

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 19 SEPTEMBER 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, 22 SEPTEMBER 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, 19 SEPTEMBER 2017**

PRESENT

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

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

APOLOGIES

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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U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)

Ward : University
 Category : Operational
 Application Number : DA-2017-704
 Property : 109-141 Somerville Boulevard
 Proposal : Local Development Plan
 Applicant : Taylor Burrell Barnett
 Owner : Nostoc 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 checked="" 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 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>

U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City has received a proposed Local Development Plan (LDP) for Winthrop Village Shopping Centre for its determination.
- The LDP seeks to vary the development provisions for two portions of the site to allow for the future development.
- The LDP has been assessed in accordance with Part 6 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations).
- In accordance with the Regulations the application was the subject of public consultation as a result of which one objection was received.
- In accordance with Council delegation *DA-20: Planning and Related Matters* the application has been referred to the Development Advisory Unit for determination.
- It is recommended that the proposed LDP be approved subject to conditions



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	C4- Neighbourhood Centre
R-Code	:	R40
Use Type	:	NA
Use Class	:	NA

Site Details

Lot Area	:	21274sqm
Retention of Existing Vegetation	:	Tree Preservation Area proposed
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to Figure 1 above

U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)

U17_0493_September_2017 - A copy of the plans forms part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 22 September 2017.

DETAIL

The City has received an application for a Local Development Plan (LDP) for Winthrop Village Shopping Centre. This LDP has been assessed in accordance with Part 6 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the *Regulations*).

A Local Development Plan is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. Before the LDP was lodged with the City, and in accordance with Cl. 47 of the *Regulations*, the Western Australian Planning Commission (WAPC) considered whether an LDP was suitable for this site and determined to support its preparation and lodgement.

The LDP establishes tailored planning controls for the development of two separate portions of the centre:

- 1) The eastern portion of the site, including a vacant corner lot and an existing car park, proposed to be developed for multiple dwellings, and
- 2) A portion of the existing car park being set aside for a future liquor store.

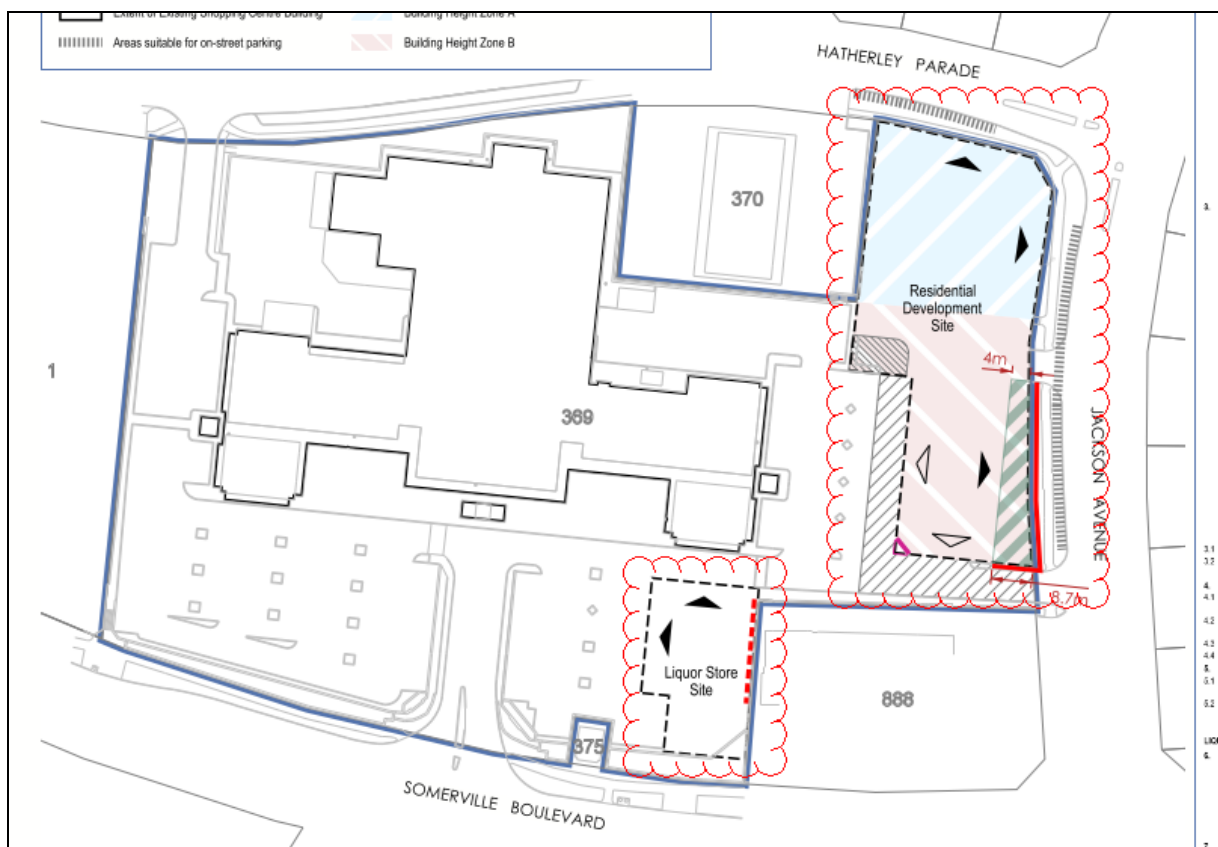


Figure 2 – Two portion of the site are affected by the proposed LDP

**U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP
NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)***Site Context*

Winthrop Village Shopping Centre is a “Neighbourhood Centre” under State Planning Policy 4.2 and Local Planning Scheme No. 6 (LPS6), and is principally a single storey retail centre flanked by substantial at-grade car parking.

The subject site is bounded on three sides by roads; with high frequency public transport running along Somerville Boulevard to the south (District Distributor road) and Jackson Avenue to the east (Local Distributor road) while Hatherley Parade to the north is a local access road. .

Medium density grouped dwellings abut the sites western lot boundary. The two commercial sites adjacent (Lot 370 and 888 shown in Figure 2) comprise a Medical Centre and a mixed commercial building (including professional and medical uses).

Approximately 500m to the south is Murdoch University and 300m to the north is Winthrop Primary School.

Land Uses

As a C4-Neighbourhood Centre under LPS6, Winthrop Village is capable of a variety of land uses, including the proposed ‘Residential’ and ‘Liquor Store-Small’ uses (both of which are permitted uses).

Under LPS6 the site is currently zoned R40 with a permitted plot ratio of 1.0 and a building height of 13.5m (max).

Proposal

The provisions contained within the LDP involve modifications to the following Scheme and Policy provisions;

- Building height
- Plot ratio
- Car parking
- Minimum building orientation/frontage and setback requirements

In addition to the modifications to the Scheme and Policy provisions, the LDP seeks to implement a higher-than-industry standard ‘4 Star Green Star’ energy efficiency rating for residential development. This standard will apply to any residential development that results from the development standards advocated by the LDP. The LDP also provides for the establishment of a ‘Tree Preservation Area’ to ensure the retention and protection of high value mature vegetation along the Jackson Avenue frontage (see Figure 3 below) with associated site specific setbacks.

U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP
NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)



Figure 3 – Trees protected by the proposed Tree Preservation Area

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Cl. 50 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
 Support/Object: One objection

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action
1	Increased traffic will have a negative impact on the area.	Object	The surrounding road network is capable of supporting any additional traffic generated by the outcomes sought as part of the LDP	Not uphold
	The proposed liquor store will result in anti-social behaviour.		In planning land use terms, the proposed liquor store is a permitted use under LPS6	

U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP
NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action
1 Continued		Object		Not uphold
	Apartments and/or development over two storey will be out of character		Local and state planning strategies encourage diversification of dwelling types particularly within local centres. The development of multiple dwellings is already permissible in this Activity Centre location.	

II. OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: In accordance with Cl. 50 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
Support/Object: Support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Western Power	No objections in principle subject to Western Power safety requirements being met.	Support	Noted	Uphold
Water Corporation	No objections in principle. Existing infrastructure is sufficient to accommodate the future density	Support	Noted	Uphold

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville determine not to approve the LDP, 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*.

**U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP
NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)****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

There are no policy implications associated with this LDP.

COMMENT

The proposed LDP modifies several development controls applicable to the site in order to deliver a bespoke built form outcome which responds to the site context through the retention of existing vegetation, the provision of increased setbacks to the upper floors and reduced parking to take advantage of locational characteristics. The proposal is considered to have the potential to deliver dwelling diversity within this centre consistent with the objectives of the City's Local Planning Strategy.

As outlined above, one objection was received during the consultation period which raised issues in relation to the impact of traffic, potential anti-social behaviour from the liquor store and built form compatibility. Comments below are provided in response to those issues raised.

1) Traffic/Parking

In consultation with the City's Technical Services department it has been determined that the adjacent road network has sufficient capacity to accommodate the potential density envisaged as part of the LDP.

The LDP seeks to modify the parking requirements that would apply. Under the provisions of the LDP the residential visitor parking for the multiple dwellings would include the use of up to 5 of the residual retail parking spaces as reciprocal residential visitor parking spaces. Based on opportunities for reciprocal parking within the provisions of the City's Car Parking and Access Policy, this will be an acceptable outcome. Similarly the LDP seeks the opportunity (where appropriate) for the provision of street parking. This would be consistent with the Design Principles of the R-Codes.

In the event the residential development complies with the energy efficiency requirements stipulated then the LDP also offers a 25% reduction to the number of on-site car parking spaces required under the R-Codes. Based on the access to public transport, the adjacent employment opportunities, proximity to the university and the substantial parking within the shopping centre, this reduction is considered to be acceptable.

With regard to the loss of parking for the centre as a result of the prospective development, a conservative parking calculation suggests the existing centre requires approximately 195 parking bays. Despite the loss of parking on site, there will be 222 parking bays retained on site resulting in an approximate 27 bay excess. Therefore any shortfall of residential parking will not prejudice the functionality of the centre.

**U17/0493 PROPOSED LOCAL DEVELOPMENT PLAN FOR WINTHROP
NEIGHBOURHOOD CENTRE (REC) (ATTACHMENT)**

2) Liquor Store

Although specifically referenced as part of the LDP, a liquor store use is a permitted use in this location based on the existing land use controls of LPS6. Stipulated building orientation requirements will ensure that any liquor store will be oriented to face and engage with the existing shopping centre. It is acknowledged that whilst anti social behaviour is a legitimate area of concern for the submitter in this case, such matters are considered by the associated

Liquor Licencing requirements, and as such are not material considerations in planning terms for the LDP.

3) Built form

The proposed LDP modifies the existing development controls to enable additional height and plot ratio under certain circumstances. The LDP seeks to ensure any development on this portion of the site has a positive impact on the streetscape via the use of a tree protection zone and generous setbacks at the upper floor levels.

The proposed multiple dwellings will be separated from the existing single houses by the road network further reducing the bulk impact and ensuring there is no impact in terms of overshadowing or visual privacy. 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 increase the intensity of land uses in centres and add dwelling diversity to existing suburbs.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

As per Council Delegation *DA-20 Planning and Related Matters* 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 proposed Local Development Plan is considered to align with the strategic objectives in the City's Local Planning Strategy and with State Planning Policy 4.2- *Activity Centres for Perth and Peel*. On that basis, it is recommended that the LDP be approved as proposed.

OFFICER RECOMMENDATION**APPROVAL**

IT IS RECOMMENDED THAT IN ACCORDANCE WITH CLAUSE 52 OF SCHEDULE 2 OF THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015, THE LOCAL DEVELOPMENT PLAN FOR THE WINTHROP NEIGHBOURHOOD CENTRE BE APPROVED.