

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 30 APRIL 2024

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 Kate Bainbridge, 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: Tel 9364 0626 or via the Elected Members Portal.
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: 3 MAY 2024



**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, 30 APRIL 2024**

PRESENT

K Bainbridge
T Cappellucci
J Caracciolo

Manager Statutory Planning
Principal Statutory Planner
Statutory Planner

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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U24/0629 – SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET, MYAREE (REC) (ATTACHMENT)

Ward : Central Ward
 Category : Operational
 Application Number : DA-2023-1026
 Property : Lot (1) No.8A Patfield Street, Myaree
 Proposal : Single Storey Single House
 Applicant : M & A Zile
 Owner : M & A Zile
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : None.
 Responsible Officer : Kate Bainbridge
 Manager Statutory Planning
 Planning 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 operates as a review authority on decisions made by Officers for appeal purposes.</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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for single storey single house at no. 8A Patfield Street, Myaree.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), Residential Design Codes Volume 1 Part B (R-Codes) and relevant Local Planning Policies.
- The proposed development requires a performance assessment in relation to lot boundary setbacks and solar access.
- Consideration by the Development Advisory Unit is limited to solar access, with all other performance assessment matters to be determined by the Manager Statutory Planning (MSP) through delegated authority in accordance with Local Planning Policy 1.1 Planning Process and Decision Making (LPP 1.1).
- The application was advertised in accordance with the provisions of the R-Codes, *Planning and Development (Local Planning Scheme) Regulations 2015* (as amended) and LPP 1.1.
- One submission was received during the advertising period which was an objection to solar access.
- It is considered that solar access is acceptable when assessed against the relevant design principles of the R-Codes.
- The City recommends that approval be granted subject to conditions.



Figure 1 – Aerial Photography

**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 712m²
 Retention of Existing Vegetation : Yes
 Street Tree(s) : No
 Street Furniture (drainage pits etc) : Powerline
 Site Details : Refer to Figure 1 above

A copy of the plans forms part of the report and recommendations

DETAIL

The application has been assessed against the provisions of LPS6, R-Codes and relevant Local Planning and Council Policies. The proposal complies with all the relevant development requirements except for those matters listed below, for which a performance assessment is required.

Local Planning Scheme and Local Policy Requirements

Residential Design Codes Volume 1 Part B

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve
5.4.2 – Solar Access Cl2.1	25%	43%	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)

**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)**

Local Planning Policy 3.1 – Residential Development (LPP 3.1)

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve
LPP 3.1 Cl. 6 Cl. 3.2 (iii) – Boundary Walls	Southeast Side Boundary walls (Kids Bedrooms & WIR) for 9.33m in length and 3.5m in height	11.1m in cumulative length and 5.4m maximum height (average of 4.06m)	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

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 submission received (Objection)

A summary of the content of the objection received and a response is provided in the table below.

U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET, MYAREE (REC) (ATTACHMENT)

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 direct 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.

COMMENT

Solar Access

As noted above in the requirement section, the solar access does not meet the deemed to comply provisions of the R-Codes and requires a design principles assessment. It should be noted that the survey strata subdivision created irregular lot configuration and smaller lot area for the southern neighbouring property, making compliance with the deemed to comply provisions more difficult. The design principles contained in Clause 5.4.2 of the R-Codes seek protection of the solar access to new dwellings and that of neighbouring properties. The impact on neighbouring properties ideally should be minimised to more sensitive spaces such as outdoor living areas (OLA), major openings and roof solar collectors. The proposed solar access is considered to meet these design principles as discussed below:

Design Principle P2.1:

- The design of the proposed dwelling has provided for effective solar access with multiple northern orientated major openings with compliant northern and eastern lot boundary setbacks.

Design Principle P2.2:

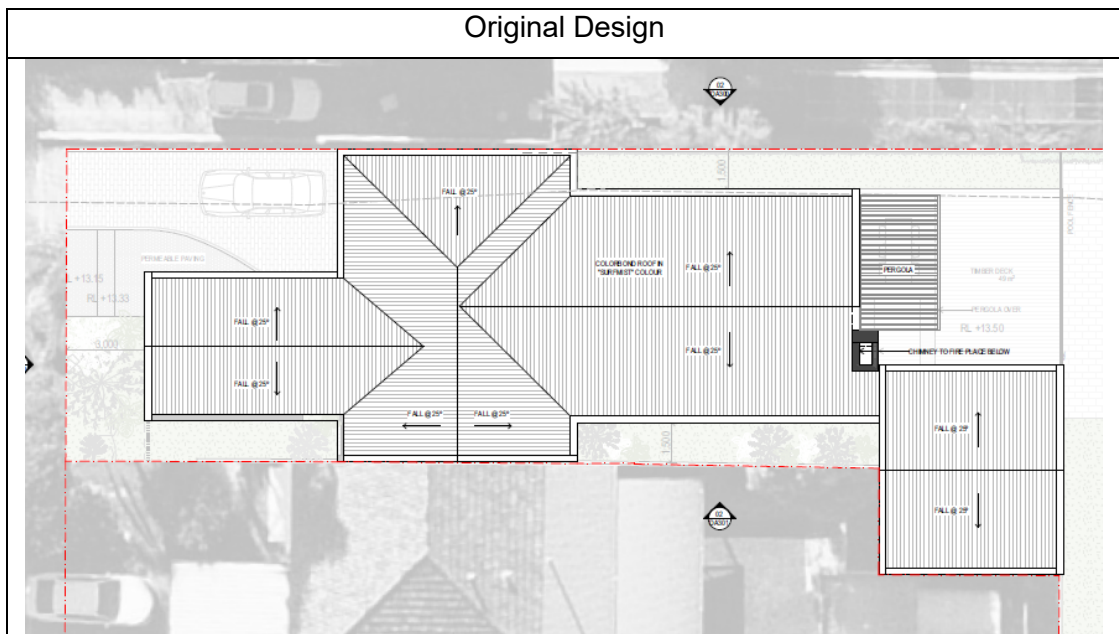
- The proposed dwelling is single storey with shadow impact to the southern affected dwelling falling across roof area, carparking area and rear garden area which is not the main OLA (See Figure 2 below). This means that the southern neighbouring lot has uncovered OLA with good access to sunlight. The development also has compliant lot boundary setbacks to the southern boundary adjacent to the southern dwelling OLA, noting that subsequent to advertising, the applicant amended the design to reduce the amount of boundary walls abutting this OLA (See Figure 3 below).

U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET, MYAREE (REC) (ATTACHMENT)

- No north facing major openings of the southern dwelling are affected.
No existing roof solar collectors present on the southern affected dwelling.



Figure 2: Shows the maximum southern shadow generated (in green) onto the southern affected lot.



**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)**

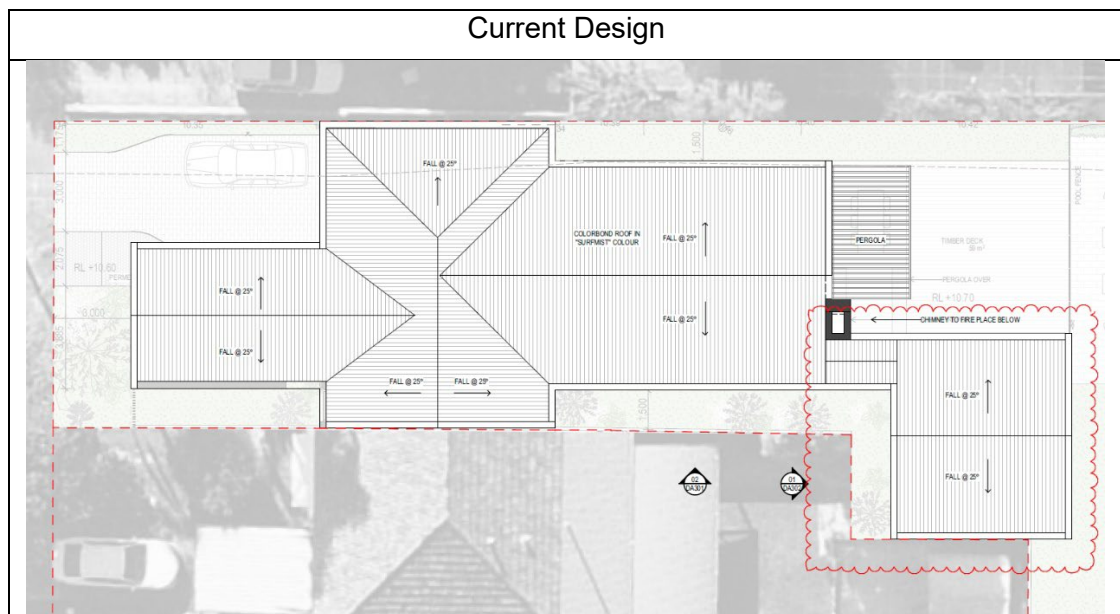


Figure 3: Shows the original design having been amended to further reduce the solar access impacts to the southern affected dwelling uncovered OLA and garden areas. This has been achieved via the reduction of boundary walls near the uncovered OLA and rear yard area.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

However, should Elected Members have an alternative view, the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

CONCLUSION

The proposal meets the deemed to comply or design principle requirements of the R-Codes or Local Planning Policy requirements and is therefore considered to be appropriate to approve subject to conditions.

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process, unless council elects to 'call up' the item for formal Council consideration.

**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. The development the subject of this approval must be contained wholly within the area of exclusive use of the lot and 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 in accordance with the City's stormwater design guidelines.
3. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, 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 City and are to be removed prior to initial occupation of the development.
4. 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 City.
5. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
 - a maximum width as per City of Melville crossover specifications;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

6. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 3 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.
7. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout the duration of the demolition and construction processes of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to demolition of the site or commencement of development (whichever occurs first), in accordance with the following criteria:

**U24/0629 - SINGLE STOREY SINGLE HOUSE AT LOT 1 (NO. 8A) PATFIELD STREET,
MYAREE (REC) (ATTACHMENT)**

- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
- If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
- Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
- The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment, fuel, oil dumps or chemicals;
 - Servicing or refuelling of equipment or vehicles;
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
 - Open-cut trenching or excavation works (whether or not for laying of services);
 - Changes to the natural ground level of the verge;
 - Location of any temporary buildings including portable toilets; or
 - The parking of vehicles or machinery.

Advice Note/s

1. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
2. A Demolition permit will be required. A Building Permit application will be required for remedial works to remaining building and building works for the new one.
3. A completed BA20 form and associated documentation including signed plans is to be provided where adjoining properties are to be adversely affected or there is encroachment of walls or footings.
4. This approval is not an approval under the *Strata Titles Act 1985* or *Land Administration Act 1997*, noting that another approval may be required prior to construction commencing from the other strata landowner and beneficiary of the easement over the party wall.

**ATTACHMENTS
OF THE
DEVELOPMENT ADVISORY UNIT
MEETING
HELD ON
30 APRIL 2024
U24/0629**

Distributed: 3 MAY 2024



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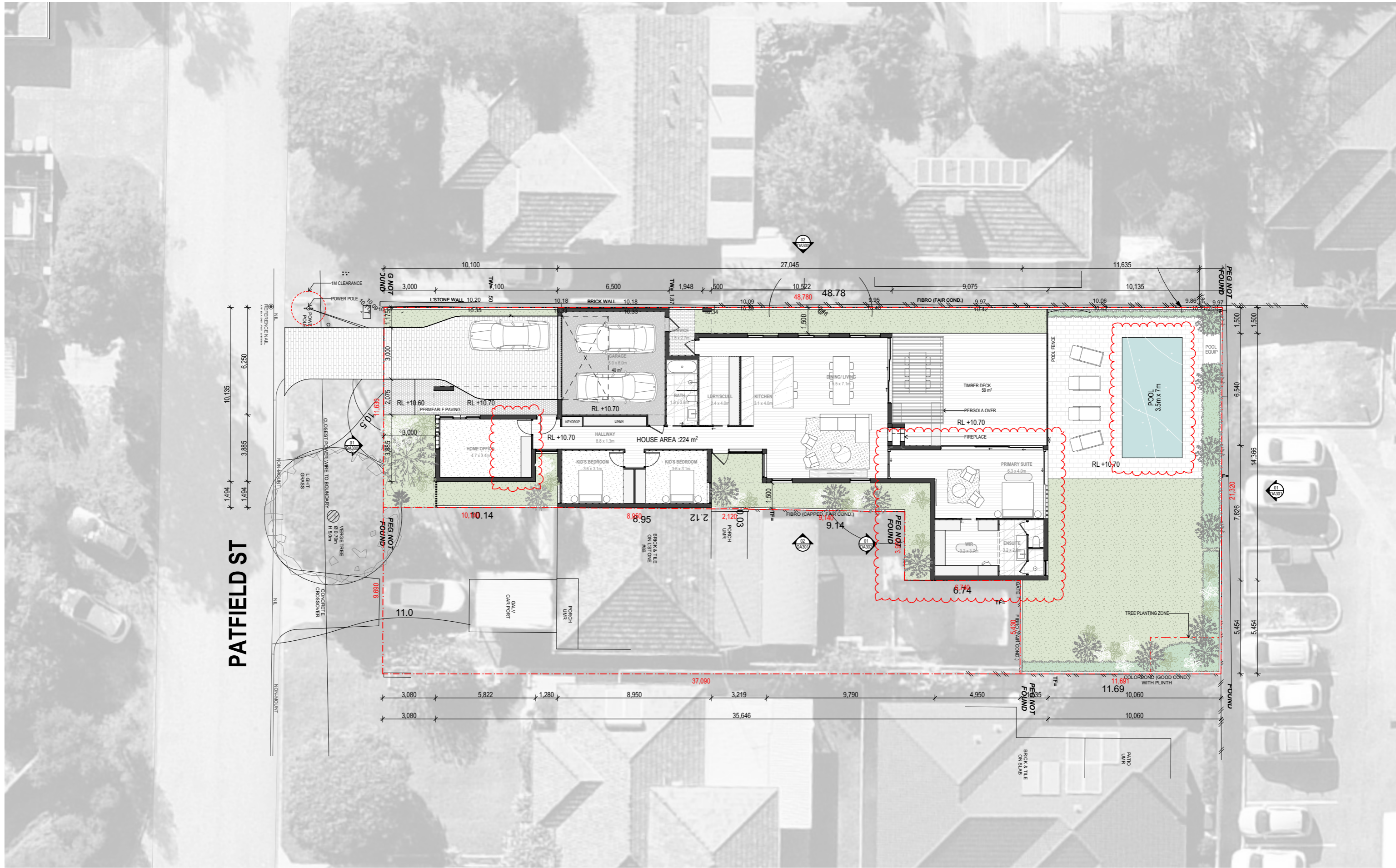
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Approval into revised documentation submitted
to support an application for a Building Permit.**



Project Name 8a Patfield St, Myaree
Project Number 000xxxxx
Date 15/02/2024
Scale @A3

Drawing Name Artist's Impression
Drawing Number **DA500**
Revision



PATFIELD ST

01 Ground Floor
1:200



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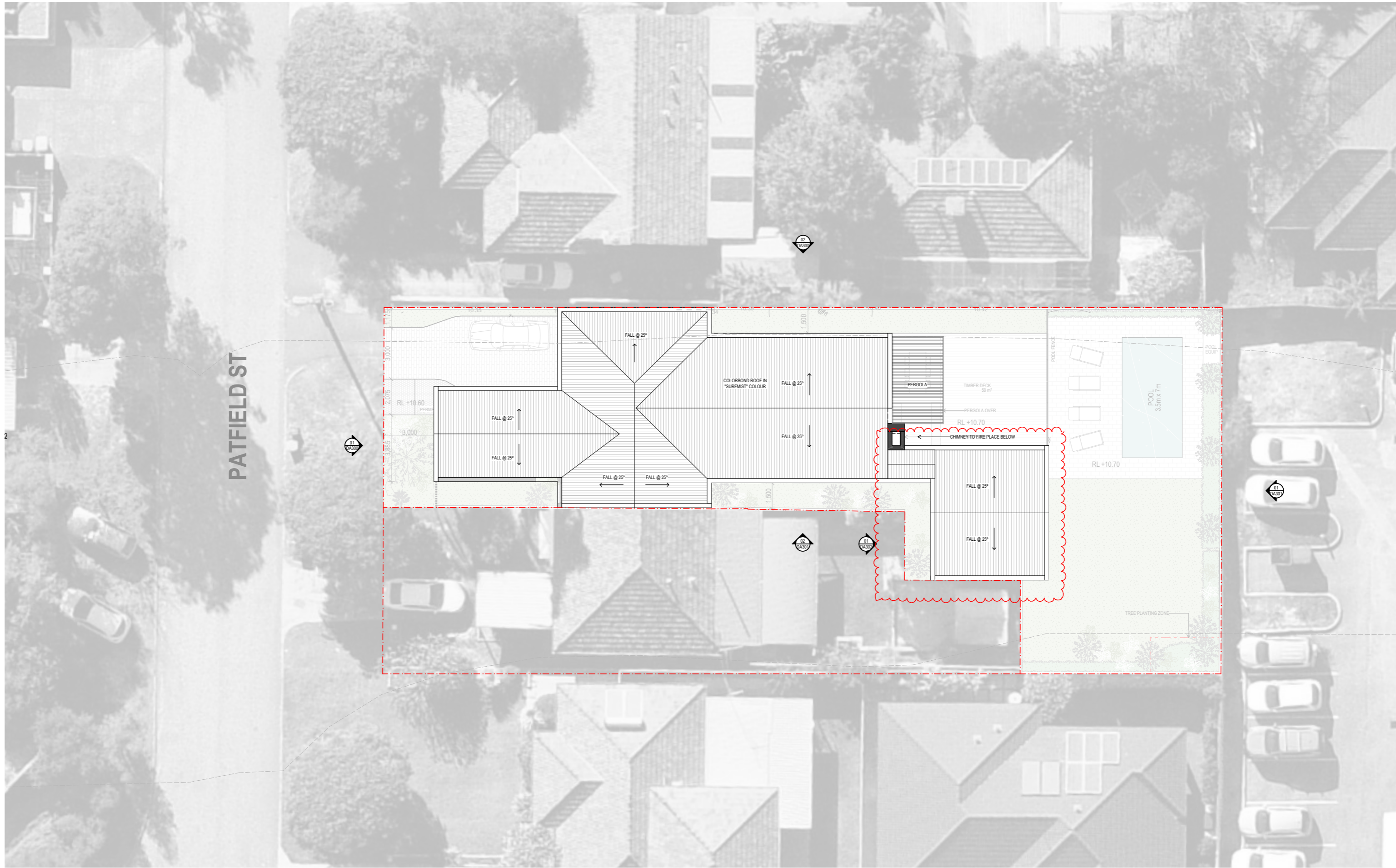
Project Name
Project Number
Date
Scale

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8a Patfield St, Myaree
000xxxxx
17/04/2024
1:200 CAJ

Drawing Name: Ground Floor Plan
Drawing No: DA200
Revision

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01 ———— Grid Floor
1:200



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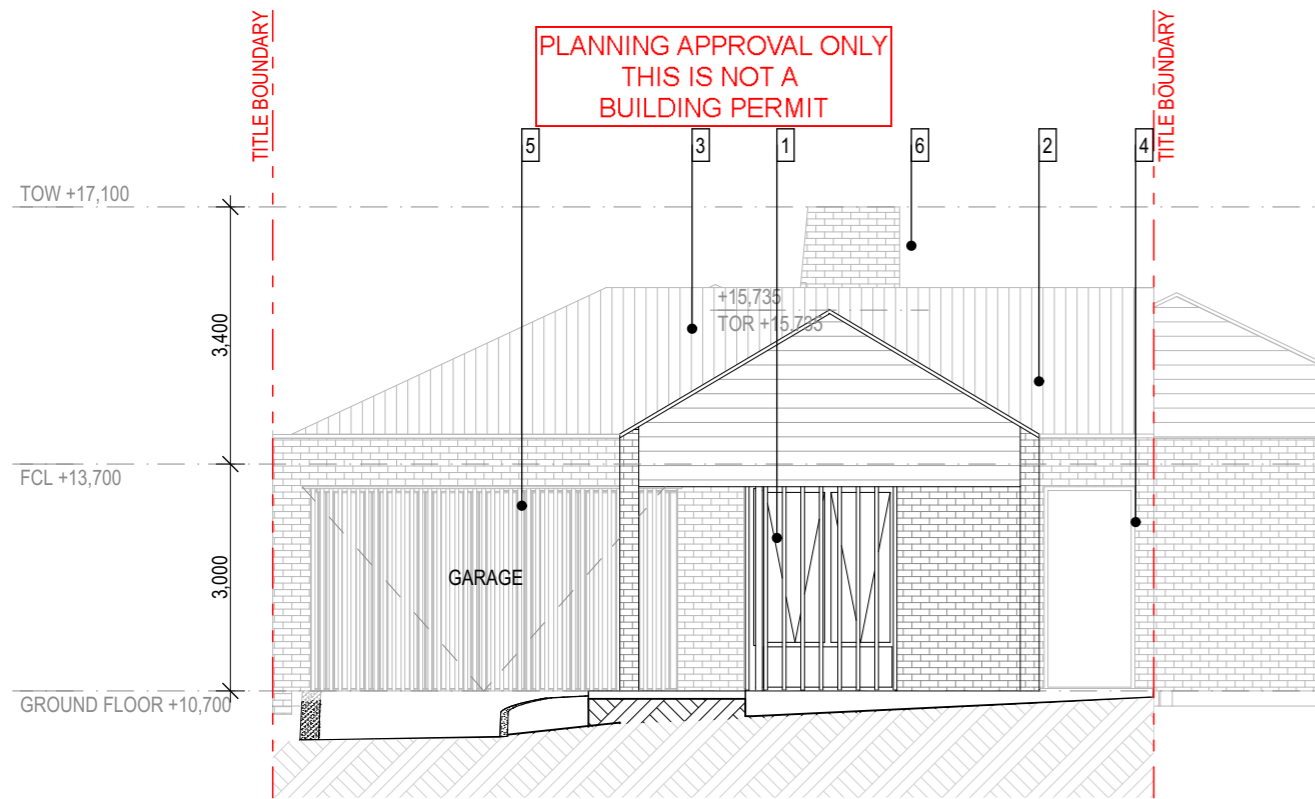


Project Name
Project Number
Date
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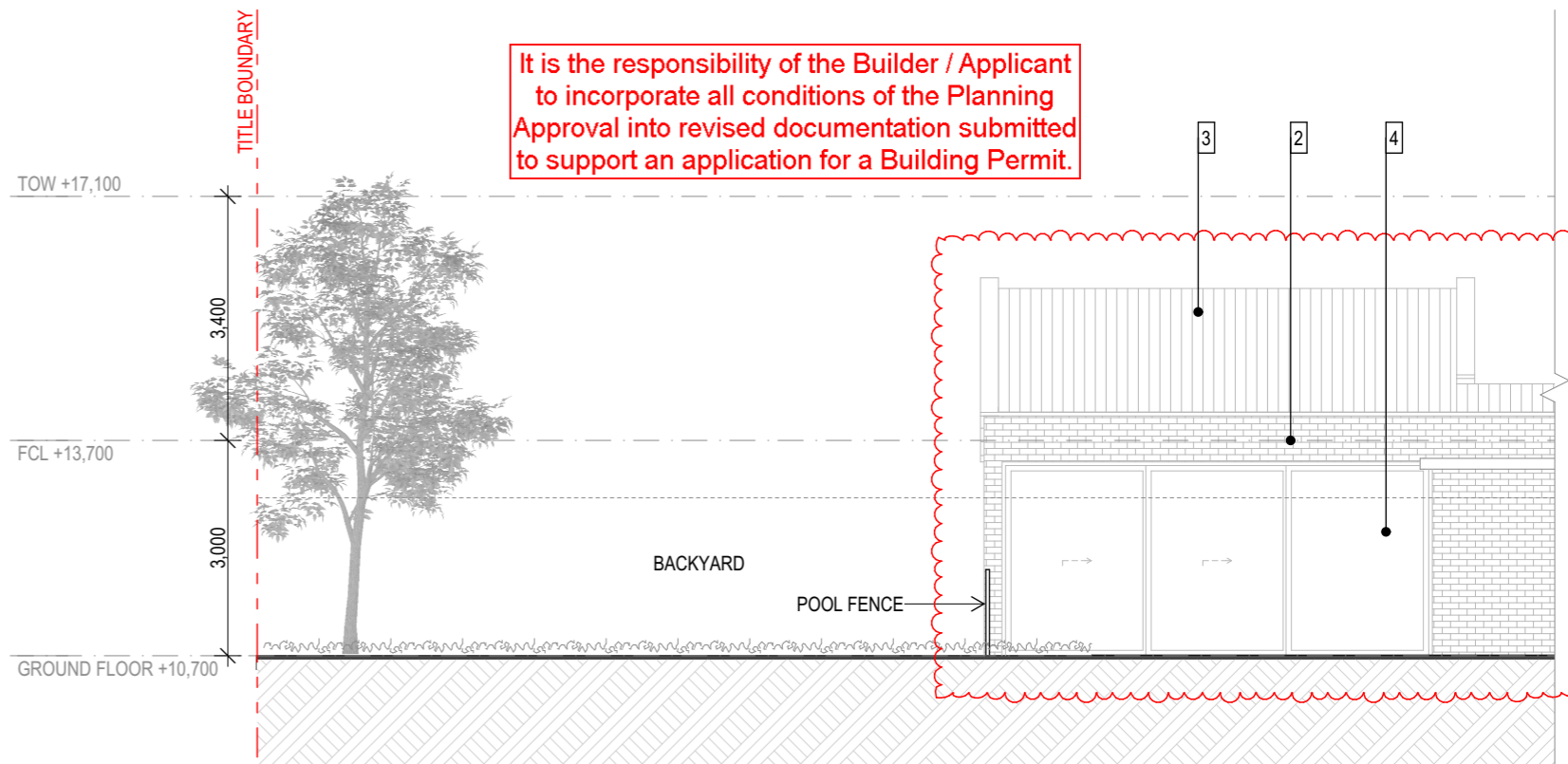
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Approval into revised documentation submitted
to support an application for a Building Permit.

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17/04/2024
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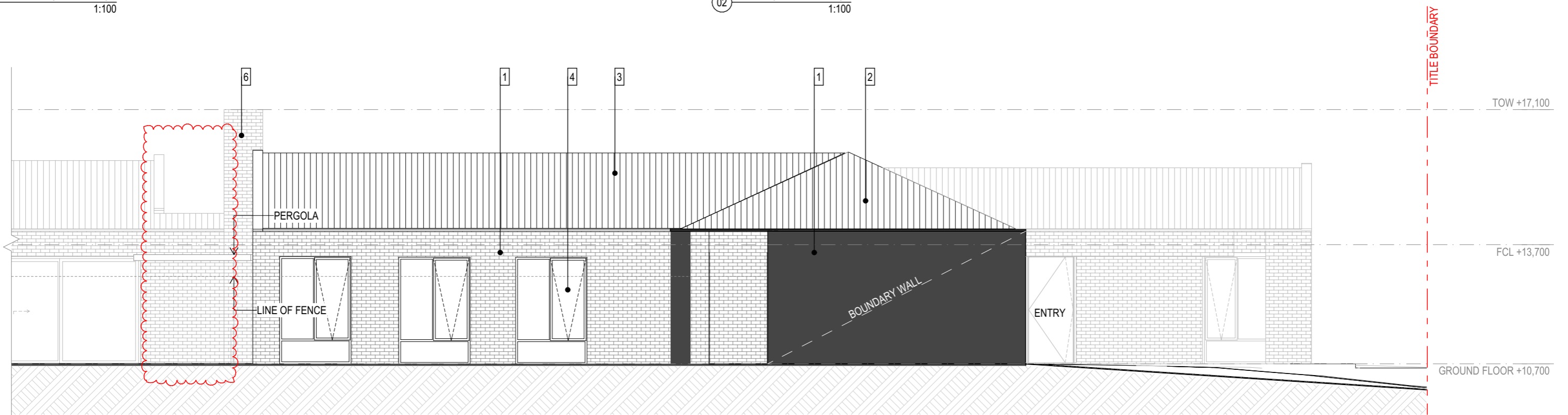
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Drawing Number: DA201
Revision:



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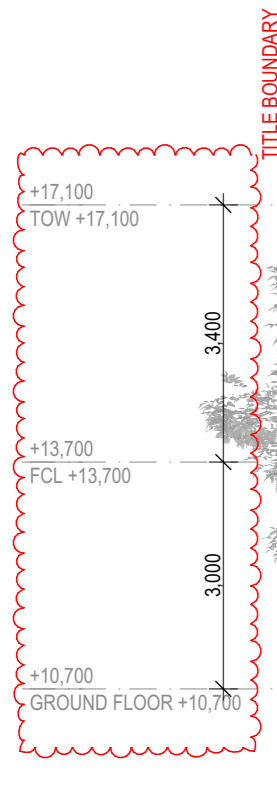


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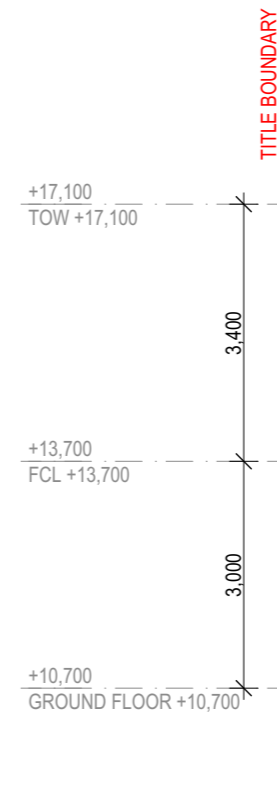
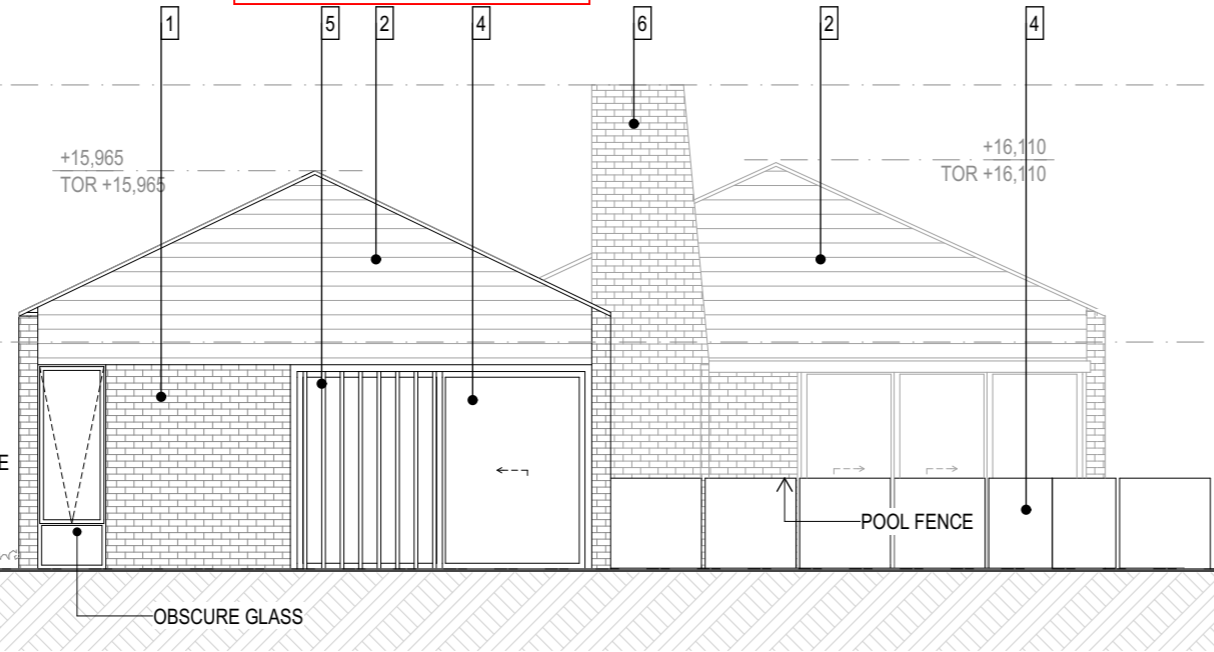
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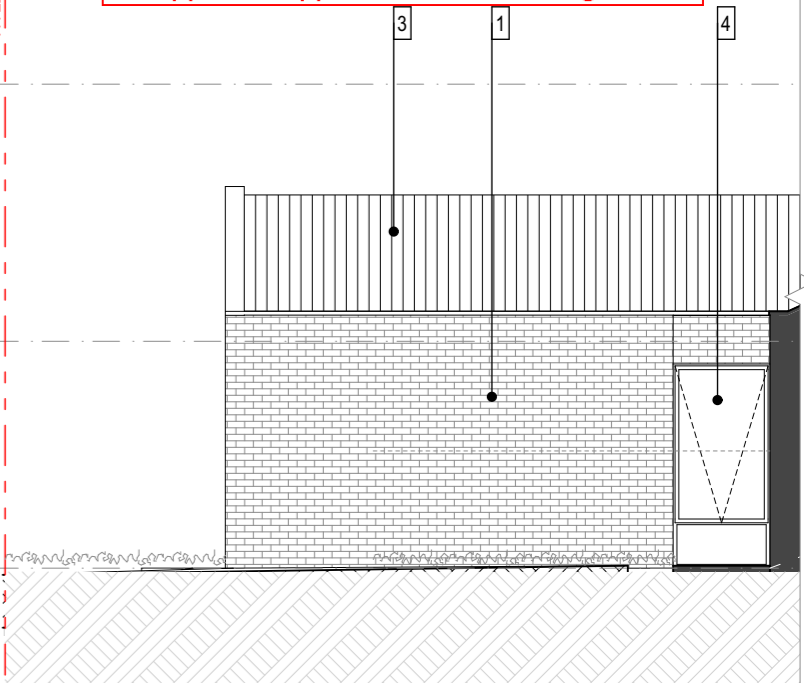
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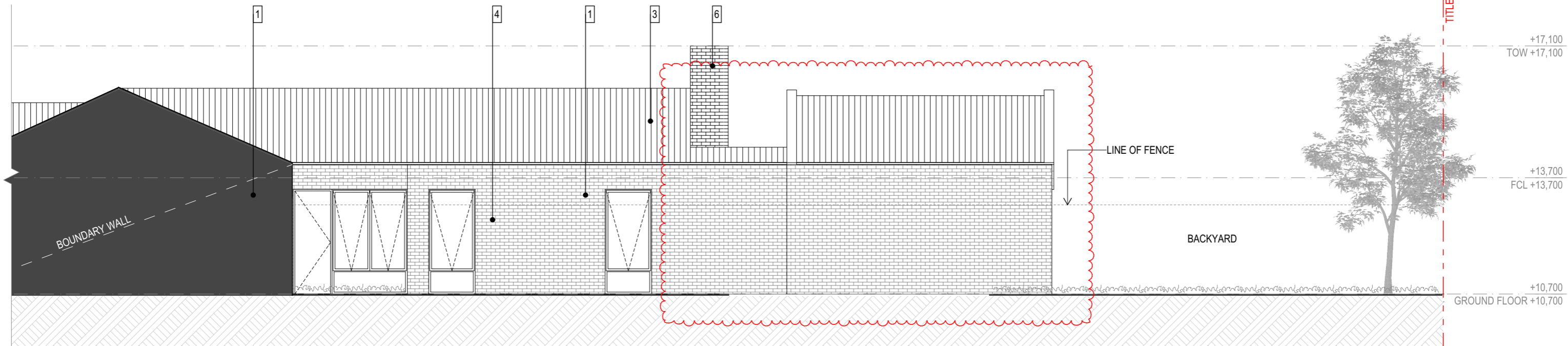


02 SOUTH ELEVATION
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03 SOUTH ELEVATION
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1. BAGGED
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2. WHITE
WEATHERBOARD



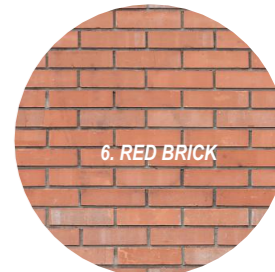
3. SURFMIST
COLORBOND ROOF



4. CLEAR GLASS



5. BRONZE ALUMINIUM
BATTENS



6. RED BRICK



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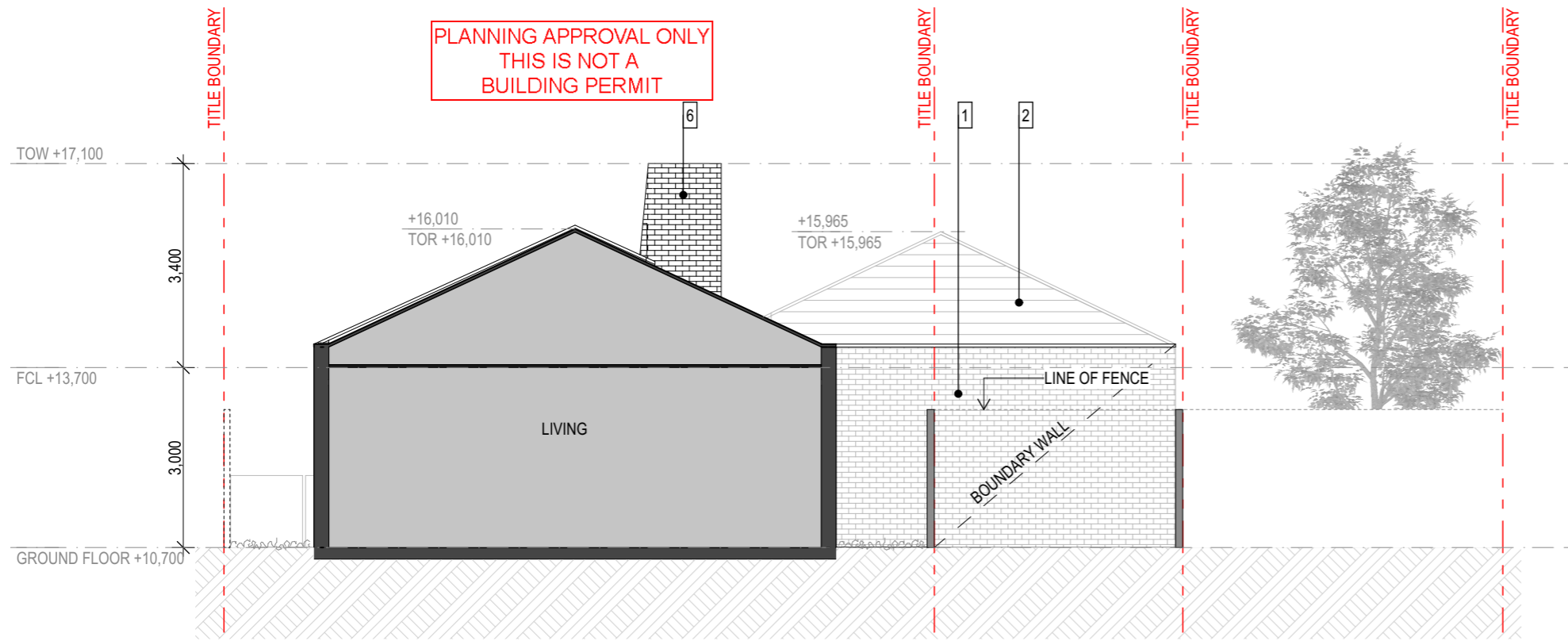
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Project Number 000xxxxx
Date 17/04/2024
Scale 1:100@A3

Drawing Name Elevations
Drawing Number DA301
Revision

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01 REAR WEST ELEVATION
1:100

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1. BAGGED
WHITE BRICK



2. WHITE
WEATHERBOARD



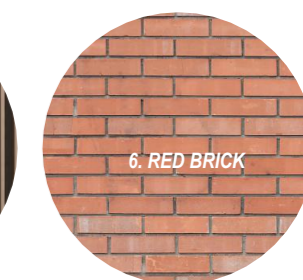
3. SURFMIST
COLORBOND ROOF



4. CLEAR GLASS



5. BRONZE ALUMINIUM
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6. RED BRICK



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Drawing Name Elevations
Drawing Number **DA302**
Revision