

## **REPORTS AND RECOMMENDATIONS**

### **FOR THE**

### **DEVELOPMENT ADVISORY UNIT**

### **MEETING**

### **HELD ON**

**MONDAY, 22 AUGUST 2022**

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](mailto: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 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, 26 AUGUST 2022**



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON MONDAY, 22 AUGUST 2022**

**PRESENT**

P Prendergast  
M Scarfone  
T Geddes  
M Flanagan  
A Quintiliani

Manager Statutory Planning  
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 as 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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**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

Ward : Palmyra-Melville-Willagee Ward  
 Category : Operational  
 Application Number : DA-2022-471  
 Property : Lot 112/1 (No. 15) Redwood Crescent, Melville WA 6156  
 Proposal : Alterations & Additions to Existing Grouped Dwelling  
 Applicant : Will Thomson c/o Wilt Design  
 Owner : P & M Cahill  
 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 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"/>	<b>Quasi-Judicial</b>	<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 (e.g. 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>



**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

**KEY ISSUES/SUMMARY**

- Development approval is sought for alterations and additions to an existing grouped dwelling at Lot 112/1 (No. 15) Redwood Crescent, Melville.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 1.7.6 of Local Planning Policy 1.1, the proposed development was advertised to the adjoining owners and occupiers. During the consultation period one submission was received.
- The details of the development have been assessed against the provisions of the R Codes and Local Planning Policy, taking into account the submission received. It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography (15 Redwood Crescent is the front dwelling)

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R20
Use Type	: Residential
Use Class	: Permitted

**Site Details**

Lot Area	: 404.00sqm
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, 1 x Verge Tree
Street furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 26 August 2022

**DETAIL**

The application has been assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.2 Street Setback	Minor incursions setback 3 metres from primary street	2.3 metres to verandah	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.2(ii)- Boundary Walls (Courtyard to Living)	Maximum wall height of 3.5 metres	Maximum wall height at 4.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

<b>Design Element (Cont.)</b>	<b>Deemed to Comply standard</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
5.1.3 Lot Boundary Setback Cl.3.2(ii)-Boundary Walls (Courtyard to Living)	Maximum wall length of 9 metres	5m extension (Cumulative wall length 20.5 metres)	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Living – Eastern Boundary)	To be setback 6 metres	Setback 5.5 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Alfresco Deck – Western Boundary)	To be setback 7.5 metres	Setback 5.2 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Living – Southern Boundary)	To be setback 6 metres	Setback 2.9 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
5.4.1 Visual Privacy (Alfresco Deck – Southern Boundary)	To be setback 7.5 metres	Setback 3.1 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Overlooking impact.	Refer to the comments section of this report.	Not Uphold
Restricts the solar access to the adjoining properties solar panels.	The level of overshadowing meets the deemed-to-comply requirements contained within 5.4.2 Solar Access.	Not Uphold
Noise impact from the pool equipment.	This is not a material planning consideration.	Not Uphold

## II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

## STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they 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 is no strategic, risk, or environmental management implications with this application.

## POLICY IMPLICATIONS

There are no Local Planning Policy or Council Policy implications in relation to this development. The proposed development requires a performance assessment having regard to the relevant Design Principles of the R-Codes.

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)****COMMENT**Visual Privacy

In order to meet the deemed-to-comply provisions of clause 5.4.1 'Visual Privacy' of the R-Codes, the following setbacks are required:

- 7.5 metres for an unenclosed outdoor active habitable space which has a floor level of more than 0.5m above natural ground level
- 6 metres from major openings to habitable rooms other than bedrooms and studies with a floor level of more than 0.5m above natural ground level.

The proposed rear alfresco and living areas are raised more than 0.5m above natural ground level and are setback 3.1 metres and 2.9 metres respectively from the southern boundary. Therefore, these setbacks require a performance assessment having regard to the relevant Design Principles of the R-Codes. The design principles aim to minimise direct overlooking of sensitive spaces such as active habitable spaces and outdoor living area of adjoining dwellings.

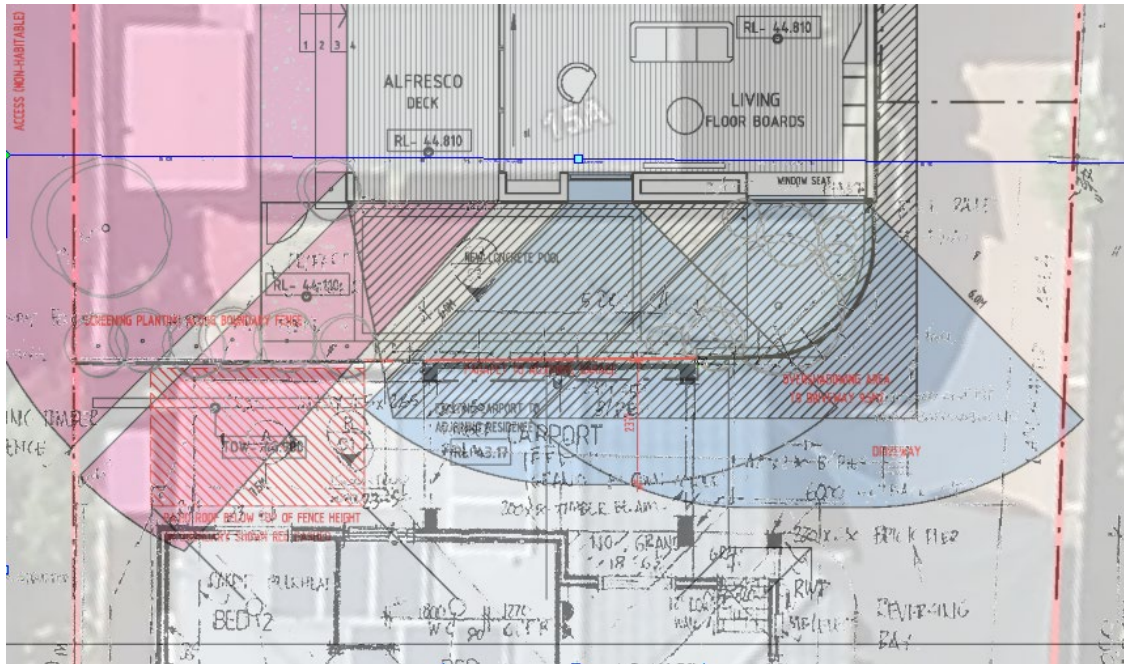
The proposal is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

- The cone of vision from the proposed living/family room and alfresco does not directly impact any habitable spaces or major openings at 15A Redwood Crescent (see Figure 2 below). It falls onto the adjoining landowner's carport, carport extension, shed and access way/driveway (see Figure 5, 6 and 7 below). These subject spaces are not deemed to be active habitable spaces and therefore, will have no adverse impact on this property.
- Beyond the cone of vision, a living room window is located approximately 11.8m away. The potential overlooking of this opening from the subject application site requires consideration against the design principles of the R Codes.
- The design principles in this case aim to minimise direct overlooking of active habitable spaces and outdoor living areas through building design, layout, and location, coupled with consideration of screening and landscaping.
- In the subject case, the window is some distance away from the proposed development, there is a dividing fence between the two properties, both of which act to minimise direct overlooking in accordance with the design principles. In addition, it is noted that the window in question is within the front elevation of the rear property and is wholly visible from an approach to the property via the access driveway. In this way, the window is open to visitors to the property (see Fig 6).
- Looking beyond the cone of vision from the alfresco, the outlook is restricted to the western side setback area of the adjoining southern property. The dividing fence, carport roof and existing shed will limit all further visibility beyond this cone-of-vision (see Figure 3 below); and



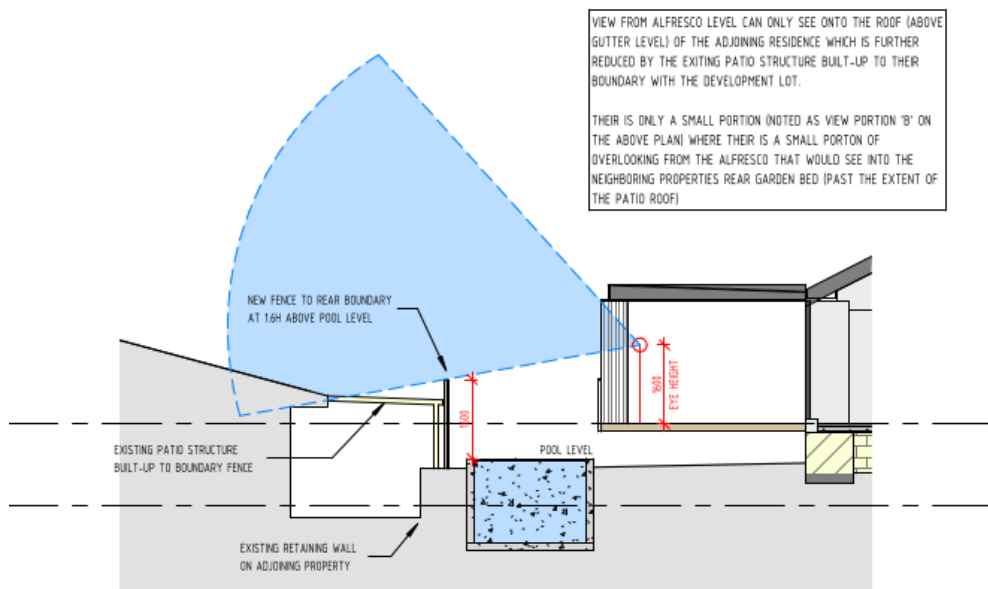
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- The bulk impact to the adjoining properties is minimal given compliant setbacks are proposed to the southern boundary. The open nature of the proposed alfresco and the articulated nature of the living room wall ensures minimal bulk impact as viewed from the adjoining property. The level of overshadowing proposed from this development meets the deemed-to-comply requirements contained within Clause 5.4.2 Solar Access.



**Figure 2 – Image depicting cone of vision from proposed alfresco (in red) and living room openings cone of vision (in blue) to adjoining southern property.**

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**B** OVERLOOKING SECTION FROM ALFRESCO  
A.203 1 : 100

**Figure 3 – Overlooking diagram from the proposed alfresco.**



**Figure 4 – A view of the southern boundary of the subject site. This photograph has been taken at the proposed FFL of the future alfresco and living room.**

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**Figure 5 – Taken from the subject site into the southern property (15A Redwood Court northern boundary). COV falls onto the roof of the carport.**



**Figure 6 – Southern view taken from the access way. There is a notable slope in the natural topography sloping down towards the rear of the property.**

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)****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 an opportunity to call this matter up for formal Council consideration.

**CONCLUSION**

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the development be granted, subject to conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- 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 in accordance with the City's stormwater design guidelines.**
- 3. 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.**
- 4. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**
- 5. 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 4 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.**
- 6. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.**

**U22/0591 – ALTERATIONS AND ADDITIONS TO EXISTING GROUPED DWELLING - LOT 112/1 (NO.15) REDWOOD CRESCENT, MELVILLE WA 6156 (REC) (ATTACHMENT)**

7. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
- 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - 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 and refuelling of equipment and 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
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
8. 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.