

P19/3825 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DAP-2018-9/B
 Property : Lots 311, 800 & 801 (10, 12 & 14) Forbes road and 802, 803 & 804 (40a, 40b & 40c) Kishorn Road, Applecross
 Proposal : 15 Storey Mixed-Use Development Comprising 88 Multiple Dwellings, 16 Short Stay Accommodation Units, 6 Non-Residential Tenancies (Office, Restaurant, Shop, two Co-Working Spaces and a Community Hall)
 Applicant : McDonald Jones Architects
 Owner : Applecross Land Holdings Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P19/3807 Development Assessment Panel Application - 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, Special Meeting of Council 6 March 2019
 Responsible Officer : Mark Scarfone
 Acting Manager Planning Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" 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 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/Committee to note.</i>

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- A development application for a 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 6 non-residential tenancies at Nos. 10, 12 & 14 Forbes Road and Nos. 40A, 40B & 40C Kishorn Road, Applecross was refused at the Metro Central Joint Development Assessment Panel (JDAP) meeting held on the 7 March 2019.
- On the 25 March 2019, the applicant lodged an application for a review of this decision to the State Administrative Tribunal (SAT) pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, and the Metro Central JDAP, DR 59 of 2019.
- On the 1 July 2019, the Metro Central JDAP reconsidered the original decision in respect of SAT application DR 59 of 2019. The Metro Central JDAP resolved to reaffirm their decision dated 20 March 2019 and refuse the DAP application.
- Following this decision, a directions hearing was held at the SAT and the matter was scheduled for further mediation on 28 August 2019. At this mediation session, the applicant presented a revised proposal for discussion.
- Following mediation, a revised development application for a 15 storey mixed-use development comprising 88 multiple dwellings, 16 short stay accommodation units and 5 non-residential tenancies has been submitted for consideration.
- The application by virtue of its cost of development is a mandatory JDAP application which was originally submitted to the City on 22 November 2018.
- City officers have completed the Responsible Authority Report (RAR) which is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 18 October 2019.
- The RAR is the subject of a call up to a meeting of the Council, in accordance with the provisions of Local Planning Policy LPP1.1 "Planning Process and Decision Making".
- The recommendation of the RAR is that pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, the JDAP reconsider its decision dated 10 July 2019 and approve the application.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR and the Council meeting section of the RAR will be updated accordingly.

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Figure 1: Aerial Map of Subject Site

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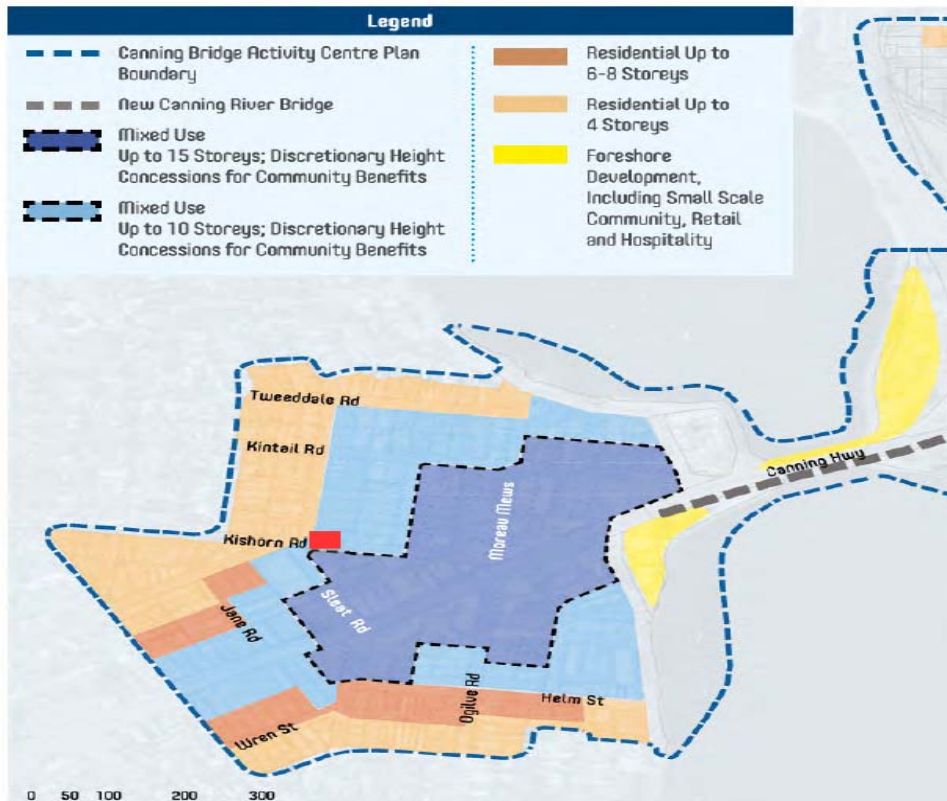


Figure 2: Subject site located within the Canning Bridge Activity Centre Plan

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: District Centre – Canning Bridge Activity Centre
CBACP Zoning	: M10
Use Type	: Residential (Multiple Dwellings), Restaurant, Shop, Office (including Co-working space), Civic Use (Community Hall) & Tourist Accommodation (Short Stay apartments)
Use Class	: Preferred – Residential (Multiple Dwellings), Restaurant, Shop, Office and Civic Use (Community Hall), Tourist Accommodation

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Lot Area	: 2023m ²
Street Tree(s)	: Yes - 6
Street Furniture (drainage pits etc)	: Footpaths (to remain/upgraded) Crossovers (to be removed)
Site Details	: See aerial photo above

DETAIL

Development approval is sought from the Metro Central JDAP for a 15 storey mixed-use development comprising 88 multiple dwellings, 16 short stay accommodation units and 6 non-residential tenancies (office, restaurant, shop, 2 co-working spaces and a community hall).

Refer to the attached RAR for details of the development proposed by this application.

[3825 S.31 RAR Forbes Kishorn](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the determining authority for the application. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide a report to the Development Assessment Panel for its consideration.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are not considered to be strategic, risk or environmental management implications associated with this application.

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

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The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however should choose not to endorse the recommendation, reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached as a late item to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION (3285)**RECOMMEND APPROVAL**

- 1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 15 storey mixed-use development comprising 88 multiple dwellings, 16 short stay accommodation units, 6 non-residential tenancies (office, restaurant, shop, 2 co-working spaces and community hall) at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, subject to conditions.**

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ATTACHMENTS

Original RAR Attachment(s):

[1.3825 Updated Development Plans](#)

[2.3825 Sustainability Report](#)

[3.3825 Wind Analysis Report](#)

[4.3825 Revised Landscape DRP Report](#)

[5.3825 Waste Management Plan](#)

[6.3825 Traffic Impact Statement – updated](#)

[7.3825 Acoustic Report](#)

[8.3825 PCA117 Canning Highway](#)

[9.3825 Applicants Repsonse to objections](#)

[10A. 3825 August DRP Mintues 2018](#)

[10B.3825 December DRP Mintues 2018](#)

[11.3825 DRP Minutes Item 50 14 Forbes Road 40A40C Kishorn Road APPLECROSS](#)

[12.3825 Design Report by MJA](#)

[13. 3825 Amenity Impact Statement by Tuscom](#)

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ATTACHMENTS

Section 31 Reconsideration
Attachment(s) from 1 July 2019
Metro Central JDAP Meeting:

[14A. 3825 Metro Central JDAP Meeting Minutes 7 March 2019](#)

[14B.3825 RAR Final Edited](#)

[15. 3825 Interface Analysis \(Final\)](#)

[16. 3825 Community Benefit Advice \(Final\)](#)

[17.3825 Minutes Special Meeting of Council 6 March 2019 – FINAL](#)

[18. 3825 Strategic Community Plan for City of Melville](#)

[19.3825 Mid View Perspectives](#)

[20.3825 Commentary on Community Benefit](#)

[21. 3825 Canning Bridge Activity Centre
Plan Bonus Building Height Provisions \(Modified Draft for June Council\)](#)

New RAR Attachment(s):

[22A 3825 minutes of 1 July 2019 JDAP meeting](#)

[22B 3825 First S.31 RAR Forbes Kishorn](#)

[23 3825 Design Review Panel Notes 8 October 2019](#)

[24 3825 Development Plans](#)

[25 3825 Landscaping Report](#)

[26 3825 Design Report](#)

[27 3825 Community Benefit Advice Report](#)

[28 3825 Addendum to Acoustic and Sustainability Reports](#)

[29 3825 Interface Analysis Report](#)

[30 3825 Amenity Report - Urbis 250919 Combined](#)

[31 3825 Pedestrian Wind Statement](#)

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[32 3825 Memo to TIA](#)

[33 3825 Memo to Waste Management Plan](#)

[34 3825 Overshadowing analysis](#)

[35 3825 Setback Calcs 240919](#)

36. Minutes City of Melville Ordinary Council Meeting October 2019
(to be provided following Ordinary Meeting of Council)