

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 1 AUGUST 2023**

1. This Meeting makes Recommendations to the Acting 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, Acting 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, 4 AUGUST 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, 1 AUGUST 2023.**

**PRESENT**

M Scarfone  
T Cappellucci  
T Geddes  
J Caracciolo  
A Brooksbank

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 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.**

## **TABLE OF CONTENTS**

U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT) .....	4
--	---

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

Ward : Central  
 Category : Operational  
 Application Number : DA-2023-412  
 Property : Lot 239 (No. 24) Pickering Way, Booragoon WA 6154  
 Proposal : Addition (Garage Extension) to Existing Single House  
 Applicant : Mike Latkovic  
 Owner : Sophie Anne Wylde and Michael Robert Wylde  
 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**

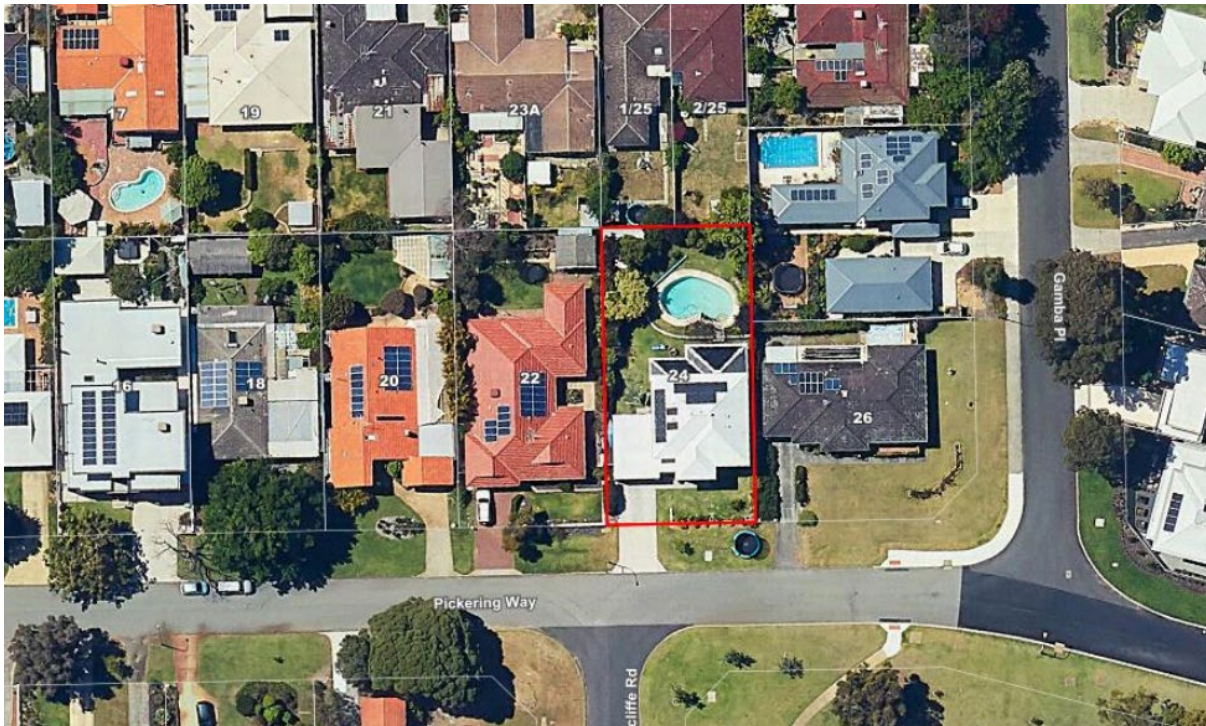
**DEFINITION**

<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>

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for an Addition (garage extension) to the existing Single House at Lot 239 (No. 24) Pickering Way, Booragoon.
- The proposed development has 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 garage wall meets the deemed to comply provisions of the R-Codes, however due to a technicality in the R-Codes, the setback of the total length of wall inclusive of the existing garage requires a performance assessment.
- The application was advertised in accordance with the provisions 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, bulk and reduced natural light caused by the boundary wall.
- 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.

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	: 809m <sup>2</sup>
Retention of Existing Vegetation	: No
Street Tree(s)	: Two street trees
Street Furniture (drainage pits etc)	: No
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, 4 August 2023.

**DETAIL**

The application has been assessed against the provisions of LPS6, the R-Codes and relevant Local Planning Policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 - Residential Design Codes Volume 1

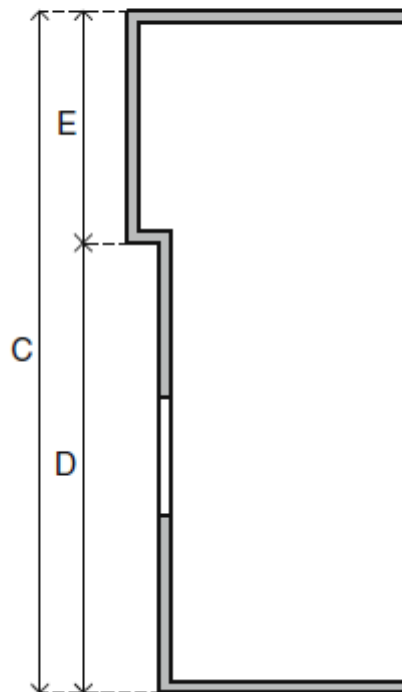
<b>Design Element</b>	<b>Deemed to Comply standard</b>	<b>Existing</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Clause 5.1.3 – Lot Boundary Setback Cl. 3.1 (i)  – Garage (aggregate with boundary wall)	1.5m	1m	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)



**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

Under Clause 5.1.3 Lot Boundary Setbacks of the R-Codes, when calculating the lot boundary setback of a building, the total length of wall, including the boundary wall should be taken into account in accordance with Figure 4(b) which is included below.

**Figure 4b – Portions of wall without major openings**



In this case, the total length of wall of 15.6 metres (C) comprises of the proposed 7.2 metres garage extension (E) and the 8.4 metres existing garage wall (D). In order to meet the deemed to comply provisions of the R-Codes, the existing garage wall (D) should be setback 1.5 metres rather than 1.0 metre which is the current setback. Due to this technical variation to the deemed to comply provisions a performance assessment is required and under the provisions of LPP1.1 this was advertised to the adjoining landowner.



**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

**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 (1) submission objecting to the proposal.

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

Summary of Issues Raised	Officer's Comments	Action (Condition/ Uphold/ Not Uphold)
The height of the extension will block natural light the east facing courtyard.	<p>The proposed western boundary wall complies with all applicable deemed-to-comply provisions of LPP 3.1.</p> <p>The proposed western lot boundary setback of the existing garage wall is considered to meet the relevant design principles of Clause 5.1.3 of the R-Codes as it will not result in the loss of light or cause overshadowing impacts as outlined in the comments section of this report below.</p>	Not Uphold
The proposed structure will be bulky and visually imposing.	<p>The proposed western boundary wall complies with all applicable deemed-to-comply provisions of LPP 3.1.</p> <p>The proposed western lot boundary setback of the existing garage wall is considered to meet the relevant design principles of Clause 5.1.3 of the R-Codes as it has a minimal bulk impact as outlined in the comments section of this report below.</p>	Not Uphold
The use of the extension will create noise amenity issues.	This is not a valid planning consideration in accordance with Clause 5.1.3 of the R-Codes.	Not Uphold

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)****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.

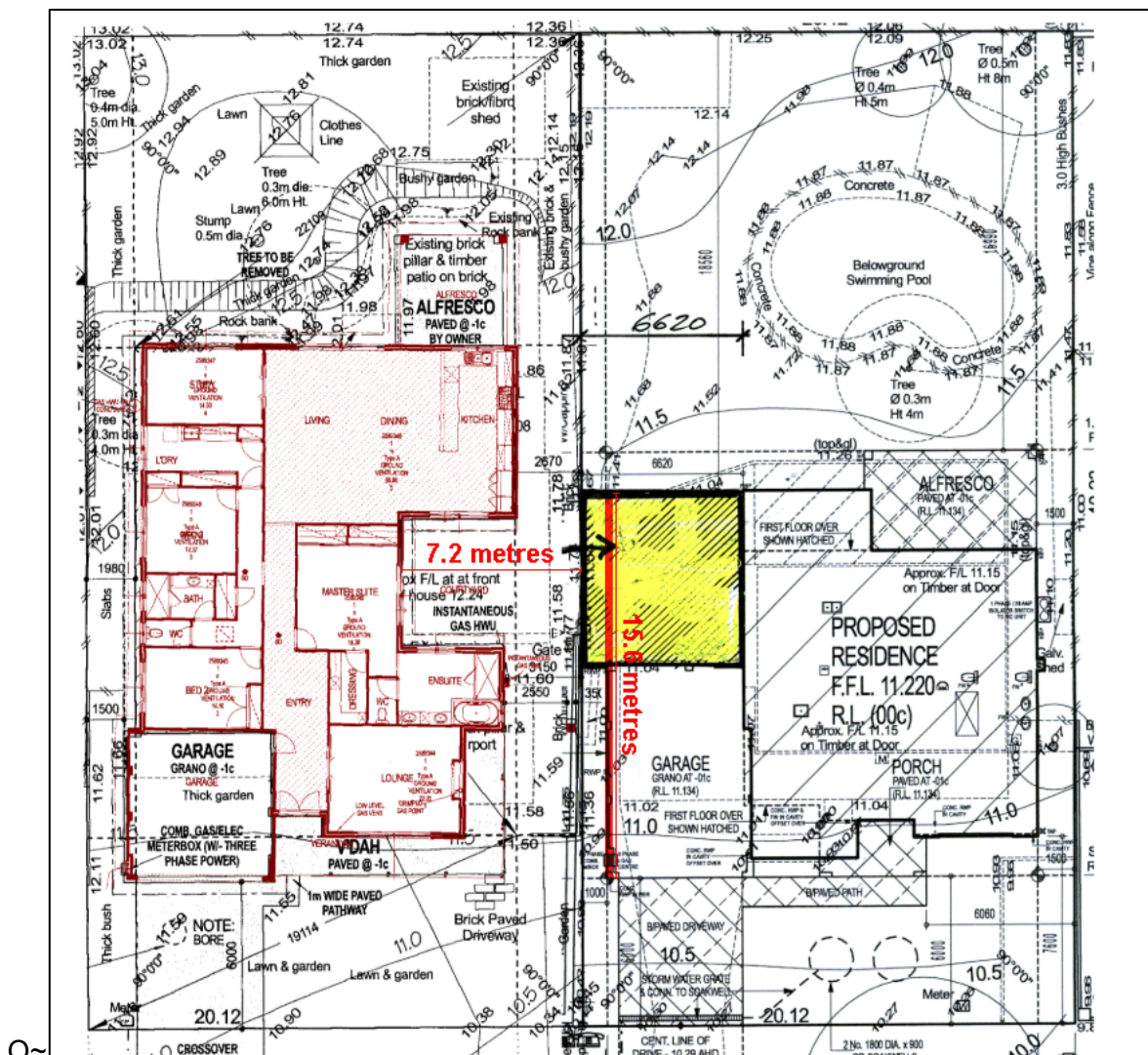
**COMMENT****Lot Boundary Setback– (Western Lot Boundary Setback)**

As noted above, the setback of the existing garage wall no longer meets the deemed to comply provisions of the R-Codes and requires a design principles assessment. The design principles contained in Clause 5.1.3 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, and maintain visual privacy. The setback of the existing garage wall is considered to meet these design principles as discussed below:

- There is no change in the visual bulk impact of the structure as viewed from the western adjoining property. The existing wall aligns (as shown in Figures 2 & 3 below) with the ensuite and lounge room of the western adjoining dwelling, with neither room having a major opening. The adjoining dwelling is also elevated higher than the subject site (as highlighted in green in Figure 4 below), which reduces the bulk impact further.
- The development improves the amenity on the subject site by extending the functional indoor area without compromising the amenity of the adjoining property.
- As the reduced setback is on the western side boundary of the subject site, overshadowing falls within the subject site. Given the scale and setbacks of the garage and the adjoining dwelling, adequate ventilation is retained into and around both dwellings.

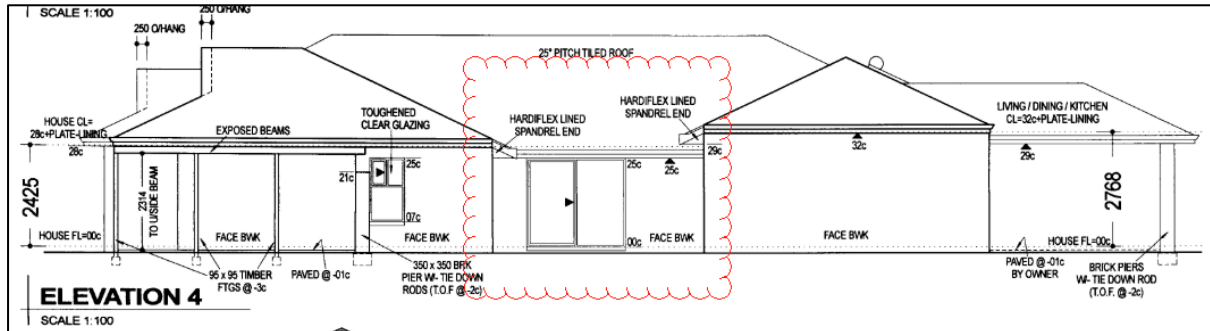
**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

- The existing garage is not a habitable room and has no major openings. As such, there is no risk to visual privacy as a result of this development.
- The proposed new boundary wall which faces the courtyard of the adjoining western property has a total height of 3.5m when measured from natural ground level, a length of 7.0m, and street setback of 14.6m therefore making it fully compliant with the deemed to comply requirements Clause 6 Boundary Walls of LPP3.1. Due to the height difference between the two properties, the wall is 2.65m above the adjoining lot natural ground level, which reduces the bulk impact.

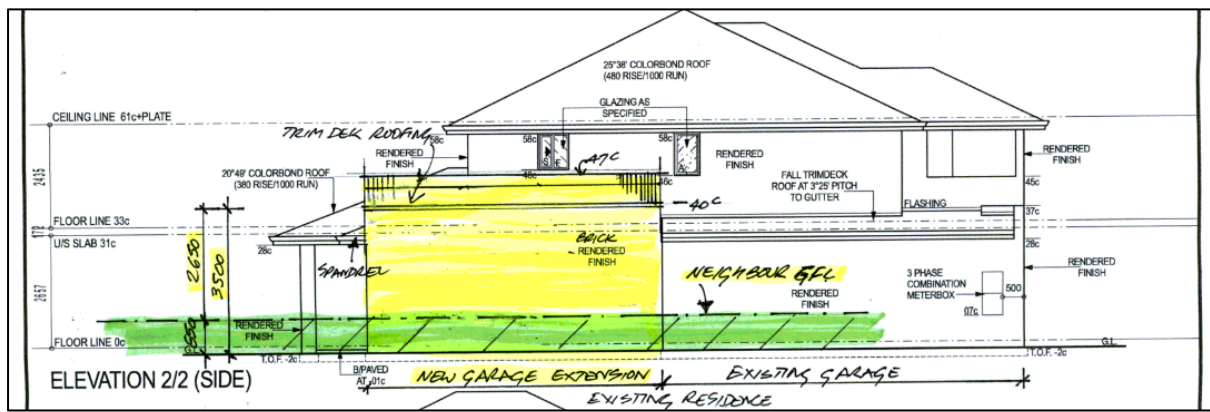


**Figure 2:** Overlay of subject site plan on right hand side (No. 24 Pickering Way) and ground floor from previous building approval for adjoining lot (No. 22 Pickering Way) on left hand side, showing a 2.67m dwelling setback from side boundary nearest to the proposed addition and a 7.2m setback from the east facing major opening of No. 22 Pickering Way. The total wall length, inclusive of the addition and existing garage is noted in red.

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**



**Figure 3:** East elevation of the adjoining lot No. 22 Pickering Way showing only one major opening facing the subject site from the Master Bed, which is set back 7.2m from the lot boundary as shown in Figure 2.



**Figure 4:** West Elevation of Boundary Wall highlighted yellow with existing Garage on left side.

## 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

The application is considered to satisfy the provisions of LPS6, SPP 7.3 and Council Policy. It is recommended that the proposal be approved subject to conditions.

The proposed boundary wall meets the deemed to comply provisions of the R-Codes in terms of height, length and setback to the street. Due to a technicality the existing garage wall requires a performance assessment. There is no amenity impact on the adjoining landowner or the streetscape from this wall and it is considered to meet the relevant design principles.

**U23/0616 – ADDITION (GARAGE EXTENSION) TO EXISTING SINGLE HOUSE AT LOT 239 (NO. 24) PICKERING WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION****APPROVAL**

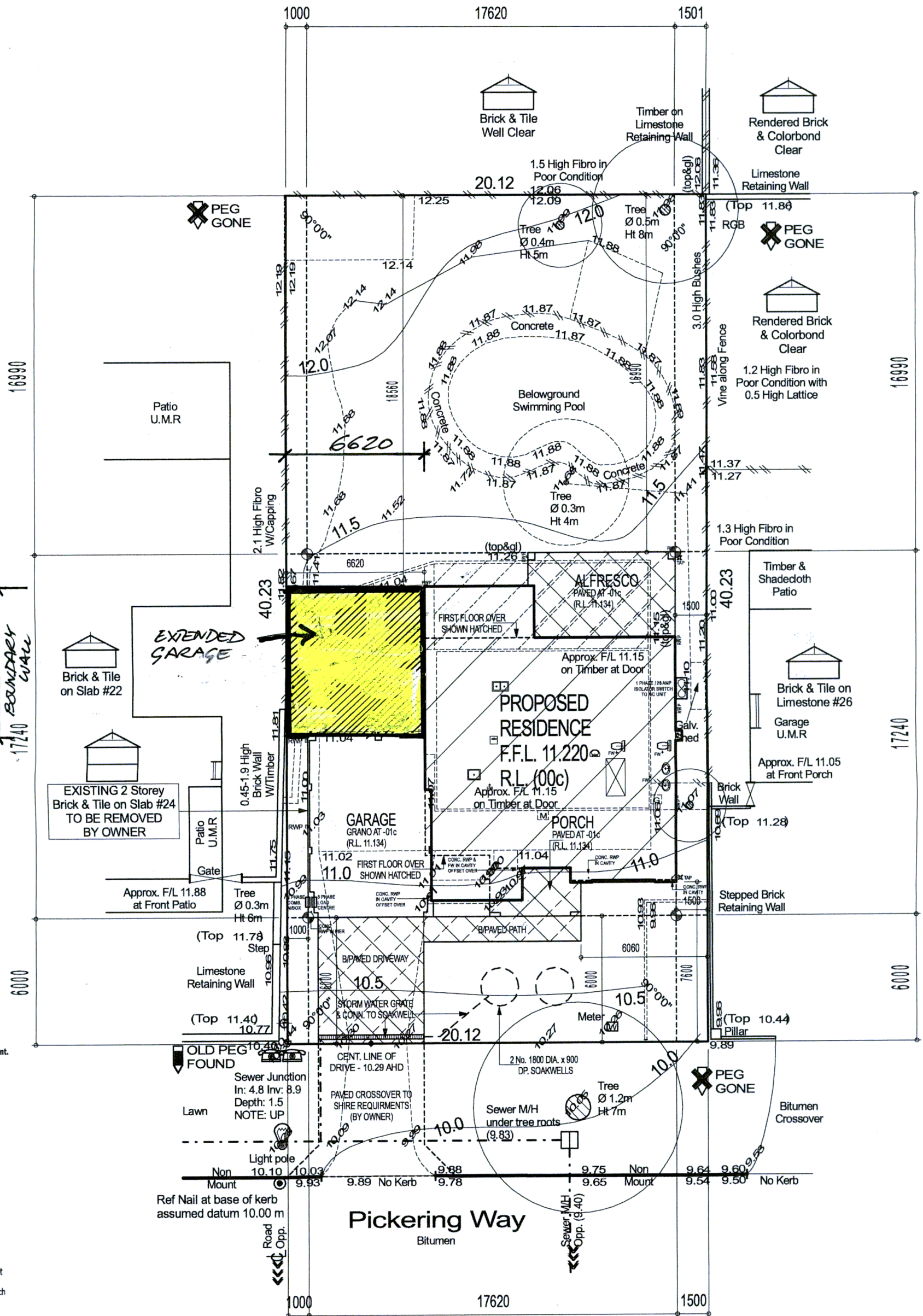
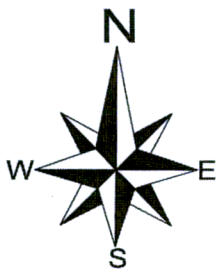
**Subject to the following conditions:**

- 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 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. 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:**
  - 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.**
- 5. 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.**

**ATTACHMENTS  
OF THE  
DEVELOPMENT ADVISORY UNIT  
MEETING  
HELD ON  
Tuesday, 3 AUGUST 2023  
U23/0616**

**Distributed: Friday, 4 August 2023**





**DISCLAIMER:**  
Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

**DISCLAIMER:**  
Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

**DISCLAIMER:**  
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

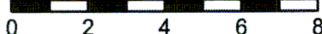
**DISCLAIMER:**  
Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

**DISCLAIMER:**  
Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures remaining after any demolition has taken place requires boundaries to be repegged and exact offsets provided to your designer/architect before any plans are produced and before any work is started on site.

**LOT MISCLOSE**  
0.000 m

**SOIL DESCRIPTION**  
Sand  
Light Grass Cover

Scale 1:200

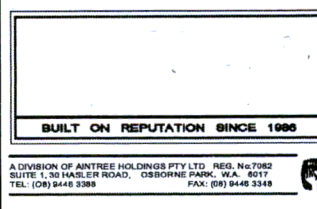


**NOTE:** EARTHWORKS / SET-OUT DIMENSIONS MAY VARY ON SITE AT BUILDERS DISCRETION. SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK MINIMUM CLEARANCES. RETAINING NOT INCLUDED IN CONTRACT - REMAINS OWNERS RESPONSIBILITY. THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES. CHECK TITLE FOR EASEMENTS / COVENANTS ETC.

**REVISIONS:**  
AMENDMENTS  
FINAL VAR.

**CONSTRUCTION NOTES:**  
1. These plans are the sole property of Beaumont Homes and may not be reproduced or modified in whole or in part without written permission.  
2. Contractors shall check all dimensions and conditions on site prior to commencing fabrication or construction. Any discrepancies to be brought to the Supervisors attention.  
3. Do not scale from Drawings.

4. Owner to note that all sizes shown are without plaster (where applicable) and should be allowed for.  
5. The Builder reserves the right to alter dimensions on site to suit construction, engineering, or site conditions.  
6. Unless otherwise noted, retaining walls, demolition, sewer piling, subsoil drains, blasting or other site works are all at Owners expense.



## GARAGE EXTENSION SITE & SETOUT PLAN

CLIENT:

WYLDE

ADDRESS:

LOT 239 (#24)  
PICKERING WAY,  
BOORAGOON.

LOCAL AUTHORITY  
CITY OF MELVILLE

LOT AREA  
809.428m<sup>2</sup>

COASTAL  
NO

DRAWN: *ML*

DATE: 31.5.23

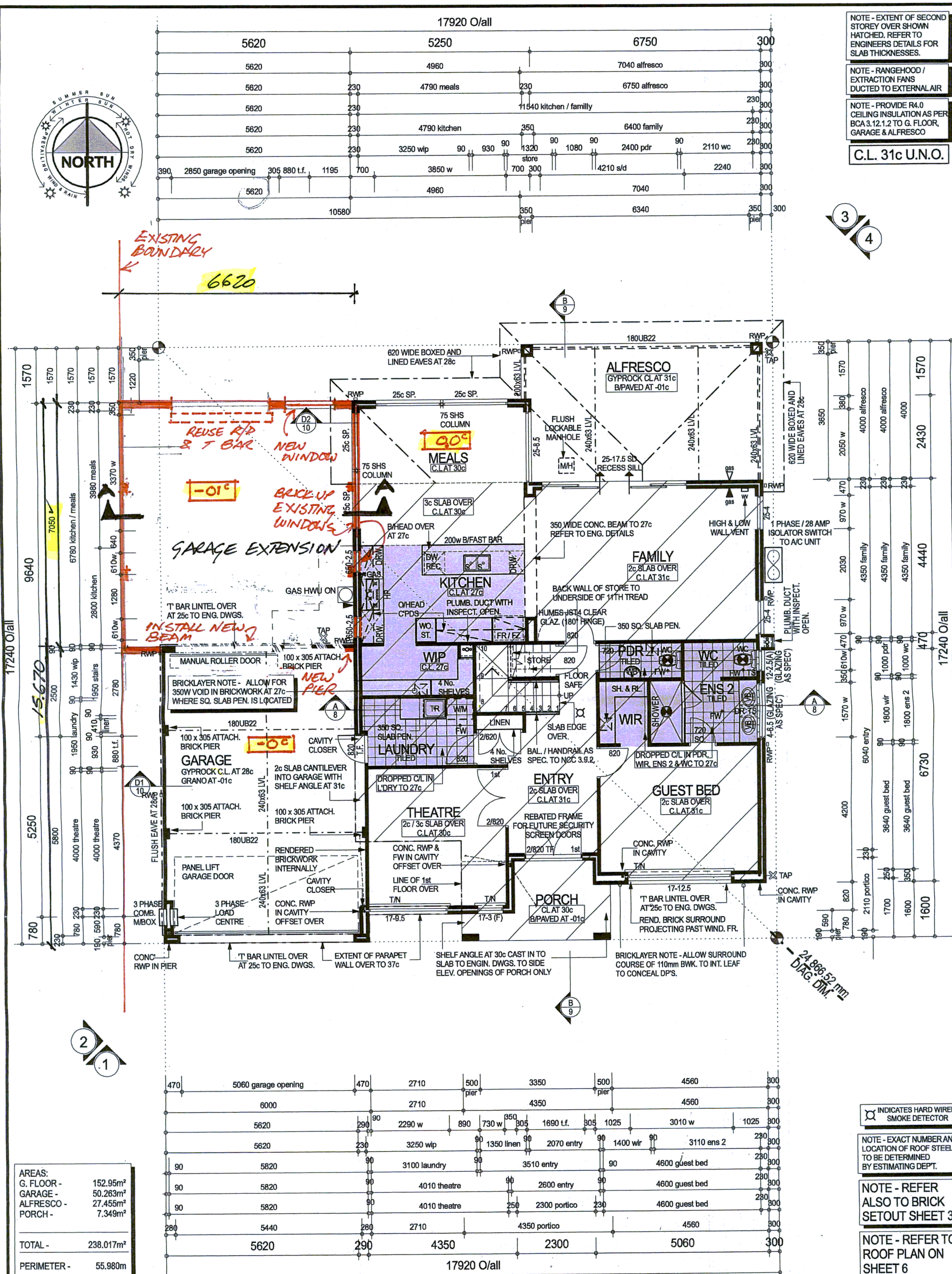
SCALE: 1:200

CADFILE: Wylde 4142\_cMk2

SHEET OF 4



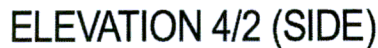
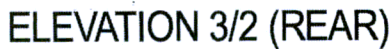
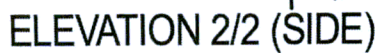
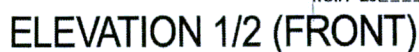
C.L. 31c U.N.O.




NOTE - REFER TO  
ROOF PLAN ON  
SHEET 6

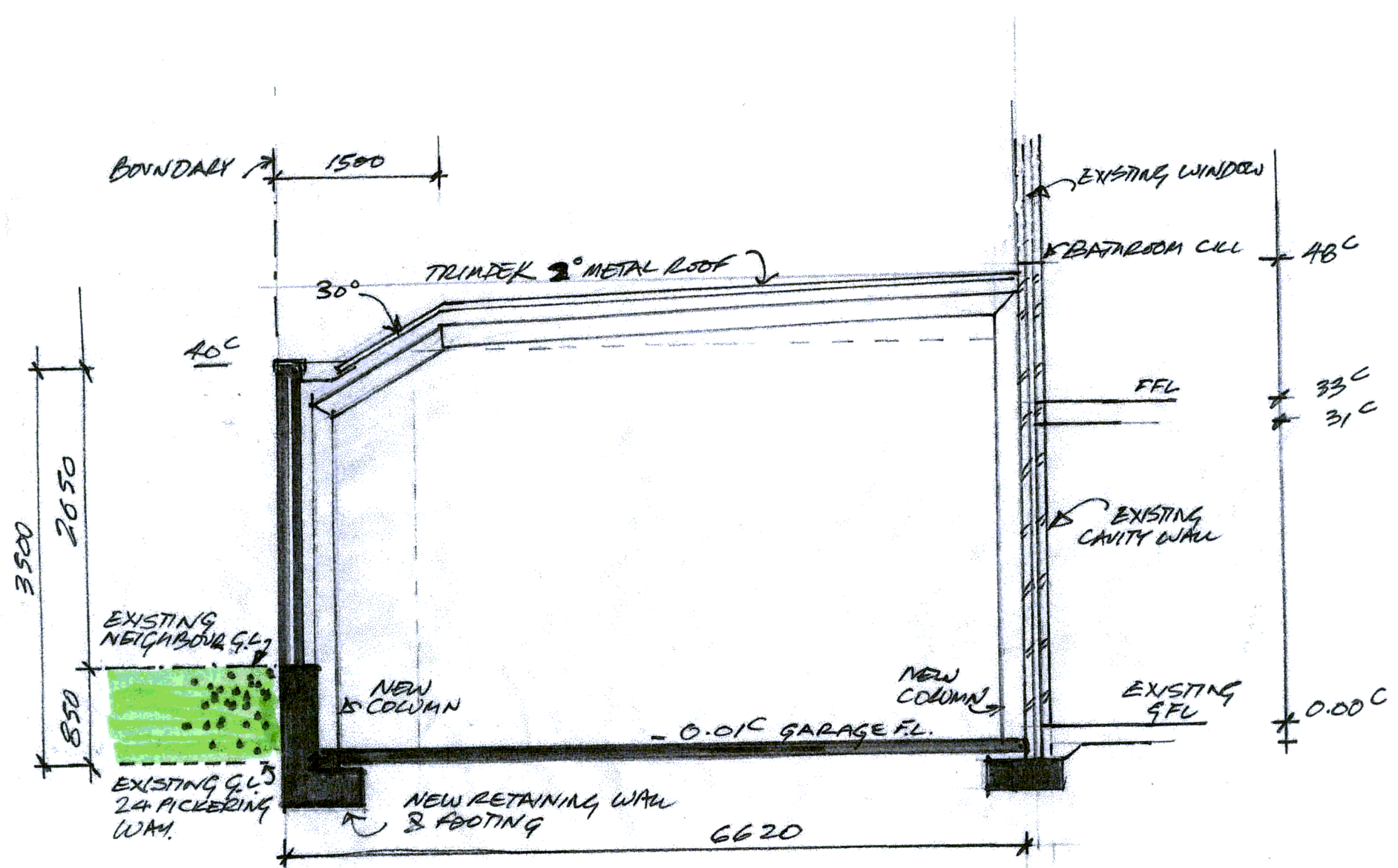
DRAWN: <i>ML</i>	FINAL: <i>15.05.23</i>
DATE: <i>31.5.23</i>	JOB No:
SCALE: 1:100	
CADFILE: Wylde 4142_aMk2	SHEET OF <b>2</b> <b>4</b>





REVISIONS:  - AMENDMENTS - FINAL VAR.	CONSTRUCTION NOTES: 1. These plans are the sole property of Beaumonde Homes and may not be reproduced or modified in whole or in part without written permission. 2. Contractors shall check all dimensions and conditions on site prior to commencing fabrication or construction. Any discrepancies will be brought to the Supervisors attention. 3. Do not scale from Drawings.		GARAGE EXTENSION  CLIENT:  WYLDE	ELEVATIONS 1	DRAWN: <i>ML</i>	FINAL:
				ADDRESS: LOT 239 (#24) PICKERING WAY, BOORAGOON.	DATE: <i>31.5.23</i>	JOB No:
				SCALE: 1:100		
				CADFILE: Wylde 4142_aMk2	SHEET OF <b>3</b> <b>4</b>	





SECTION A1:50 - GARAGE EXTENSION

REVISIONS: AMENDMENTS	CONSTRUCTION NOTES: 1. These plans are the sole property of Beaumonde Homes and may not be reproduced or modified in whole or in part without written permission. 2. Contractors shall check all dimensions and conditions on site prior to commencing fabrication or construction. Any discrepancies to be brought to the Supervisors attention. 3. Do not scale from Drawings.  4. Owner to note that all sizes shown are without plaster (where applicable) and should be allowed for. 5. The Builder reserves the right to alter dimensions on site to suit construction, engineering, or site conditions. 6. Unless otherwise noted, retaining walls, demolition, sewer piling, subsoil drains, blasting or other site works are all at Owners expense.	<div>BUILT ON REPUTATION SINCE 1980</div> <div><small>A DIVISION OF ANTREE HOLDINGS PTY LTD. REG. No 7082 SUITE 1, 30 HASLER ROAD, OSBORNE PARK, W.A. 6017 TEL: (08) 9446 3288 FAX: (08) 9446 3248</small></div>	<b>GARAGE EXTENSION</b>		LOCAL AUTHORITY CITY OF MELVILLE	
			CLIENT: <b>WYLDE</b>		LOT AREA 809.428m <sup>2</sup>	
			ADDRESS: LOT 239 (#24) PICKERING WAY, BOORAGOON.		COASTAL NO	
			© Copyright		DRAWN: <i>ML</i>	FINAL: <i>ML</i>
		DATE: 31.5.23	JOB No:			
		SCALE:				
		CADFILE: Wylde 4142_cMk2	SHEET OF <b>4</b> OF <b>4</b>			