

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 17 OCTOBER 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 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, 20 OCTOBER 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, 17 OCTOBER 2017.**

PRESENT

P Prendergast
M Scarfone
T Capobianco
M Cosson
B Ashwood
Madison Rea

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

DISCLOSURES OF INTEREST

Nil

**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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**U17/0495 – 7 MULTIPLE DWELLINGS AT LOT 86 (463) MARMION STREET, MELVILLE
(REC) (ATTACHMENT)**

Ward : City
 Category : Operational
 Application Number : DA-2017-710
 Property : Lot 86 (463) Marmion Street, Melville
 Proposal : 7 Multiple Dwellings
 Applicant : Tuscom Subdivision Consultants – Susie Chai
 Owner : Wai Lim Kong and Bee Heng Kong
 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>

**U17/0495 - 7 MULTIPLE DWELLINGS AT LOT 86 (463) MARMION STREET, MELVILLE
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for the construction of 7 Multiple Dwellings in a two storey building at Lot 86 (463) Marmion Street, Melville.
- 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, open space, primary street setback and lot boundary setbacks for which a performance assessment having regard to the relevant Design Principles is required.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy to affected landowners. Eight submissions were received outlining concerns relating to plot ratio, parking, overshadowing, privacy, noise and amenity.
- The objections received have raised relevant planning issues which are addressed in the report below
- 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 – Ariel Photography**

**U17/0495 - 7 MULTIPLE DWELLINGS AT LOT 86 (463) MARMION STREET, MELVILLE
(REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area : 733sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : Yes
Street Furniture (drainage pits etc) : Not applicable
Site Details : Refer Figure 1 above

U17_0495_September_2017 – A copy of the plans form part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 20 October 2017.

DETAIL

Planning approval is sought for 7 Multiple Dwellings at Lot 86 (463) Marmion Street, Melville.

The proposal has been assessed against all the relevant provisions of LPS6, the acceptable development 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.

R-Code Requirements

Development Requirement	Deemed Comply	to	Proposed	Comments	Delegation to approve variation
Open Space	45%		42.7%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Plot Ratio	0.6 439.66sqm		0.66 486.24sqm	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Primary Street Setback	4m		3.58m average	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

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Development Requirement	Deemed Comply	to	Proposed	Comments	Delegation to approve variation
Side Setback – Ground Floor (West) Apartment 2 – Total dwelling	1.5m		1.09m to 1.6m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – First Floor (West) Apartment 7 – Total dwelling (West)	1.7m		1.6m to 2.2m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – First Floor (West) Apartment 7 – Bed 1, Ensuite and Living	1.5m		1.2m to 2.1m	Requires assessment using Performance Criteria	Manager Statutory planning (MSP)

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 and Local Planning Policy.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making part 1.7.6
 Support/Object: Eight 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)
Plot ratio variation	Refer to comments section of this report.	Not Uphold
The proposed development on the northern boundary of the site will limit access to direct sun and natural light.	Overshadowing is compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold

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Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Visual privacy will be affected.	Visual Privacy is compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold
Sightlines entering and exiting the adjoining property will be affected.	To be conditioned to comply with the requirements of Local Planning Policy LPP3.1 Residential Development.	Not Uphold
The resultant noise of the occupancy of the dwelling will be over bearing.	Not considered to be a relevant planning matter as per LPP1.1.	Not Uphold
Local amenity will be affected.	Refer comments of this report.	Not Uphold
The building is considered to be visually overbearing and inappropriate.	Refer comments of this report.	Not Uphold
There is not considered to be enough parking provided as part of the development.	Parking provisions are compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold
The development will cause increased traffic congestion.	The application was referred to technical services who have indicated that the road capacity can handle the additional vehicle movements.	Not Uphold
Potential non-compliance with the Building Act	An application for a building permit will be required to be lodged and approved prior to the commencement of construction.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

**U17/0495 - 7 MULTIPLE DWELLINGS AT LOT 86 (463) MARMION STREET, MELVILLE
(REC) (ATTACHMENT)****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*.

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.

COMMENT

Planning approval is sought for 7 multiple dwellings contained within two two storey buildings at Lot 86 (463) Marmion Street, Melville. Vehicle access to the proposed multiple dwellings is from Prosser Way.

The discussion below relates to building size as this matter is considered to be the key subject raised in the objections. All other variations outlined above are considered to meet the relevant design principles of the R-Codes and Local Planning Policy.

Building Size

The proposed plot ratio variation of 0.66 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 46.58 square metres of floor area across the entire site. This is considered to be a modest variation which does not have a material impact on the bulk and scale of the building.
- The proposal is considered to be of a bulk and scale which is consistent with the applicable density code of R40. While setback variations have been proposed, these have been assessed against and are considered to be consistent with the design principles of the R-Codes. The building height at two storeys is less than the permissible height under the Local Planning Policy LPP 1.9 Height of Buildings limiting its overall scale. The resultant impact on the adjoining properties is considered to be acceptable.

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- The proposed development satisfies the requirements of the R-Codes in respect to car parking, and as such the additional floor area that will result from the plot ratio variation sought can be accommodated without compromise to car parking and/or access.

While the proposed development will introduce apartment style living into an area traditionally dominated by single houses and grouped dwellings, the diversity in housing that will result is consistent with both State and Local Planning Policy and Strategy which aims to deliver diversity, density, and affordability within and adjacent to activity centres and transport corridors. The proposed development is considered to be consistent with this stated strategic planning objective, is supported by the zoning of the site R40, and provides the desired built form for the area, without compromise to visual or residential amenity. The application is supported on that basis.

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

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

OFFICER RECOMMENDATION**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.**

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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 external face of any boundary wall shall be finished to the same standard as 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 shall be finished to the same standard as 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

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- 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 Council Policy CP-085 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.
10. 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.
11. 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;

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- 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.

12. Prior to the initial occupation of any part of the development, a footpath shall be constructed across the whole development frontage. This footpath is required to provide pedestrian connectivity from the development to an existing footpath on Marmion Street to the north, and provide the ability to connect to a future footpath extension on Prosser Way to the south. The footpath shall be provided at the applicants' expense and be designed and constructed in accordance with detailed designs to be provided to and approved in writing by the City.
13. The proposed verge parking bay shall be constructed and available for use, prior to the initial occupation of any part of the development. The verge parking bay shall be provided and thereafter maintained at the applicants expense and be designed and constructed in accordance with detailed designs to be provided to and approved in writing by the City.
14. Any plant or equipment, including but not limited to air conditioning units, hot water installations, FESA requirements, and power storage cabinets, shall be located and/or screened from external view. Details of the location and proposed method of screening shall be submitted to and approved in writing by the Manager Statutory Planning prior to the commencement of development.