

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 8 FEBRUARY 2022

1. This Meeting makes Recommendations to the Manager Statutory Planning.
2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Statutory Planning. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY, 11 FEBRUARY 2022



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 8 FEBRUARY 2022**

PRESENT

P Prendergast
M Scarfone
L Crake
T Cappellucci
B Ashwood
A Di Nella

Manager Statutory Planning
Planning Services Coordinator
Building Services Coordinator
Senior Planning Officer
Senior Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

B Ashwood declared that his parents live in close proximity to the Winthrop Park and did not vote on Item 2.

**DISCLOSURE OF FINANCIAL INTERESTS
LOCAL GOVERNMENT ACT 1995****Members' interests in matters to be discussed at meetings to be disclosed**

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

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**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

Ward : Palmyra - Melville - Willagee Ward
 Category : Operational
 Application Number : DA-2021-1408
 Property : Lot 1 (10A) Hope Road, Palmyra WA 6157
 Proposal : Single Storey Single House
 Applicant : Hampel Stephens Developments Pty Ltd
 Owner : E Cormack
 Disclosure of any Interest : No Officer involved in the preparation of this report has a
 declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & 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>

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for a single storey single house at Lot 1 (10A) Hope Road, Palmyra. A description of the works involved are included within the detail section of the report;
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)*, *Local Planning Policy 3.1 –Residential Development (LPP3.1)*, and the provisions of *State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)*;
- The proposed development requires a performance assessment in relation to the proposed garage boundary wall, Kitchen/Alfresco wall setback and site levels within the front setback area;
- The proposed development was advertised to the adjoining owners in accordance with Part 4 of the R-Codes and *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- A submission was received, raising concerns with respect to the following matters:
 - Impact of building bulk from the boundary wall and loss of privacy from the Kitchen/Alfresco wall setback; and
 - The proposed finished floor level of this development contributes to the boundary wall height variation; and
 - Concerns with the loss of a dividing fence as a result of the garage boundary wall.
- In response to concerns raised by the City, amended plans and further correspondence were provided by the applicant that partially address the objectors' concerns; however the objection still remains valid;
- The proposed development as amended is acceptable when assessed against the relevant Design Principles of the R-Codes and policy objectives of LPP3.1;
- It is recommended that approval be granted subject to conditions.



Figure 1: Aerial photography of subject site

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R20
Use Type	: Single House
Use Class	: 'P' Permitted Use

Site Details

Lot Area	: 543m ² (10A Hope Road) 1079m ² (parent lot)
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, to be retained
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, 11 February 2022.

DETAIL

In January 2022, a development application was lodged for a single storey single house at 10A Hope Road, Palmyra.

The application involves the demolition of the existing strata unit and construction of a single storey dwelling. The finished floor level of the proposed dwelling is the same as that of the existing dwelling on site.

The application has been assessed against the provisions of LPS6, LPP3.1, and the relevant provisions of the R-Codes. 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	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1 Lot Boundary Setbacks and section 6 of LPP 3.1	<u>Boundary Walls in Areas coded R20</u> Maximum length = $\frac{1}{3}$ boundary (14.06m) Maximum height = 3.5m Average height = 3m	Cumulative wall length on the northern boundary of 16m	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

Design Element (Cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 C3.1 Lot Boundary Setbacks and section 6 of LPP 3.1	<u>Boundary Walls in Areas coded R20</u> Maximum length = $\frac{1}{3}$ boundary (14.06m) Maximum height = 3.5m Average height = 3m	Garage maximum wall height of 3.7 metres and average of 3.5 metres.	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
Clause 5.1.3 C3.1 Lot Boundary Setbacks	Kitchen/Alfresco setback 1.5 metres (South)	Minimum setback of 1.0 metres	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)
Clause 5.1.4 C4 Open Space	50% Open Space	49.5% Open Space	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services
Clause 5.3.2 C2.2 Landscaping	Maximum 50% impervious surfaces in front setback area	52.6% impervious surfaces in front setback area	Requires assessment against the Design Principles of the R-Codes.	Manager Planning Services
Clause 5.3.7 C7.1 Site Works	Maximum 0.5 metres fill within front setback area	Fill greater than 0.5 metres within front setback area	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

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 3.4(a)
 Support/Object: One objection.

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

The submission received has objected to the proposal citing a range of concerns. A summary of the objection received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Concern to the potential impact of building bulk and loss of privacy from the Kitchen/Alfresco wall setback.	Refer to the comment section of this report.	Not Uphold
The height of the Garage Wall being excessively higher than the average requirements, presenting bulk impacts.	Refer to the comment section of this report.	Not Uphold
The proposed finished floor level of this development contributes to the boundary wall height variation.	Refer to the comment section of this report.	Not Uphold
Notes the boundary wall is forward of the required 6.0 metre street setback.	Section 6 of the City's LPP3.1 permits boundary walls within the 6.0 metre street setback provided the street setback averaging of the dwelling is compliant with Clause 5.1.2 Street Setbacks of the R-Codes. This has been achieved and the position of the wall is supported.	Not Uphold
Concerns with the loss of a dividing fence as a result of the garage boundary wall.	The loss of a dividing fence as a result of the garage boundary wall is not a material planning consideration.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There is no strategic risk or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications for the City relating to this proposal.

COMMENTGarage Boundary Wall

In accordance with Clause 5.1.3 Lot Boundary Setbacks C3.2 (ii) of the R-Codes, boundary walls in areas coded R20 and above with a maximum wall height of 3.5 metres and average of 3 metres respectively meet the deemed to comply standards. With a maximum wall height of 3.7 metres and average wall height of 3.5 metres, the proposed boundary wall requires a performance assessment against the associated design principles of the R-Codes. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The boundary wall has been designed with an architectural feature over the fascia of the garage and bedroom 4 (see image below). This architectural feature at 3.7 metres high and 0.4 metres deep is shown on the image below in light grey. The remainder of the wall is proposed at a maximum 3.5 metres high with an average of 3.35 metres. The architectural feature improves the appearance of the dwelling when viewed from the street, minimising the impact of the garage on the streetscape by providing depth, shadow and interest to this elevation. Given the narrow depth of this architectural feature and its location away from any habitable spaces, it poses no bulk impact on the adjoining landowner
- The boundary wall makes an effective use of space whilst not compromising the amenity of the adjoining property. The boundary wall is proposed to be located adjacent to the car parking area and expansive landscaped areas of the adjoining property, which are not active habitable spaces. In addition the adjacent dwelling is setback approximately 8 metres from the boundary wall, minimising any direct bulk impact of the boundary wall height as viewed from the dwelling.
- The proposed garage finished floor level of 31.5 is lower than the original finished floor level of the existing dwelling (31.6). The proposed dwelling matches the original floor level of 31.6. This ensures that the proposed building respects the existing levels and positively contributes towards the streetscape; and
- There are no visual privacy or overshadowing issues created by the proposed boundary wall, as each of these aspects meets the relevant deemed-to-comply provisions of the R-Codes.

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

- The total length of wall from garage to the alfresco is articulated through varied wall heights, windows and changes to the roof form adding visual interest to this elevation. articulations through the use of windows and these windows would look directly onto a dividing fence, the wall would not add excess building bulk to the adjoining property;
- The single storey height of the wall will ensure that no access to direct sunlight and ventilation to the adjoining property will be restricted; and
- The provision of a 1.8m high dividing fence ensures there are no privacy concerns for the adjoining property.

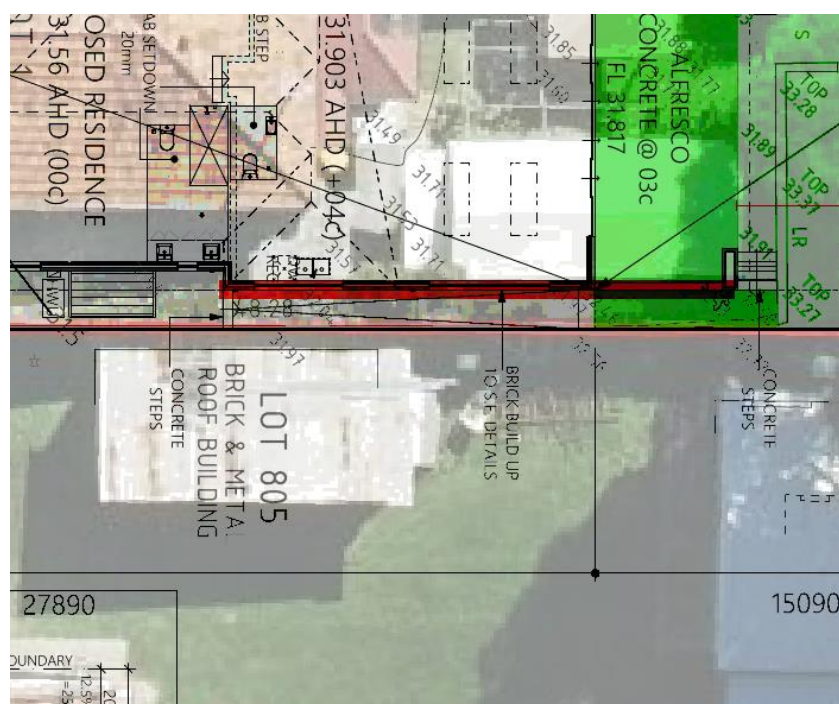


Figure 4: Images of Kitchen/Alfresco wall and the impacted area on adjoining southern lot.

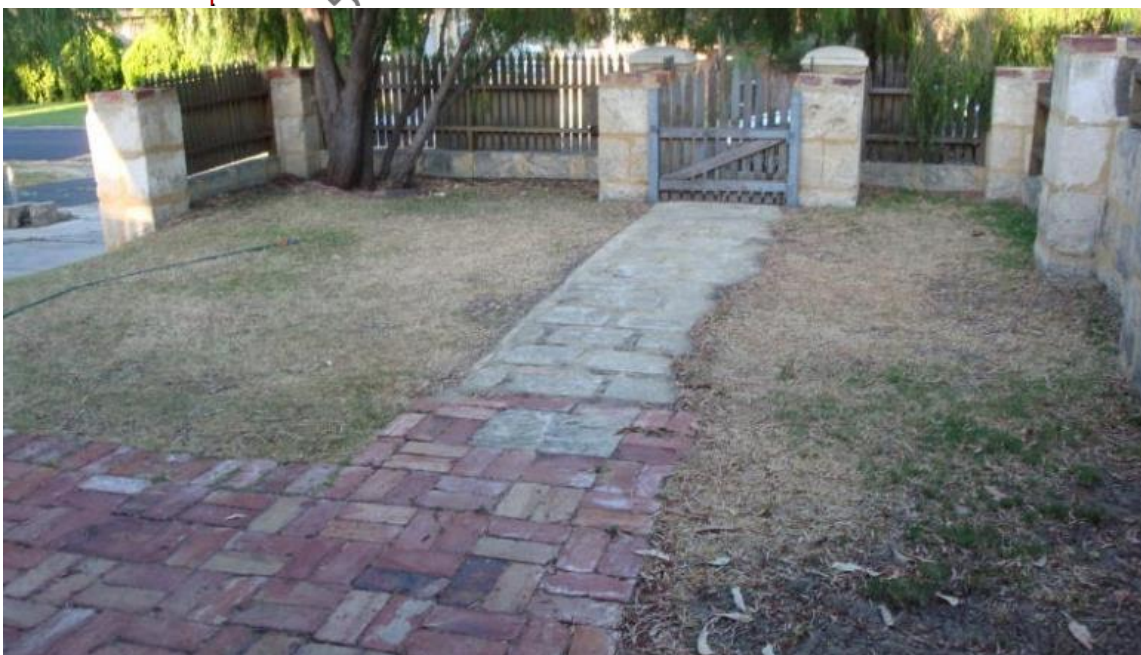
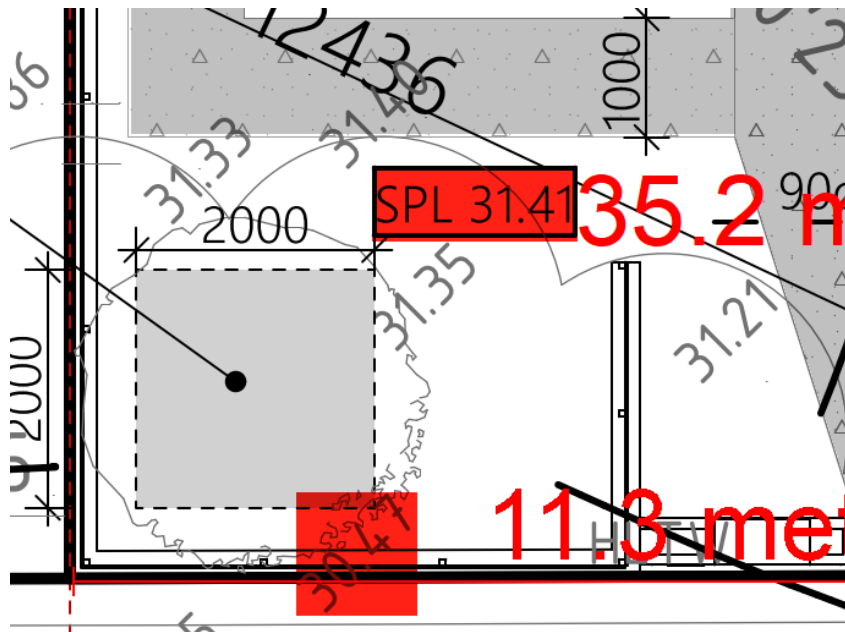
Site Works

As per Clause 5.3.7 Site Works and Retaining Walls C7.1 (i) of the R-Codes, levels within the front setback area are permitted to be modified (fill or excavation) to a maximum 0.5 metres. The proposed development seeks to utilise the front setback area for a small courtyard and a portion of this courtyard exceeds 0.5 metres above the existing natural ground level, requiring a performance assessment. The proposed level changes within the front setback area are considered to meet the Design Principles of the R-Codes for the following reasons:

- As demonstrated in the photo below and on the site survey provided with the application, the majority of the front setback area is already raised above the adjacent verge. The changes to the existing levels are proposed in the area to the front of the existing street wall;

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

- Given these existing site conditions, the development considers and responds to the natural features of the site, whilst making the space within the front setback area more useable for future residents; and
- The proposed retaining wall is low in height with 80% visually permeable fencing above. This ensures the total height of the wall is in accordance with the deemed to comply provisions in LPP3.1 and presents in a visually attractive manner to the street.



Figures 5 & 6: Portion of the front courtyard level situated over 0.5 metres above the natural ground level. The photo above shows the courtyard levels as existing are not being vastly altered.

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

CONCLUSION

This application for a single storey dwelling at Lot 1 (10A) Hope Road, Palmyra has been assessed and is considered to comply with the relevant planning framework, including the relevant Design Principles of the R-Codes. Overall, the proposal been amended to partially address the concerns raised by the submitters and meet the relevant Design Principles of the R-Codes Therefore, these amendments proposed as part of this application are considered to be an acceptable outcome, and the development is recommended for approved subject to the following conditions:

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, 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 3.5m;**
 - 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. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.**

**U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 6157 (REC) (ATTACHMENT)**

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. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
9. Prior to the initial occupation of the development, the on-site tree/s (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
10. 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 construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
 - 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.

U22/0577 – SINGLE STOREY SINGLE HOUSE – LOT 1 (10A) HOPE ROAD, PALMYRA
WA 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.

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)**

Ward : Central Ward
 Category : Operational
 Application Number : DA-2021-1297
 Property : Lot 2843 (55) Winthrop Drive, Winthrop WA 6150
 Proposal : Floodlight Additions to Public Open Space
 Applicant : Murdoch University Melville Football Club Inc.
 Owner : State of Western Australia (C/- City of Melville)
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & 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>

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the installation of floodlights and the associated poles (the floodlights) at the Public Open Space reserve know as Winthrop Park. The towers are located closest to Raine Terrace towards the northern end of the park.
- There are four existing floodlighting towers that provide lighting for two of the existing three football pitches.
- The application was lodged by the Murdoch University Melville Football Club (MUFC). The floodlights will provide lighting over the third football pitch, enabling its use outside of daylight hours.
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6 (LPS6)* and *Local Planning Policy 1.16 – Flood and Security Lighting (LPP1.16)*;
- The proposed development was advertised to the adjoining landowners by way of advertising signs in accordance with *Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1)*;
- Three submissions were received, one in support of the proposal, two raising concerns with respect to light spill emissions, increased anti-social behaviour and noise activity from the use of the park, and finally on the basis that the reserve grounds will be more in-accessible due to use from the MUFC;
- The proposed development is acceptable when assessed against the relevant policy requirements;
- It is recommended that approval be granted subject to conditional conditions.



Figure 1: Aerial photography of subject site

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Public Open Space
R-Code	: N/A
Use Type	: Active Recreational Reserve
Use Class	: N/A, no change to existing use of reserve (Football and Cricket).

Site Details

Lot Area	: 53288m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, to be retained
Street Furniture (drainage pits etc.)	: N/A
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, 11 February 2022.

DETAIL

There are four existing floodlighting towers on Winthrop Park, and these provide artificial lighting to two of the existing three football fields (refer Figure 2 below). The additional two floodlighting towers are proposed by the MUFC to floodlight the third football field, which is currently not utilised outside daylight hours.

The proposed floodlighting towers are approximately 25 metres in height. Tower #1 is setback approximately 15 metres from Winthrop Drive to the west and 19 metres from the northern residential properties abutting the park. Tower #2 is setback approximately 8.0 metres from Raine Terrace to the north-east. Each of the proposed towers will be provided with LED lights which are designed in accordance with *Australian Standards AS2560.2 Sports Lighting*. Through the use of LED lighting and the position of the towers, there will be no light spill into any of the nearby residential properties. This is demonstrated by the Obtrusive Light Assessment (OLA) provided in support of the DAs discussed in further detail below.

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)**



Figure 2: location of existing and proposed floodlighting towers.

The application has been assessed against the provisions of LPS6 and LPP1.16 pertaining to floodlighting towers on reserves under the care and control of the City of Melville.

Local Planning Policy 1.16 – Flood and Security Lighting

Development Requirement	Proposed	Comments	Delegation to approve variation
(a) Location of the proposed lighting towers in relation to the surrounding properties.	Floodlighting towers setback 15.6 metres from Winthrop Drive, 19 metres from the residential properties and 8.0 metres from Raino Terrace	Requires assessment against the policy objectives of LPP1.16.	Development Advisory Unit (DAU)
(b) Light emissions wholly contained within the subject lot and satisfy <i>Australian Standard AS.2560 – Sports Lighting</i> .	Light emissions contained wholly within Winthrop Park		

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)**

Development Requirement (Cont.)	Proposed	Comments	Delegation to approve variation
(c) Hours of operation for flood lighting.	<u>Lights to be turned off by</u> Monday 8pm Tuesday 9pm Wednesday 8pm Thursday 9pm	Requires assessment against the policy objectives of LPP1.16.	Development Advisory Unit (DAU)
(d) The potential adverse impacts upon any adjoining residential properties.	Light emissions contained wholly within Winthrop Park.		

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 3.4(a)
Support/Object:	Three submissions, one letter of support, two objections.

A summary of the comments received and the City's response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Supportive of the two new floodlighting towers, noting no concern with light spill living across the road on Raine Terrace.	Support Noted.	Uphold
The extended usage of hours for night is a benefit as the reserve would be utilised all year round and security enhanced.	Support Noted.	Uphold
The new proposed lighting will cause light spill into the home.	An Obtrusive Light Assessment (OLA) has been provided by the applicant demonstrating the proposed lights used within the towers will not spill into any residential properties.	Not Uphold

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)**

Summary of Issues Raised (Cont.)	Comments	Action (Condition/ Uphold/ Not Uphold)
The current flood lights are left on after the sports have finished and when everyone has completely left the site.	There will be a condition of approval requiring the towers to be switched off after use and by 9pm each night.	Condition
Noise emitting from the development.	The application is for two floodlighting towers. The noise associated with sport being played on this public open space reserve is considered acceptable and consistent with the designation of Winthrop Park as an active reserve. The lighting is required to be switched off from 9pm which will ensure sports activity cease at this time reducing any potential amenity impact.	Not Uphold
Additional social issues occurring at the playground.	This is not a material planning consideration.	Not Uphold
No protection or cover provided from the lights and noise of the park.	The proposed floodlighting towers have been designed to minimise light spill. The floodlights are LED based and are designed in accordance with the relevant Australian Standards to direct illumination towards the playing area, and as stated avoid spill towards residential properties.	Not Uphold
Request tree planting to occur on the Raine Terrace said to provide shelter from the light.	On the basis that this request relates to light spill, such trees are not considered to be required as a result of this development due to light spill being appropriately controlled.	Not Uphold
Inaccessible use of grounds due to use from Murdoch University Melville Football Club	The proposed floodlighting extends the active use of the reserve for the sporting group. The whole reserve remains accessible for residents irrespective of the floodlight installation now proposed.	Not Uphold
The original floodlighting towers were restricted to three nights per week.	The City has ultimate control over the use of floodlighting within its reserves, and has the final decision on times of use. In this case the lights will not be used beyond 9pm.	Condition

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

**U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic risk or environmental management implications with this application.

POLICY IMPLICATIONS

The City has recently received legal advice stating that development approval for floodlights is not required on reserves where the City is the applicant under the *Public Works Act 1902*. LPP1.16 is required to be updated to reflect this.

In this case, the City is not the applicant, and the work is proposed to be undertaken and funded by the Murdoch University Melville Football Club Inc. As such development approval is required.

COMMENTFloodlighting Towers

Sections 2 and 3 of LPP1.16 - require planning approval for the installation of all floodlights within reserves under the care and control of the City of Melville. Applications for floodlighting towards are assessed taking into account the following:

- (a) The location of the proposed lighting towers in relation to the surrounding properties.
- (b) Whether the light emissions are wholly contained within the subject lot and satisfy Australian Standard AS.2560 – Sports Lighting.
- (c) The hours the flood lighting is to be operated.
- (d) The potential adverse impacts upon any adjoining residential properties.

LPS6 does not have any specific requirements regarding the setback distances for structures on reserved land, however, the scheme objectives for public open space promote the use of recreation buildings and associated facilities to encourage active and passive use of the City's reserves and open spaces.

In consideration of the above criteria, it is recommended that the two floodlights proposed in this case are supported in planning terms as:

U22/0578 – FLOODLIGHT ADDITIONS TO PUBLIC OPEN SPACE – LOT 2843 (55)
WINTHROP DRIVE, WINTHROP WA 6150 (REC) (ATTACHMENT)



Optivision – downlight performance

OptiVision MVP507

Figure 4: Proposed LED Light Fixture for the additional floodlighting towers.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view, the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

CONCLUSION

The proposed development is considered to be consistent with the intent and provisions of Local Planning Scheme No. 6 and Local Planning Policy 1.16 – Flood and Security Lighting. The application is recommended for conditional planning approval on that basis.

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. The floodlighting is required to be installed and operate in accordance with *Australian Standard AS.2560 - Sports Lighting*.
4. Once operational, the flood lighting towers shall be operated on an automatic shut-off timer to ensure the lighting is switched off between the hours of 9pm and 6am daily, unless otherwise approved in writing by the City.