

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 18 JULY 2023**

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 Mark Scarfone, A/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: [mark.scarfone@melville.wa.gov.au](mailto:mark.scarfone@melville.wa.gov.au) or Tel 9364 0323.
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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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, 21 JULY 2023**



**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, 18 JULY 2023.**

**PRESENT**

M Scarfone  
T Cappellucci  
T Geddes  
J Caracciolo  
C Landro

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

**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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**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

Ward : Central Ward  
 Category : Operational  
 Application Number : DA-2023-228  
 Property : Lot 55 (No. 13) Widdicombe Street, Myaree WA 6154  
 Proposal : Patio, Shed and Front Fence Additions to Existing Single House  
 Applicant : Patio and Shed Approvals  
 Owner : Mr N D Lucken and Ms C Badart  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Mark Scarfone  
 Acting Manager Statutory Planning  
 Previous Items : N/A

**AUTHORITY / DISCRETION**

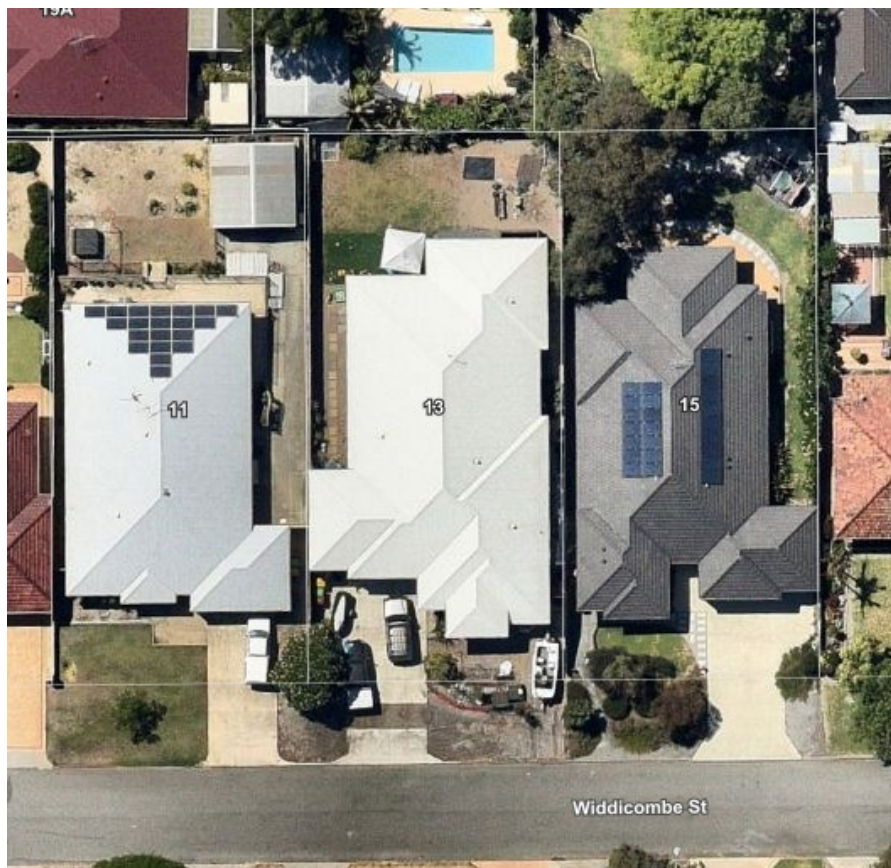
**DEFINITION**

<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"/>	Quasi-Judicial	<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>

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a patio, shed and front fence addition to the existing single house at Lot 55 (No. 13) Widdicombe Street, Myaree.
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)*, State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes) and relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1).
- The proposed development requires a performance assessment in relation to the boundary wall height of the shed (outbuilding) on the eastern site boundary and the wall height of the shed on all sides exceeding the outbuilding requirements.
- The proposed development was advertised in accordance with Part 4 of the R-Codes and *Local Planning Policy 1.1- Planning Process and Decision Making (LPP1.1)*. One submission was received in response, objecting to the height and setback of the shed.
- In response to concerns raised by the submitters and the City, the applicant amended the plans to reduce the height of the outbuilding and increase the setback to the eastern boundary. These plans are the subject of this report.
- Notwithstanding the objection received, 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.



**Figure 1:** Aerial photography of subject site.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)****BACKGROUND**

In August 2020 development approval was granted for a single storey single house and associated site works at Lot 55 (No. 13) Widdicombe Street, Myaree. The approved dwelling has been constructed.

In March 2023, a development application was lodged for a patio, shed and front screen wall at the above site.

The patio and shed were both advertised to adjoining neighbours, with one objection received for the shed. In response to concerns raised by the City regarding the front fence and the objection regarding the shed, revised plans were submitted in June 2023 and July 2023. The amended plans modified the front fence to comply with LPP 3.1 Clause 3. The proposed shed plans were also amended. The applicant reduced the wall and ridge heights of the shed from 3.6m and 4.5m down to 3.3m and 4.2m respectively as well as increase the shed's setback from the eastern lot boundary from 0.2m to 0.5m. The amended plans submitted in July 2023 are the subject of this report. The eastern wall of the shed still did not comply with the relevant requirements and as such the revised plans were referred to the objector to see if they wished to maintain their objection which they did.

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Single House
Use Class	: 'P' Permitted Use

**Site Details**

Lot Area	: 787m <sup>2</sup>
Retention of Existing Vegetation	: Yes
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: N/A
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the agenda which were distributed to Elected Members on Friday, 21 July 2023.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

**DETAIL**

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below which require a performance assessment.

State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setbacks Cl. 3.1 (i)  Western Elevation – Patio	1m	0.5m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

Local Planning Policy 3.1 - Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 - Boundary Walls C3.2 (iii)  Eastern Elevation - Shed	In areas coded R20, walls not higher than 3.5m up to a maximum length of the greater of 9m or one third the length of the balance of each lot boundary behind the front setback.  11.7m length permitted for the subject lot.	Boundary wall 3.3m - 4.2m high and 6.5m long.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

Design Element (Continued)	Deemed Comply standard to	Proposed	Comments	Delegation to approve variation
<p>Clause 7 – Outbuildings Cl. 3 ii B. Large and Multiple Outbuildings (ii)</p> <p>Eastern Elevation - Shed</p>	<p>Setback in accordance with Table 2a or comply with Boundary Wall provisions of this policy.</p> <p>Setback 1.1m to eastern boundary or not higher than 3.5m up to a maximum length of the greater of 9m or one third the length of the balance of each lot boundary behind the front setback.</p>	0.5m setback so classified as a boundary wall with a maximum height of 4.2m facing the eastern boundary.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
<p>Clause 7 - Outbuildings Cl. 3 ii B. Large and Multiple Outbuildings (iii)</p> <p>Shed</p>	Does not exceed a wall height of 2.7m.	3.3 to 4.2m.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

## STAKEHOLDER ENGAGEMENT

### I. COMMUNITY

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
 Support/Object: One objection received

A summary of the content of the objection received and an officer's response is provided in the table below.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments
Loss of sun and passive solar energy to rear of house	The proposed shed is considered to meet the relevant design principles of Clauses 5.1.3 and 5.4.3 of the R-Codes as there are no overshadowing impacts to the adjoining eastern lot.  See detailed discussion in Comments section of this report.
Feeling of enclosure	The proposed shed is considered to meet the relevant design principles of Clauses 5.1.3 and 5.4.3 of the R-Codes which minimises the bulk impact.  See detailed discussion in Comments section of this report.
View of sun setting and trees	The proposed shed is considered to meet the relevant design principles of Clauses 5.1.3 and 5.4.3 of the R-Codes in regards to amenity as there are no undue amenity impacts.  See detailed discussion in Comments section of this report.
Enjoyment of outdoor living area	The proposed shed is considered to meet the relevant design principles of Clauses 5.1.3 and 5.4.3 of the R-Codes as the adjoining property's outdoor living area is not directly adjacent to the location of the proposed shed.  See detailed discussion in Comments section of this report.

## 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 by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

## 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

There are no policy implications in relation to this proposal.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

**COMMENT**

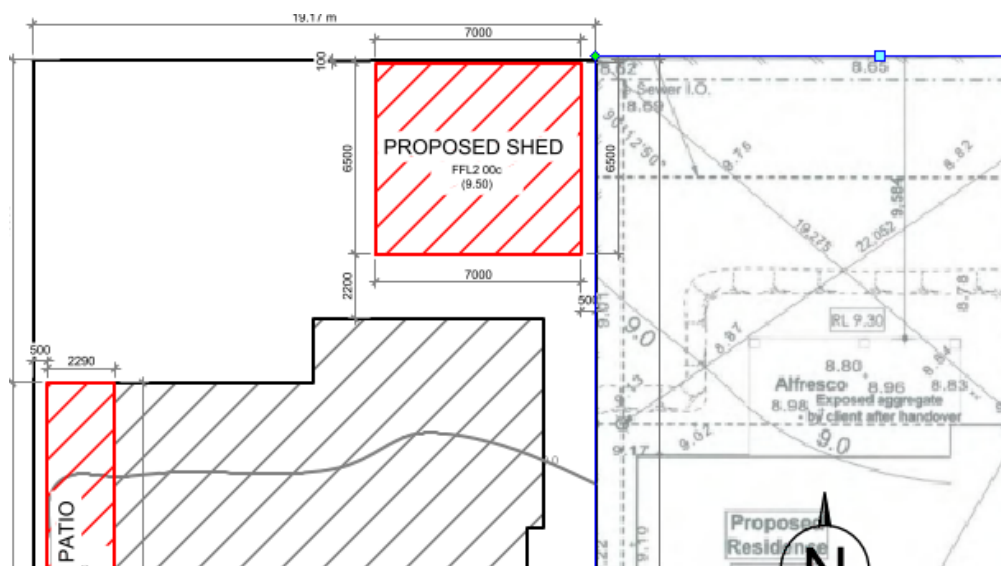
Lot Boundary Setback (Eastern Boundary Wall)

In accordance with Clause 6 Boundary Walls C3.2(iii) of LPP 3.1, boundary walls, defined as walls within 600mm of a boundary, in areas coded R20 and R25 are not to be higher than 3.5m and are to have a maximum boundary wall length of the greater of 9m or one-third the length of the balance of each lot boundary behind the front setback.

The proposed shed is setback 0.5m from the eastern boundary and therefore meets the definition of a boundary wall. The maximum height of the shed is 4.2 metres to its ridge, exceeds the deemed to comply standard and therefore requires an assessment against the design principles in Clause 5.1.3 Lot boundary setbacks of the R-Codes.

The proposed boundary wall is considered to meet the relevant design principles as discussed below:

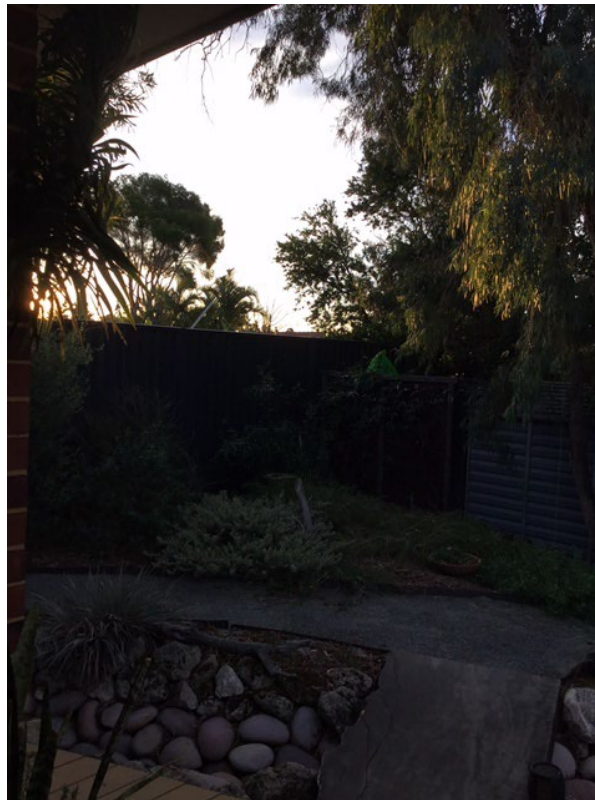
- The shed does not restrict access to direct sun and ventilation to the subject site and adjoining sites. In relation to the subject site, this is a result of the extent of uncovered open space and the positioning of the shed at the north-eastern rear corner of the subject site, away from the existing dwelling. In relation to adjoining sites, the shed is not adjacent to any adjoining dwellings or habitable areas. As per Figure 2 below, the proposed shed is not adjacent to the dwelling on the eastern property or its primary outdoor living area.



**Figure 2:** Image of the proposed shed on the subject lot (left) in relation to the approved site plan for 15 Widdicombe Street (right). The proposed shed abuts uncovered open space, and the alfresco area/primary outdoor living area of the adjoining site is located centrally, away from the proposed shed.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

- The ample open space between the shed and neighbouring eastern dwelling and its primary outdoor living area mitigates the perception of adverse building bulk when viewed from the adjoining property. The open space between the shed and neighbour's house is already notably shaded by existing mature trees (See Figure 3 below). Given the extent of available uncovered open space in the proximity of the shed and the shed's location to the west of the neighbouring lot, the shed is not considered to restrict ventilation or access to light, nor does it impact access to light to a habitable room or the adjoining site's primary outdoor living area.



**Figure 3:** View from the rear yard of 15 Widdicombe Street facing west towards proposed shed location.

- There are no overshadowing impacts to the east due to the lot orientation; and
- The shed does not result in any overlooking/loss of privacy as no changes to existing ground levels are proposed and the shed is not a habitable space.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**Large Outbuilding (Wall Height)

In accordance with Clause 7 Outbuildings C3ii. B. Large and multiple outbuildings (iii) of LPP 3.1, the maximum wall height of a large outbuilding is not to exceed 2.7m in height. The proposed shed (outbuilding) wall height varies from 3.3m to 4.2m across all four elevations.

As the shed is setback less than 600mm from the northern and eastern boundaries it is considered a boundary wall on those sides as discussed in the above section of this report. The shed's wall height is a variation to the Outbuilding provisions of LPP 3.1 which require large outbuildings to have a wall height not exceeding 2.7m and can be supported in consideration of the design principles of the R-Codes under Clause 5.4.3 as follows:

- The shed does not detract from the streetscape as it is not visible from street;
- As discussed under the Lot Boundary Setback (Eastern Boundary Wall) comments section of this report, the shed does not detract from the visual amenity of the adjoining eastern property; and
- The shed does not detract from the visual amenity of the adjoining northern properties as it does not adjoin any habitable spaces and no objection was received from these properties concerning the height variation.

**ALTERNATE OPTIONS AND 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.

**CONCLUSION**

This application has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Therefore, the shed in addition to the proposed patio and front fence additions are considered to be an acceptable outcome and is therefore recommended for approval subject to the following conditions.

**U23/0613 – PATIO, SHED AND FRONT FENCE ADDITIONS TO EXISTING SINGLE HOUSE AT LOT 55 (NO. 13) WIDDICOMBE STREET, MYAREE WA 6154 (REC) (ATTACHMENT)**

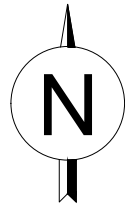
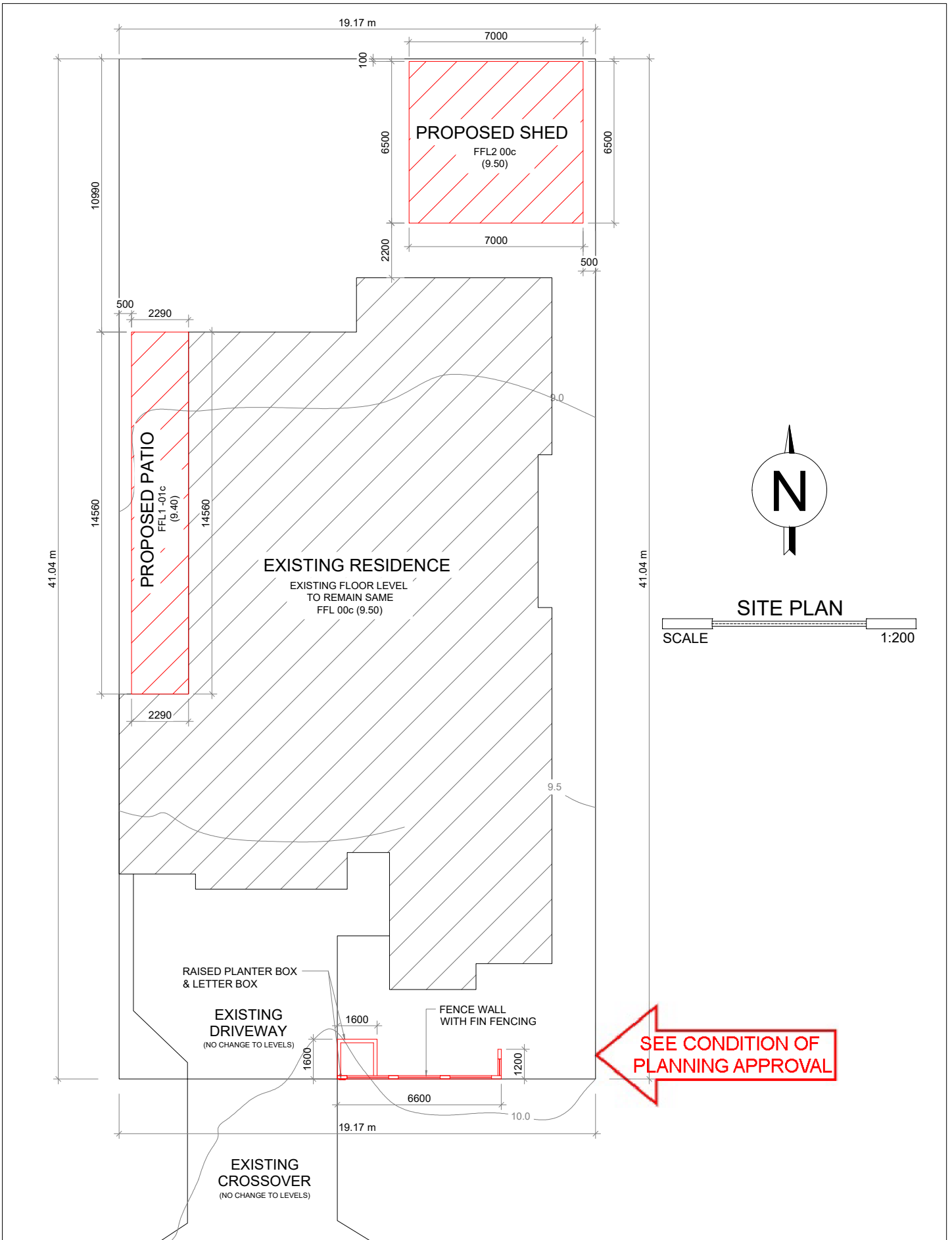
**OFFICER RECOMMENDATION****APPROVAL**

**Subject to the following conditions:**

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean standard, to the satisfaction of the City**
- 4. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in State Planning Policy 7.3 Residential Design Codes Volume 1, to the satisfaction of the City.**
- 5. The street walls and fencing marked in green on the approved plans are required to comply with the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.**

**ATTACHMENTS  
OF THE  
DEVELOPMENT ADVISORY UNIT  
MEETING  
HELD ON  
TUESDAY, 18 JULY 2023  
U23/0613**

**Distributed: Friday, 21 July 2023**



SITE PLAN

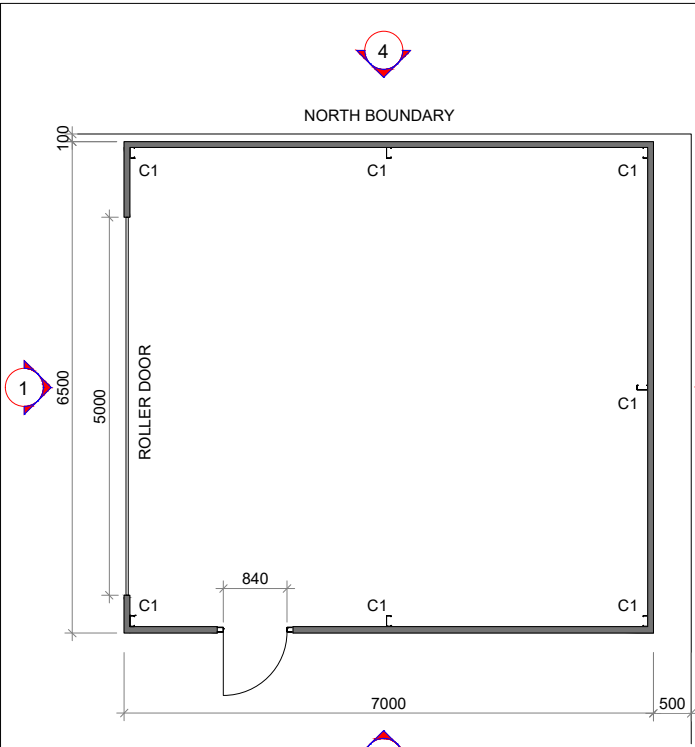


SEE CONDITION OF  
PLANNING APPROVAL

WIDDICOMBE STREET

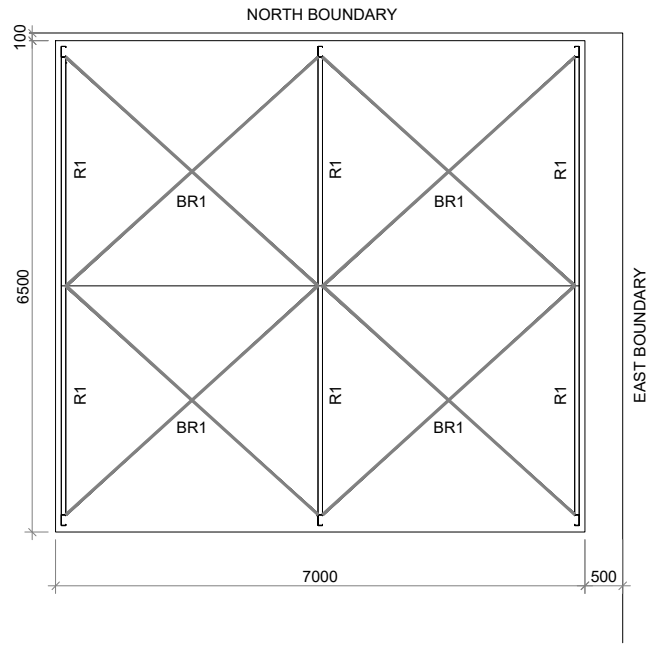
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ADDRESS: 13 WIDDICOMBE STREET, MYAREE	
JOB NO: 433	SCALE: AS SHOWN
DRAWN BY: JK	SHEET: 01 OF 07





PROPOSED SHED PLAN

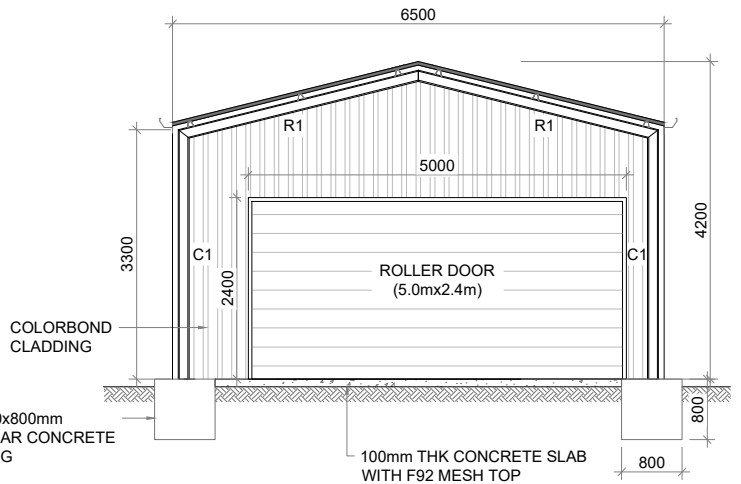
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ROOF FRAME LAYOUT

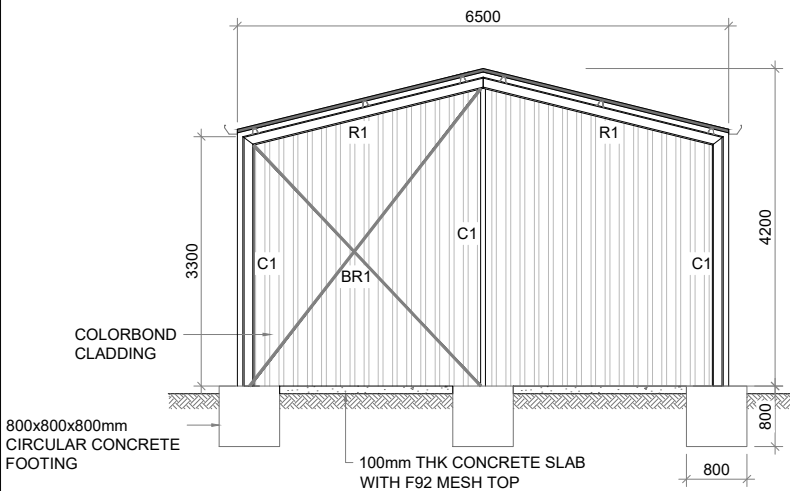
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SCHEDULE OF STRUCTURAL FRAMING	
BEAM/ COLUMN TAG NO	SIZE
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R1	C25024-PURLV
BR1	32 x 1.2 x 50 BUILDER'S STRAP



ELEVATION - 1

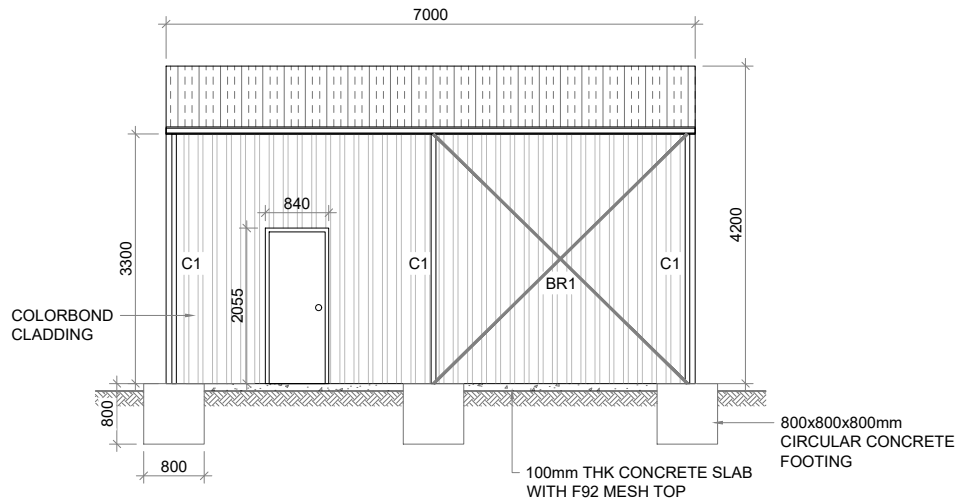
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ELEVATION - 2

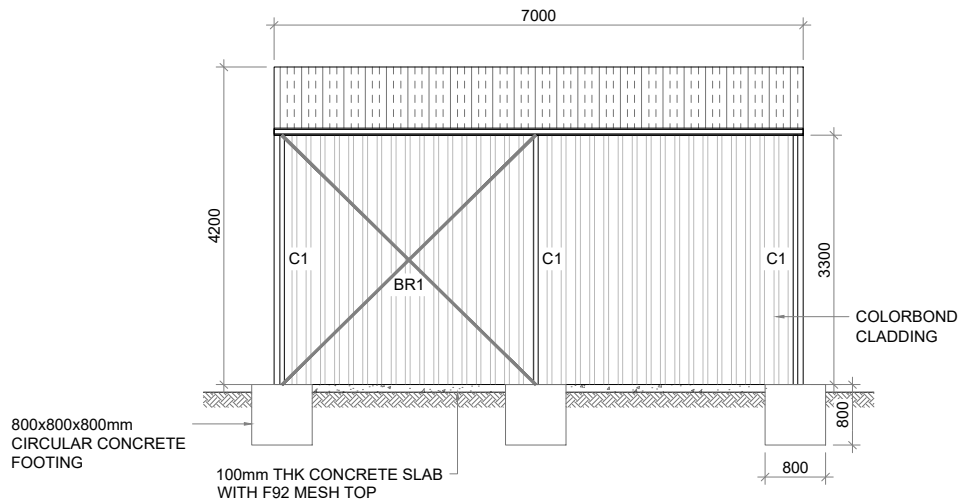
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PROJECT NAME: PROPOSED NEW PATIO, SHED & FENCE WALL	
ADDRESS: 13 WIDDICOMBE STREET, MYAREE	
JOB NO: 433	SCALE: AS SHOWN
DRAWN BY: JK	SHEET: 03 OF 07



ELEVATION - 3

SCALE 1:100

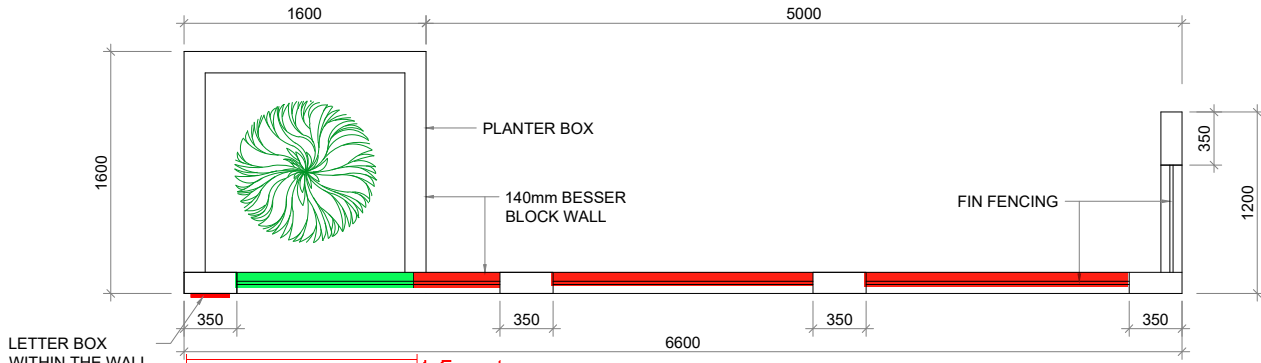


ELEVATION - 4

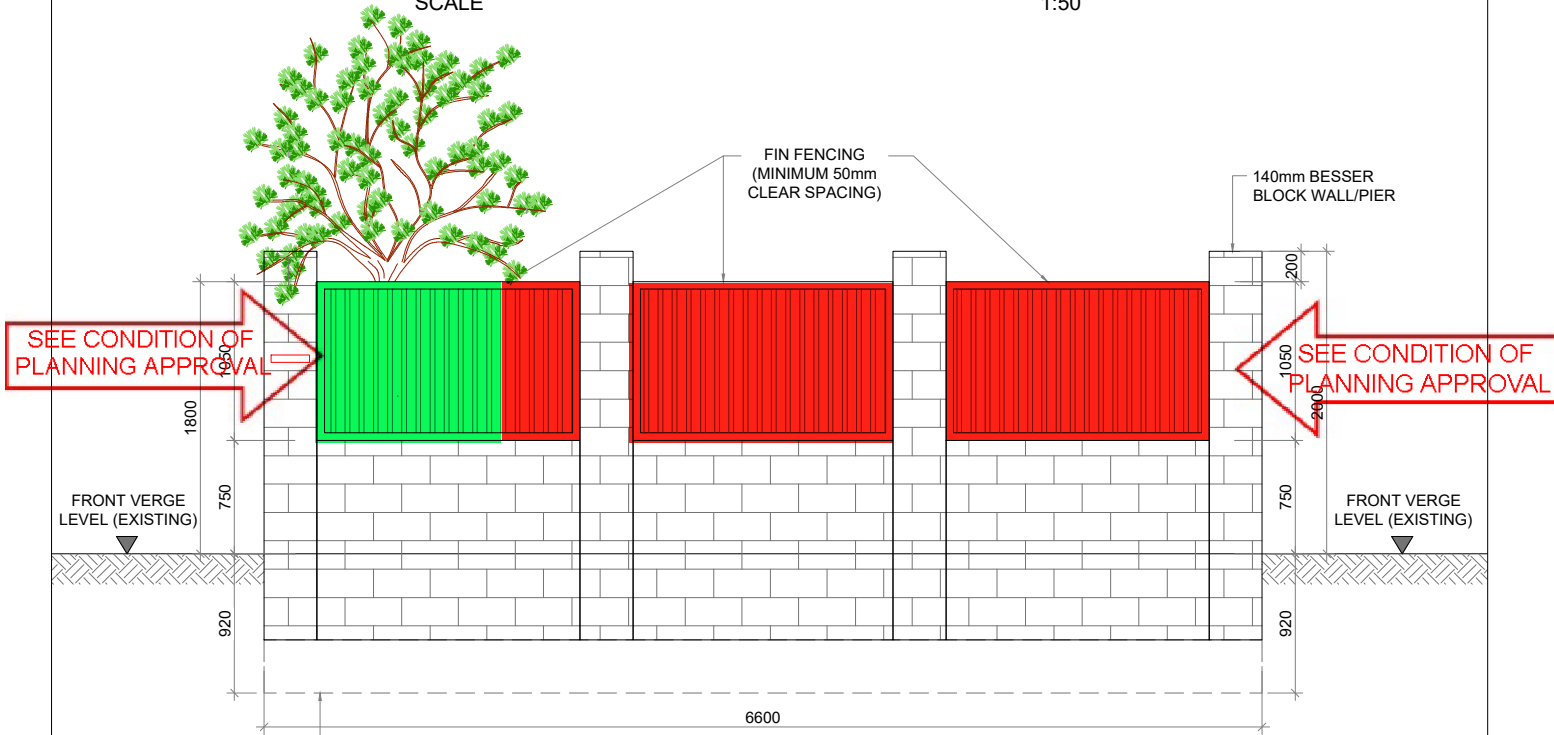
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SCHEDULE OF STRUCTURAL FRAMING	
BEAM/ COLUMN TAG NO	SIZE
C1	C15019-PURLV
R1	C25024-PURLV
BR1	32 x 1.2 x 50 BUILDER'S STRAP

PROJECT NAME: PROPOSED NEW PATIO, SHED & FENCE WALL	
ADDRESS: 13 WIDDICOMBE STREET, MYAREE	
JOB NO: 433	SCALE: AS SHOWN
DRAWN BY: JK	SHEET: 04 OF 07

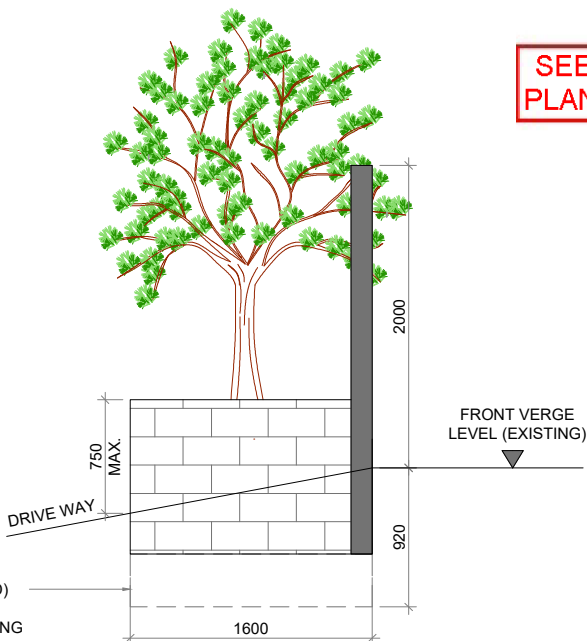


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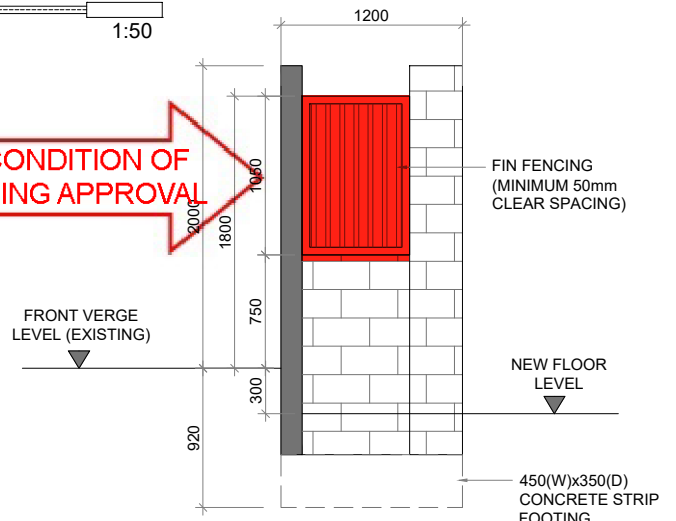
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450(W)x350(D) CONCRETE STRIP FOOTING



SCALE 1:50

SEE CONDITION OF PLANNING APPROVAL



SCALE 1:50

PROJECT NAME: PROPOSED NEW PATIO, SHED & FENCE WALL	
ADDRESS: 13 WIDDICOMBE STREET, MYAREE	
JOB NO: 433	SCALE: AS SHOWN
DRAWN BY: JK	SHEET: 07 OF 07