

## REPORTS AND RECOMMENDATIONS

### FOR THE

### DEVELOPMENT ADVISORY UNIT

### MEETING

### HELD ON

**TUESDAY, 15 NOVEMBER 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](mailto: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, 18 NOVEMBER 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, 15 NOVEMBER 2022**

**PRESENT**

P Prendergast  
M Scarfone  
T Cappellucci  
T Geddes

Manager Statutory Planning  
Planning Services Coordinator  
Senior Planning Officer  
Senior 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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**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

Ward : Bicton-Attadale-Alfred Cove  
 Category : Operational  
 Application Number : DA-2022-694  
 Property : Lots 20 & 21 (No. 567, 569) Canning Highway WA 6154  
 Proposal : Mixed use development  
 Applicant : Clancy White  
 Owner : Habitat SDA Management Pty Ltd  
 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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

**KEY ISSUES/SUMMARY**

- Approval is sought for a mixed use development proposal at 567 and 569 Canning Highway. The development comprises 20 multiple dwellings and two commercial tenancies in a three storey building.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 2 (the R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 1.7.6 of Local Planning Policy 1.1, the proposed development was advertised to the adjoining owners and occupiers. During the consultation period six submissions were received.
- The details of the development have been assessed against the provisions of the R-Codes and Local Planning Policy. It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Centre C4
R-Code	: R40
Use Type	: Mixed use
Use Class	: Permitted

**Site Details**

Lot Area	: 2024sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: No
Street furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 18 November 2022.

**DETAIL**

The application has been assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 2 (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.

Design Element	Acceptable Outcome/ deemed-to-comply standard	Proposed	Comments	Delegation to approve variation
R-Codes Volume 2 2.4 – Side and rear setbacks	Rear setback – 3m	1m to carports	Requires assessment against the element objectives of the R-Codes Volume 2.  The reduced carport setback is supported as it is a low-height, open sided lightweight structure which will not unduly impact the adjoining lot.	Manager Statutory Planning

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

Design Element (Cont.)	Acceptable Outcome/ deemed-to-comply standard	Proposed	Comments	Delegation to approve variation
R-Codes Volume 2 3.5 – Visual Privacy	Western boundary – balconies – 6m Bedrooms – 3m	Balconies U 6 & 10 – 5m Bedrooms U3, U6, U7, U10	Requires assessment against the element objectives of the R-Codes Volume 2.  Overlooking of the adjoining lot to the west is supported as it overlooks the driveway of a non-residential property.	Manager Statutory Planning
R-Codes Volume 2 3.9 – Car Parking  LPP 1.6 – Car parking and access	Dwellings: 20.5 bays Visitors: 4 bays Office: 1 bay Total: 25.5 (26 bays)	15 Resident Bays 1 Commercial Bay 4 Visitor bays Total: 20 bays  Shortfall: 5.5 (6) bays	See comments below	Development Advisory Unit (DAU)

## STAKEHOLDER ENGAGEMENT

### I. COMMUNITY

Advertising Required: Yes  
 Neighbour's Comments Supplied: Yes  
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6  
 Support/Object: Three objections received.

A summary of the content of the objections received and a response is provided in the table below.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Nature of the development/land use is inappropriate	The mixed use, predominantly residential nature of the development is a permitted use within this centre zone. The size and scale of the development including its height align with the intended character of the locality under LPS6.	Not Uphold
The development does not provide for sufficient car parking for the development proposed.	Discussed further in the comment section	Not Uphold

## II. OTHER AGENCIES / CONSULTANTS

The application was referred to Main Roads Western Australia (MRWA) as the property abuts Canning Highway, a Primary Regional Road. MRWA responded advising that they had no objection to the proposal subject to a number of conditions of development approval which have been incorporated into the officer recommendation.

## 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

There are no Local Planning Policy or Council Policy implications in relation to this development. The proposed development requires a performance assessment having regard to the relevant Design Principles of the R-Codes.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)****COMMENT**On site car parking

The development comprises 20 multiple dwellings and two commercial tenancies. Of the 20 multiple dwellings, there are 6 one bedroom dwellings including two smaller dwellings which are nominated as care providers dwellings, and 14 two bedroom dwellings. The car parking requirements for the multiple dwellings are contained in the R-Codes while the car parking requirement for the non-residential tenancies is contained in Local Planning Policy 1.6 Car Parking and Access (LPP1.6).

In order to meet the relevant requirements of LPP 1.6 and the Acceptable Outcomes of the R-Codes, the following parking provision would be required:

- 20.5 bays for residents and caretakers dwellings, in accordance with Table 3.9 of R-Codes Volume 2.
- 4 visitors bays in accordance with Table 3.9.
- 1 bay for the ground floor commercial/office component in accordance with LPP 1.6.

The proposed development provides a total of 20 bays, including 15 resident bays, 4 visitor bays and one commercial bay. Therefore the provision of parking for the development requires a performance assessment against the relevant Element Objective of the R-Codes which is as follows:

***O3.9.2 – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.***

The proposal is considered to meet this objective for the following reasons:

- The site sits along a high frequency public transport route, providing for good links via bus to both the City and Fremantle. This is likely to reduce the need for a private vehicle, and hence reduce the demand for off street car parking.
- The development is proposed to provide residential accommodation for persons with high dependency needs, which will likely result in reduced levels of vehicle ownership.
- The site is located close to commercial premises within the locality, such as shops, restaurants and cafes on North Lake Road and Hislop Road, as well as consulting rooms on Canning Highway allowing for access to these facilities within an accessible distance.
- The development is considered to satisfy the objectives of LPP 1.6 – Car Parking and Access, in providing for an adequate and convenient car parking facility which is considered to be designed to align with the needs of the end users of the development, while promoting alternative transport modes.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (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**

Given the discretionary assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the development 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 in accordance with a plan approved in writing by the City. Prior to the commencement of development, a stormwater design plan is to be submitted (an ARI of 1 in 100 year for a 24 hour storm duration is recommended) for the approval of the City. Prior to initial occupation of the development a Certificate of Compliance certifying that the development has been constructed in accordance with the approved plan is to be submitted to the City.
3. Prior to the initial occupation of the development, all parking bays manoeuvring areas, driveways and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.
4. 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.
5. 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 6m;
  - 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.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

6. 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.
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 and secondary street, to the satisfaction of the City.
9. 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 treatmentsThe 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.
10. The development is to be constructed and operated in accordance with the Waste Management Plan dated 4 November 2022 (Project Number TW22097) and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.
11. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, by the City. The development shall thereafter be constructed in accordance with those approved details.
12. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
  - the parking arrangements for employees, contractors and sub-contractors;
  - on-site delivery times and access arrangements;

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

## 12. (cont).

- the storage of materials and equipment on site (no storage of materials on the verge will be permitted without an approval);
- Waste water and liquid waste disposal from temporary lunch rooms, toilets, basin;
- Proposed method on dealing with concerns raised by the affected neighbours and members of the public during the building process, and
- any other matters likely to impact upon the surrounding properties or road reserve.

The applicant should have regard to the provisions of Draft Local Planning Policy 1.22 Construction Management Plans to assist in preparing this document. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

13. The privacy screening/obscure glazing shown on the approved plans shall be a minimum height of 1.6m above finished floor level and be a minimum of 75% obscure. The privacy screening/obscure glazing shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.
14. Prior to the commencement of the development, Lots 20 and 21 shall be amalgamated and new certificate/s of title obtained for the amalgamated lots.
15. Prior to the initial occupation of the development, the opening along the southern elevation of the balconies of units 5 & 9 (Lot 21) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level and a minimum of 75% obscure to achieve a minimum 6 metre cone of vision setback to the eastern boundary, or any other screening alternative approved by the City. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
16. Prior to the initial occupation of the development, a notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost and is to state as follows:  
*"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."*
17. 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 3 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

18. 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.
19. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development, to the satisfaction of the City.
20. The removal of, or permanent covering of shopfront windows and openings is not permitted. The windows at ground floor level are to remain visually permeable at all times.
21. Reflective or heavily tinted glazing at ground floor level is not permitted.
22. The management of the on-site parking and access is to be undertaken in accordance with the Traffic Impact Statement dated 8 August 2022 submitted as part of the application, to the satisfaction of the City.
23. Prior to the initial occupation of the development, the visitor car parking bays must be individually marked on site as 'Visitor Bays'. The visitor bays must be made available for use by visitors at all times to the satisfaction of the City.
24. The bicycle parking bays shown on the approved plans shall be installed prior to the occupation of the development to the satisfaction of the City.
25. Prior to occupation, an Acoustic report shall be submitted to demonstrate that all mechanical services associated with the development are capable of complying with the 'Assigned Noise Levels' contained in the *Environmental Protection (Noise) Regulations 1997* when the noise is received at any neighbouring residential premises to the satisfaction of the City. Once approved, the development shall operate in accordance with the recommendations set out in the report to the satisfaction of the City.
26. Prior to the submission of a Building Permit, a Traffic Management Plan (for construction) must be submitted and approved by Main Roads. The Traffic Management Plan must detail how traffic shall be managed and implemented throughout the construction of this development.
27. Prior to the issue of the Building Permit, an acoustic report prepared by a qualified acoustic consultant consistent with the requirements of *State Planning Policy 5.4 – Road and Rail Noise* is to be prepared and submitted to the satisfaction of the City of Melville in consultation with Main Roads. Any recommendations contained in the acoustic report shall be thereafter implemented and maintained for the duration of the development.

**U22/0594 – MIXED USE DEVELOPMENT - LOTS 20 & 21 (NO. 567 & 569) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

28. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted confirming Condition 27 has been achieved. This certification must be provided to the City of Melville.
29. Stormwater shall not be discharge to the Canning Highway Road Reserve.
30. No works are permitted within the Canning Highway Road Reservation unless Main Roads has issued a Working on Roads Permit.
31. Onsite waste collection shall be restricted to the hours between 6PM and 7AM.
32. No waste collection is permitted from Canning Highway Road Reserve.