constructed in accordance with those approved plans.

STANDARD CONDITIONS:

- 1. 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.**
 - 2. All stormwater generated on site is to be retained on site.**
- B) The resident who made a submission on the proposal be advised in writing of A) above.**