

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 3 OCTOBER 2023

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 Gavin Ponton, A/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: gavin.ponton@melville.wa.gov.au or Tel 9364 0223.
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: 6 October 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, 3 OCTOBER 2023**

PRESENT

G Ponton
T Cappellucci
T Geddes
J Caracciolo
L Johnson

A/Manager Statutory Planning
A/Principal Statutory Planner
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

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA (REC) (ATTACHMENT)..... 4

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for four (4) single storey grouped dwellings at Nos. 5 and 5A McKimmie Road, Palmyra.
- The details of the proposed development have 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 development requires a performance assessment in relation to the shortfall of one (1) visitor parking bay on-site.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1).
- Two submissions on the proposal were received during the advertising period with one being an objection on traffic grounds and the other submission making general comments about the proposal.
- 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

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R40
Use Type	: Grouped Dwelling
Use Class	: Permitted

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)

Site Details

Lot Area	:	1,061m ²
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Yes
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, 6 October 2023

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, for which a performance assessment is required.

State Planning Policy 7.3 – Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 – Lot Boundary Setbacks Cl. 3.1 (i) Western Elevation – Unit 4 Living to Bathroom wall	1.5m	1.3m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
5.3.1 – Outdoor Living Areas Cl1.1 ii. Unit 1	Outdoor living area behind street setback area.	Outdoor living area within the street setback area.	Requires assessment against the Design Principles of the R-Codes.	MSP

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)

5.3.3 – Parking Cl. 3.2	1 visitor bay provided for grouped dwelling developments with 4 dwellings, served by a common access.	Nil	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
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City of Melville Local Planning Policy 3.1 – Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 6 – Boundary Walls C3.2 (iv) Western Elevation – Unit 1 Garage to Bedroom 1 wall - Unit 2 and Unit 3 Kitchen to Bed 1 walls	In areas coded R40, walls not higher than 3.5m for two-thirds the length of the balance of each lot boundary behind the front setback. 10.89m boundary wall length permitted for the subject units.	Subject boundary walls are all 12m in length.	Requires assessment against the Design Principles of the R-Codes.	MSP

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (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: Two submissions received (one objection and one providing comment)

The non-objection submission made general comments on the application regarding side fencing, boundary walls and dividing fences, but did not raise a specific objection to the development application.

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)
Additional housing will result in lack of Parking.	Refer to the comments section of this report.	Not Uphold

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.

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

COMMENTVisitor Car Parking

This development application proposes four (4) single storey grouped dwellings on a “Location A” site, in accordance with Clause 5.3.3 Parking C3.1 of the R-Codes. A “Location A” site is defined as being either within 800m of a train station on a high frequency rail route or within 250m of a high frequency bus route. The subject site is Location A due to being approximately 100m from Canning Highway which contains a high frequency bus route.

All the proposed four grouped dwellings as part of this application are served by a common access and therefore, the development requires one visitor car parking bay to be provided on-site. If the front dwelling had direct access to McKimmie Road, one (1) visitor bay would not be required.

The design provides 6 parking bays for the proposed 4 grouped dwellings (units 1 and 4 – double garage and units 2 and 3 – single carport). The surplus of on-site parking for the 4 grouped dwellings (2 bay surplus) is considered to reduce the need for a designated visitor parking bay on site. This is further enhanced by the proximity of the site to high-frequency public transport services which reduce vehicle demand to access the site. On-street parking is also available along McKimmie Road and is likely to be utilised by visitors, which will alleviate the need for one on-site visitor parking bay and is not considered to have an adverse impact on the functionality of the street and road network.

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

This application has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. The shortfall in providing one visitor car parking bay on-site is considered to be an acceptable outcome and the subject application is therefore recommended for approval subject to the following conditions.

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)**O****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.
3. 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 consistent with the City's Crossover Specifications;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - a minimum of 1m from any existing street infrastructure.

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

4. Prior to the initial occupation of the development, the on-site trees (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
5. No development or landscaping is to be located within the 3m x 3m sightline truncation where the access leg meets the rear lot, to the satisfaction of the City.
6. 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.
7. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. All external clothes drying facilities shall be screened from view of the primary street, to the satisfaction of the City.

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)

9. 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.
10. 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.

U23/0617 – FOUR SINGLE STOREY GROUPED DWELLINGS AT LOTS 1 & 2 (NOS. 5 & 5A) MCKIMMIE ROAD, PALMYRA 6157 (REC) (ATTACHMENT)

- 11. 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.**
- 12. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.**