

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 4 SEPTEMBER 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, 6 SEPTEMBER 2018



**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, 4 SEPTEMBER 2018**

PRESENT

M Scarfone
T Capobianco
B Ashwood
T Cappellucci
J Hobbs

Acting Manager Statutory Planning
Manager Building Services
Senior Planning Officer
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.

TABLE OF CONTENTS

U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)..... 4

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (NO.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**

Ward : Central
 Category : Operational
 Application Number : DA-2018-832
 Property : Lot 394 (No.30) Portree Way, Ardross
 Proposal : Four Multiple Dwellings
 Applicant : Property Projex
 Owner : Clockforce Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mark Scarfone
 Acting 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 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 checked="" type="checkbox"/>	Quasi-Judicial	<i>when 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>

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for the construction of four multiple dwellings at Lot 394 (No.30) Portree Way, Ardross.
- The proposed development requires a performance assessment having regard to the Design Principles of the R-Codes in relation to plot ratio, open space, boundary walls and visual privacy.
- The development application was the subject of formal advertising to adjoining property owners and occupiers in accordance with LPP1.1 *Planning Process and Decision Making Policy*.
- Two objections were received as a result of the advertising process.
- Notwithstanding the objections received, it is considered that the proposed development is acceptable when assessed against the provisions of Local Planning Scheme No. 6 (LPS6), the R-Codes and applicable Local Planning Policies.
- Given the objections received, and in accordance with Council Delegation DA-20: *Planning and Related Matters*, the application is referred to the Development Advisory Unit (DAU) for determination.
- It is recommended that the proposed four multiple dwellings be approved subject to conditions.

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	822m ²
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	Yes
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, 7 September 2018.

U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY, ARDROSS (REC) (ATTACHMENT)

DETAIL

Development approval is sought for 4 Multiple Dwellings at Lot 394 (No.30) Portree Way, Ardross.

The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply standards of the R-Codes and applicable Local Planning Policies. The proposal satisfies all of these requirements with the exception of those matters listed below which require a performance assessment.

Site Context

The site is located within the 'Residential' zone under Local Planning Scheme No.6 with an associated density code of R40. It is surrounded by one and two storey single houses and has a pedestrian access way (PAW) adjacent to the southern boundary.

LPS6 and R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Building Size	0.6 (494m ²)	0.63 (525m ²)	Requires assessment using Performance Criteria	Development Advisory Unit (DAU)
Open Space	45%	41.3%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Boundary Wall Length (East) Garage	9.0m	12.6m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
Visual Privacy – Unit 4 Dining (South)	6.0m	5.3m	Requires assessment using Performance Criteria. A condition is proposed to ensure the Unit 4 dining room window meets the Deemed to Comply standards.	Manager Statutory Planning (MSP)

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**

The discussion in this report relates only to the variations that are the subject of the objections received. All other variations outlined above are considered to meet the relevant Design Principles of the R-Codes and Local Planning Policy.

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

A summary of the content of the objections received and an officer's response is provided in the table below

Nature of Concern Raised	Summary of Submissions	Officer's comments	Action (Condition/ Uphold/ Not Uphold)
Building Size (1 Submission)	Multiple dwellings are out of character with the existing area and will have an adverse impact on amenity.	The Design Principles of the R-Codes have been met. Refer to the Planning Assessment section of this report.	Not Uphold
Visual Privacy (2 submissions)	Overlooking from the development will compromise visual privacy of adjoining properties	The Deemed to Comply provisions of the R Codes have been achieved for all north and east facing major openings. A condition is proposed to ensure the Unit 4 dining room window meets the Deemed to Comply standards.	Condition
Traffic (1 submission)	Additional cars resulting from the development will make the street less safe	The Deemed to Comply provisions of the R Codes have been achieved in regards to car parking. Refer to the Planning Assessment section	Not Uphold

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**

Nature of Concern Raised (Continued)	Summary of Submissions	Officer's comments	Action (Condition/ Uphold/ Not Uphold)
Traffic (1 submission) (Continued)		of this report for commentary on the number of apartments proposed.	
Overshadowing (1 submission)	The proposal will overshadow adjoining property's outdoor living areas	The Deemed to Comply provisions of the R Codes have been achieved.	Not Uphold
Property devaluation (1 Submission)	Development will result in a decrease in property values.	Not considered to be a relevant planning matter as per LPP1.1.	Not Uphold
Undesirable neighbours	Multiple dwellings will attract a lower sociodemographic to the area including 'renters'	Not considered to be a relevant planning matter as per LPP1.1.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is 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.

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)****COMMENT**

Development approval is sought for 4 Multiple Dwellings at Lot 394 (No.30) Portree Way, Ardross.

The discussion below relates to building size as this matter was the focus of the objections received and requires a performance assessment having regard to the relevant design principles contained in the R-Codes.

Building Size

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

- The building meets the deemed to comply provisions for building height, lot boundary setbacks, overshadowing and visual privacy (with conditions) therefore building bulk and potential amenity impacts on neighbouring properties are being appropriately managed;
- The proposal is considered to be of density (in terms of the number of dwellings and/or number of bedrooms) which is consistent with the applicable density code of R40. A plot ratio of 0.6 (494m²) as per the Deemed to Comply standards could reasonably be expected to yield 6x two bedroom apartments while this proposal creates 4x three bedroom apartments.
- The proposed development is designed to a high standard, and through the use of a varied palette of building materials and colours, will contribute positively to the existing local streetscape.

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.

U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (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, the opening along the southern elevation of the Unit 4 Balcony and Dining room (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 on other screening alternative approved by the City that complies with the purpose and intent of C1.1 or C1.2 of 6.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
4. Prior to the initial occupation of the development, the opening along the northern elevation of the Unit 3 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 on other screening alternative approved by the City that complies with the purpose and intent of C1.1 or C1.2 of 6.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
5. The privacy screening/obscure glazing shown on the approved plans shall meet the Deemed to Comply standards of 6.4.1 of the Residential Design Codes. The privacy screening/obscure glazing shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.
6. Prior to the initial occupation of the development, all 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 City. The bays shall thereafter be retained for the life of the development.
7. Prior to the initial occupation of the development, the visitor car parking bays must be individually marked on site as 'Visitor Bays'. The visitor bays must be made available for use by visitors at all times.
8. Prior to the initial occupation of the development, the existing crossover shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**

9. The development shall be serviced by a concrete or brick paved 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.
10. 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.
11. 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.
12. 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.
13. Prior to the initial occupation of the development, the external surface of the retaining walls which are visible from the adjoining properties are to be finished to the same standard as the rest of the development, to the satisfaction of the Manager Statutory Planning.
14. 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.
15. Unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
 - 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'.

**U18/0512 FOUR MULTIPLE DWELLINGS AT LOT 394 (No.30) PORTREE WAY,
ARDROSS (REC) (ATTACHMENT)**

- **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**

- **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.**