

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 14 APRIL 2020

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, 17 APRIL 2020



**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, 14 APRIL 2020.**

PRESENT

P Prendergast
M Scarfone
G Russell
B Ashwood
T Cappellucci
R Tu

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

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**U20/0532 – FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS
WA 6153 (REC) (ATTACHMENT)**

Ward : Central Ward
 Category : Operational
 Application Number : DA-2019-911
 Property : Lot 235 (5) Grimsay Road, Ardross
 Proposal : Five Multiple Dwellings
 Applicant : Property Projex
 Owner : D Rogers Property Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

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>

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)****KEY ISSUES/SUMMARY**

- Development approval is sought for five multiple dwellings at Lot 235 (5) Grimsay Road, Ardross. The development contains two dwellings on the ground floor and three dwellings on the first floor. The subject site currently contains a single house.
- The application was assessed against Local Planning Scheme No.6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 2 Apartments (SPP7.3 – Volume 2) and relevant local planning policies and Council Policies. The original proposal satisfied the relevant provisions of the above with the exception of plot ratio, lot boundary setbacks, lot boundary wall height and number of visitor parking bays for which a performance assessment was required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 ‘Planning Process and Decision Making’ to affected landowners and occupiers. Six submissions were received outlining concerns relating to visual privacy, overshadowing, removal of existing trees, plot ratio, setbacks, shortfall of visitor parking bays, noise, vehicular access and traffic congestion. In addition, one petition signed by 100 residents was received on 10 October 2019 objecting the proposed development. The petition was raised at the ordinary Council Meeting held on 15th October 2019.
- In response to issues raised by City officers and the concerns raised during advertising period, the applicant provided amended plans which required a performance assessment against the provisions of SPP7.3 - Volume 2 in relation to plot ratio, lot boundary setback average and lot boundary wall height.
- The application was referred to DAU on 4th February where a recommendation of approval was provided.
- The application was considered by the Ordinary Meeting of Council in March 2020. No determination was made, nor any debate on the detail of the development proposal as the recommendation of officers for approval in the report to the Council lapsed for lack of a seconder.
- In view of this ‘non-decision’, the applicant has elected to amend the development plans and reduce the number of multiple dwellings from six to five. This results in a development proposal which meets the acceptable outcomes of all applicable elements of SPP7.3 – Volume 2 with the exception of an average lot boundary setback variation that was previously reported.
- The amended plans have not been the subject of further consultation with submitters as the outcome of the amended plans is such that the concerns expressed by the previous submissions received have now been addressed. The underlying concern that is expressed against the prospect of multiple dwellings per se is not material to the matter as the planning policy framework has established that multiple dwelling development is in principle acceptable and encouraged in this location.
- As such, and notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant element objectives of R-Codes Volume 2.
- It is recommended that approval be granted subject to conditions.

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)**



Figure 1 – Aerial Photography

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R40
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	728 sqm
Retention of Existing Vegetation	:	Yes, retention of onsite vegetation
Street Tree(s)	:	Yes
Street Furniture (drainage, pits, etc.)	:	Not applicable
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, 17 April 2020

DETAIL

Development approval is sought for five multiple dwellings at Lot 235 (5) Grimsay Road, Ardross. The proposal comprises of two dwellings on the ground floor and three dwellings on the first floor. The application has been assessed against LPS6, the element objectives of the SPP7.3 - Volume 2 and relevant local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

State Planning Policy 7.3 Residential Design Codes (Volume 2 – Apartments) Requirements

Design Element	Acceptable Outcome	Proposed	Comments	Delegation to approve variation
2.4 – Side and Rear Setbacks	Average Side Setback – (North-East) 2.4m	1.7m	Requires assessment against the Element Objectives of State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments. Refer details in report below.	Development Advisory Unit (DAU)

The discussion in this report relates only to the design elements listed above.

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(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
 Support/Object: Six objections received and a petition signed by 100 City of Melville residents against the proposal

A summary of the content of the objections received and an officer's response is provided in the table below. Given the receipt of amended plans since the last consideration of this application by Council in March 2020, the submissions previously made are essentially fully addressed. The following table outlines the nature of those submissions, and provides a response to each taking into account the actual nature of the amended application, and its assessment against the SPP7.3 – Volume 2 requirements.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Loss of privacy	The setbacks to balconies provided satisfy the Acceptable Outcomes of SPP7.3 – Volume 2.	Not Uphold
Overshadowing impacts	Meets Acceptable Outcomes of SPP7.3 – Volume 2.	Not Uphold
Removal of existing trees	The removal of existing trees is common when a site such as this which is currently home to one single dwelling is redeveloped in the manner proposed. The proposed development does retain some existing trees, notably along the rear boundary, and within the frontage area. In addition additional deep soil planting for tree planting is provided in accordance with SPP7.3 – Volume 2. A condition of planning approval will require the verge trees to be retained.	Not Uphold

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Scale of development is inappropriate for the site	The proposed two storey built form is no different in terms of its scale and bulk than many existing adjoining single and grouped housing developments. The fact that the proposed development includes apartments as opposed to houses is not a product of its scale. Refer to the comments section of this report.	Not Uphold
Insufficient car parking	The levels of car parking proposed are fully acceptable and meet with the requirements of SPP7.3 – Volume 2.	Not Uphold
Vehicle access	Vehicle access is proposed to be taken from a single point of access/egress. This is designed to provide safe passage without compromise to vehicle or pedestrian safety. This aspect also satisfies the relevant Element Objective of SPP7.3 – Volume 2.	Not Uphold
Traffic impact on immediate and surrounding streets	Car parking provided on-site meets Element Objective of SPP7.3 – Volume 2	Not Uphold
Noise impacts	Whilst there may be increased noise during the construction phase, once the development is complete, noise from it will be domestic/residential in nature, and no different in principle to the noise that characterises this residential precinct per se.	Not Uphold

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Poor transition between sites	The proposed development meets the maximum building height limits, it being two storey in nature. The adjoining site to the west at No 7a Grimsay is a two storey single dwelling, as are many of the more recently constructed dwellings within the street and wider residential area.	Not Uphold
Excessive screening on balconies	Meets Element Objective of SPP7.3 – Volume 2, noting that the screening that is proposed to balconies has been reduced by the recent amended plans.	Not Uphold
Loss of Views	Loss of views unless they are deemed to be significant, is not a material planning consideration. In addition, both the previous and current detailed plans demonstrate that the height of the development complies with Local Planning Policy 1.9 – Height of Buildings.	Not Uphold
Adverse impacts from external fixtures	A condition of planning approval will require external fixtures are to be screened.	Condition

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.

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies with the exception of the lot boundary wall height referenced in *LPP3.1 – Residential Development* which requires consideration against the Design Principles of the R-Codes (see comments section below).

COMMENT

Average Side Setback – North East Boundary (Ground Floor)

The application is seeking an element objective assessment to the minimum average side setback on the north-east boundary ground floor comprising Units 1 & 2 as required by Table 2.1 of SPP7.3 – Volume 2. The setback proposed is considered to meet the relevant Element Objectives of Clause 2.4 *Side and Rear Setbacks* of SPP7.3 - Volume 2 for the following reasons:

- The bulk impact is minimal given it is of a single storey nature. The development meets all minimum setback requirements which are greater than what is required by Table 2.1 of SPP7.3 – Volume 2. The proposed ground floor setbacks provide a substantial separation between the proposed development and neighbouring dwelling at No.3 Grimsay Road.
- The setbacks sought will not result in any visual privacy or overshadowing impacts and won't detrimentally impact access to light and ventilation of the adjoining north eastern property.
- The walls along the north eastern boundary are well articulated through the provision of minor openings and varying setbacks.
- The reduced setbacks will not adversely impact on any outdoor living areas or major openings to habitable rooms associated with the adjoining dwelling.
- The applicant has incorporated suitable areas of deep soil planting and other landscaping to support future tree canopy and stormwater management.

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
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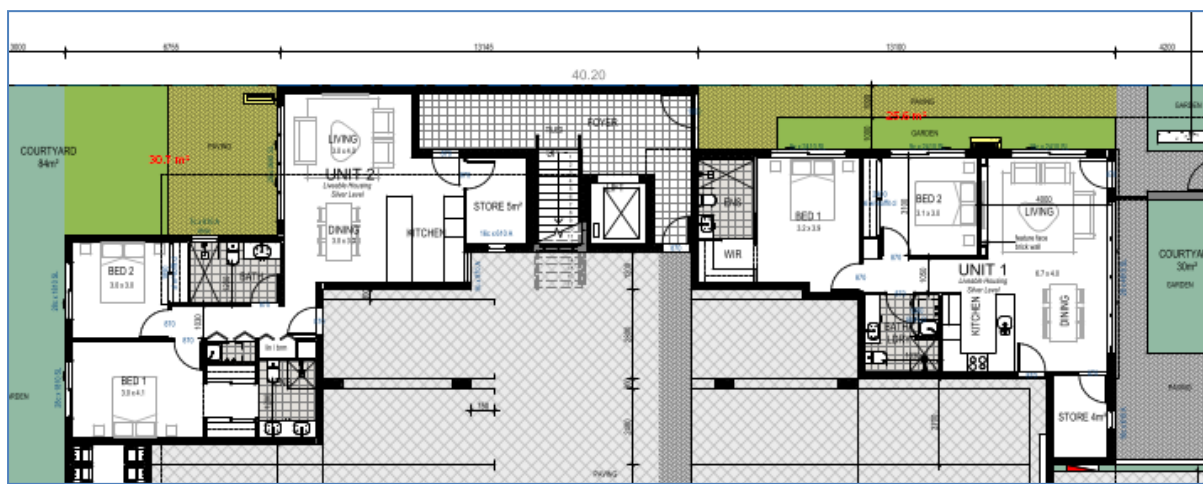


Figure 4 – Proposed ground floor plan towards north east boundary

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

Given the element objective assessment that has been applied in this case concludes that the development as amended is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

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 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. **The development shall be serviced by a concrete or brick paved vehicle crossover with:**
 - **a maximum width of 4.5m;**
 - **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.**

**FIVE MULTIPLE DWELLINGS AT LOT 235 (5) GRIMSAY ROAD, ARDROSS WA 6153
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The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.

5. Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction 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 to the satisfaction of the City:
 - 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - 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 and refuelling of equipment and 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
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
6. 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.
7. 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.

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8. 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.
9. 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.
10. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.