

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 23 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: FRIDAY 26 APRIL 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, 23 APRIL 2024.**

**PRESENT**

K Bainbridge  
T Cappellucci  
T Geddes  
G Davey

Manager Statutory Planning  
Principal Statutory Planner  
Senior Planning Officer  
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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**U24/0628 – TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Operational  
 Application Number : DA-2024-121  
 Property : 8A Ferguson Street, Alfred Cove  
 Proposal : Two Storey Single House  
 Applicant : Alex Reid Construction T/A Insite Residential  
 Owner : Thomas Holt & Maree Holt  
 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 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 &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	<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>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two-storey single house at No. 8A Ferguson Street, Alfred Cove.
- 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 including Local Planning Policy 3.1 – Residential Development (LPP3.1).
- The proposed development requires a performance assessment in relation to an eastern ground floor lot boundary side setback, total boundary wall length on the eastern boundary, garage width, portion of outdoor living area without roof cover and landscaping within street setback area. Consideration by the Development Advisory Unit is limited to the lot boundary side setback and total boundary wall length to the eastern boundary, with all other performance assessment matters determined by the Manager Statutory Planning 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 LPP1.1.
- One submission was received during the advertising period which was an objection in relation to the side boundary setback and boundary wall length on the eastern side of the subject lot.
- Notwithstanding the objection received, it is considered that the development 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**

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET,  
ALFRED COVE (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	: 506m <sup>2</sup>
Retention of Existing Vegetation	: None
Street Tree(s)	: No
Street Furniture (drainage pits etc.)	: No
Site Details	: Refer to Figure 1 above

**DETAIL**

The application has been assessed against the provisions of LPS6, the 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**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve</b>
LPP 3.1 Cl. 6 Cl. 3.2 (ii) – Boundary Walls	East Side  Total Boundary Wall length of 14.75m	15.11m	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET,  
ALFRED COVE (REC) (ATTACHMENT)**

<b>Development Requirement (cont)</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve</b>
LPP 3.1 Cl. 4 Cl. 2.3 Garage Width	60% of the frontage at the setback line as viewed from the street, where the upper floor; i. extends for the full width of the garage and its supporting structures; and ii. is located in front of or in line with the garage; and  iii. the entrance to the dwelling is clearly visible from the primary street.	61%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

Residential Design Codes Volume 1 Part B

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
5.1.3 – Lot Boundary Setbacks C 3.1 i.	East Side  Ground Floor Ensuite/Laundry Wall Setback Required 1.5m	1.0m	Requires assessment using Performance Criteria	DAU
5.3.1 Outdoor Living Areas C1.1 v.	At least two-thirds of the required area without permanent roof cover.	Less than 2/3 without roof cover.	Requires assessment using Performance Criteria	MSP
5.3.2 – Landscaping C2.2 ii.	Landscaping in street setback area <50% impervious surfaces	61% impervious surface	Requires assessment using Performance Criteria	MSP

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

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)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Will have significant impacts on the building scale and bulk from our properties perspective and will reduce the amenity for us by feeling closed in, overshadowed and impacted by this design. We would argue that the increase boundary wall length further to what is permitted by the R Codes together with the other setback variations already proposed along this boundary will have a significant impact on our amenity.	Objection	Refer to the comments section of this report regarding the performance assessment of the proposed eastern side lot boundary setback and eastern boundary wall length.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

Not Applicable

**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.

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)****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**Lot Boundary Setback – Eastern Ground Floor Ensuite/Laundry Wall

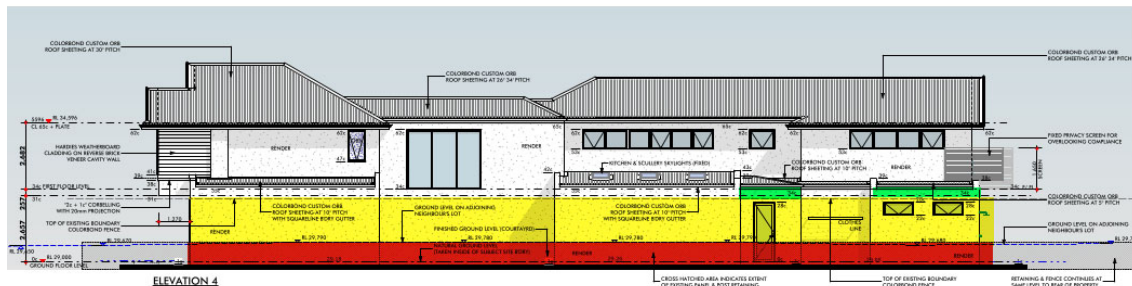
As noted above in the requirement section, the ground floor ensuite/laundry wall does not meet the deemed to comply provisions of Clause 5.1.3 C3.1i of the R-Codes and therefore is required to be assessed against the design principles. The design principles contained in Clause 5.1.3 (P3.1) Lot Boundary Setbacks of the R-Codes seek to ensure development reduces the impact of building bulk on adjoining properties, maintains access to natural light and ventilation, maintains visual privacy and ensures no adverse impact on amenity of adjoining properties. The ensuite/laundry wall on the eastern elevation is considered to meet these design principles as discussed below:

**Design Principle P3.1:**

The eastern neighbouring lot is approximately 0.7m lower than the subject site and the majority of the ground floor wall (marked in green in Figure 2 below) is screened by dividing fence (marked in yellow) and therefore the impact of the proposed lot boundary setback. Approximately 0.4m of the wall will be visible above the dividing fence when viewed from the neighbour's side and the visibility of the wall from the adjoining lot is **U23/0628 - TWO**

- further reduced via the wall being separated by a section of wall 2.7m wide and setback 1.5m from the boundary line.
- Adequate direct sun and ventilation are provided to the neighbouring lot due to the orientation of both lots and the adjoining lot's finished ground level being approximately 0.7m higher than the subject lot. Furthermore, the proposed dwelling's upper floor setback directly above the laundry/ensuite wall is setback further than the deemed to comply requirement allowing for additional direct sun and ventilation to the site and the adjoining property.
- Privacy is maintained and meets the deemed to comply requirements through the building design and presence of dividing fencing acting as screening.

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)**



**Figure 2 – Eastern Elevation of proposed Single House with Dividing Fence Marked in Yellow, Neighbours Retaining Wall Marked in Red and Bulk of Subject Wall Marked in Green**

Lot Boundary Setback – Eastern Boundary Walls Accumulative Length

As noted above in the requirement section, the entry and kitchen boundary walls do not meet the deemed to comply provisions of Clause 6 of LPP 3.1 and requires a design principle assessment. The design principles contained in Clause 5.1.3 (P3.1 & P3.2) Lot Boundary Setbacks of the R-Codes seek to reduce the impact of building bulk on adjoining properties, maintain access to natural light and ventilation, maintain visual privacy and ensure no adverse impact on amenity of adjoining properties. The boundary wall on the eastern elevation is considered to meet these design principles as discussed below:

**Design Principle P3.1:**

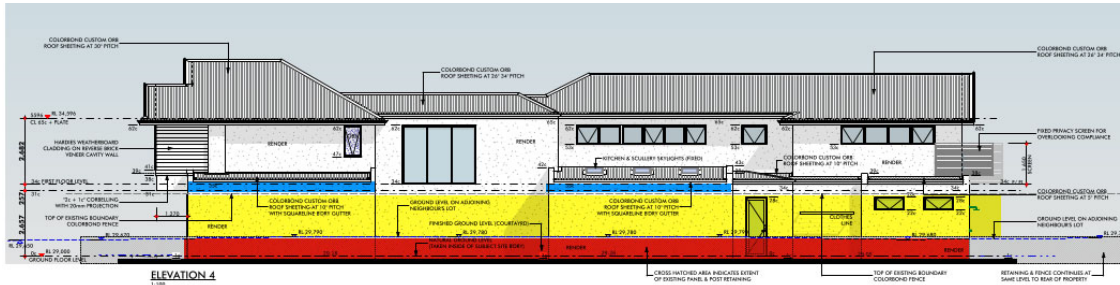
- The wall is 0.36m longer than the deemed to comply requirement and is less than the deemed to comply height requirement being 3.2m above the natural ground level and which is 2.3m above the neighbours finished ground level. The boundary walls are obscured by an existing dividing fence further reducing any perceived bulk impact to the adjoining lot. Refer to Figure 3 below.
- Adequate direct sun and ventilation is considered to be provided for by the current setbacks for the adjoining dwelling and the wall orientation being north/south to the adjoining property.
- There are no actual (R-Codes Clause 5.4.1 – Visual Privacy) or perceived visual privacy concerns brought about by the boundary wall as there are no major openings.

**Design Principle P3.2:**

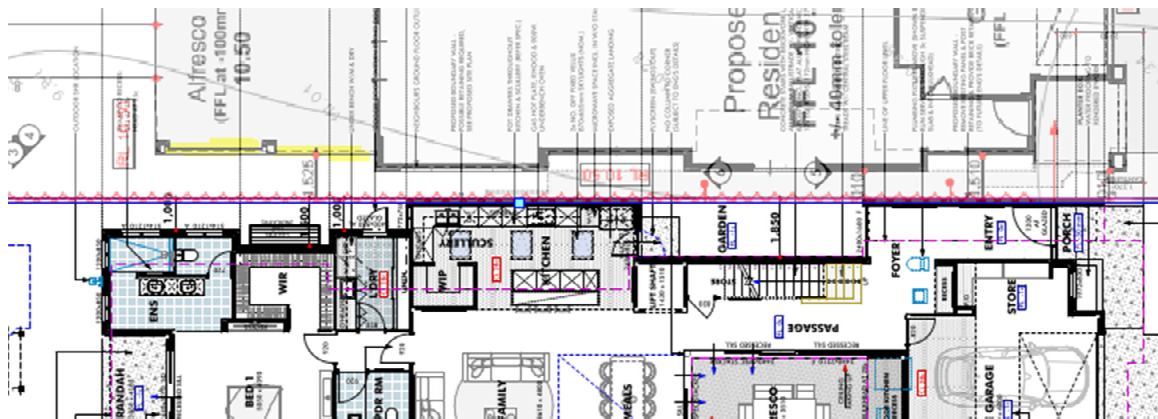
- As the lot is 10m wide, the boundary wall allows for a more effective use of and allows for more spacious internal room sizes.
- The wall length discretion sought is considered to be minor and to not have adverse impact on the amenity of the adjoining dwelling. Furthermore, the boundary wall length is divided into two sections with the bulk of the boundary opposite walls with no major openings, refer to Figures 4 & 5 below. These rooms have side setbacks of between
- 
- 1m to 1.5m and are considered to achieve sufficient access to sunlight and ventilation. The boundary wall orientation being north/south of the adjoining lot also assists in achieving adequate sunlight and ventilation access.

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET ALFRED COVE (REC) (ATTACHMENT)**

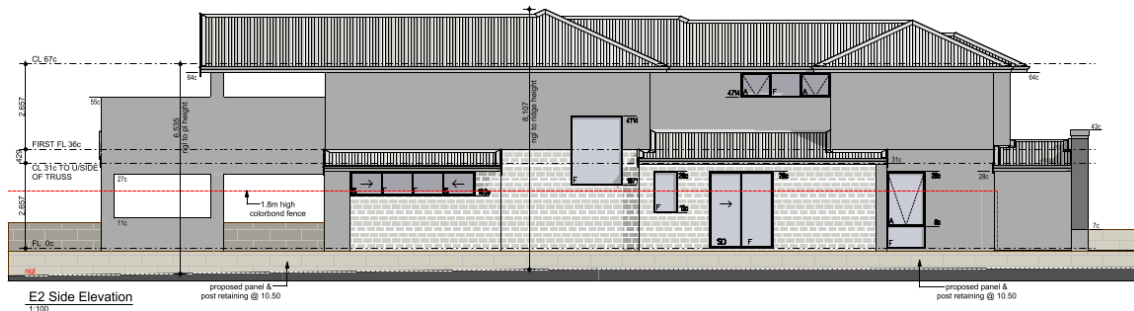
- The street setbacks provided meet the deemed-to-comply requirements within R-Codes with the garage wall in this location being preferred to keep the existing mature street tree which contributes to the existing streetscape.



**Figure 3 – Eastern Elevation of Proposal with Subject Boundary Wall Marked in Blue, Dividing Fence Marked in Yellow and Neighbours Retaining Wall Marked in Red.**



**Figure 4: Location of Proposed Boundary Walls to Neighbours Dwelling. 8A Bottom Image and 8B Top Image**



**Figure 5: Approved Eastern Elevation of 8B Ferguson Street**

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)****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.

**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, all unused crossover(s) shall be removed, and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**
- 4. 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 of 4.5m;**
  - 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.**

- 5. Prior to the initial occupation of the development, the boundary wall/s shall be finished to either the same finish as the rest of the dwelling walls or at a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**

**U24/0628 - TWO STOREY SINGLE HOUSE AT LOT 800 (NO. 8A) FERGUSON STREET  
ALFRED COVE (REC) (ATTACHMENT)**

6. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and
  - (d) Any verge treatments.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.

7. 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.
8. The primary street fence shall be truncated or reduced to 0.75m height within 1.5m of vehicle access points and street corners in order to provide adequate sight lines or otherwise comply contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, and thereafter maintained to the satisfaction of the City.
9. 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.

**Advice Notes**

1. In relation to the landscaping plan requirement, as there is a shortfall in soft landscaping within the primary street setback area, the landscaping plan is required to demonstrate an appropriate higher density of planting to facilitate an acceptable outcome in lieu of the deemed to comply soft landscaping provision.

**ATTACHMENTS  
OF THE  
DEVELOPMENT ADVISORY UNIT  
MEETING  
HELD ON  
TUESDAY, 23 APRIL 2024  
U24/0628**

**Distributed: Friday, 26 April 2024**





PLANNING APPROVAL ONLY  
THIS IS NOT A  
BUILDING PERMIT

U24/0628

ROOF AREA CALCULATION (ALL FLOORS)			
Floor	Pitch	Area (f...)	Area (pitch...)
<b>GROUND FLOOR</b>			
	5° 0' 0"	4.30	4.32
	10° 0' 0"	32.65	34.88
	12° 0' 0"	27.03	27.63
	26° 34' 12"	4.80	5.37
		<b>68.78 m<sup>2</sup></b>	<b>72.20 m<sup>2</sup></b>
<b>UPPER FLOOR</b>			
	26° 34' 12"	159.33	178.49
	30° 0' 0"	77.71	89.75
		<b>237.04 ...</b>	<b>268.24 m<sup>2</sup></b>
		<b>305.82 ...</b>	<b>340.44 m<sup>2</sup></b>

AREAS:		
<b>GROUND FLOOR</b>		
PORCH	3.98	9.60
VERANDAH	8.57	12.46
ALFRESCO	23.52	20.42
GARAGE/STORE	47.34	28.96
GROUND LIVING	175.88	83.28
	259.29 m <sup>2</sup>	
<b>UPPER FLOOR</b>		
UPPER FLOOR	188.53	91.20
	188.53 m <sup>2</sup>	
	447.82 m <sup>2</sup>	

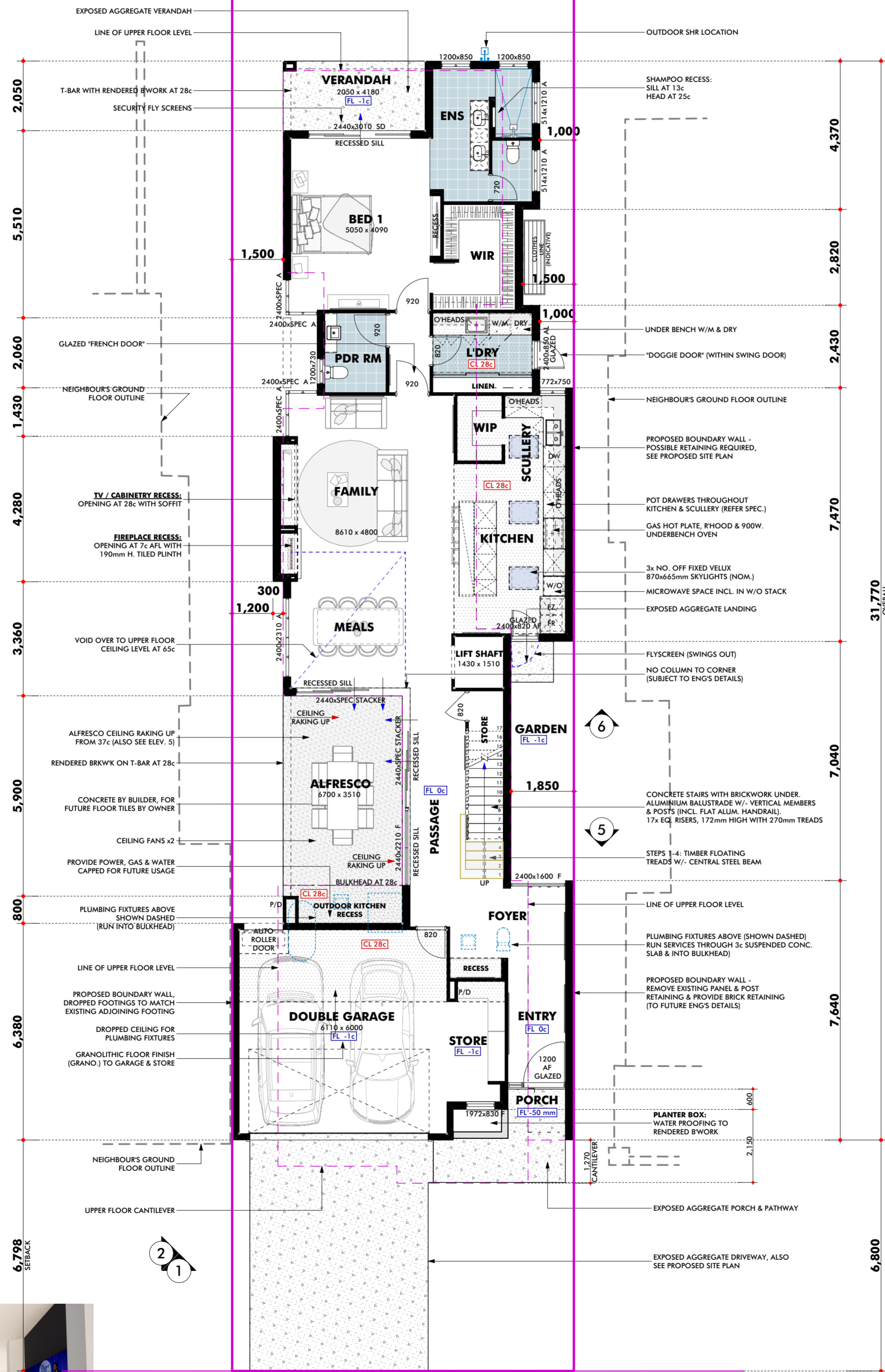


REAR PERSPECTIVE

It is the responsibility of the Builder / Applicant to incorporate all conditions of the Planning Approval into revised documentation submitted to support an application for a Building Permit.



ENTRY PERSPECTIVE

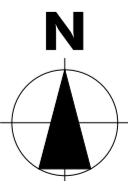


BED 1 PERSPECTIVE

# PROPOSED HOLT RESIDENCE

8A (LOT 800) FERGUSON ST, ALFRED COVE  
REVISION DATE: 13/02/2024

**GROUND FLOOR PLAN**  
SCALE: 1:100



**AREAS:**

GROUND FLOOR		
PORCH	3.98	9.60
VERANDAH	8.57	12.46
ALFRESCO	23.52	20.42
GARAGE/STORE	47.34	28.96
GROUND LIVING	175.88	83.28
	259.29 m <sup>2</sup>	
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PLANNING APPROVAL ONLY  
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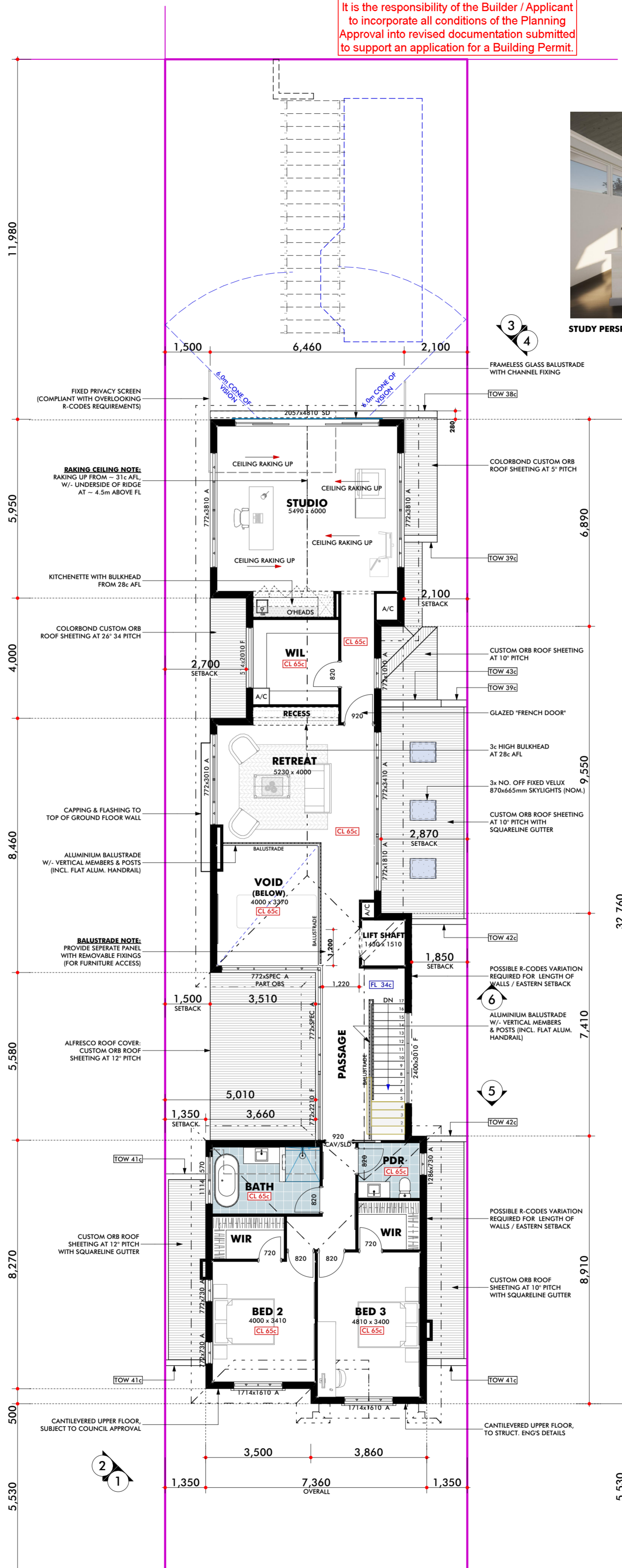
U24/0628

ROOF AREA CALCULATION (ALL FLOORS)			
Floor	Pitch	Area (f...)	Area (pitch...)
<b>GROUND FLOOR</b>			
	5° 0' 0"	4.30	4.32
	10° 0' 0"	32.65	34.88
	12° 0' 0"	27.03	27.63
	26° 34' 12"	4.80	5.37
		68.78 m <sup>2</sup>	72.20 m <sup>2</sup>
<b>UPPER FLOOR</b>			
	26° 34' 12"	159.33	178.49
	30° 0' 0"	77.71	89.75
		237.04 ...	268.24 m <sup>2</sup>
		305.82 ...	340.44 m <sup>2</sup>

It is the responsibility of the Builder / Applicant to incorporate all conditions of the Planning Approval into revised documentation submitted to support an application for a Building Permit.



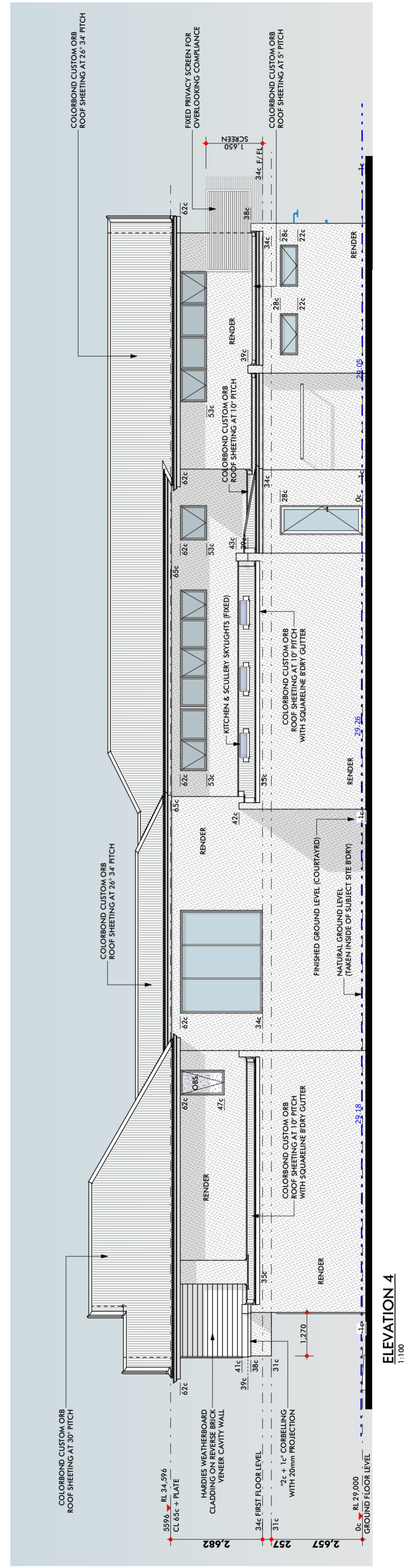
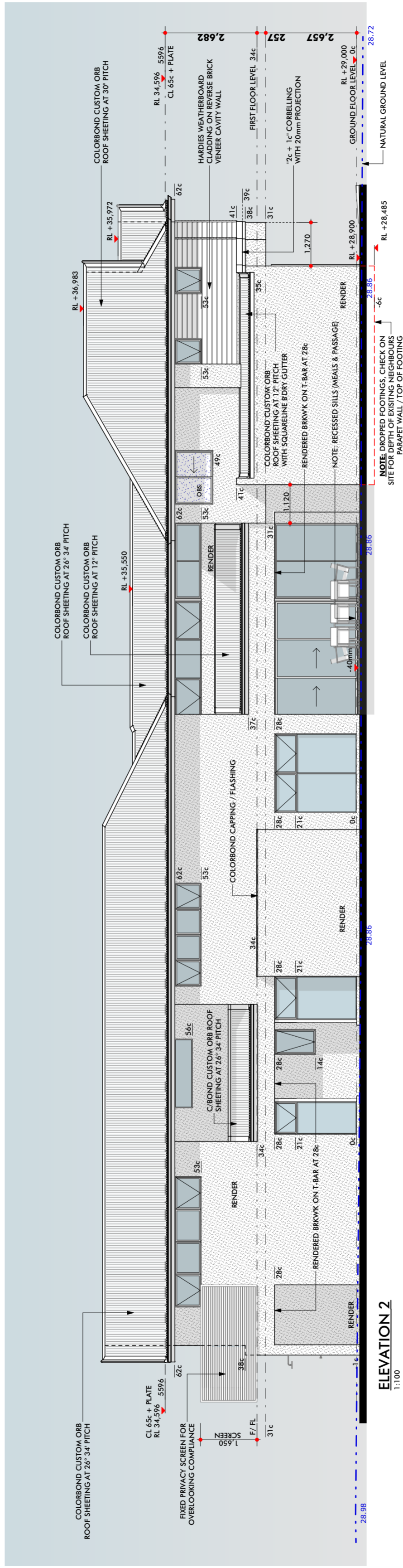
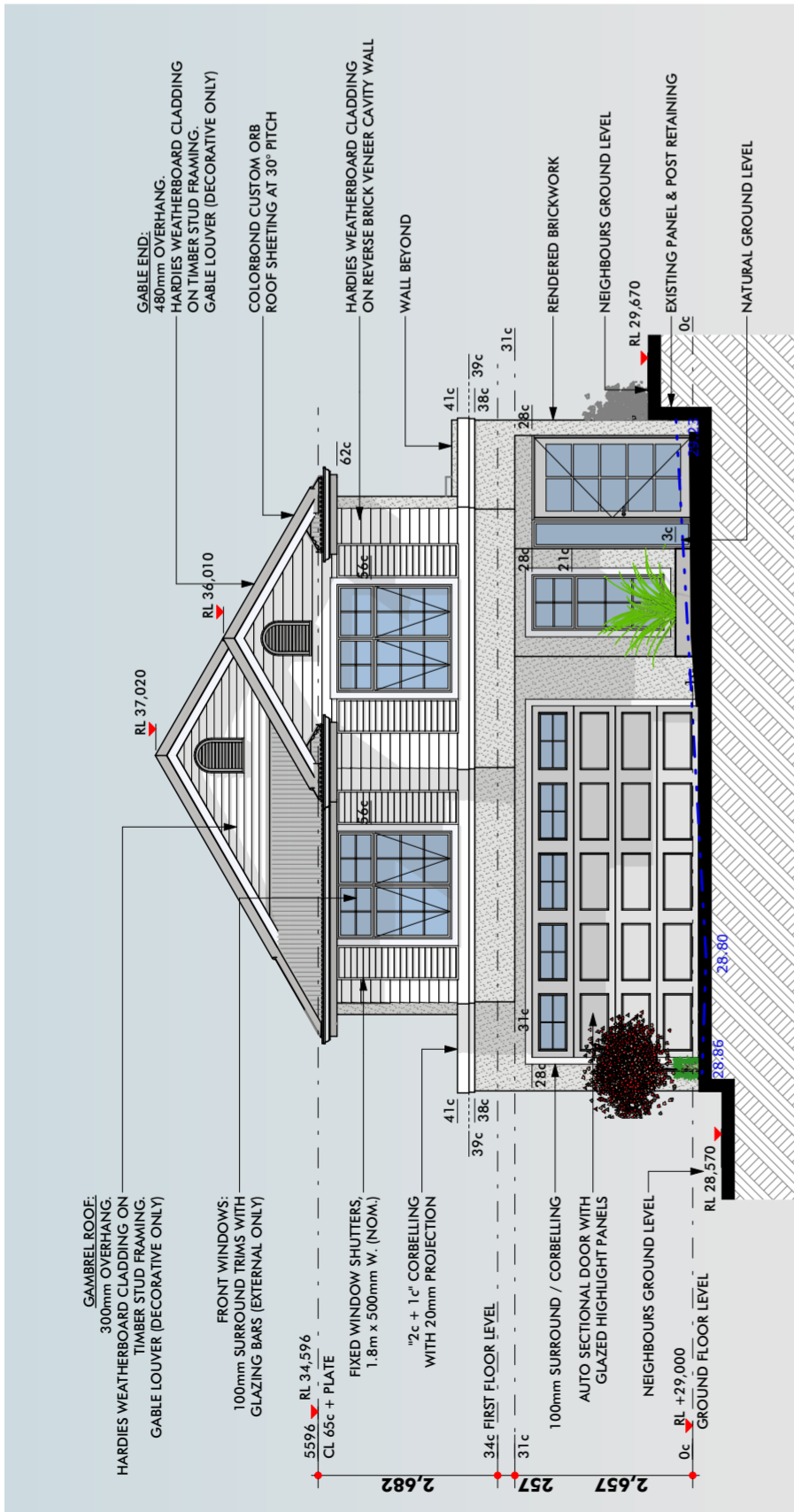
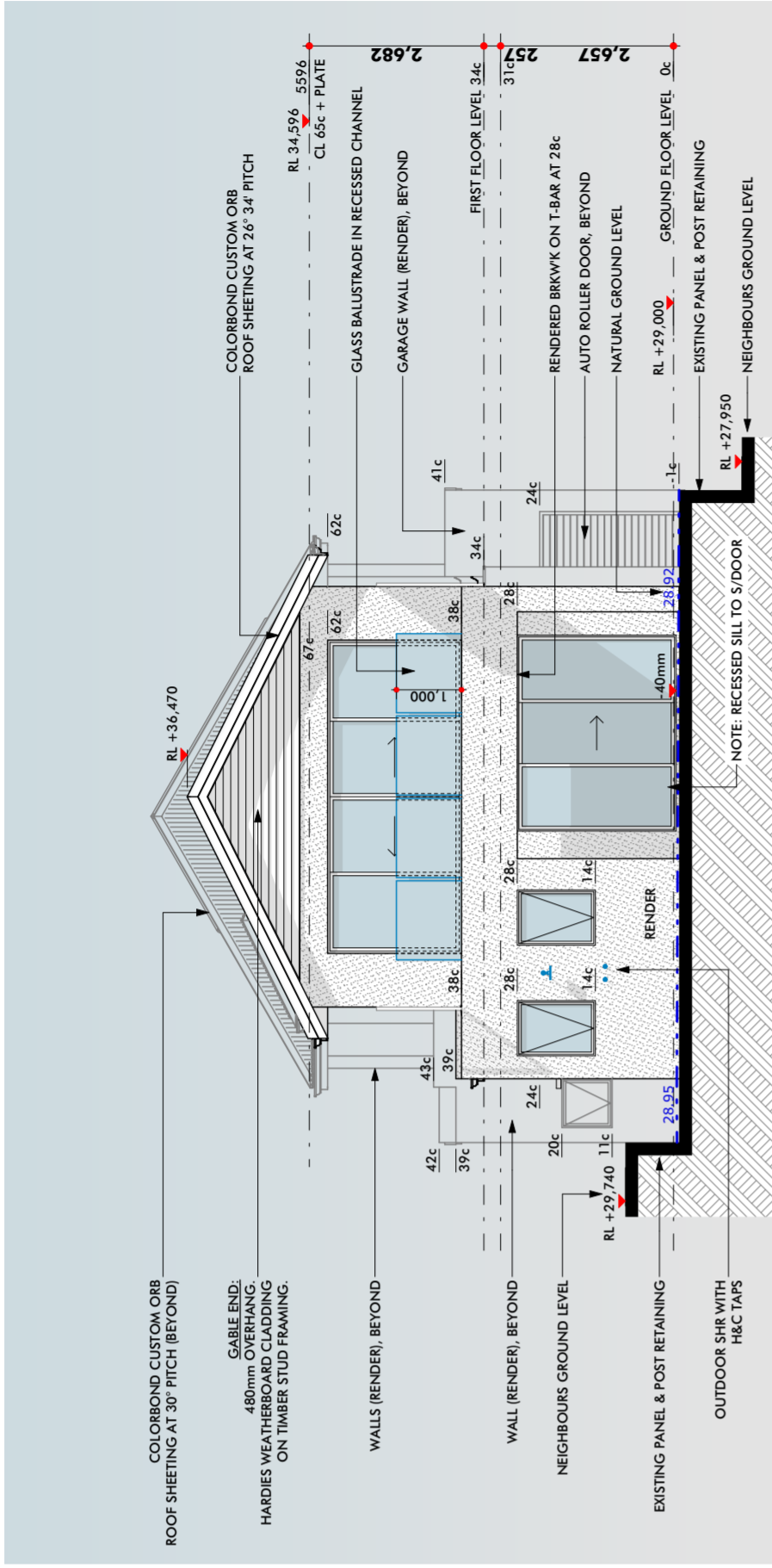
STUDY PERSPECTIVE



UPPER FLOOR PLAN  
SCALE: 1:100

PROPOSED HOLT RESIDENCE

8A (LOT 800) FERGUSON ST, ALFRED COVE  
REVISION DATE: 13/02/2024



# PROPOSED HOLT RESIDENCE

8A (LOT 800) FERGUSON ST, ALFRED COVE  
REVISION DATE: 13/02/2024