

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 10 NOVEMBER 2015

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 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, 13 NOVEMBER 2015

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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U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton-Attadale
 Category : Operational
 Application Number : DA-2015-1144
 Property : Lot 55 (14) Kingsall Rd, Attadale
 Proposal : Outbuilding
 Applicant : Mr David Hill
 Owner : Mr Jason Bartlett
 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 & 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>

U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for an Outbuilding at Lot 55 (14) Kingsall Road Attadale.
- The proposed outbuilding has been assessed against the provisions of Community Planning Scheme No. 5 (CPS5), the relevant Design Principles of the Residential Design Codes (R-Codes) and applicable Council Policies. The outbuilding has a maximum wall height to eaves of 2.7m which is a variation to the Deemed to Comply provisions. This has been taken into consideration with the assessment undertaken.
- The application was advertised in accordance with the provisions of the R-Codes and Council Policy. One submission was received in opposition to the proposal on the grounds of building bulk arising from wall height variation.
- The submission also raised concerns regarding reduced property value.
- Whilst the objection is acknowledged, the proposal is considered to satisfy the requirements of the Design Principles of the R-Codes.
- It is recommended that the application be approved subject to conditions.



BACKGROUND

The application for planning approval was lodged with the City on 24/09/15.

Scheme Provisions

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

U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD, ATTADALE (REC) (ATTACHMENT)

Site Details

Lot Area : 931sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : Not applicable
Street Furniture (drainage pits etc) : Not applicable
Site Details : Refer photo above

U15_0465_November_2015. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 13 November 2015.

DETAIL

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:

R-Code Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
R Code Clause 5.4.3 Outbuildings wall height	2.4m	2.7m	Requires assessment under R-Code Design Principles	Manager Statutory Planning (MSP)

PUBLIC CONSULTATION/COMMUNICATION

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

U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD, ATTADALE (REC) (ATTACHMENT)

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	<p>The variation of the outbuilding wall height will have an adverse impact on the submitters property through the imposition of building bulk.</p> <p>The submitter also raised concerns regarding property devaluation.</p>	Object	<p>The outbuilding has a maximum wall height to eaves of 2.7m. A wall of that height that can be considered subject to assessment under the relevant R Code Design Principles. Refer to comment section below. The concern expressed in respect of property devaluation is not a material planning consideration.</p>	Not upheld

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*.

**U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD,
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 within 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

The key issue in this case is whether the wall height to the eaves, at 2.7m, meets the objectives of the design principles of the R Codes.

The design principles for outbuildings are set out in clause 5.4.3 of the R-Codes, and state:

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

In the subject case, the outbuilding is located within the rear garden of the property some distance from the street. The outbuilding therefore has no impact on the streetscape.

In terms of the visual amenity impact towards the neighbouring property to the South West, it is considered that the wall height increase to 2.7m, from a deemed to comply height of 2.4m, is minor, and as such will not compromise the visual amenity of adjoining residents. It is noted that the ridge height of the outbuilding as constructed is 3.504m compared to a maximum permissible height of 4.2m under the deemed to comply provisions of the R-Codes. In addition the floor level of the proposed outbuilding is lower than the floor level of the pool area of the adjacent site. This will have the effect of reducing the perceived height of the proposed outbuilding, and mitigate any perceived bulk impacts.

CONCLUSION

The development is considered to satisfy the provisions of CPS5, the R-Codes and Council Policy. It is recommended that the proposal be approved subject to conditions.

U15/0465 MR PROPOSED OUTBUILDING – SHED AT LOT 55 (14) KINGSALL ROAD,
ATTADALE (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVAL

A) That the application for an Outbuilding be approved subject to the following conditions:

1. All stormwater generated on site is to be retained on site

B) That the resident who made a submission on the proposal be notified of A) above.