



Form 1 - Responsible Authority Report

(Regulation 12)

Application Details:	Three Storey Residential Development
Property Location:	Lot 1 (No. 12) MacLeod Road, Applecross
DAP Name:	Metro Central JDAP
Applicant:	G E Lock
Owner:	G E Lock
LG Reference:	DA-2013-404
Responsible Authority:	City of Melville
Authorising Officer:	Steve Cope Director Urban Planning
Application No and File No:	DP/13/00305
Report Date:	9 August 2013
Application Receipt Date:	10 April 2013
Application Process Days:	87 working days
Attachment(s):	Ground floor, first floor and second floor plans and elevations all dated 11 June 2013 3 x Perspectives Traffic Impact Statement dated March 2013 prepared by Move Consultants Amenity Impact Statement dated 31 July 2013 prepared by Dynamic Planning.

Recommendation:

That the Metro Central JDAP resolves to:

Approve DAP Application reference DP/13/00305 and accompanying plans (Ground floor, first floor and second floor plans and elevations all dated 11 June 2013) in accordance with the provisions of the City of Melville Community Planning Scheme No. 5, subject to the following conditions as follows:

1. Prior to the commencement of the development, amended plans are to be submitted detailing the following matters. The amended plans shall be approved in writing to the satisfaction of the Manager Statutory Planning and the development constructed in accordance with those approved plans.
 - (a) The balconies associated with Units 2 and 9 are to have a minimum width and depth of 2.4m.
 - (b) An opaque section of glazing or other similar material is to be incorporated into the balustrade for each balcony to allow screening of any future clothes drying facilities.
 - (c) The boundary wall associated with the double garage along the southern boundary is to be constructed up to the southern boundary line.

- (d) Incorporation of additional materials and finishes along the length of the southern elevation to provide further articulation and architectural relief.
2. 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 constructed in accordance with those details.
 3. Prior to the initial occupation of the development, the southern elevation of the balconies to Units 8 and 15 shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.4.1 (C1.2) 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, 24 parking bay/s (including 4 visitor bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans. The bay/s shall thereafter be retained in perpetuity.
 5. Prior to the initial occupation of the development, bicycle parking facilities for six bicycles (four for occupants and two for visitors) shall be designed and provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained in perpetuity.
 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.
 7. The development shall be serviced by a concrete or brick paved vehicle crossovers with a maximum width of 6m (northern crossover) and 4.6m (southern crossover) and constructed prior to the initial occupation of the development in accordance with the approved plans and Council's specification to the satisfaction of the Manager Statutory Planning.
 8. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve.
 9. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 6.2.2 C2 of the Residential Design Codes to the satisfaction of the Manager Statutory Planning.
 10. Prior to the initial occupation of the development, the secondary street fence on Buckley Lane shall be constructed to be visually permeable 1.2m above natural ground level where abutting the visitor car parking bays. The remainder of the fence shall be provided with further articulation to the satisfaction of the Manager Statutory Planning.

11. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Statutory Planning.
12. Any roof mounted or freestanding plant or equipment, including air conditioning units on balconies 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.
13. Prior to the commencement of the development, the street tree/s within the verge are to be protected in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.
14. Prior to the initial occupation of the development, the rubbish storage area as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning.
15. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning. The public art is to address the exterior of the bin store enclosure and any solid portion of the secondary street fence or building fronting Buckley Lane. Once approved, the Public Art shall be provided in accordance with the CP 085 - Provision of Art in Development Proposals policy to the satisfaction of the Manager Statutory Planning.
16. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to incorporate quality landscaping which includes specimens that will, once mature, achieve height in order to provide additional articulation and soften the building as viewed from MacLeod Road. The landscaping plan is to include details of (but not limited to):
 - (a) The location, number and type of proposed trees and shrubs including 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.
17. All stormwater generated on site is to be retained on site.

Advice Notes

- i. In order to satisfy Condition 13, the following measures (at a minimum) are required:

- A Tree Protection Zone (TPZ), in the form of a mesh fence (or similar material) is to be installed around each street tree prior to the commencement of works on site, and retained in place until the completion of the development.
 - The TPZ is to have a radius of no less than 1.2m from the outside of the trunk of the street tree.
 - Once established, no persons, vehicles or machinery are to enter the TPZ.
 - No stockpiling of building materials, debris or soil is to occur within the TPZ.
 - No fuel, oil dumps or chemicals are allowed or stored within the TPZ.
 - No signage or other fixtures are to be attached to the tree.
 - The natural ground level of the verge is not to be altered.
 - All possible care is to be taken whilst works are occurring on site to ensure that no damage is caused to the tree/s including its trunk, roots and structural branches during construction.
- ii. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from www.slp.wa.gov.au
- iii. Should the Applicant or future occupants of the proposed development seek to relocate the existing speed hump along MacLeod Road, this is to be undertaken at the Applicant's (or future occupant's) cost to Council specifications.
- iv. The Applicant is encouraged to incorporate Crime Prevention Through Environmental Design principles when considering the materials for the visual permeable sections of the front and secondary street fence.

Background:

Insert Property Address:	12 MacLeod Road, Applecross
Insert Zoning MRS:	Urban
TPS:	Commercial Centre Frame R40
Insert Use Class:	Residential
Insert Strategy Policy:	None applicable
Insert Development Scheme:	Community Planning Scheme No. 5
Insert Lot Size:	1,234m ²
Insert Existing Land Use:	Single House
Value of Development:	\$3,000,000

Site Context

The subject site is known as Lot 1 (No. 12) MacLeod Road, Applecross.

Pursuant to Community Planning Scheme No. 5 (CPS5) the proposal is zoned Applecross Village Commercial Centre Frame and has a density code of R40.

The subject site was until recently improved with a single storey Single House (refer Figure 1). The topography of the site is relatively flat.



Figure 1 – Aerial photography of subject site

The site is triangular in shape and is located on eastern side of MacLeod Road.

MacLeod Road is characterised by predominantly single and two-storey grouped dwelling developments and the streetscape is improved by mature street trees and embayed on-street car parking along its western side.

To the south, the subject site abuts 14 MacLeod Road which contains a two-storey grouped dwelling development comprising five dwellings. The ground floor garage of this property has a nil setback to Buckley Lane.

The subject site also abuts Buckley Lane to the east. Buckley Lane is a public gazetted laneway with untimed public parking extending for the majority of the length of the lane. Commercial vehicles temporarily park in the lane to transfer goods to the rear of the Applecross Village commercial premises.

The Applecross Village Community Centre Precinct to the east (shown in yellow in Figure 2 below), across Buckley Lane from the subject site, consists of single and two storey commercial buildings. This Precinct contains a mixture of uses, however is predominantly retail and hospitality uses. Private car parking is provided to the rear of the majority of the Applecross Village properties accessed via Buckley Lane.

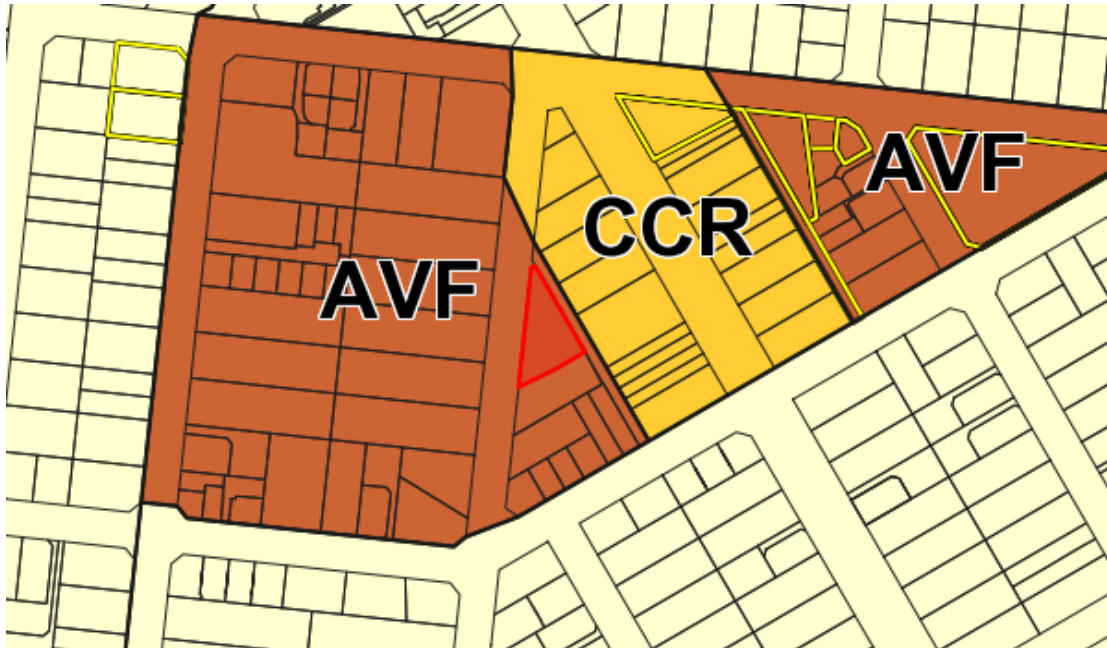


Figure 2 – Subject site located within the Applecross Village Commercial Centre Frame (AVF)

Details: outline of development application

Development approval is sought for a three storey residential development, consisting of 15 multiple dwellings. The proposed building is designed as follows:

Ground Floor

One, two-bedroom unit, 20 car parking bays and four visitor bays. Other ancillary structures are also located at this level including store rooms, bin storage area and a lobby. Vehicle access is to be provided from a single crossover accessed via MacLeod Road. The four visitor bays are provided external to the building in the northwest corner of the site.

First Floor

Two single bedroom dwellings, four, two bedroom dwellings and one, three bedroom dwelling are proposed.

Second Floor

Two single bedroom dwellings, four, two bedroom dwellings and one, three bedroom dwelling are proposed.

Legislation & policy:

Legislation

Planning and Development Act 2005

City of Melville Community Planning Scheme No. 5 (CPS5):

- Cl. 2.3.1 Housing
- Cl. 2.4.1 Housing
- Part 4: Applecross Village Commercial Centre Frame
- Cl. 4.2 Development Requirements and Variations

- Cl. 5.8 Car Parking
- Cl. 5.11 Height of Buildings
- Cl. 7.8 Matters to be Considered by Council

State Planning Policies

- SPP3: Urban Growth and Settlement
- SPP4.2: Activity Centres for Perth and Peel

Local Policies

- CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures
- CP-066: Height of Buildings
- CP-067: Amenity
- CP-069: Architectural and Urban Design Advisory Panel
- CP-029: Street Tree Policy
- CP-089: Energy Efficiency in Building Design
- CP-085 Provision of Public Art in Development Proposals

Consultation:

Public Consultation

The subject application was advertised for a period of 21 days in the form of:

- Letters to adjoining landowners;
- Advertising sign on site;
- A press notice.

26 submissions were received outlining objections to the proposal. A summary of the concerns raised against relevant planning considerations is provided below.

It is noted that since the advertising period the Applicant has submitted amended plans as a response to some of the points raised by submitters and the City. The main changes include:

Change	Previous	Proposed
Increased setback to the southern boundary	First Floor 1.5m—4.8m Second Floor 1.5m-4.8m	First Floor 3.3m-5.1m Second Floor 4.3m-5.1m
Reduction in the length of the southern boundary walls	Total length (three sections) – 17.9m	Total length (three sections) – 12.7m
Reduced setback to Primary Street to enable increased southern boundary setback	Ground Floor 4m-7.2m First & Second Floor 3.9m-6.4m	Ground Floor 2.5m-7.2m First & Second Floor 2.9m-5.7m
Change to highlight windows on southern elevation upper floors	Study and Bed 2 to Units 2 and 9 setback <4.5m from southern boundary	Now complies with Deemed to Comply

In addition to the above, design changes have also been made to the MacLeod Road façade including:

- Addition of weatherboard cladding
- Amendment to the shape of the balconies
- Addition of rendered moulding to the roof parapet
- Reconfiguration of the roof over the front communal courtyard
- Reconfiguration of the location, design and access to the ground floor store rooms
- Additional access and reconfiguration of the bin storage area

Issue	Nature of Concern raised	Officer's Comment
Plot ratio / Height	<ul style="list-style-type: none"> • Proposed plot ratio and height of the development does not comply and should be reduced. • The bulk and scale of the development should be reduced to minimise the impact of the development on the southern adjoining properties • The proposal is not consistent with the streetscape or residential development in MacLeod Road • Fifteen units is too many and should at least be halved. • The proposed height is not consistent with the existing height of buildings on MacLeod Road • The development will be overpowering, poorly proportioned and bulky and will negatively impact the amenity of the area. • The equipment located on the roof may exacerbate proposed height variation 	The potential bulk and scale impacts of the proposal on the streetscape and southern adjoining properties are considered to have been mitigated through the provision of amended plans. See the Planning Assessment section of this report for further commentary regarding this matter.

Issue	Nature of Concern raised	Officer's Comment
Overshadowing	<ul style="list-style-type: none"> • Direct sunlight to major openings and outdoor living areas of the southern adjoining properties will be restricted. • The extent of overshadowing including the nature of the areas affected, highlight the significance of the impact to the southern adjoining properties. • The proposal is not designed to maximise the northern aspect of the site and reduce impact of overshadowing to the southern adjoining properties. • The proposed development should employ sympathetic design measures which minimise the impact to southern adjoining properties. 	Revised plans have been submitted to reduce the level of overshadowing. The proposal now satisfies the Deemed to Comply provisions of the R-Codes.
Boundary setbacks	<ul style="list-style-type: none"> • The boundary walls on the southern boundary will have an adverse bulk impact. • The proposal does not meet the relevant objectives of the R-Codes as access to sun light will be restricted. • The reduced setbacks will not assist in the protection of visual privacy and may exacerbate privacy impacts to the southern adjoining property. 	Revised plans have been submitted to address southern boundary setbacks. With the exception of the average height of the proposed boundary wall along the southern boundary (assessment outlined below in the Planning Assessment section of this report), the proposal now satisfies the Deemed to Comply provisions of the R-Codes. In addition, the proposal also satisfies the Deemed to Comply provisions relating to overshadowing.

Issue	Nature of Concern raised	Officer's Comment
Primary street setback / streetscape	<ul style="list-style-type: none"> • The reduced primary street setback is not in keeping with the established streetscape of MacLeod Road or the locality • The development is at odds with the 'village' feeling that is being encouraged within the precinct. • The reduced setback would be a safety risk as views for vehicles entering and exiting the site will be obstructed. • The open verges and streetscape is a widely recognised and highly regarded feature of Applecross. 	Revised plans have been submitted to address the impact of the development on the streetscape. The proposal now complies with the required setback from MacLeod Road however still represents a departure from the Deemed to Comply provisions of the R-Codes in relation to Buckley Lane and therefore requires assessment against the relevant Design Element. See the Planning Assessment section of this report for further commentary regarding this matter.
Waste	<ul style="list-style-type: none"> • Absence of waste collection management plan. • No details provided as to where the bins will be collected. • Bins may not be collected if cars are parked along the verge, preventing waste collection trucks from removing the waste • Location of bins on the verge on collection day will restrict access to pedestrians, prams and wheelchairs. 	Revised plans have been submitted to indicate bin collection point. See the Planning Assessment section of this report for further commentary regarding this matter.

Issue	Nature of Concern raised	Officer's Comment
Traffic	<ul style="list-style-type: none"> • The proposed development will compound the existing traffic issues and congestion on MacLeod Road and Buckley Lane. • An increase in traffic may have an impact on safety, particularly for retired residents who use wheelchairs and motorised chairs to access Applecross Village. • MacLeod Road is used as a 'rat run' to avoid traffic on Canning Highway, increased traffic will exacerbate this problem. 	<p>Traffic from the development, can be accommodated without detriment to safety of the surrounding road network. See the Planning Assessment section of this report for further commentary regarding this matter.</p>
Parking	<ul style="list-style-type: none"> • Concern that overflow parking from the development will park on MacLeod Road and Buckley Lane. Existing overflow parking on MacLeod Road blocks driveways restricting access to and from properties for existing residents. The proposal will exacerbate the situation • Four visitors bays considered insufficient • Basement or undercroft car parking would be more suitable as this would create a more compliant development and reduce impacts to adjoining properties and MacLeod Road. • A minimum of two car parking bays should be provided per dwelling. • Restricted on-street parking times should be introduced to MacLeod Road. 	<p>The development satisfies the on-site car parking requirements of the R-Codes for both visitors and occupants of the proposed units.</p>

Issue	Nature of Concern raised	Officer's Comment
Visual Privacy	<ul style="list-style-type: none"> • Objection to overlooking into the southern adjoining properties' major openings, courtyard and balconies • The proposal does not consider the location or design of major openings along the southern elevation of the development. • Amended plans should require that openings along the southern elevation be fixed or obscured. 	<p>Revised plans have been submitted to address overlooking to the southern adjoining properties. Notwithstanding, the proposal does not satisfy the Deemed to Comply provisions of the R-Codes in relation to visual privacy and therefore needs to be assessed against the Design Element. See the Planning Assessment section of this report for further commentary regarding this matter.</p>
Open space	<ul style="list-style-type: none"> • Objection to variation to open space requirements 	<p>The proposal does represent a departure from the Deemed to Comply provisions of the R-Codes and therefore requires assessment against the relevant Design Element. See the Planning Assessment section of this report for further commentary regarding this matter.</p>
Landscaping	<ul style="list-style-type: none"> • There is little landscaping proposed. 	<p>The development satisfies the Deemed to Comply landscaping requirements of the R-Codes.</p>
Commencement of works	<ul style="list-style-type: none"> • Site works have already commenced. 	<p>Not a material planning consideration in relation to the subject application.</p>
Activity Centre development	<ul style="list-style-type: none"> • Development of this scale should be located within the Canning Bridge or Riseley Street precincts. 	<p>See the Planning Assessment section of this report for further commentary regarding this matter.</p>
Noise	<ul style="list-style-type: none"> • Noise will emanate from the open ground floor car park. • Query whether a noise management plan will be required for the construction period and for post completion. • Impact of noise from air conditioning units along the southern elevation. 	<p>Noise emitted from the property both during construction and following construction is required to satisfy the <i>Environmental Protection (Noise) Regulations 1997</i>. An advice note to this effect is recommended.</p>

Issue	Nature of Concern raised	Officer's Comment
Design	<ul style="list-style-type: none"> The design of the development is not in keeping with the existing character and streetscape of MacLeod Road. The development should be restricted to either single residential development or traditional townhouse style design with a traditional pitched roof. 	Revised plans have been submitted to address concerns regarding impact of the development upon the streetscape of MacLeod Road. See the Planning Assessment section of this report for further commentary regarding this matter.
Amenity	<ul style="list-style-type: none"> An amenity impact statement should be submitted. 	An amenity impact statement has now been provided.
Damage to existing development / vegetation on the adjoining property boundary	<ul style="list-style-type: none"> Damage/removal of existing vegetation and landscaping along the southern boundary will be required to construct the proposed boundary walls. Concerns raised regarding the potential damage or destruction of existing street trees on MacLeod Road. 	The removal of vegetation along the southern boundary is not a material planning consideration specifically in relation to this application. Street trees will be required to be protected during the construction phase in accordance with Council Policy.

Consultation with other Agencies or Consultants

City of Melville Architectural and Urban Design Advisory Panel

The proposal was considered by the City's Panel on 30 April 2013. Following the meeting of the Panel, the Applicant provided amended plans to address the Panel's comments. Details of the comments and the Applicant's response are outlined below:

Panel Comment	Applicant's Response	Officer Comment
The main elevation looks basic. More articulation is required.	Amended proposal provided.	Amendments have been made to provide greater articulation to the MacLeod Road façade and reduce the horizontal emphasis of the development which mitigates the impacts of building bulk.
The plans would benefit from a streetscape colour perspective.	Amended 3D perspective submitted.	Amended 3D perspective plans assist in depicting development and its impact to MacLeod Road.

Panel Comment	Applicant's Response	Officer Comment
As an overall design, the proposal is satisfactory / generally functions.	Noted.	Amendments have been made to improve the functionality of the development and to reduce the bulk impact to adjoining properties and the street.
The development is pushing too many boundaries and as a result it compromises the form and function of the overall development.	Amended proposal provided.	Amendments have been made to reduce the potential impacts upon the southern adjoining properties and to improve the functionality of the development.
The proposal has the appearance of an inner-city apartment building. Given context of site within Applecross, the appearance would benefit from 'town house' look in order to complement surrounding area. More relief would also assist.	Amended proposal provided.	Amendments have been made to reduce impact on southern adjoining properties, improve the façade of the development and reduce the vertical emphasis of the building.
The façade would benefit from variations in the parapet wall height.	Amended proposal provided.	Amendments have been made to the MacLeod Road facade to reduce the vertical emphasis of the development.
Use of contrast render not preferred.	Amended proposal provided.	Amendments have been made to utilise different materials along the MacLeod Road façade of the building, including weatherboard cladding.
Another ground floor unit could be provided to assist in the articulation of the front elevation.	Amended proposal provided.	Amendments have been made to the ground floor level to improve functionality and allow further interaction with MacLeod Road.
The use of a standard dwelling garage on the ground floor level ruins the design.	Amended proposal provided.	Amendments have been made to reduce impact of the proposed garage along MacLeod Road.

Panel Comment	Applicant's Response	Officer Comment
The upper floor level could protrude further forward towards the northern corner of the property	Amended proposal provided.	Amendments have been made to increase the setback of the upper floors from the southern boundary, which have subsequently reduced the proposed setbacks to Buckley Lane and MacLeod Road.
Proportion of units – there are too many single bedroom units. More two bedroom units are required to provide diversity.	Amended proposal provided.	Amendments have been made to increase the proportion of two bedroom units.
The balconies are small. There is an opportunity for larger balconies which provide interaction with greenery in area (tree canopies).	Amended proposal provided.	Amendments have been made to increase the size of the proposed balconies, however it is noted that the prescribed minimum balcony dimension has not been satisfied for two balconies. This is assessed further below.
The rear elevation abutting the access way could be improved and the development could make use of the laneway.	The Buckley Lane elevation has been amended however vehicular access is to remain from MacLeod Road as the existing use of the laneway by commercial vehicles would have an adverse impact upon access to the development site.	Noted
Bins are located on the most prominent corner of the subject site; they should be relocated to within the building for ease of use.	The location of the bin storage area has remained unchanged due to the constraints presented as a result of the shape of the subject site.	Amendments have been made to the ground floor level, specifically to improve the functionality of the access to the bin storage area.
The location of the store rooms is not ideal given the resultant loss of interaction.	Amended proposal provided.	Amendments have been made to the ground floor component of the development, specifically in relation to the store rooms to improve functionality and access.

Panel Comment	Applicant's Response	Officer Comment
The air conditioning plant should be located within the undercroft level. However if it is to be located on balconies, obscure screens may need to be provided.	Noted.	A condition of approval is recommended to require air conditioning plant to be screened from the street and adjoining properties.

Planning assessment:

The proposal has been assessed and is considered to satisfy the relevant provisions contained within Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council Policies, with the exception of those matters listed below:

Development Requirement	Required/Allowed	Proposed
Plot Ratio	0.6 (740m ²)	1.27 (1,570m ²)
Height	9m	9.3-9.5m
Open Space	45%	39%
Secondary Street Setback (Buckley Lane)	1m	Ground Floor – Nil – 1.5m
Boundary Walls	Average height 3m	Ground Floor boundary wall along southern boundary – average height 3.3m
Visual Privacy	Balconies setback 7.5m from common boundaries	Units 8 & 15 setback 5.1m from southern boundary
Residential Bicycle Parking	6 bays	Nil

Land Use

Pursuant to CPS5, Residential is a 'D' use within the Commercial Centre Frame which means that the commencement of the proposed use is at the discretion of Council.

The Statement of Intent for the Commercial Centre Frame – Applecross Village Precinct States:

Primarily residential but may include small-scale offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.

The proposed residential use of the subject site is consistent with its existing use as well as the predominant use of the land located to the north, east and south of the subject site. Furthermore, the proposed residential use is considered to be entirely consistent with the above Statement of Intent. As such, the proposal is considered acceptable in land use terms.

Bulk, Scale and Design

As outlined above, the proposal involves departures from the prescriptive Deemed to Comply provisions of the R-Codes in relation to plot ratio, height and open space, all of which can contribute to the bulk and scale of a development.

Not complying with the Deemed to Comply provisions in itself does not automatically render a proposal unsuitable, it instead requires assessment of the proposal against the relevant Design Principle in the R-Codes.

The relevant Design Principles state:

6.1.1 Building size

P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.

6.1.2 Building Height

P2 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- Adequate access to direct sun into buildings and appurtenant open spaces;*
- Adequate daylight to major openings into habitable rooms;*
- Access to views of significance;*
- Buildings present a human scale for pedestrians;*
- Building façades designed to reduce the perception of height through design measures; and*
- Podium style development is provided where appropriate.*

6.1.5 Open space

P5 Open space that respects the existing or preferred neighbourhood character and responds to the features of the site.

As all of the above provisions relate to building bulk and are interrelated, they will be considered together below.

The subject site is irregular in shape and has frontage to both MacLeod Road and Buckley Lane and therefore only shares one common boundary to the south.

With the exception of the height of the proposed ground floor level boundary wall, the remainder of the setbacks of the building from the southern boundary are greater than the Deemed to Comply requirements of the R-Codes. Furthermore, the proposal satisfies the Deemed to Comply provisions of the R-Codes in relation to overshadowing. As such, the direct building bulk impacts upon the adjoining dwellings to the south of the subject site are considered to be ameliorated.

As the proposed building has been located away from the southern boundary, its bulk is located toward the northern corner of the site, on the basis that its impact will be absorbed by the abutting commercial centre to the east and the corner of MacLeod Road and Buckley Lane to the north and west, without compromise to the surrounding residential dwellings.

The potential bulk impacts of the proposal upon the MacLeod Road streetscape are considered to have been mitigated by the revised design which delivers enhanced articulation through the use of open balconies, varied materials and setbacks as well as architectural finishes. In addition, these features are considered to reduce the horizontal emphasis of the building which mitigates the impact of building bulk.

Furthermore, the existing mature street trees within the MacLeod Road verge will also provide screening of the development and will soften the impact of the building. The street trees will break up the view of the building from every angle and prevent it from being viewed as a whole.

In addition to the above, the height of the proposal is not anticipated to have any impacts upon any views of significance from surrounding properties given that the subject site and surrounding area is predominantly flat and there are no notable views available in the vicinity.

Landscaping and open space is provided around the proposed building, with greater intensity proposed for along the Macleod Road frontage. These areas reinforce the pedestrian scale of the development and are consistent with the neighbourhood character of the surrounding area.

The surrounding Applecross Village Commercial Centre and Commercial Centre Frame has a density coding of R40. As such, multiple dwellings as part of commercial developments, or stand alone developments within the area are anticipated.

Overall, the proposed bulk and scale of the proposal is considered to be consistent with the existing and future desired built form within the streetscape and locality.

The development represents a modern design which, if constructed, would have the potential to further improve the vibrancy of the area and provide a range of housing accommodation consistent with the medium density zoning of the property.

As such, the proposal is considered to satisfy Design Principles 6.1.1, 6.1.2 and 6.1.5 of the R-Codes.

Secondary Street Setback

The secondary street setback for multiple dwelling developments is prescribed within Clause 6.1.3 of the R-Codes. As outlined above, the proposal does not satisfy the Deemed to Comply provisions of the R-Codes.

Design Principle 6.1.3: Street Setback states:

- P3 Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:*
- *Contribute to the desired streetscape;*
 - *Provide articulation of the building on the primary and secondary streets;*
 - *Allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;*
 - *Are appropriate to its location, respecting the adjoining development and existing streetscape; and*
 - *Facilitate the provision of weather protection where appropriate.*

The proposal is considered to satisfy the above Design Principle for the following reasons:

- Although Buckley Lane is technically considered a secondary street for the proposed development, it predominantly operates as a service lane to access parking and the rear of the Applecross Village commercial buildings.
- The proposed nil setback to Buckley Lane provides a 'hard edge' consistent with the commercial developments within the streetscape. Furthermore, the nil setback only relates to a 5.8m length of the proposed development, the remainder being setback in excess of 1m.
- Hard and soft landscape treatments around the building complements the proposed setbacks.

Boundary Walls

Boundary walls are proposed along the southern boundary of the subject site which relate to the proposed Garage and two Store rooms. As outlined above, these walls do not satisfy the Deemed to Comply provisions of the R-Codes in relation to average wall height. The walls do however comply with the maximum wall height.

Design Principle 6.1.4 states:

P4.1 Buildings set back from boundaries or adjacent buildings so as to:

- *Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them.*
- *Moderate the visual impact of building bulk on a neighbouring property;*
- *Ensure access to daylight and direct sun for adjoining properties; and*
- *Assist with the protection of privacy between adjoining properties.*

The proposal is considered to satisfy the above for the following reasons:

- The proposed boundary wall associated with the Garage is located adjacent to a common driveway to the south of the subject site. As such; this wall is not considered to prejudice access to daylight, direct sun or ventilation to any sensitive spaces. Furthermore, as the wall does not include any major openings, privacy between the two properties is protected. The bulk of the wall is mitigated through the provision of open spaces to both sides of the wall.
- The potential impacts as a result of the proposed boundary walls associated with the two Store Rooms are mitigated by virtue of their short lengths and the landscaping proposed between. These proposed boundary walls are considered to have a similar impact to a standard residential outbuilding.

Visual Privacy

The proposed balconies for Units 8 and 15 do not satisfy the Deemed to Comply provisions of the R-Codes relating to visual privacy. As these balconies will enable overlooking of the major openings along the northern elevations of the adjoining dwellings to the south, the proposed balconies are not considered to satisfy Design Element 6.4.1. Accordingly, a condition of approval is recommended requiring the installation of screening along the southern elevation of both of these balconies to comply with the Deemed to Comply provisions.

Bicycle Parking

The Deemed to Comply provisions of the R-Codes require the provision of six on-site bicycle bays for the proposed development; four for the occupants of the dwellings and two for visitors. No bicycle bays are detailed on the proposed plans. As such, a condition of approval is recommended to require the provision of these bays on-site.

Traffic and Parking

A Transport Statement has been prepared and submitted with the application which concludes that *'the anticipated site-generated traffic associated with the proposed development can be accommodated within the existing practical capacity and functional road classification of the local road system.'*

The City's Technical Services have reviewed the Transport Statement submitted with the application and taking into account the City's traffic count data have stated that *'the number of trips generated by the proposed development will not have an impact on the road network in the nearby vicinity, but will contribute to the accumulative traffic volumes further down in that section of Kintail road between Forbes Road and Canning Beach Road.'*

It is noted that the proposed northern vehicular access point is adjacent to a speed hump. The existence of the speed hump will not prejudice safe access into and out of the site, however, should the Applicant propose to relocate this speed hump in the future for convenience reasons, an advice note is recommended advising that this will be at the Applicant's cost.

The proposal satisfies the R-Codes Deemed to Comply requirements in relation to on-site car parking both for occupants and visitors.

It is noted that embayed on-street car parking bays are provided along the western side of MacLeod Road within the road reserve. These bays are frequently utilised during weekends due to patrons visiting the nearby Applecross Village, however these will also be available for use by visitors to the subject site, as they are available for visitors to any of the surrounding residential properties. The use of on-street parking, in addition to the existing speed hump, will slow traffic down along MacLeod Road.

Waste

The applicant has indicated that the dwellings are to utilise the City's waste services collection. The proposed plans include the configuration of the bin storage area and additional access to Buckley Lane.

The City's Waste Services have indicated that there is no issue with the servicing of the development as proposed and that MacLeod Road was the preferred location for waste collection.

Activity Centre Implications

The subject site is located adjacent to Applecross Village which is considered to be a Neighbourhood Centre pursuant to State Planning Policy 4.2: Activity Centres for Perth and Peel.

The subject site is located within the Applecross Village Commercial Centre Frame. The Frame is intended to provide a buffer between the Neighbourhood Centre and the surrounding residential area.

The proposal involves the development of medium density residential accommodation. The residential use reflects the surrounding residential context, however also takes into account the proximity to Applecross Village and bus services.

As such, the proposal is considered to respond to the existing and future intended character of the area and reflect the subject site's location adjacent to a Neighbourhood Centre.

Conclusion:

It is concluded that notwithstanding the variations sought, the development as proposed will, subject to the imposition of planning conditions, deliver an acceptable built form outcome for the Applecross Village Commercial Centre Frame and the surrounding locality. The proposed multiple dwelling development is consistent with the proper and orderly planning of the area and provides further diversity of accommodation types available in the area. The use of materials and architectural features are considered to both enhance the development and mitigate its impacts. Consequently, it is considered that the development complements the existing streetscape.

As such, it is recommended that the Metro Central Joint Development Assessment Panel conditionally approve the application as proposed.