

**REPORTS AND RECOMMENDATIONS
FOR THE
DEVELOPMENT ADVISORY UNIT
MEETING
HELD ON
TUESDAY, 30 MAY 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, 2 JUNE 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, 30 MAY 2016**

PRESENT

M Scarfone
J Wardell-Johnson
G Russell
G Davey
M Rea

Planning Services Coordinator
Senior Planning Officer
Building Services Coordinator
Planning Officer
Planning Officer

APOLOGIES

P Prendergast
T Capobianco
M Cosson

Manager Statutory Planning
Manager Building Services
Senior Planning Officer

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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U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2016-1408
 Property : Lot 804 (No.552) Canning Hwy, Attadale
 Proposal : Four Multiple Dwellings in a three storey building
 Applicant : Zuideveld Marchant Hur Architect Planning & Interior Design
 Owner : Joint Project 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 : 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>

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for four Multiple Dwellings in a three storey building at Lot 804 (No. 552) Canning Highway, Attadale.
- The proposal requires an exercise of judgement in respect of building size.
- The application was advertised in accordance with the provisions of the R-Codes and LPP1.1 Planning Process and Decision Making. Three submissions were received in opposition to the proposal on the grounds of building bulk impacts arising from the plot ratio and side setbacks. As a result of the objections the side setbacks to the west were amended to comply with deemed to comply provisions of the R-Codes.
- Notwithstanding the objections received, it is considered that the development is now acceptable when assessed against the relevant design principles of the R-Codes.
- It is recommended that the application be approved subject to conditions.



U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R50
Use Type	:	Residential
Use Class	:	Multiple Dwellings

Site Details

Lot Area	:	1946sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer photo above

U17_0487_May_2017 - A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 2 June 2017.

DETAIL

Planning approval is sought for the construction of four multiple dwellings in a three storey building configuration. The site contains 18 recently renovated multiple dwellings and associated parking. The proposed development is located on the northern side of the site.. Access to the existing development and the proposed development is via Groves Avenue.

The proposal has been assessed against all of the relevant provisions of LPS6, the Acceptable Development provisions of the R-Codes and the applicable Council Policies. The proposal satisfies all of these requirements with the exception of the matter listed below:

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Building Size	0.6 1197.7sqm	0.81 1582sqm Comprised of Existing Building 1077sqm New Building 505sqm	Requires assessment using Design Principles	Development Advisory Unit (DAU)

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Part 4 of the R-Codes
 Support/Object: Three Objections received

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Proposed plot ratio and western side setback variations will have a significant adverse impact on amenity to our house in regards to bulk and loss of sunlight.	Objection	The proposed development complies with the overshadowing provisions of Cl. 6.4.2 <i>Solar access for adjoining sites</i> of the R-Codes. Amended plans have been submitted showing side setback complying with provisions of Cl. 6.1.4 <i>Lot boundary setback</i> of the R-Codes thus reducing bulk impact on the adjacent property.	Not uphold
2	The bulk and scale of the building is out of character with the buildings along Groves Ave and will adversely impact the streetscape. The plot ratio variation creates a building of substantial bulk and scale.	Objection	The proposed development complies with the LPS6 height requirements and complies with provisions of Cl. 6.1.3 <i>Street setback</i> of the R-Codes. Proposal is considered to meet the relevant design principles of the R-Codes as discussed in the comments section below.	Not uphold

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
3	The setback and plot ratio variation creates a building of substantial bulk and scale.	Objection	See above responses.	Not uphold
	The bulk and scale of the building is out of character with the buildings along Groves Ave and will adversely impact the streetscape.		See above responses.	

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

POLICY IMPLICATIONS

No applicable Council policies in this case.

COMMENT

Planning Approval is sought for four multiple dwellings contained in a three storey building on the northern side of Lot 804 (No.552) Canning Highway, Attadale.

Whilst the proposed development has the appearance of four 3 storey grouped dwellings, the applicant has located a small portion of each dwelling over the top of another and therefore the proposal complies with the definition of multiple dwellings contained in the R-Codes:

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

*A **dwelling** in a group of more than one dwelling on a **lot** where any part of the **plot ratio area** of a dwelling is vertically above any part of the plot ratio area of any other but: does not include a **grouped dwelling**; and includes any dwellings above the ground floor in a mixed use development.*

The existing and proposed buildings will be accessed via Groves Road

Building Size & Side Setbacks

The proposed plot ratio variation of 0.81 in lieu of 0.6 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 415 square metres of floor area across the entire site. The additional floor area does not contribute to a density above and beyond that envisaged by the site's R50 zoning; rather it allows the site to achieve a greater diversity of housing options within the site by providing four, three storey multiple dwellings designed to appear as three storey grouped dwellings.
- The proposed development meets the Deemed to Comply provisions of the R-Codes and Local Planning Policies in relation to key matters such as building height, side setbacks and street setbacks and therefore the bulk and scale is consistent with the local planning framework.

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.

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.

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)**OFFICER RECOMMENDATION****APPROVAL**

1. All stormwater generated on site is to be retained on site.
2. Unit 1 shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and located a minimum of 1m from light pole etc if applicable. 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. (Also refer to Advice Note One)
3. 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
4. Prior to the initial occupation of the development, the openings along the western elevation of the Second Floor Units 2 & 3 Bedrooms 1 (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 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.
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 surface finish of the boundary wall(s) are to be finished externally to the same standard as the rest of the development to the satisfaction of the manager statutory planning.
7. 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.
8. All external clothes drying facilities shall be screened from view of the primary and secondary street to the satisfaction of the manager statutory planning.
9. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge 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

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

10. 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.
11. Prior to commencement of the development, a cash-in-lieu payment of \$10,000.00, being for 1 car parking bay is to be paid to the City of Melville.
12. Prior to the initial occupation of the development, a waste management plan shall be prepared in accordance with council policy – waste and recyclables collection for multiple dwellings, mixed use developments and non-residential developments and submitted in writing for the approval of the manager statutory planning. Once approved, the development is to be constructed and operated in accordance with the waste management plan to the satisfaction of the manager statutory planning.
13. 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.
14. 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.

U17/0487 LOT 804 (NO.552) CANNING HWY, ATTADALE FOUR MULTIPLE DWELLINGS IN A THREE STOREY BUILDING (REC) (ATTACHMENT)

ADVICE NOTES

- 1. The approved drawings show that the proposed crossover may interfere with services maintained by a service authority or private company. The applicant is required to make arrangements with the responsible service authority or private company for the relocation of this infrastructure prior to the construction of the proposed crossover.**

**U17/0488 LOT 11 (34) BATEMAN RD, MOUNT PLEASANT - ANCILLARY DWELLING
(REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2016-1216/B
 Property : Lot 11 (34) Bateman Rd, Mount Pleasant
 Proposal : Ancillary dwelling
 Applicant : Rosario Franchina
 Owner : Angela Lyn Franchina
 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

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>

**U17/0488 LOT 11 (34) BATEMAN RD, MOUNT PLEASANT - ANCILLARY DWELLING
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of an ancillary dwelling at Lot 11 (34) Bateman Road, Mount Pleasant.
- The application seeks to increase the size of the approved ancillary dwelling (DA-2016-1216).
- 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 lot boundary setbacks and maximum plot ratio for which an exercise of judgement is required.
- The application was advertised in accordance with the provisions of the R-Codes and Council Policy to affected southern land owner. One submission was received outlining concerns relating to resultant overshadowing from the reduced lot boundary setback.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant design principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.

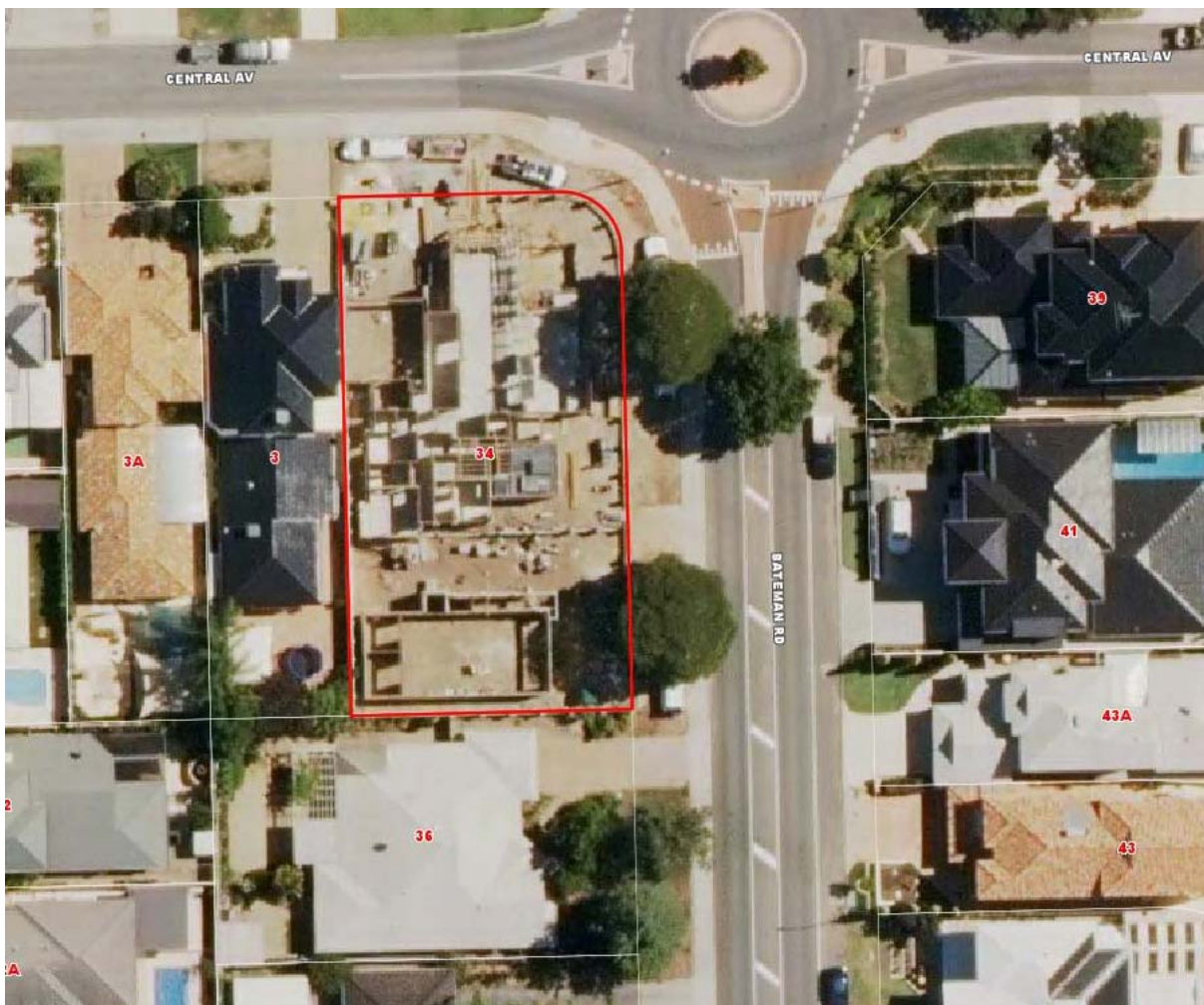


Figure 1 – Aerial Photography

**U17/0488 LOT 11 (34) BATEMAN RD, MOUNT PLEASANT - ANCILLARY DWELLING
(REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
LPS Zoning : Residential
R-Code : R20
Use Type : Residential
Use Class : Permitted

Site Details

Lot Area : 1013 sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : Not applicable
Street Furniture (drainage pits etc) : Not applicable
Site Details : Refer Figure 1 above

U17_0488_May_2017 - A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 2 June 2017.

DETAIL

Planning approval is sought for the construction of an ancillary dwelling at Lot 11 (34) Bateman Road, Mount Pleasant

The proposal has been assessed against all of the relevant provisions of LPS6, the acceptable development provisions of the R-Codes and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below:

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Side Setback – First Floor (south)	1.9m	1.5m	Requires assessment using Performance Criteria	DAU
Total dwelling				
Plot Ratio	70m ²	97m ²	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

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

**U17/0488 LOT 11 (34) BATEMAN RD, MOUNT PLEASANT - ANCILLARY DWELLING
(REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to Part 4 of the R-Codes
 Support/Object: One objection received

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The lot boundary setback will affect the adjoining properties access to adequate direct sun and ventilation	Object	Refer to comments	Not Uphold

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 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 the proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no applicable Council policies in this case.

**U17/0488 LOT 11 (34) BATEMAN RD, MOUNT PLEASANT - ANCILLARY DWELLING
(REC) (ATTACHMENT)****COMMENT**

The application was advertised in relation to the proposed setback to the southern boundary which requires assessment having regard to the Design Principles contained in Clause 5.1.3 Lot Boundary Setbacks of the R-Codes.

One objection was received during the consultation period which raised concerns in relation to overshadowing.

The development, which involves additions to the original approval, meets the Deemed-to-Comply provision of Clause 5.4.2 Solar access for adjoining sites of the R-Codes.

The extension of the upper floor is not considered to have a significant detrimental impact on the southern adjoining property in terms of bulk or access to ventilation and sunlight and is considered to meet with the relevant Design Principles of the R-Codes.

Therefore the application as proposed is recommended for approval.

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 requirements of LPS6, the R-Codes and Local Planning Policy, including the design principles for lot boundary setbacks, site works, and visual privacy. On this basis, the proposal is recommended for approval subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**