

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 24 JANUARY 2017

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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 27 JANUARY 2017

**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, 24 JANUARY 2017**

PRESENT

P Prendergast
T Capobianco
J Wardell-Johnson
M Cosson

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

APOLOGIES

M Scarfone

Planning Services Coordinator

IN ATTENDANCE

OBSERVERS

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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**U17/0483 - TWO STOREY MULTIPLE DWELLING DEVELOPMENT AT LOT 572 (8)
LEALT PLACE, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2016-1352
 Property : Lot 572 (8) Lealt Place, Ardross
 Proposal : Two storey multiple dwelling development
 Applicant : N Gorman
 Owner : Wiselot Investments Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Mr 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>

U17/0483 - TWO STOREY MULTIPLE DWELLING DEVELOPMENT AT LOT 572 (8) LEALT PLACE, ARDROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a two storey multiple dwelling development comprising of nine dwellings at Lot 572 (8) Lealt Place, Ardross.
- The proposal requires assessment against the relevant design principles of the Residential Design Codes (R-Codes) in relation to building size, street setback and lot boundary setbacks.
- The application was advertised in accordance with the provisions of Cl. 1.7 of LPP-1.1: *Planning Process and Decision Making*.
- Two submissions were received objecting to the discretion sought in relation to building size and lot boundary setbacks.
- Notwithstanding the objections received, it is considered that the development meets the relevant design principles of the R-Codes.
- It is recommended that approval be granted for the proposal subject to conditions.



Figure 1: Aerial view of the subject site

BACKGROUND

Scheme Provisions

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

**U17/0483 - TWO STOREY MULTIPLE DWELLING DEVELOPMENT AT LOT 572 (8)
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Site Details

Lot Area : 1266m2
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : To be retained
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer aerial image above

U17_0483_January_2017. A Copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 27 January 2017.

DETAIL

Planning approval is sought for a two storey residential development comprising two grouped dwellings and nine multiple dwellings at Lot 572 (8) Lealt Place, Ardross.

The proposal has been assessed against all of the relevant provisions of Local Planning Scheme No. 6 (LPS6), the R-Codes and applicable Local Planning Policies. Assessment under the Design Principles of the R Codes is sought in respect of the following:

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Building Size	0.6	0.67	Requires assessment against the Design Principles of the R-Codes	Development Advisory Unit (DAU)
Street Setback	4m	2m	Requires assessment against the Design Principles of the R-Codes	DAU
Lot Boundary Setbacks	<u>South</u> <i>First Floor</i> 2.8m	<u>South</u> <i>First Floor</i> 1.5m	Requires assessment against the Design Principles of the R-Codes	DAU
	<u>North</u> <i>Ground Floor</i> 3.3m	<u>North</u> <i>Ground Floor</i> 2m-2.3m	Requires assessment against the Design Principles of the R-Codes	Manager Statutory Planning (MSP)
	<i>First Floor</i> 2.1m	<i>First Floor</i> 1.5m-2.3m		

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	<u>East</u> <i>Ground Floor</i> 1m <i>First Floor</i> 2.8m	<u>East</u> <i>Ground Floor</i> 0m-2.4m <i>First Floor</i> 1.5m	Requires assessment against the Design Principles of the R-Codes	MSP
Boundary Walls	<u>South</u> Max Height – 3.5m Ave Height – 3m Length – 33.5m	<u>South</u> Max Height – 3.11m Ave Height – 3.06m Length – 6.6m	Requires assessment against the Design Principles of the R-Codes	MSP
	<u>North</u> Max Height – 3.5m Ave Height – 3m Length – 23.7m	<u>North</u> Max Height – 3.53m Ave Height – 3.5m Length – 22.9m	Requires assessment against the Design Principles of the R-Codes	MSP

STAKEHOLDER ENGAGEMENT

COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Part four of the R-Codes and Cl. 1.7 of LPP-1.1: Planning Process and Decision Making
 Support/Object: Two objections received

**U17/0483 - TWO STOREY MULTIPLE DWELLING DEVELOPMENT AT LOT 572 (8)
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Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Proposed southern setback variation will have an impact on the access to light for the rear units on the adjoining lot.	Object	The proposed development complies with the overshadowing provisions of Cl. 6.4.2 <i>Solar access for adjoining sites</i> of the R-Codes. Further discussion on the assessment of the setback variation against the relevant Design principles is contained within the comment section below.	Not uphold.
2	The site should only be developed as five units as per the minimum site area requirement of 180m ² and the average site area requirement of 220m ² as per the R-Codes.	Object	Minimum and average site area requirements of the R Codes do not apply in the context of a development comprising multiple dwellings. Plot ratio is applied as a mechanism to control building size.	Not uphold
Application proposes a plot ratio of 0.67 in lieu of 0.6.	Proposal is considered to meet the relevant design principles of the R-Codes as discussed in the comments section below.			
Open space provided on site appears to be greater than 45%.	Proposal meets the deemed-to-comply provisions of Cl 6.1.5 of the R-Codes.			
No bin storage has been provided for unit 1 and the bin storage area has been provided within the garage.	Bin storage for unit 1 provided within the garage. This is an acceptable outcome.			

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	<p>Proposed primary street setback is 2m in lieu of 4m.</p>		<p>Proposal is considered to meet the relevant design principles of the R-Codes as discussed in the comments section below.</p>	
	<p>Balcony of unit 9 which has access from the living room and bedroom appears to look directly into the rear of 119 and 121 Riseley Street.</p>		<p>It is proposed that a condition of planning approval be applied to require the provision and retention of screening.</p>	
	<p>Roof of the carport on the northern boundary appears to be within 100mm of the boundary.</p>		<p>Proposal meets the deemed-to-comply provisions of the R-Codes in relation to boundary wall length.</p>	
	<p>Carpark outside units four and five do not appear to comply with Section 6.4 of the R-Codes in relation to light, noise and visual intrusion.</p>		<p>Proposal meets the deemed-to-comply provisions of Part 6.4 of the R-Codes.</p>	
	<p>Site plan indicates the bin collection area as being on the north-west corner in front of the lot, encroaching on the verge of 6A Lealt Place and appears to be only 3m wide which is not of sufficient size for verge collections.</p>		<p>Verge in front of the subject site is large enough to cater for verge collections.</p>	
	<p>It is impossible for refuse trucks to pick up the bins as they would need to reverse across the driveway of 6A Lealt Place.</p>		<p>Revised crossover layout does not compromise refuse trucks access to the subject site.</p>	

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	Proposed crossover removes street parking available by one space.		Proposal meets the deemed-to-comply provisions of section 6.3.3 of the R-Codes.	
	Traffic flow in the street would increase by 70% with the additional parking proposed. As a result pedestrians would be placed at risk.		The development as proposed is consistent with the subject site's R40 zoning.	
	Site plan indicates the light pole in front of 8 Lealt Place is to be moved by 'others' Who makes the decision of where this pole is shifted to, as currently it helps with the security lighting in the Pedestrian Access Way to Almondbury Road		Applicant/owner will liaise with Western Power regarding the relocation of the light pole. All works will be undertaken at the applicant/owner's expense.	

II. OTHER AGENCIES / CONSULTANTS

City of Melville Architectural and Urban Design Advisory Panel

Prior to lodgement, the plans were considered by the City's Architectural and Urban Design Advisory Panel (the Panel) on 10 October 2016.

A number of suggestions were made by the panel to improve the appearance of the building, its functionality with the streetscape and landscaping. The Panel's recommendations have generally been incorporated into the revised drawings.

The changes made to the original design are considered to have significantly improved the overall design of the proposal.

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 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.

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STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal seeks discretion to the applicable policy provisions in relation to building size, lot boundary setbacks, street setbacks and boundary walls. Discussion within the comment section below will be confined to the subject of the variations sought that were the subject of submissions received.

COMMENT

Building Size

The proposed plot ratio variation of 0.67 in lieu of 0.6 is minor and is considered to meet the design principles of Cl 6.1.1 *Building size* of the R-Codes for the following reasons:

- The additional plot ratio sought results in an additional 93 square metres of floor area across the development. The additional floor area does not contribute to a density above and beyond that envisaged by the site's R40 zoning; rather it allows the development to achieve a greater diversity of housing options within the development by providing two, two storey townhouse apartments as part of the proposal.
- The proposal is of a bulk and scale consistent with the site's R40 zoning. As discussed below, the proposal is considered to satisfy the design principles of the R-Codes in relation to lot boundary setbacks. Furthermore, building height, open space and landscaping all meet the deemed-to-comply provisions of the R-Codes. As such, it is considered that there will be no adverse impact in terms of building bulk as a result of the plot ratio proposed.
- As discussed above, the revised drawings were considered by the City's Architectural and Urban Design Advisory Panel. The panel members were of the opinion that the amendments made significantly reduced the building bulk imposed on adjacent properties.

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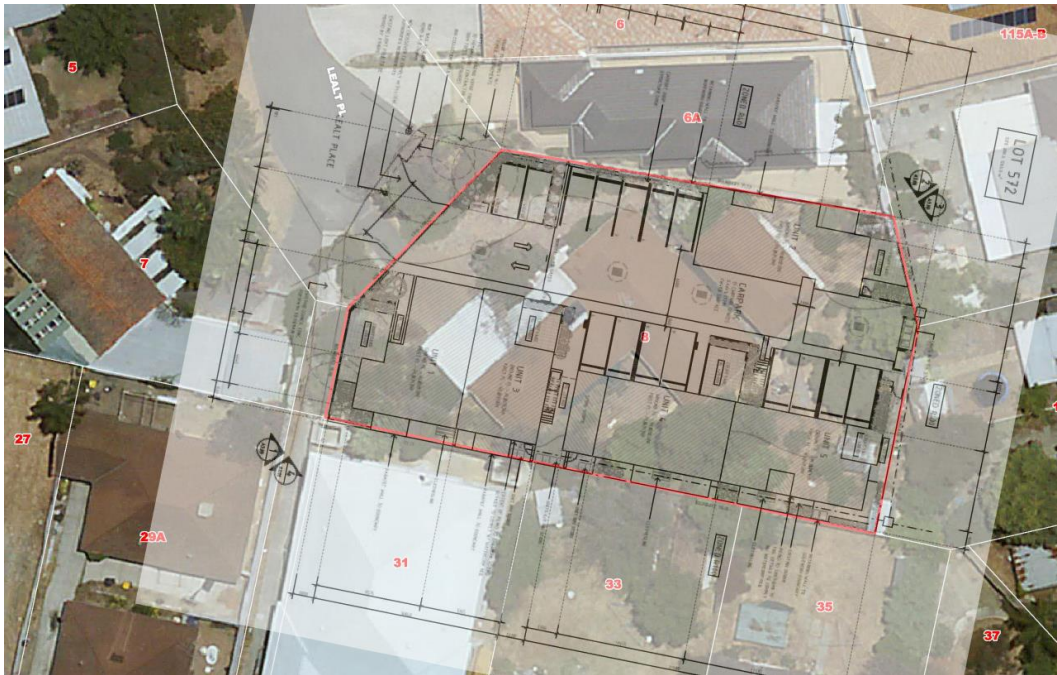


Figure 2: Site plan in relation to the existing streetscape

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Street Setback

The proposed minimum street setback of 2m in lieu of 4m is considered to meet the design principles of Cl 6.1.3 *Street setback* of the R-Codes for the following reasons:

- Due to the site's angled front boundary and location at the end of a cul-de-sac, the portion of the building that intrudes into the 4m setback area is consistent with the prevailing streetscape (see figure two above).
- Only a small portion of the building is forward of the 4m setback line (3.5sqm) with the majority of the development setback off the street. In practice this will result in a reduced streetscape impact than a compliant development would have.
- The location of the two storey townhouse apartment at the front of the lot, results in the development having the appearance and outward character of a grouped dwelling development. This is consistent with the form of development that prevails within the existing streetscape.
- The development provides a large balcony within the front setback area facing the street which allows for an increased level of surveillance of the street and pedestrian access way. The balcony also provides articulation and visual interest within the public realm.
- The portion of the development that projects into the front setback area is well clear of the adjoining dwellings due to the siting of buildings on the lot.
- Streetscape impact is consistent with that of a compliant grouped dwelling which would be able to be constructed, in accordance with the Deemed to Comply provisions, with a minimum setback of 2m and an average of 4m.

Lot Boundary Setbacks

The proposed first floor lot boundary setback variation of 1.5m in lieu of 2.8m to the southern boundary is considered to meet the design principles of Cl 6.1.4 *Lot boundary setbacks* of the R-Codes for the following reasons:

- The proposal ensures adequate daylight, direct sun and ventilation for the development and the outdoor living area attached to each dwelling. The development has taken advantage of its northern orientation while maintaining a high level of internal amenity through the provision of balconies and outdoor living areas that are not required to be screened.
- The required setback of 2.8m comes as a result of the wall being assessed based on its entire length (46.9m). In reality however, this wall length is distributed between 3 adjoining lot boundaries to the south, and the portion of wall directly adjacent to the adjoining lot the subject of the submission is limited to a length of 16.84m, which if assessed in isolation would require a setback of 1.9m, a 300mm variation, the impact of which is considered to be negligible. This, together with the fact that the building under construction on the lot to the south has a finished floor level approximately 870mm higher than that of the subject site, provides further mitigation for any adverse impact that might result.
- The proposed building and that under construction to the south will have a total separation of 4.5m which will help moderate the visual impact of building bulk on the neighbouring property. Furthermore, the development under construction to the south contains a store room on its rear boundary facing the development which itself will have a degree of visual impact to the future occupiers of that development.

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- The shadow cast by the proposed development to the adjoining lot to the south is 16.5%, which readily meets the Deemed to Comply provisions of the R Codes.
- No major openings are proposed on the southern boundary of the subject site, as such, the development assists with the protection of privacy between adjoining properties.

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 opportunity to call this matter up for formal Council consideration.

CONCLUSION

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

OFFICER RECOMMENDATION (U17/0483)

APPROVAL OR REFUSAL

- 1. All stormwater generated on site is to be retained on site.**
- 2. 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.**
- 3. The development shall be serviced by a concrete vehicle crossover with a maximum width of 5m and located a minimum of 1m 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.**
- 4. 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.**
- 5. 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.**
- 6. 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.**

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7. 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.
8. Prior to the commencement of the development, retained street trees are required to be retained and protected through the installation of Tree Protection Zones (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
 - 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.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.

9. In accordance with 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.

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10. Prior to the initial occupation of the development, the Northern and Eastern elevation of the 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 that complies with the purpose and intent of C1.1 or C1.2 of Clause 6.4.1 (for Multiple Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
11. 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.
12. 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.

13. Prior to the initial occupation of the development, the parking bays, manoeuvring areas, driveway and points of ingress and egress shall be provided in accordance with the approved plans, to the satisfaction of the Manager Statutory Planning. The bays shall thereafter be retained for the life of the development.
14. Prior to the initial occupation of the development, bicycle parking facilities for four bicycles shall be provided in accordance with Australian standard as 2890.3, to the satisfaction of the Manager Statutory Planning, the facilities shall thereafter be retained for the life of the development.

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- 15. 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 Manager Statutory Planning.**
- 16. Prior to the commencement of development, details of the exterior colours, materials and finishes are to be submitted and approved in writing, to the satisfaction of the Manager Statutory Planning. Once approved, the development is to be constructed in accordance with those details.**
- 17. All external clothes drying facilities shall be screened from view of the primary and secondary street, to the satisfaction of the Manager Statutory Planning.**
- 18. The development is to be constructed and operated in accordance with the waste management plan dated December 2016 and LPP-1.3: Waste and Recyclables Collection for Multiple Dwellings, Mixed-use Developments and Non-residential Developments, to the Satisfaction of the Manager Statutory Planning.**
- 19. Prior to the initial occupation of the development, a concrete bin pad is to be constructed within the road reserve fronting the subject site, to the satisfaction of the Manager Statutory Planning.**
- 20. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but 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 treatments**

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 Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the city's requirements.