

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 26 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, 29 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, 26 SEPTEMBER 2017**

PRESENT

P Prendergast
M Scarfone
T Capobianco
M Cosson
B Ashwood

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
Senior Planning Officer
Senior 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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U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

Ward : Willagee/Melville/Palmyra
 Category : Operational
 Application Number : DA-2017-391
 Property : Lot 1 (287) Canning Highway, Palmyra
 Proposal : Local Development Plan
 Applicant : Stuart Urban Planning
 Owner : Bicton Uniting Church
 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 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 Council review decisions made by Officers.</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>

U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City has received a proposed Local Development Plan (LDP) for the Bicton Uniting Church on the corner of Canning Highway and Carrington Street for determination.
- The LDP seeks to vary the existing development provisions that are applicable to the site to allow for future development.
- The LDP has been assessed in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). This assessment has included formal consultation with surrounding landowners
- Eight submissions were received in response to the formal consultation period.
- In accordance with Council Delegation *DA-201: 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.



Figure 1: Aerial image of the site

BACKGROUND

The subject corner site is located within close proximity to a number of activity centres identified under SPP 4.2 *Activity Centres for Perth and Peel*. These include Canning Bridge, Riseley Street (District Centres) and Booragoon (Secondary Centre) are situated to the east of the site and Petra Street (District Centre) and Fremantle (Strategic Metropolitan Centre) to the west. The site is well serviced by public transport with Canning Highway designated as a high frequency bus route.



U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

The site is located within the Mixed Use zone under the provisions of Local Planning Scheme No.6 and is surrounded by a mix of single and two storey grouped dwellings and single houses..

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Mixed Use
R-Code	:	R50
Use Type	:	NA
Use Class	:	NA

Site Details

Lot Area	:	3,983sqm
Retention of Existing Vegetation	:	NA
Street Tree(s)	:	2 street trees to be retained
Street Furniture (drainage pits etc)	:	NA
Site Details	:	Refer to Figure 1 above

U17-0494 -September_2017 – A copy of the plans form part of the attachments to the Agenda which were distributed to the Elected Members on Friday, 29 September 2017.

DETAIL

An LDP is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. In accordance with Schedule 2 Cl. 47 of the Regulations, the Western Australian Planning Commission (WAPC) considered whether an LDP would be suitable for the site for the purposes of orderly and proper planning. Prior to the formal lodgement of the LDP to the City, the WAPC resolved to support the preparation of the LDP in accordance with the Regulations.

In reviewing the submissions received by the City during the formal consultation period, the LDP was modified by the applicant. These modifications respond to a number of the concerns raised by the submissions received.

The provisions contained within the LDP involve modifications to the following provisions of Local Planning Scheme No. 6, Local Planning Policies and the Residential Design Codes (R-Codes):

- Building size;
- Building Height;
- Street Setbacks;
- Lot boundary setbacks;
- Open space and landscaping;
- Design of car parking spaces; and
- Vehicle access.

U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: In accordance with Schedule 2 Cl. 50 of the Regulations
 Support/Object: Seven objections, one support

Issue Raised	Officer's comments
Building height	See Comment section below
Building size	See comment section below
Primary and secondary street setback	See comment section below
Overshadowing	The existing overshadowing controls of the R-Codes are not proposed to be modified as part of the LDP.
Loss of residential amenity	The subject site is currently zoned Mixed Use. The current development controls allow for non-residential uses on the site with significantly greater building height than is currently characteristic of the locality.
Dwelling diversity	The LDP has been amended to delete the dwelling size clause. Dwelling size will continue to be assessed in accordance with Cl. 6.4.3 of the R-Codes.
Visual privacy	The LDP has been amended to delete the visual privacy clause. Visual privacy will continue to be assessed in accordance with the R50 provisions of the R-Codes.
Commercial tenancy vacancies within the existing area	Not a relevant planning consideration. The uses permissible will be consistent with the current uses permissible under LPS6
Access to the site	See comment section below
Lot boundary setbacks	See comment section below
Lack of on and off-site parking	The LDP has been modified to delete the car parking clause. Car parking will continue to be assessed in accordance with Cl. 6.3.3 of the R-Codes and LPP 1.6: <i>Car Parking and Access</i> .
Operating hours of commercial tenancies	All uses will be specified at Development Application stage. Noise from commercial activities will be controlled under the relevant Environmental Health Legislation.

U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

Issue Raised (continued)	Officer's comments (continued)
Negative impact on resale value of surrounding properties	Not a relevant Planning Consideration
Interface issues and inconsistent built form relationships	See comment section below
Deep soil zones not sufficient to support significant mature trees	The LDP has been amended so that the open space and landscaping for development is consistent with the requirements of Design WA.
Impact of retaining walls on streetscape and adjoining lots	The LDP has been amended to delete the retaining wall clause. Retaining walls and site works will continue to be assessed in accordance with Cl. 6.3.6 and Cl. 6.3.7 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: In accordance with Schedule 2 Cl. 50 of the Regulations.
Support/Object: Support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Main Roads WA	No objections in principle subject to any future development of the site to be in accordance with the amended LDP access arrangements as discussed with MRWA and a Transport Impact Assessment that was provided in support of the LDP application.	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*.

FINANCIAL IMPLICATIONS

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

U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**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 facilitate a site specific built form outcome which responds to the site context through staggered building heights, increased setbacks to the upper floors and the removal of plot ratio. The LDP is considered to have the potential to deliver a mixed use building and add to the dwelling diversity of the locality, consistent with the objectives of the City's Local Planning Strategy.

As outlined above, seven objections were received during the consultation period. Comments below are provided in response to those issues raised:

Building Height

The intent of the LDP is to ensure the future building on this site does not have a negative impact on the adjoining properties in terms of bulk and scale. It does this by reducing the permissible height near the southern and western boundaries of the site where it abuts existing residential development and focussing the bulk of development on the north-eastern corner where it fronts on to Canning Highway and Carrington Street. The subject site is considered to be conducive to additional height considering its prominent corner location within close proximity to the Petra Street District Centre, and on a key transport corridor.

Building Size

Whilst plot ratio controls assist in the management of building bulk, this is achieved when it is exercised in conjunction with other building controls, including building height, setbacks, open space and landscaping, and through building design, use of materials, and use of architectural articulation..

As the LDP reduces the permissible height of the building on the southern and western boundaries, development on the site that is consistent with the proposed LDP will result in development that respects its neighbours in a more meaningful way, reducing building bulk while creating a more strident yet activated interface towards Canning Highway and Carrington Street.

The additional development provisions are consistent with the intent of the City's Local Planning Strategy which encourages increase in density for properties in the vicinity of public transport corridors such as Canning Highway to enhance the availability and use of public transport as well as other facilities available in the area. The Strategy promotes studies leading to the development of more detailed plans (such as LDP's) in these areas to enable the realisation of this strategic planning potential.

U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)*Primary and Secondary Street Setbacks*

The current setback required for the site is 2m to the primary street and 1m to the secondary street. The proposed development controls in the LDP will allow the building to be pushed further off the southern and western boundaries to increase the separation between it and the adjoining existing residential development, which is essentially more domestic and low rise in its appearance and design..

The site is zoned Mixed Use and is located adjacent to the Petra Street Local Centre. Given this, coupled with the fact that Canning Highway functions as a key activity corridor, the nil setbacks and main street design principles that are proposed to be relied upon are considered an appropriate response to the site's location.

The LDP does not modify the requirements of the City's LPP 2.2: *Outdoor Advertisements and signage*. As such the City still maintains control over signage on the front façade of a building and any signage will need to be consistent with the policy to ensure there are no adverse safety or visual amenity impacts.

Traffic Congestion and Access to the Site

Traffic and access arrangements of the LDP have been reviewed by the City's Technical Services team and Main Roads WA (MRWA). The existing road network is considered to be capable of accommodating the additional development possible under the LDP.

MRWA dis initially express concern with the original access proposals, but in response the applicant amended the details of the LDP to satisfy those concerns, with a distance of 35m provided between the point of vehicle access to the site from Carrington Street, and the junction of Carrington Street with Canning Highway.

The LDP does not propose to vary the sightline requirements of the R-Codes. Development adjoining access points will be required to be truncated to allow for clear sightlines when vehicles access and egress the site.

Lot Boundary Setbacks

The setback requirements of the LDP for the first two storeys of any future development will remain consistent with the current R-Code requirements. Above the second floor the LDP requires large setbacks thereby reducing the impact that the development may have on adjoining existing residential development to the south and to the west.

Interface Issues and Inconsistent Built Form Relationships

The height and setback controls will ensure there is a compatible transition from the north-eastern corner of the site to the adjoining lots to the south and to the west. The current development controls allow development on adjoining lots to develop to 12m or 4 storeys which is generally consistent with the development controls for the majority of the site, whilst allowing maximum height toward the north east corner.



U17/0494 PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 1 (287) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)

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 (U17/0494)

APPROVAL

IT IS RECOMMENDED THAT IN ACCORDANCE WITH SCHEDULE 2 CLAUSE 52 OF THE *PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015*, THE LOCAL DEVELOPMENT PLAN FOR 287 CANNING HIGHWAY, PALMYRA BE APPROVED.