

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 17 APRIL 2018

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 APRIL 2018

PC Prendergast

**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 APRIL 2018**

PRESENT

M Scarfone
T Capobianco
B Ashwood
J Hobbs

Planning Services Coordinator
Manager Building Services
Senior Planning Officer
Planning Officer

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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U18/503 THREE X 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (NO. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

Ward : Bicton-Attadale-Alfred Cove
 Category : Operational
 Application Number : DA-2018-196
 Property : Lot 50 (No. 3) Groves Avenue, Attadale
 Proposal : Three x 2 Storey Grouped Dwellings & 2 Multiple Dwellings
 Applicant : Zuideveld Marchant Hur Pty Ltd
 Owner : Nicheliving Projects Pty Ltd
 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 (e.g. 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>

U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for Three x Two Storey Grouped Dwellings & Two Multiple Dwellings at Lot 50 (No.3) Groves Avenue, Attadale.
- The application was advertised with two submissions received in response opposing the development.
- The proposed development has been assessed against the relevant provisions of Local Planning Scheme No. 6 (LPS6), the Residential Design Codes (R Codes) and Local Planning Policies and notwithstanding the objections received, it is considered that the development can be accommodated on the lot without prejudice to the objectives of the R Codes and/or Local Planning Policy.
- In accordance with Council Delegation DA-20: Planning and Related Matters, the application has been referred to the Development Advisory Unit (DAU) for determination.
- It is recommended that conditional planning approval is granted.



Figure 1 – Aerial Photograph of the subject site

U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	911m ²
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc.)	:	N/A
Site Details	:	Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 20 April 2018.

DETAIL

The application details have been assessed against 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.

LPS6 and R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Plot Ratio	0.6 (135m ²)	0.71 (160m ²)	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Lot Boundary Setback – Lot 1 Unit M2 First Floor (East)	3.3m	1.5m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Lot Boundary Setback – Strata Lot 3 First Floor (West)	1.2m	1.0m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

Development Requirement (Continued)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Boundary Wall – Strata Lot 3 West	3.0m ave height	3.5m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Visual Privacy – Lot 1 Unit M2 First Floor Balcony (East)	7.5m	1.5m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)

Commentary in this report will focus on the proposed plot ratio variation only. The remaining variations listed above have been assessed under the relevant design principles of the R Codes, and are supported on that basis, subject to the imposition of a condition of planning approval in respect of visual privacy requirements.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 *Planning Process and Decision Making* Cl. 1.7.6
 Support/Object: Object

Issue	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
The proposed density is out of character with the area and will have an adverse impact on amenity (2 Submissions)	Object	The proposed density of five dwellings is consistent with the R Code for this area.	Not Uphold
The proposed development will create car parking issues in the area (1 Submission)	Object	Provision of Car Parking is compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold
Proposed development will devalue neighbouring properties (1 Submission)	Object	Not considered to be a relevant planning matter as per LPP1.1.	Not Uphold

U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

Issue (Continued)	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Proposed development will have adverse noise impacts during construction (1 Submission)	Object	Not considered to be a relevant planning matter as per LPP1.1.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

Consultation with other agencies / consultants is not 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

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies.

COMMENT

The site is located 50m north of Canning Highway. Under the provisions of LPS6 the site is located within a Residential zone (R50), and is bounded by single storey residential dwellings to the east and south, and a Water Corporation pump station to the west.

The proposed plot ratio is the key matter for consideration for this report.

Building Size

It is noted that as the proposed development includes both multiple and grouped dwellings, in which case only the two multiple dwellings located to the street frontage are assessed against the plot ratio (building size) requirements of Party 6.1.1 of the R Codes. The grouped dwellings that are proposed to the remainder of the site are assessed against the minimum and average lot size under the R-Codes. On that basis the proposed plot ratio variation of 0.71 in lieu of 0.6 relates exclusively to the two multiple dwellings contained on proposed Lot 1, rather than being representative of all development on the parent lot.

U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)

The variation to plot ratio is considered to meet the design principles of CI 6.1.1 *Building size* of the R-Codes for the following reasons:

- The additional plot ratio sought equates to an additional 25 square metres of floor area for the proposed Lot 1. The building size reflects the desired built form for the locality and the proposal is considered to be of a bulk and scale which is consistent with the applicable density code of R50.
- The building height at two storeys is less than the permissible height under the Local Planning Policy LPP 1.9 *Height of Buildings*. The lot boundary setbacks meet either the deemed-to-comply or design principles of the R-Codes and the resultant building bulk impact on the adjoining properties is therefore considered to be acceptable.
- The five dwellings proposed (made up of both grouped and multiple dwellings) is less than the number of dwellings that could be achieved if the entire site were to be developed with multiple dwellings. Potentially more than 8 multiple dwellings could be developed within the deemed-to-comply plot ratio for the site.
- Visually the two multiple dwellings present as a single dwelling to the street and neighbouring properties.
- The proposed development satisfies the R-Codes car parking requirements and as such the additional floor area that results from the plot ratio variation sought can be accommodated without compromising the provision of car parking.

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 Policies. On that basis, it is recommended that the proposal be approved subject to conditions.

**U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT
LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION****APPROVAL**

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site.
3. 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.
4. 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 and 1m from existing street infrastructure. 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.
5. 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.
6. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1-Residential Development*, to the satisfaction of the Manager Statutory Planning.
7. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1-Residential Development* to the satisfaction of the Manager Statutory Planning.
8. In the event of subdivision, the proposed visitor parking bay shall be formalised via an access easement on the title. The easement is to be in favour of Strata Lots 1, 2 and 3 and is to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. All costs are to be borne by the Applicant.
9. In the event of subdivision, an access easement over the proposed common property shall be registered on the title. The easement is to be in favour of Lot 1, Units M1 and Unit M2, and is to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. All costs are to be borne by the Applicant.
10. 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.

**U18/503 THREE x 2 STOREY GROUPED DWELLINGS & 2 MULTIPLE DWELLINGS AT
LOT 50 (No. 3) GROVES AVENUE, ATTADALE (REC) (ATTACHMENT)**

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. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and/or 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 treatmentsThe 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.