

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 23 APRIL 2019

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, 26 APRIL 2019



**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, 23 APRIL 2019**

PRESENT

M Scarfone
T Capobianco
B Ashwood
T Cappellucci

Planning Services Coordinator
Manager Building Services
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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U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

Ward : Central
 Category : Operational
 Application Number : DA-2018-1184
 Property : Lot 253 (29) Earlston Place, Booragoon
 Proposal : Six Multiple Dwelling
 Applicant : B&F Holdings (WA) Pty Ltd T/As Art & Building – Soroosh Bahremand
 Owner : Soroosh Bahremand and Shala Bahremand
 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

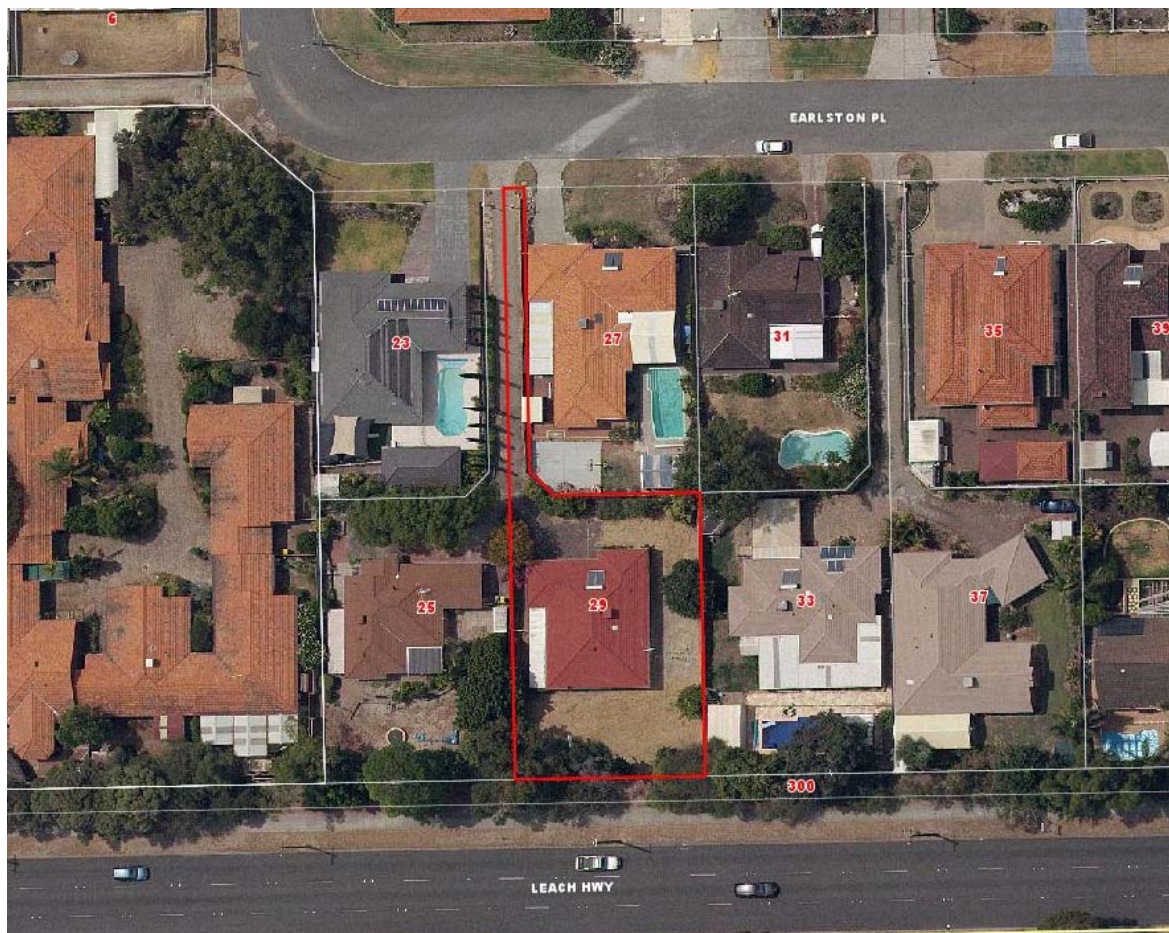
AUTHORITY / DISCRETION

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 (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>

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought for the construction of 6 multiple dwellings at Lot 253 (29) Earlston Place, Booragoon.
- The proposal satisfies the relevant provisions of Local Planning Scheme No.6 (LPS6), the Deemed-to-Comply provisions of the R-Codes and applicable Council Policies with the exception of maximum plot ratio, building height, and lot boundary setbacks for which a performance assessment is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local planning Policy to affected landowners. Seven submissions were received outlining concerns relating to plot ratio, parking, overshadowing, privacy, traffic, waste management, safety, construction management, noise and amenity.
- The objections received have raised relevant planning issues and amended plans were provided by the applicant in a response to a request from the City.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant design principles of the Residential Design Codes.
- It is recommended that approval be granted subject to conditions.

**Figure 1 – Aerial Photography**

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	: 922sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: N/A
Site Details	: Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 26 April 2019.

DETAIL

Planning approval is sought for 6 multiple dwellings at Lot 253 (29) Earlston Place, Melville.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable local planning policies and council policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

Local Planning Scheme and Local Policy Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Eave Height	8m	8.5m	Requires assessment against amenity provisions of the Planning and Development (Local Planning Schemes) Regulations 2015	Development Advisory Unit (DAU)

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

R-Code Requirements

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Plot Ratio	0.6 553sqm	0.64 593sqm	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Boundary Wall (Rear of 'Block B' facing Leach Highway)	Height: 3m average, 3.5m max Length: 15.7m	8.1m average 8.1m max 17.4m	Requires assessment using performance criteria	Manager Statutory Planning (MSP)
Rear Setback – (South) 'Block B' Second Floor total dwelling	5.9m	1.1m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – (East) 'Block A' – Ground Floor Bed 1 to Dining	1.5m	1.3m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – (East) 'Block A' – First Floor Bed 1 to Dining	1.5m	1.3m	Requires assessment using Performance Criteria	Manager Statutory planning (MSP)
Side Setback – (East) 'Block A' – Second Floor Total dwelling	2.3m	2.1m	Requires assessment using Performance Criteria	Manager Statutory planning (MSP)
Side Setback – (East) 'Block A' – Second Floor Bed 1 to Dining	1.6m	1.3m	Requires assessment using Performance Criteria	Manager Statutory planning (MSP)
Side Setback – (North) 'Block A' – Balcony	1.4m	1.2m	Requires assessment using Performance Criteria	Manager Statutory planning (MSP)

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

The discussion in this report relates only to the variation that is the subject of the objection. All other variations outlined above are considered to meet the relevant design principles of the R-Codes.

STAKEHOLDER ENGAGEMENT

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

A summary of the content of the objections received and an officer's response is provided in the table below.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The plot ratio is excessive	Refer to comments section of this report.	Not Uphold
The proposed Building Height is excessive	Refer to comments section of this report.	Not Uphold
Visual privacy will be affected.	Visual Privacy is compliant with the deemed-to-comply requirements of the R-Codes. Condition is recommended to ensure that visual privacy screening is installed and maintained to the satisfaction of the City.	Not Uphold
The resultant noise of the occupancy of the dwelling will be overbearing.	Not considered to be a relevant planning matter as per LPP1.1. Despite this Condition 18 is recommended to ensure plant and external fixtures meet the relevant noise regulations.	Not Uphold
Local amenity will be affected.	Refer comments of this report.	Not Uphold
The development will cause an excessive amount of overshadowing	Overshadowing meets the Deemed-to-Comply standards of the R-Codes	Not Uphold
There is not considered to be enough parking provided as part of the development.	Parking provisions are in excess of the Deemed-to-Comply standards of the R-Codes.	Not Uphold

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
The development will cause increased traffic congestion.	The application has been referred to the City's Technical Services department who have confirmed that the road capacity can handle the additional vehicle movements.	Not Uphold
The construction phase will have an adverse impact on amenity	the impact of construction will be minimised through the submission and implementation of a Construction Management Plan as required by recommended condition 10.	Not uphold
There will be an excessive number of bins associated with the development	Development is to comply with Local Planning Policy LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed use developments and Non-Residential Developments. Condition 11 requires the submission of an amended Waste Management Plan prior to commencement of the development.	Not uphold

II. OTHER AGENCIES / CONSULTANTS

the application was referred TO Main Roads Western Australia (MRWA) for comment due to its proximity to Leach Highway. MRWA determined to endorse the application subject to a condition regarding noise attenuation (see condition 15).

The application was also presented to the City's Design Review Panel on two occasions. On both occasions the panel made a number of suggestions to improve the design. The applicant has incorporated a number of these suggestions into their final design.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

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

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 eave height limit referenced in *LPP1.9- Building Height*, which requires consideration against the Design Principles of the R-Codes (see comment section below).

COMMENT**Building Size**

The proposed plot ratio is considered to meet the Design Principles of Cl 6.1.1 *Building size* of the R-Codes for the following reasons:

- the proposal is considered to be of a bulk and scale which is consistent with the R40 density coding which applies to the site and the future desired built form of the area. The design of the proposed development results in two distinct buildings with setbacks between them which enable a number of trees to be planted on site. The combination of building setbacks and landscaping will assist in reducing the overall building bulk when viewed from adjoining properties to the east and west.
- The proposed additional plot ratio area can be accommodated without prejudice to other facets of the development such as car parking, visual privacy, overshadowing, waste management and open space.

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)Building Height

The proposed building height is considered to meet the Design Principles of CI 6.1.2 *Building height* of the R-Codes for the following reasons:

- Due to the setback of the proposed building to Earlston Place there will be minimal impact on that streetscape. In relation to the Leach Highway streetscape, the existing mature vegetation will reduce the prominence of the proposed dwelling. In addition the south elevation is well articulated by a mix of materials, varied setbacks, windows and balconies.
- The proposed building height will not impact on views of significance.
- The proposed development meets the Deemed – to – Comply standards outlined by CI 6.4.2 ‘Solar Access for Adjoining Site’ of the R-Codes, as such the building height is not considered to limit adequate access to direct sun into buildings, open spaces, and major openings to habitable rooms of adjacent residential properties.
- The highest points of the proposed building are located centrally within the site.
- Proposed ‘Block A’ is adjacent to a side setback area with no major opening on the adjoining property. Proposed Block ‘B’ is located next to an outbuilding on the adjoining property and the upper floors are setback 3.4 m from the side boundary. This massing reduces the impact of the building bulk and the perception of height.

While the proposed built form will represent a departure from the existing housing stock within the area, this is considered to be consistent with the provisions of the Local Planning Strategy which aims to add dwelling diversity to existing suburbs, and further support existing transport infrastructure, promoting density along corridors. The proposed development is consistent with the zoning and intent for the site.

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 application is considered to satisfy the provisions of LPS6, the R-Codes and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION U19/0517****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Any street walls and fences (including the height of any retaining walls) constructed within the primary or secondary street setback area shall meet the requirements contained under clause 4 of LPP-3.1: *Residential Development* to the satisfaction of the Manager Statutory Planning.
3. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of LPP-3.1: *Residential Development*, to the satisfaction of the Manager Statutory Planning.
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 Manager Statutory Planning.
5. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree. 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 Manager Statutory Planning.
6. Prior to the initial occupation of the development, the surface finish of the boundary walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
7. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development, to the satisfaction of the Manager Statutory Planning.
8. In accordance with Council Policy LPP 1.4 Provision of Art in Development Proposals, prior to the commencement of development, a public art proposal shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 Manager Statutory Planning and are to be removed prior to initial occupation of the development.
10. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning 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 contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
 - any other matters likely to impact upon the surrounding properties or road reserve.
- Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.
11. Prior to the commencement of works, an updated Waste Management Plan shall be prepared in accordance with Local Planning Policy LPP1.3- *Waste and Recyclables Collection for Multiple Dwellings, Mixed use developments and Non-Residential Developments* and submitted in writing for the approval of the City. The development is to be constructed and operated in accordance with the Waste Management Plan, to the satisfaction of the City.

U19/0517 LOT 253 (29) EARLSTON PLACE, BOORAGOON – SIX MULTIPLE DWELLINGS (REC) (ATTACHMENT)

12. Prior to the initial occupation of the development, the openings along the Eastern elevation of Unit 2 – Bed 1, Unit 3 – Bed 1, the Northern elevation of Unit 2 – Dining, Unit 2 – Living, Unit 2 – Balcony, Unit 3 – Dining, Unit 3 – Living, Unit 5 – Balcony, Unit 6 – balcony and The western elevation of Unit 2 – Balcony, Unit 5 – balcony, Unit 6 – balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with the purpose and intent of C1.1 or C1.2 of Clause 6.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
13. The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements
14. Prior to the initial occupation of the development, all parking bays manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the relevant Australian Standards to the satisfaction of the City. The bays shall thereafter be retained for the life of the development
15. Prior to the initial occupation of the development, the recommendations detailed in the Residential Noise Assessment report (dated 1 November 2018), including the notification on title, are to be fully implemented to ensure compliance with *State Planning Policy 5.4- Road and Rail Transport Noise and Freight Considerations in Land Use Planning*, to the satisfaction of the City.
16. Prior to the commencement of the development, detailed plans of any external fixtures and plant equipment, such as air conditioning condensers or meter boxes, shall be submitted to and approved in writing by the City.
17. All external clothes drying facilities shall be screened from public view to the satisfaction of the Manager Statutory Planning.
18. All mechanical services associated with the development and all vehicle noise created by the onsite car parking is to comply 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.