

## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

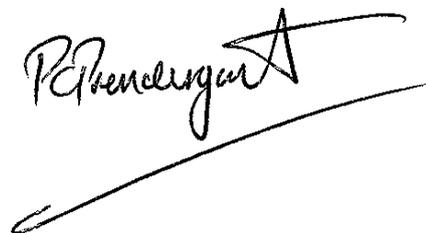
MEETING

HELD ON

**WEDNESDAY, 14 MARCH 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](mailto: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, 16 MARCH 2018





**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 11:00 AM ON WEDNESDAY, 14 MARCH 2018**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
Jack Hobbs

Manager Statutory Planning  
Planning Services Coordinator  
Manager Building Services  
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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**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (NO.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton-Attadale-Alfred Cove  
 Category : Operational  
 Application Number : DA-2017-1407  
 Property : Lot 1 & Lot 1092 (No.4 & 4A) North Lake Road, Alfred Cove  
 Proposal : Three Storey Apartment Complex Consisting of 10 Service Apartments  
 Applicant : Yuet Kang Chow  
 Owner : Golden Link Property 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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for a 10 unit serviced apartment complex in a three storey building at Lot 1 & Lot 1092 (No.4 & 4a) North Lake Road, Alfred Cove.
- The application was the subject of formal advertising to affected adjoining property owners and occupiers. This has resulted in the receipt of one submission in response, which objects to the proposal.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against Local Planning Scheme No.6 and Local Planning Policy LPP2.1 Non-Residential Development.
- The application was considered by the City's Design Review Panel (DRP) on the 7 February 2018. The panel was favourable to the proposal while making several suggestions to lift the quality of the design further. The applicant has responded positively to the comments and suggested improvements of the DRP which has resulted in a higher quality development outcome.
- Given the submission received in opposition, and In accordance with Council Delegation DA-201: Planning and Related Matters, the application is referred to the Development Advisory Unit for determination.
- It is recommended that the proposed three storey serviced apartment development be approved with conditions.



**Figure 1 – Aerial Photography**

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Mixed Use
R-Code	: R50
Use Type	: Serviced Apartments
Use Class	: Discretionary

**Site Details**

Lot Area	: 1025m <sup>2</sup>
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, 16 March 2018.

**DETAIL**

It is proposed to develop a three storey 10 unit serviced apartment complex at Lot 1 & Lot 1092 (No.4 & 4A) North Lake Road, Alfred Cove. The proposal has been assessed against all of the relevant provisions of LPS6, the acceptable development provisions of the R-Codes and applicable local planning policies. The proposal satisfies all of these requirements with the exception of those matters listed in the Table below.

*Site Context*

The site is located 75m south of the Canning Highway and North Lake Road intersection. The site is within a "Mixed Use" zone under Local Planning Scheme No. 6 (LPS6), and is bordered by a Local Centre zone to the north, and specifically a fast food outlet and by single and two storey residential dwellings to the east and south within R40 Residential zones.

**LPS6 and R-Code Requirements**

<b>Development Requirement</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Plot Ratio	0.6 615sqm	0.67 697sqm	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

<b>Development Requirement</b>	<b>Deemed Comply</b>	<b>to</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Side Setback – Ground Floor (North) Carport	1.5m		0.7m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – First Floor (North) Apartment 1-5	6.6m		3.1m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – Second Floor (North) Apartment 7-9	6.5m		3.1m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – Second Floor (North) Apartment 6&10	9.0m		5.4m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Side Setback – Second Floor (East) Apartment 5	6.0m		5.8m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Wall – Ground Floor (South) Meeting Room / Office	3.0m Ave Height		4.2m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Visual Privacy - First Floor (EAST) Apartment 5	7.5m		6.3m	Requires assessment using Performance Criteria. Privacy Screening condition to be applied.	Manager Statutory Planning (MSP)
Visual Privacy - Second Floor (EAST) Apartment 10	7.5m		6.3m	Requires assessment using Performance Criteria. Privacy Screening condition to be applied.	Manager Statutory Planning (MSP)

Commentary in this report will focus on the matters raised in the submission received. All other matters listed above have been assessed against and are considered to meet the relevant design principles of the R-Codes and Local Planning Policy or in the case of visual privacy will be the subject of a condition of planning approval to satisfy the deemed-to-comply requirements.

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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: Object

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
1	A three storey development will be out of character with the area	Object	Building Height is compliant with the deemed-to-comply requirements of LPP1.9 Height of Buildings	Not Uphold
	The development will overlook backyard and habitable rooms	Object	Visual Privacy is compliant with the deemed-to-comply requirements of the R-Codes.	Not Uphold
	Scale of development will detrimentally impact amenity and quality of life	Object	Refer to comments section of this report.	Not Uphold
	Property devaluation	Object	Not considered to be a material planning consideration as per LPP1.1.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

*City of Melville Design Review Panel*

The application was considered by the City's DRP on the 7 February 2018. The panel provided a favourable response to the development as proposed but did offer a number of suggestions to lift the quality of the design further. The applicant has responded positively to the comments and suggested improvements of the DRP which has resulted in a higher quality development outcome than was initially proposed.

**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*.

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (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**

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

**COMMENT**Building Size

The proposed plot ratio variation of 0.67 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 equates to an additional 82 square metres of floor area across the development. The building size reflects the desired built form for the locality. The ten serviced apartments equate to a compliant plot ratio (0.58) reflective of the intended density for the site. The plot ratio variation is a result of the 102m<sup>2</sup> commercial office, lobby and meeting room facilities at the ground floor. The generous size of the reception area and supporting facilities improves the functionality and amenity of the service apartments, reducing these spaces would not materially change 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 R50
- The building height at three 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. The resultant impact on the adjoining properties is therefore considered to be acceptable.
- The proposed development satisfies the requirements of LPP1.6 Car Parking and Access and as such the additional floor area that results from the additional plot ratio can be accommodated without compromise to car parking and/or access.

The proposed Serviced Apartment use is consistent with the objectives of the Mixed Use zone. The nature, form and scale of the development will not prejudice the commercial services available in the neighbouring centres on Canning Highway and will complement the existing uses. The short stay accommodation is an appropriate land use for the site that will exist alongside residential uses without giving rise to any adverse amenity impacts for the owners and occupiers of those residential properties.. In terms of the design and resultant character, whilst the use is commercial in nature, the design and external appearance of the building is very much residential in character. This will lend itself well given the relationship it will have with adjoining existing residences..

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)****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 consistent with the Mixed Use Zoning, and the design and external appearance of the building will complement the pattern of development in the immediate locality without compromise to residential or visual amenity. The application is recommended for conditional planning approval on that basis.

**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, the Eastern elevation of the Apartment 5 and Apartment 10 BALCONY (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 C1.1 or C1.2 of Clause 6.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.
4. Prior to the initial occupation of the development, parking bays, manoeuvring areas, driveways and points of ingress and egress shall be provided in accordance with the approved plans, to the satisfaction of the Manager Statutory Planning. The bays shall thereafter be retained for the life of the development
5. Prior to the initial occupation of the development, bicycle parking facilities for 4 bicycles shall be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.
6. 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.

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

7. 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.
8. 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.
9. 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.
10. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing, to the satisfaction of the Manager Statutory Planning. Once approved, the development is to be constructed in accordance with those details.
11. The development is to be constructed and operated in accordance with the Waste Management Plan dated November 2018 and Council Policy Council Policy CP090: Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments, to the satisfaction of the Manager Statutory Planning
12. 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.
13. 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.

**U18/0501 THREE STOREY 10 UNIT SERVICED APARTMENT COMPLEX AT LOT 1 & LOT 1092 (No.4 & 4A) NORTH LAKE ROAD, ALFRED COVE (REC) (ATTACHMENT)**

14. 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 treatments

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.