

**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 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 has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.



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U23/0616 – 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 & 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>



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-Codes.
- It is recommended that approval be granted subject to conditions.

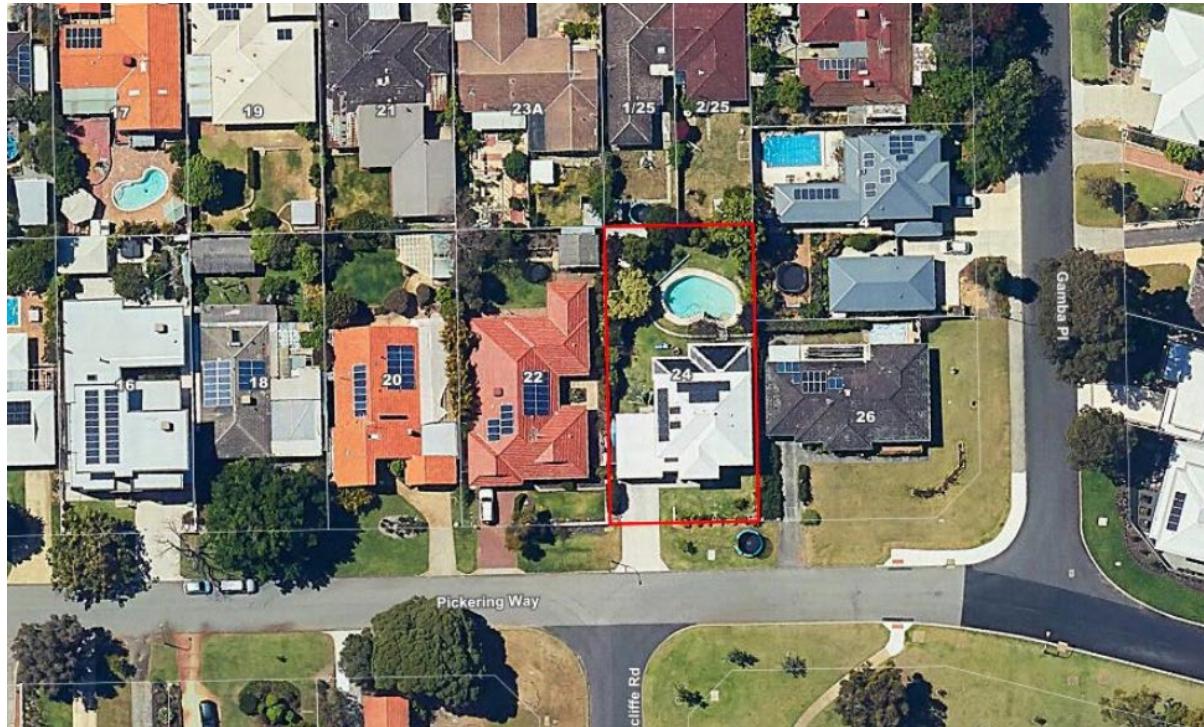


Figure 1: Aerial photography of subject site.

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 ²
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.

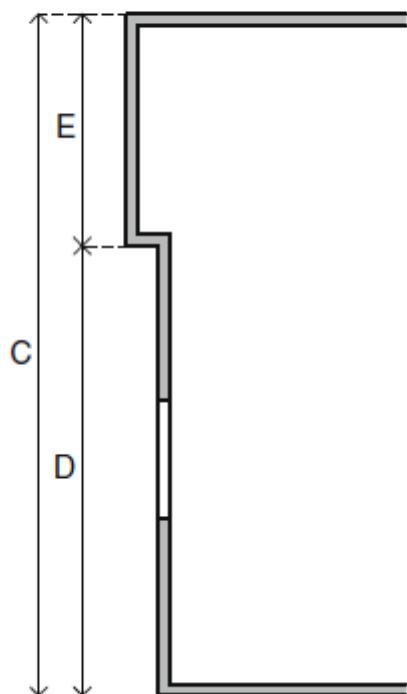
State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Existing	Comments	Delegation to approve variation
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.

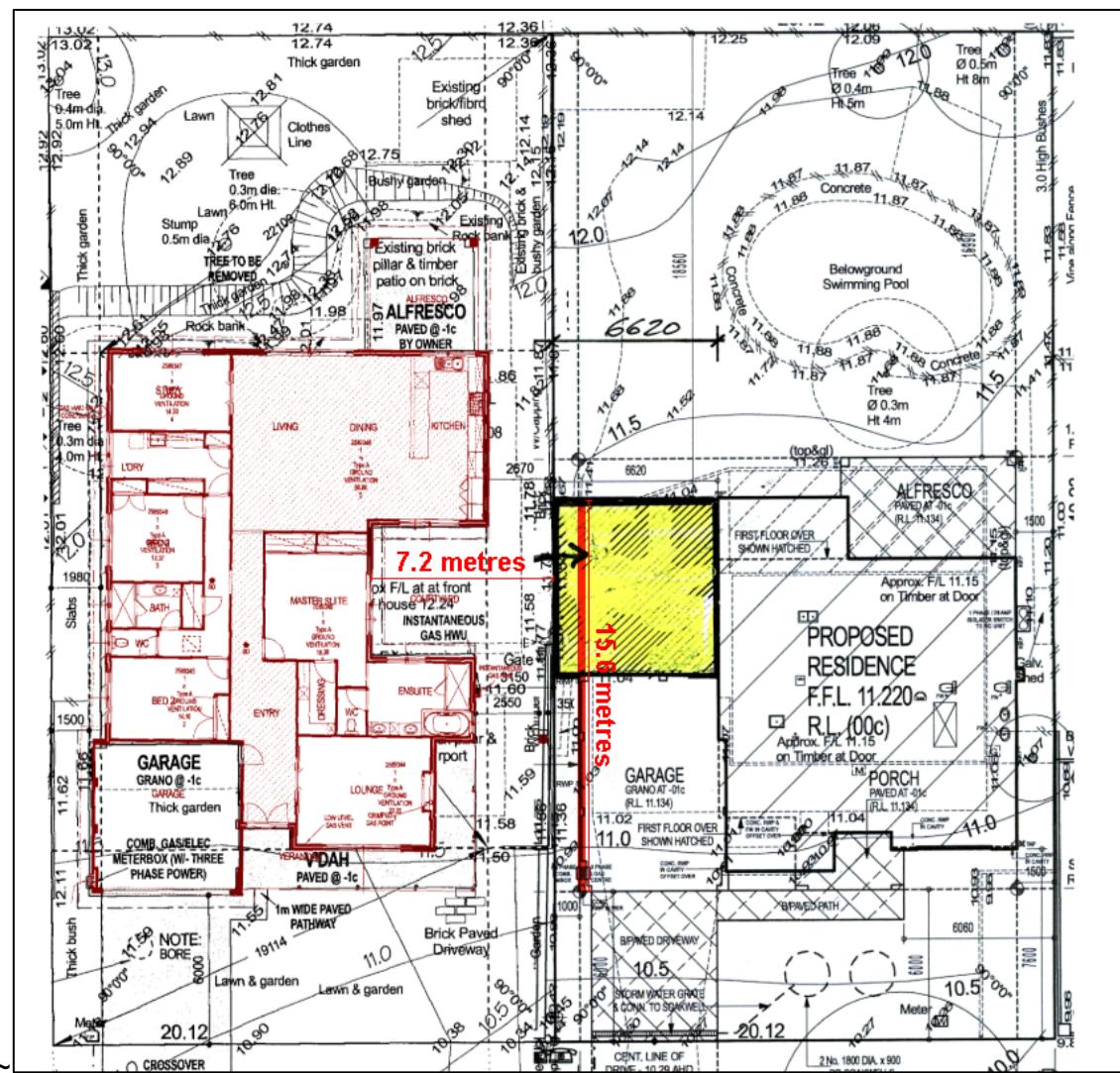


Figure 2: Overlay of subject site plan on right hand side (No. 24 Pickering Way) and ground floor from previous building approval for adjoining lot (No. 22 Pickering Way) on left hand side, showing a 2.67m dwelling setback from side boundary nearest to the proposed addition and a 7.2m setback from the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



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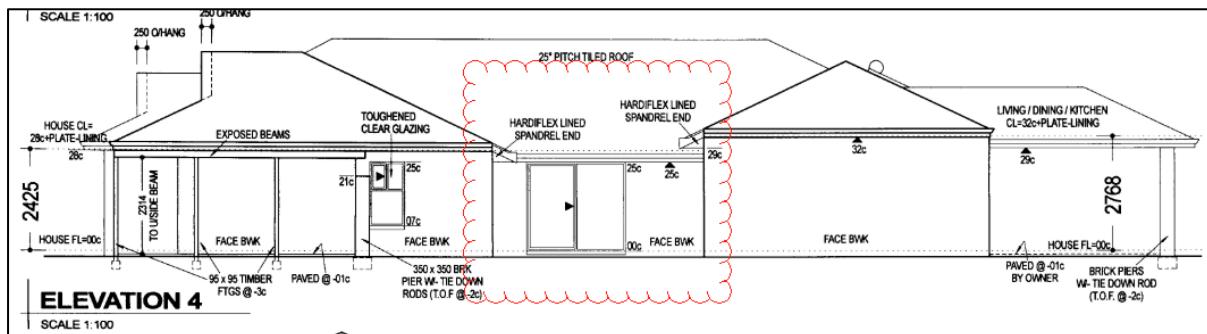


Figure 3: East elevation of the adjoining lot No. 22 Pickering Way showing only one major opening facing the subject site from the Master Bed, which is set back 7.2m from the lot boundary as shown in Figure 2.

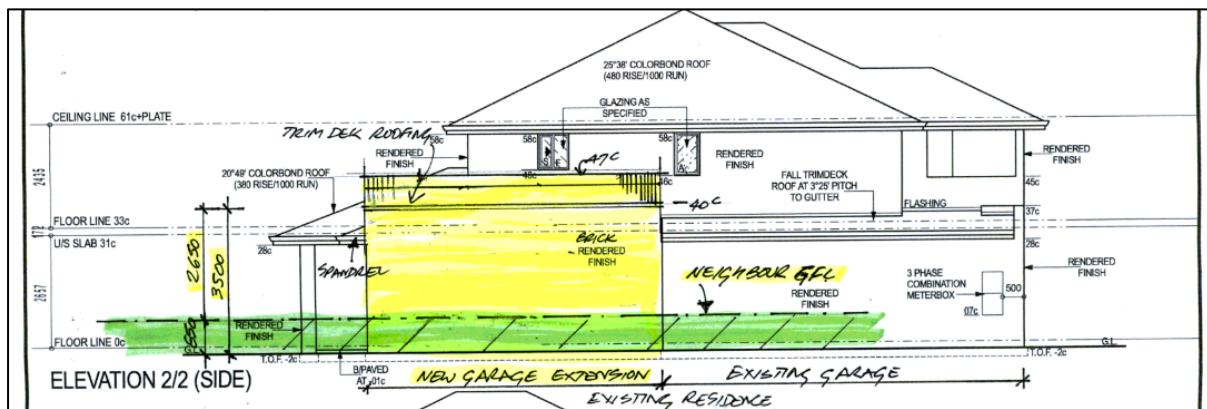


Figure 4: West Elevation of Boundary Wall highlighted yellow with existing Garage on left side.

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

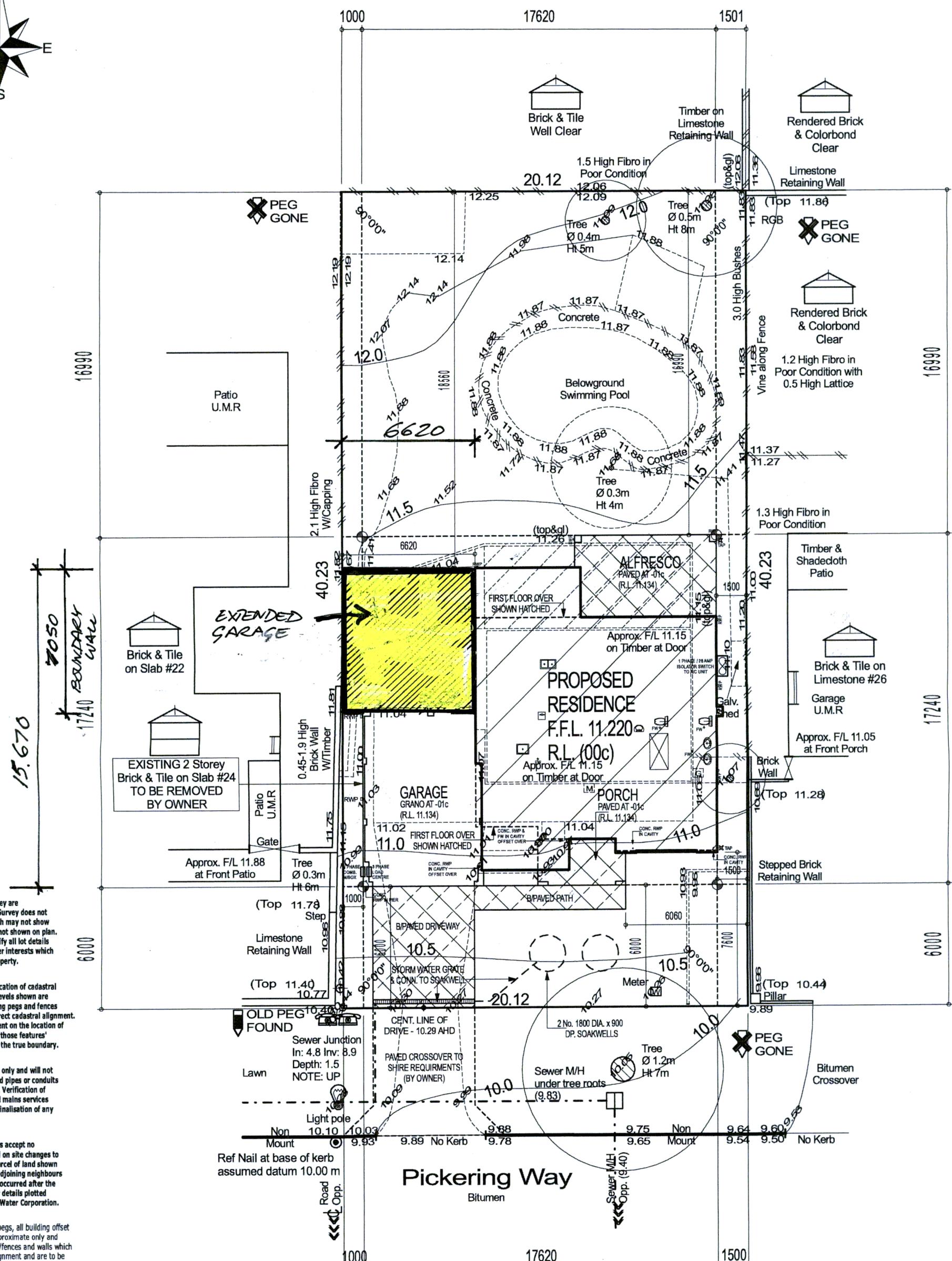
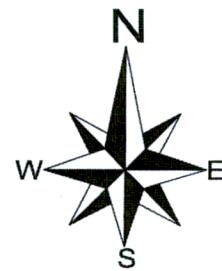
Subject to the following conditions:

- 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**

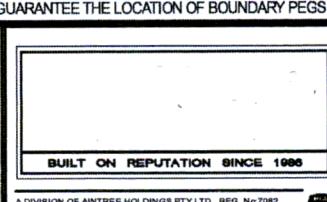
Distributed: Friday, 4 August 2023



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.



A DIVISION OF ANTRE Holdings PTY LTD. REG. No 7082
57-59 BORBOUR ROAD, OSBORNE PARK, NSW 2198
TEL: (08) 8446 3388 FAX: (08) 8446 3349

GARAGE EXTENSION SITE & SETOUT PLAN

CLIENT:

WYLDE

Copyright

ADDRESS:

LOT 239 (#24)
PICKERING WAY,
BOORAGOON.

DRAWN:	MC	FINAL:	1
DATE:	3/5/23	JOB No:	
SCALE:	1:200		
CADFILE:	Wylde 4142_cmk2		
Sheet	1	of	4



EXISTING
BOUNDARY

6620

3
4

AREAS:	
G. FLOOR -	152.95m ²
GARAGE -	50.263m ²
ALFRESCO -	27.455m ²
PORCH -	7.349m ²
TOTAL -	238.017m²
PERIMETER -	55.980m

REVISIONS:
-AMENDMENTS 06/2010 NJ
-FINAL VAR. 15-19517 KRS
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GARAGE EXTENSION

CLIENT:
WYLD

GROUND FLOOR PLAN

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

 INDICATES HARD WIRED SMOKE DETECTOR

NOTE - EXACT NUMBER AND
LOCATION OF ROOF STEEL
TO BE DETERMINED
BY ESTIMATING DEPT.

NOTE - REFER
ALSO TO BRICK
SETOUT SHEET 3

NOTE - REFER TO
ROOF PLAN ON
SHEET 6

	FINAI
23	JOB No:
00	SHEET OF 2 4
2_aMk2	

COLORBOND ROOF AT 20°49'
PITCH TO GR. FLOOR
(380mm RISE/1000mm RUN)

COLORBOND ROOF AT 25°38'
PITCH TO 1st. FLOOR
(480mm RISE/1000mm RUN)

CEILING LINE 61c+PLATE

OPENING SASHES TO HAVE
125mm RESTRICTIVE OPENING
AS PER NCC 2013 Vol. 2

BALUSTRADE AS
SPEC. TO NCC 3.9.2.

EXISTING NEIGHBOUR
FENCE & RETAINING
WALL

CAPPING

MATCHING
RENDERED
FINISH

58c 58c

F

58c

F

58c

F

SD

F

F

F

25°38' COLORBOND ROOF
(480 RISE/1000 RUN)

OPENING SASHES TO HAVE
125mm RESTRICTIVE OPENING
AS PER NCC 2013 Vol. 2

58c

F

37c

F

33c

F

F

25c

F

30c

F

25c

F

08c

F

08c

F

00c

F

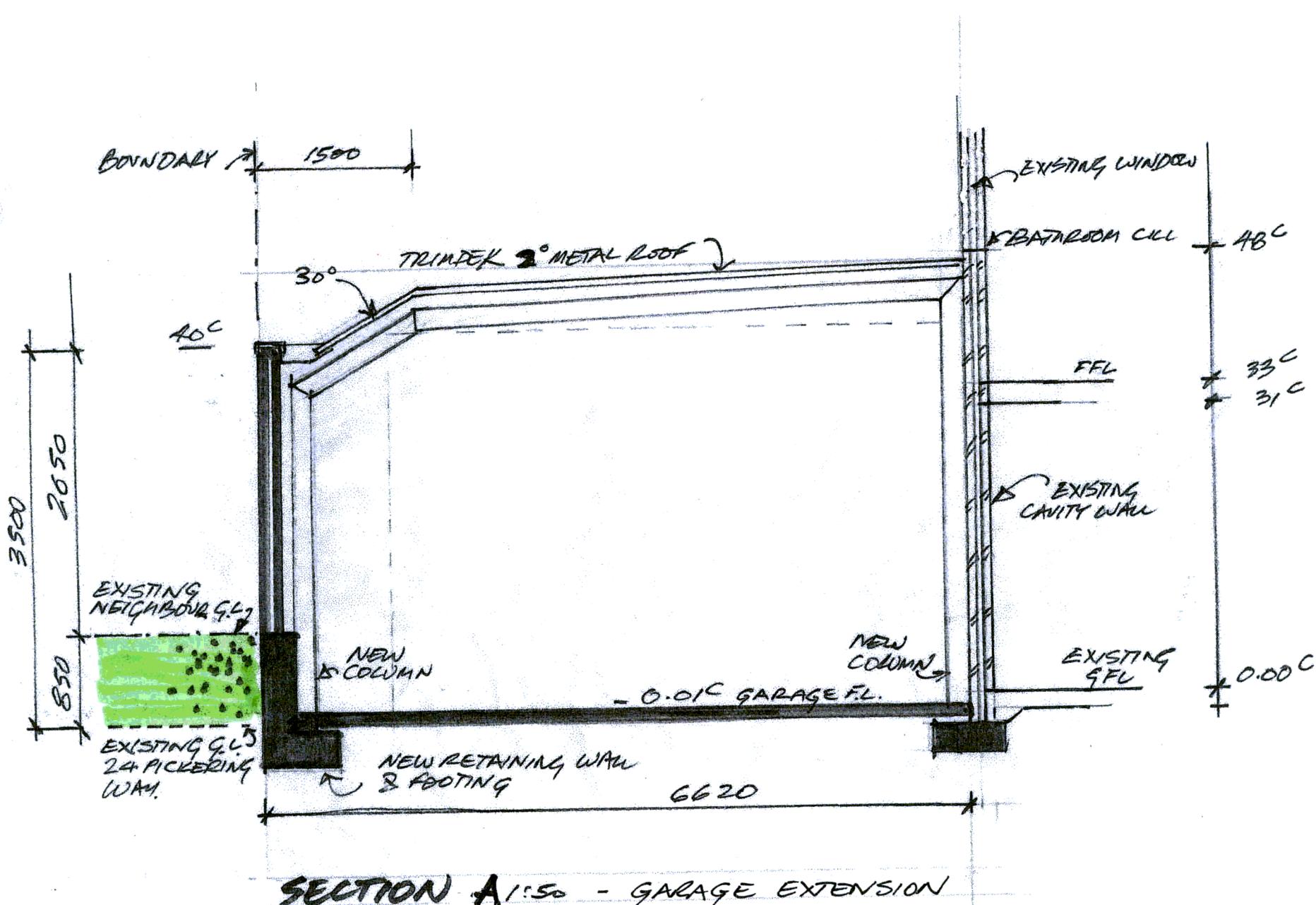
08c

F

08c

F

00c



LOCAL AUTHORITY CITY OF MELVILLE
LOT AREA 809.428m ²
COASTAL NO

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 Supervisor's 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.	BUILT ON REPUTATION SINCE 1986 A DIVISION OF ANTREE HOLDINGS PTY LTD. REG. NO. 7002 SUITE 1, 30 HASLER ROAD, OSBORNE PARK, WA. 6017 TEL: (08) 9446 3388 FAX: (08) 9448 3348	GARAGE EXTENSION		DRAWN: MC	FINAL: MC
				CLIENT: WYLDE	ADDRESS: LOT 239 (#24) PICKERING WAY, BOORAGOON.	DATE: 31.5.23	JOB NO: Wylde 4142_cmk2