

TOWN OF BASSENDEAN

NOTICE OF A SPECIAL COUNCIL MEETING

Dear Council Member

A Special Meeting of the Council will be held on Monday, 8 June 2015, in the Council Chamber, 48 Old Perth Road, Bassendean, at 6.00pm to consider an application for planning approval for a proposed development comprising 22 Multiple Dwellings on Lots 740 & 52 (Nos. 72-74) Railway Parade, Bassendean.

Mr Bob Jarvis
CHIEF EXECUTIVE OFFICER

5 June 2015

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Country

The Town of Bassendean acknowledges the People of the Nyoongar Nation as the traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

2.0 PUBLIC QUESTION TIME/ADDRESS BY MEMBERS OF THE PUBLIC

3.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

4.0 REPORTS

4.1 Proposed 22 Multiple Dwellings - Lot 54 (Nos. 72-74) Railway Parade, Bassendean - Owners: Mark and Sandra Hammond, Applicant: Urban and Rural Perspectives(URP) (Ref: DABC/BDVAPPS/2015-030 – Christian Buttle, Senior Planning Officer)

APPLICATION

At its Ordinary Council meeting held in May 2011, Council resolved to require that all development assessment panel applications be subject to a report to Council in order that Council can make an alternative recommendation to the Metropolitan Centre Joint Development Assessment Panel.

The value of this proposal is \$3.3m, and the applicant has elected to have the application determined by a Development Assessment Panel (DAP).

The remainder of this report includes the Senior Planning Officer's report and recommendation to the DAP. The report is presented in the format required by the Development Assessment Panel Regulations.

Council's options in terms of its earlier resolution are to either endorse the recommendation contained in the report below or to make an alternative recommendation.

Council's members on the DAP are Crs Carter and Pule.

The Development Assessment Panel Training Notes make the following comments in terms of Local Government representatives as DAP members:

“The role of a local government representative is made difficult by their dual roles of local government Councillor and DAP member.

The Code of Conduct acknowledges this difficulty in clause 2.1.2. A local government may make a decision in relation to a DAP application as a basis for providing a DAP with a recommendation, as it is required to do in accordance with regulation 12.

Clause 2.1.2 provides that a local government DAP member is not precluded from voting in relation to a DAP application where it has also been involved with the decision or recommendation made by the local government.

Clause 2.1.2 requires only that local government DAP member exercise independent judgment, and consider the application on its planning merits.”

Form 1 - Responsible Authority Report (Regulation 12)

Property Location:	Lot 54 (Nos. 72-74) Railway Parade, Bassendean
Application Details:	Proposed 22 Multiple Dwellings
DAP Name:	Metro Central JDAP
Applicant:	Urban & Rural Perspectives
Owner:	Mark & Sandra Hammond
LG Reference:	DABC/BDVAPPS/2015-030
Responsible Authority:	Town of Bassendean
Authorising Officer:	Christian Buttle, Senior Planning Officer
Department of Planning File No:	DAP/15/00740
Report Date:	5 June 2015
Application Receipt Date:	19 February 2015
Application Process Days:	106 Days
Attachment(s):	<p>1. Annotated Location / Aerial Plan</p> <p>2. Plans of the proposed development date stamped received 13 May 2015 comprising:</p> <ul style="list-style-type: none"> (i) A1.01: Proposed Site Development Plan (with aerial underlay) – Revision 2. (ii) A1.02: Proposed Site Development Plan – Revision 2. (iii) A2.01: Proposed Site / Ground Floor Plan (Part A) – Revision 2. (iv) A2.02: Proposed Site / Ground Floor Plan (Part B) – Revision 2. (v) A2.05: First Floor Plan – Revision 2. (vi) A3.01: Elevations – Revision 2. (vii) A3.02: Elevations – Revision 2. <p>Plans of the proposed development date stamped received 20 February 2015 comprising:</p> <ul style="list-style-type: none"> (viii) A4.01: Perspectives – Revision 1.

	<ol style="list-style-type: none">3. Applicant's written documentation provided under the cover of their correspondence dated 18 February 2015 comprising:<ol style="list-style-type: none">(i) Cover letter;(ii) Design Principles Submission Table; and(iii) Waste Management Plan 4. Applicant's written documentation provided under the cover of their correspondence dated 13 May 2015 comprising:<ol style="list-style-type: none">(i) Cover letter;(ii) Energy Efficiency Policy Checklist (provided on Drawing No. 2.02 Rev 2); and(iii) Water Sensitive Design Policy Checklist 5. Drawing Titled "22 Bins Verge Pickup Plan" – Drawing No. A0.00 – Rev 3 provided by email 18 May 2015. 6. Extract of Clause 5.3 from the Town of Bassendean Local Planning Scheme No. 10. 7. Town of Bassendean Local Planning Policies:<ol style="list-style-type: none">(i) No. 2 – Energy Efficient Design;(ii) No. 3 – Water Sensitive Design;(iii) No. 8 – Parking Specifications; and(iv) No. 18 – Landscaping with Local Plants 8. Town of Bassendean Energy Efficiency Assessments for each dwelling
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Officer Recommendation:

That the Metro Central JDAP resolves to:

Approve DAP Application reference DAP Dap/15/00740 and accompanying plans:

Dwg No.	Drawing Name	Rev No.	Dwg Date
A0.00	22 Bins Verge Pick Up Plan	3	18.05.2015
A1.01	Proposed Site Development Plan (with aerial underlay)	2	11.05.2015
A1.02	Proposed Site Development Plan	2	11.05.2015
A2.01	Proposed Site / Ground Floor Plan (Part A)	2	11.05.2015
A2.02	Proposed Site / Ground Floor Plan (Part B)	2	11.05.2015
A2.05	First Floor Plan	2	11.05.2015
A3.01	Elevations	2	11.05.2015
A3.02	Elevations	2	11.05.2015

in accordance with Clause 10.3 of the Town of Bassendean Local Planning Scheme No. 10, subject to the following conditions:

1. The design/extent of roof cover to balconies of units 12-19 and 22 being modified in order to facilitate the provision of direct solar access to the Living Room windows of the respective units, to the satisfaction of the Town.
2. Upper floor unit 19 being set back from the left hand (western) side boundary generally in accordance with the Deemed-to-comply provisions of the R-Codes and this side of the building being detailed architecturally in a manner which is generally consistent with that of other dwellings within the development, while also allowing for casual surveillance in the manner described within the Officer report (non-major size fixed openings) to the satisfaction of the Town.
3. Outdoor living areas / Balconies for units 5, 19 and 20 being modified in order that a usable area of 10 sq. metres minimum with width and / or length dimensions of 2.4 metres minimum being provided as measured in any direction.
4. The provision of a pedestrian path which provides wheelchair accessibility connecting the main pedestrian entrance to building 'block 4' with the public footpath.

5. A detailed and professionally prepared landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public realms adjoining the development site, including, but not limited to:
 - (a) the location, type and size of proposed trees, shrubs and ground cover to be planted; and
 - (b) reticulation methods, including arrangements incorporated into the design to minimize water use.

Landscaping design and species selection shall pay particular attention to provisions contained within the Town of Bassendean Local Planning Policy No. 18 – Landscaping with Local Plants.

6. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter.
7. Submission of a plan detailing the location of all external lighting, to the satisfaction of the Town prior to or in conjunction with the application for a building permit. The lighting plan shall take particular account of the need to for lighting to be provided to pedestrian paths, car parking areas, bicycle parking locations, and the right-of-way within the vicinity of the pedestrian and vehicular entrance to the development and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
8. The following works shall be completed within the Railway Parade road reserve to facilitate the proposed development:
 - (a) Existing 1m wide concrete apron associated with redundant crossover forward of No. 74 Railway Parade shall be removed and replaced with barrier kerb and brick paving to match the remainder of the footpath;
 - (b) Existing Paved crossover forward of No. 74 Railway Parade shall be removed and replaced with paving to match the remainder of the footpath (both in material and paving pattern). This includes the removal of the white header course of paving (which defines the alignment of the existing crossover) and replacement to match the remainder of the footpath;
 - (c) The proposed crossover to Railway Parade shall have a 1m concrete apron adjacent to the kerb line. The crossover shall be centrally positioned in line with the access aisle between the visitor car parking spaces and shall be a maximum 6 metre width;
 - (d) The proposed crossover from Railway Parade shall be constructed of heavy duty trafficable brick pavers, the material and colour of which shall match the adjoining footpath. The crossover shall have a cream coloured header course which delineates the crossover from the adjoining footpath; and
 - (e) Prior to the issue of a Building Permit, the applicant shall pay the Town a sum of \$682 to cover the removal and streetscape contribution associated with the loss of existing vegetation within the Railway Parade road reserve to facilitate bin storage.

9. Prior to the issue of a Building Permit for this development, a 1.0m strip of land shall be excised from the rear of the lot for the purposes of widening the adjoining right-of-way, or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring excision of this land to be completed within twelve months of the issue of a Building Permit, or prior to the completion of the development, whichever occurs earlier.
10. The strip of land to the rear of the site which is excised for right-of-way purposes shall be paved, drained and kerbed to the specifications of the Town prior to occupation of the dwellings.
11. The sealing and kerbing of all car parking areas and access ways to the Town's specifications.
12. The on site car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction.
13. Each dwelling being provided with one car parking space. Such arrangement shall be reflected on any subsequent strata plan for the property.
14. Visitor parking spaces being clearly marked for "Visitors Only" and used as such.
15. A minimum of 8 bicycle parking spaces shall be provided for residents, and a minimum of 3 bicycle parking spaces shall be provided for visitors. The resident bicycle parking spaces shall be located in a secure weather protected compound, details of which shall be provided to the Town in advance of, or in conjunction with the application for a building permit, and be constructed in accordance with the provisions of AS 2890.3 (as amended), while visitor bicycle parking spaces shall be relocated close to main pedestrian access points to the development to the satisfaction of the Town as advocated within AS2890.3.
16. Access aisles within the car park shall be increased from 5.8m, 5.85m and 5.9 metres respectively to 6.2 metres minimum in accordance with the Town's Local Planning Policy No. 8 – Parking Specifications.
17. The width of visitor car parking bay No. 3 shall be increased to 2.4m minimum.
18. The height of filling and associated retaining adjacent to the left hand (western) side property boundary being reduced to an extent that it does not exceed 500mm above existing ground levels.
19. All storm water being contained and disposed of on site. Details of the method of storm water containment and disposal being included with the drawings submitted for a Building Permit.
20. The street number being prominently displayed at the front of the development.

21. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height, unless higher fencing is shown on the approved drawings. Where the ground levels vary on either side of the fence, the required height shall be measured above the higher ground level. Fencing along the common boundary with the adjoining commercial premises at Lot 51 (No. 76) Railway Parade shall be constructed of brick unless otherwise approved by the Town.
22. Any fencing which is situated between a building and the Railway Parade or right-of-way frontages of the development site demonstrating compliance with the following requirements:
 - (a) The overall height of fencing not exceeding 1.8 metres above natural ground levels as viewed from outside of the development site; and
 - (b) Infill panels above base level solid components which are shown on the approved drawings being visually permeable.
23. External fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street. Prior to the issue of a building permit, details being submitted of all proposed ventilation systems, including the location of plant equipment, vents and air conditioning units for the Town's approval. All equipment must be adequately screened to the satisfaction of the Town.
24. External clothes drying is prohibited on any of the balconies unless screened from view of the street or other public place.
25. Each dwelling shall be provided with an electric clothes dryer.
26. A Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
 - (a) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the onsite separation of materials for recycling and the expectations of owners and /or tenants;
 - (b) Site Plan showing the location and size of the on-site rubbish disposal area(s), including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
 - (c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
 - (d) Details of intended method of collection;
 - (e) Details of where the bins would be located when waiting collection;
 - (f) Details of advice to be provided to owners and occupiers regarding the WMP; and

- (g) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development.
27. The bin storage areas are:
- (a) To be increased in size to cater for bulky rubbish storage while awaiting collection to the satisfaction of the Town;
 - (b) To be surrounded by a 1.8 metre high minimum wall with a self-closing gate;
 - (c) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, connected to sewer, with a hose cock to enable both the bins and bin storage area to be washed out; and
 - (d) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.
28. Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.
29. The surface finish of boundary walls on the common boundaries with adjoining properties to be the same finish as the external wall finish for the remainder of the dwelling, unless otherwise approved by the Town.
30. Prior to the issue of a building permit the applicant shall lodge a Construction Management Plan to the satisfaction of the Town of Bassendean that provides details of the following:
- (a) Estimated timeline and phasing of construction;
 - (b) Dust control measures;
 - (c) Noise control measures;
 - (d) Access points for heavy vehicles during demolition and construction; and
 - (e) 24 hours contact details of staff available to deal with either an emergency situation or to respond to complaints.
31. The incorporation of public art into the proposed development or a cash-in-lieu payment of one percent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 "Percent for Art Policy". Detailed arrangements and agreement with respect to art to be provided on site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.
32. Prior to the issue of a building permit, a development bond for the sum of \$11,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.

33. Prior to the issue of a building permit, an acoustic report shall be submitted to the Town for approval which shall:
- (a) be prepared by an acoustic consultant with relevant qualifications and experience equivalent to those required for admission as a Member of the Australian Acoustical Society (to the satisfaction of the Town's Health Services);
 - (b) include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions received at the proposed noise sensitive premises are in compliance with the requirements of the Environmental Protection Act 1986.
 - (c) to satisfaction of the Town, address all matters that are required to demonstrate that acceptable noise criteria will be achieved including:
 - the identification of all noise sources to be addressed from adjacent road and rail infrastructure as well as private properties at Lot 51 (No. 76) Railway Parade and Lot 4 (No. 6) Ivanhoe Street, including, but not limited to: noise emissions from refrigeration motors, air-conditioning units, vehicular movements (including customers and delivery vehicles) and rubbish disposal and collection;
 - determination of noise source levels and character;
 - acoustic data to be in octave bands where noise sources are internal;
 - the establishment of Assigned Levels for noise sensitive premises in the vicinity in accordance with the *Environmental Protection (Noise) Regulations 1997*;
 - incorporate the following data:
 - (1) date, time and results of measurements and or modelling used to represent the noise associated with live bands;
 - (2) assigned Levels determined for adjacent areas/noise sensitive premises in the vicinity; and
 - (3) recommendations for construction and noise control.
34. Measures recommended within the acoustic report shall be implemented to the satisfaction of the Town, and any costs associated with such implementation shall be the responsibility of the owner/applicant.
35. The building hereby approved shall not be occupied until all of the conditions of planning approval have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period.
36. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

Advice Notes:

1. The applicant is advised that in relation to the requirement for a 1% Public Art contribution to be made that the Town can consider on site art works subject to Council approval and demonstration of equivalent value and public access.\

2. Please liaise with the Town's Operational Services Directorate in relation to obtaining detailed specifications for works associated with widening of the right-of-way to the rear of the site, prior to undertaking any works on site.
3. The applicant is advised that the central median island within the Railway Parade road reserve allows for only left in / left out vehicle movements from the visitor parking bays on the Railway Parade frontage of the development site.
4. The issue of a Building Permit is required prior to the commencement of any works on site.
5. Dial Before You Dig:

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.
6. Telecommunications Act 1997 (Commonwealth):
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, please contact Telstra's Network Integrity Team on 1800810443.
7. If the planning approval lapses, no development shall be carried out without further approval having first been sought and obtained.
8. If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged within 28 days of the determination.

Background:

Insert Property Address:	Lot 54 (Nos. 72-74) Railway Parade, Bassendean
Insert Zoning	MRS: Urban
	TPS: Residential (R20/40)
Insert Use Class:	Multiple Dwelling
Insert Strategy Policy:	Not applicable
Insert Development Scheme:	Town of Bassendean Local Planning Scheme No. 10.
Insert Lot Size:	2560 sq. metres
Insert Existing Land Use:	Vacant (Permits for the demolition of former single houses at each of Nos. 72 & 74 Railway Parade were issued in 2013)
Value of Development:	\$3.3 million

Nos. 72 and 74 Railway Parade were each previously developed for the purpose of a single house and the owner of these properties also owns an adjoining property which is developed with a BWS bottle shop. A demolition permit was issued for the removal of the single houses in 2013 and the entirety of the development site has now been cleared.

In January 2013, an application for planning approval was submitted to the Town for the development of 11 grouped dwellings on the same land parcel as that which is the subject of the current application for planning approval. That application was subsequently cancelled in advance of a formal determination being made at the request of the property owner in May 2013.

In October 2013, Danmar Homes on behalf of the property owner, submitted an application for planning approval for the development of 22 multiple dwellings. That application was subsequently cancelled in February 2015, having regard to a lack of required information.

In February 2015, Urban and Regional Perspectives on behalf of the property owner submitted a further application for planning approval for the development of 22 multiple dwellings. This report results from the assessment of this most recent application for planning approval.

Details: outline of development application

The application proposes the construction of 22 multiple dwellings in what is described on the plans as four separate two storey buildings (blocks 1 – 4 as shown on plans). Blocks 1 – 3 each face a rear right-of-way while block 4 faces Railway Parade. Four visitor car parking spaces are located on the Railway Parade frontage of the development site while a further two visitor car parking spaces and all 22 occupier car parking spaces are accessed from the rear right-of-way.

Legislation & policy:

(a) Town of Bassendean Local Planning Scheme No. 10, including:

- Clause 4.2.1 – Objectives of Residential Zone;
- Clause 5.2 – Residential Design Codes;
- Clause 5.3 – Special Application of Residential Design Codes; and
- Clause 10.2 - Matters to be Considered by Local Government.

Local Planning Scheme No. 10 can be accessed via the following link:

http://www.bassendean.wa.gov.au/7_info_feedback/pdfs/10-Lps-No10-gazetted.pdf

(b) Local Planning Policies

- Local Planning Policy No. 2 – Energy Efficient Design;
- Local Planning Policy No. 3 – Water Sensitive Design;
- Local Planning Policy No. 8 – Parking Specifications; and
- Local Planning Policy No. 18 – Landscaping with Local Plants.

(c) Town of Bassendean Strategic Plan

The following components of the Town's adopted Strategic Plan are of relevance when considering the application for planning approval:

Town Planning and Built Environment

Objective:

- Ensure Town provides choice in housing types.

Strategies:

- Plan for the highest densities to be centred in railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and particular high density housing has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability

State Government Policy

The following state government policies are of relevance when considering the application for planning approval:

- (a) Directions 2031 (Bassendean is an identified District Centre).
- (b) State Planning Policy 3.1 – Residential Design Codes of Western Australia.
- (c) State Planning Policy 4.2 – Activity Centres for Perth and Peel.

Local Policies

The application for planning approval must be assessed against the Town's adopted Local Planning Policy No. 2 "Energy Efficient Design" and Local Planning Policy No. 3 "Water Sensitive Design". These policies are referenced by Clause 5.3 of Local Planning Scheme No. 10 and must be suitably addressed in order for the applicant to gain development entitlements at the higher R40 density code, as proposed.

Additionally, Local Planning Policy No. 8 – Parking Specifications and Local Planning Policy No. 18 – Landscaping with Local Plants are of relevance when considering the application for planning approval.

Consultation:

Public Consultation

The application was referred to adjoining / nearby property owners for information purposes only (written comment was not sought, notwithstanding certain variations being identified) as described below:

6 Ivanhoe Street, Bassendean (Bassendean Church of Christ)

The property on the opposite side of the right-of-way to the rear (north) of the development site is owned by the Bassendean Church of Christ and is developed with their church.

The most recent application for planning approval dealt with by the Town had incorporated variations to the Deemed-to-comply provisions of the R-Codes relating to visual privacy and the new application maintains similar variations. Additionally, the current application for planning approval incorporates variations to the Deemed-to-comply provisions of the R-Codes relating to wall height, and while this variation was identified in the letter sent to the church, comment was not sought in relation to this matter.

In response to the correspondence from the Town, a representative from the Church contacted the assessing officer and advised that a submission made by the Church in response to the most recent application for multiple dwellings on the development site held good. The content of that earlier submission is summarised below:

- Seek assurance from the Town that it will not seek to resume any church property to widen the right-of-way which runs between the development site and the church, that any widening of the right-of-way will be on the property developers side, and that the church will not be responsible for any ongoing maintenance of the right-of-way; and
- Advice that the church has 170 members and holds events 7 days a week, both within buildings and associated external surrounds. The developer and future apartment owners should be aware of noise impacts which may result from church activities.

The need for an acoustic report is detailed toward the end of this report and it is possible for the acoustic report to address concerns raised by the church.

Left Hand (western) side – Nos. 2 & 2B Broadway

The property to the rear left hand (western) side of the development site houses two single storey grouped dwellings which were constructed in 1983 and which are held in single ownership.

The Town's letter to this adjoining property owner highlighted the similarity in the current design concept to the most recent application for planning approval dealt with by the Town for the same site, noted the proposed variation to the Deemed-to-comply provisions of the R-Codes relating to wall height and went on to advise that the Town's correspondence sought to inform the adjoining property owner of the proposed development, but was not seeking written comment on the development proposal.

The property to the front left hand (western) side of the development site at No. 76 Railway Parade is developed with a BWS bottle shop which is held in the same ownership as the development site which is the subject of this application for planning approval.

Right Hand (eastern) – side – No. 70 Railway Parade

The property to the right hand (eastern) side of the development site holds a single house, the earliest records for which the Town has relate to a garage addition in 1927. The Western Australian Planning Commission have recently referred a subdivision application for this property to the Town for comment which incorporates the retention of the existing house and creation of a vacant lot facing the rear right-of-way.

The Town's letter to this adjoining property owner highlighted the similarity in the current design concept to the most recent application for planning approval dealt with by the Town for the same site, noted the proposed variation to the Deemed-to-comply provisions of the R-Codes relating to wall height and a proposed boundary wall and went on to advise that the Town's correspondence sought to inform the adjoining property owner of the proposed development, but was not seeking written comment on the development proposal.

The relationship of the development site to the other properties described above can be seen on the 2014 aerial photography extract which is provided below (development site is highlighted red):



The decision to inform adjoining property owners of the proposed development without inviting comment from them is consistent with the approach advocated within Clause 4.1.3 of the R-Codes where a merits based assessment of an application will show that adjoining property owners are not adversely impacted. The body of the report will explain how the proposed development is seen to be acceptable in terms of matters flagged in the information letters to adjoining property owners relating to:

- Visual Privacy;
- Lot Boundary Setbacks; and
- Building Height.
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Consultation with other Agencies or Consultants

Nil.

Planning assessment:

The development site is zoned Residential with a dual density coding of R20/40 under the provisions of the Town's Local Planning Scheme No. 10. The objectives of the Residential Zone are:

- (a) *to maintain life long or long-time residents as an integral component of the Bassendean community;*
- (b) *to continue and increase the attraction for young families to reside and raise their families in the Bassendean community;*
- (c) *to recognise the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth Region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;*
- (d) *to make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;*
- (e) *to limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (f) *to ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and*
- (g) *to ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.*

The form of development which has been proposed is appropriate having regard to the location of the development site and its proximity to services and infrastructure. In this respect the development which has been proposed assists in accommodating population growth (2 dwellings replaced with 22 dwellings) while also providing a form of dwelling type that is not well represented within the Town and which caters for a lower occupancy ratio to that of a traditional family dwelling.

A summary of the technical planning assessment is provided below:

Density of Development

Clause 5.3 of the Town's Local Planning Scheme No. 10 (LPS10) is titled 'Special Application of Residential Design Codes'.

Clause 5.3.1.1 of LPS10 states that:

Where a Split Density Code is depicted on the Scheme maps, any development shall conform to the lower density code applicable to the lot, unless Council determines that development up to the middle or higher density code is acceptable, having regard for sub-clause 5.3.1.2.

Clause 5.3.1.2 of LPS10 states that:

Subdivision or development in excess of the lower density coding shall be considered to be acceptable to Council where:-

- (a) in the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared accessway, where required to service development to the rear;*
- (b) There is due regard for relevant Local Planning Policies;*
- (c) Identified heritage objectives are not compromised;*
- (d) The proposal demonstrates elements of water sensitive urban design; and*
- (e) The existing streetscape is being preserved.*

An assessment of the proposed development against the provisions of clause 5.3.1.2 of LPS10 is provided in the Table below.

	Scheme Requirement contained within clause 5.3.1.2 of LPS10	Officer Comment on Scheme Requirement
(a)	<p>In the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared accessway, where required to service development to the rear.</p>	<p>Scheme provision satisfactorily addressed.</p> <p>The proposed development incorporates eight dwellings facing Railway Parade (four ground floor and four upper floor).</p> <p>There is no need for an accessway to be provided to service development at the rear as the dwellings which are located to the rear (northern) portion of the site are provided with access from a paved right-of-way.</p>
(b)	<p>There is due regard for relevant Local Planning Policies.</p>	<p>Scheme provision not satisfactorily addressed.</p> <p>The Town's Local Planning Policy No. 2 – Energy Efficient Design contains a checklist against which the application must be assessed and against which each dwelling must score a minimum score of 70 points out of an available 100 points.</p> <p>A copy of the assessment and associated score for each of the dwellings has been provided as an attachment to this report.</p> <p>Units 1 – 11 and 20 - 21 each achieve the minimum required score of 70; and</p> <p>Units 12-19 and 22 achieve a score of 57.5.</p> <p>It is possible for the design of units 12-19 and 22 to be refined in order that they each achieve the minimum 70 point score specified by the Policy.</p> <p>Each of the dwellings in question is located on the upper floor and the most significant design flaw which has prevented each achieving a 70 point score is linked to the depth of the balconies and associated roof cover which prevents direct sun penetration to living area windows during the winter months for each of these apartments. If the extent of roof cover were cut back to an extent that would facilitate an acceptable level of winter sun penetration to the living area of each apartment or if the solid roof forms over the balconies to these dwellings were converted to a solar pergola style roof, the point score for each dwelling would increase from 57.5 to the required 70 point minimum.</p>

(c)	Identified heritage objectives are not compromised.	Scheme provision satisfactorily addressed. The development site is vacant and there are no relevant heritage considerations that need to be taken into account in the assessment of the application for planning approval.
(d)	The proposal demonstrates elements of water sensitive urban design.	Scheme provision satisfactorily addressed. The Town's Local Planning Policy No. 3 – Water Sensitive Design provides the matters against which the application must be assessed.
(e)	The existing streetscape is being preserved.	<p>Scheme provision not satisfactorily addressed.</p> <p>The concern which is held in relation to streetscape is the blank two storey high boundary wall which has been proposed alongside the left hand (western) boundary of the development site.</p> <p>While a boundary wall which was single storey in height would be commensurate with other development within the locality, the proposed two storey boundary wall:</p> <ul style="list-style-type: none"> • Adversely affects the appearance of the development (building to the boundary does not permit openings to be incorporated into this side of the building and does not allow the design to be 'resolved' as it is on other sides of the development which are set back from lot boundaries; • The two storey wall with a zero side setback incorporates a bulk and scale which is out of keeping with the character of other development within the locality; • The wall is monolithic and blank in its appearance; • The two storey wall boundary limits opportunities for natural and cross ventilation to be provided to unit 19 which would otherwise be available; • The two storey boundary wall prevents opportunities for casual surveillance of an adjoining car park which could otherwise be provided if a standard side setback were provided, contrary to established Crime Prevention Through Environmental Design (CPTED) principles (it is noted that such casual surveillance would have to be provided by fixed windows of a size that did not constitute major openings as defined by the R-Codes in order that other requirements contained within LPS10 and the R-Codes were not unduly compromised); and • The wall does not demonstrate compliance with the building height limits set down within the Deemed-to-comply (DTC) provisions of the R-Codes and sits on top of a filling and retaining which also do not demonstrate compliance with the DTC provisions of

		<p>the R-Codes and which act to exacerbate the bulk and scale of this highly visible component of the development.</p> <p>If the left hand (western) side of unit 19 (upper floor of development) were provided with a standard side setback (1.5m approx.) and the design of this side of the building were detailed in a similar manner to other upper floor side boundary facing portions of the development (while also incorporating 'minor' sized fixed openings into each of the bedrooms for this dwelling which would enhance the level of casual surveillance afforded to the car park of the adjoining commercial development, this would satisfactorily address the concerns that are currently held in relation to streetscape.</p>
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Unless the concerns identified above were addressed via the provision of suitably revised drawings or conditions of approval, it has been established that the development, as submitted, does not qualify for development at the higher R40 density code and accordingly should not be approved as currently presented and that development of the site would be limited to the base R20 density code. At an R20 density code the site would be limited to the development of 5 dwellings as opposed to the 22 dwellings which are proposed.

Notwithstanding the comments provided above, a summary of the assessment against the provisions of the R-Codes as they relate to development at an R40 density code is provided below, taking account of the ability of the Scheme related concerns to be addressed via the provision of suitably revised drawings linked to conditions of approval.

R-Codes assessment:

Design Element	Residential Design Codes	Compliance / Officer Comments
6.1.1 Building size	Maximum permissible plot ratio of 0.6 at R40 density code.	Complies
6.1.2 Building height	Top of external wall 6m. Top of pitched roof 9m.	Acceptable in part only – refer to detailed comments below.

6.1.2 – Building Height – Detailed Comments

The buildings comprising blocks 1 – 3 facing the right-of-way each incorporate a skillion (single pitch) roof design, while the dwellings contained within what is referred to as block 4 incorporate a traditional pitched (hipped) roof form.

Where a two storey building with a skillion roof form is proposed, there will invariably be non-compliance with the Deemed-to-comply provisions of the R-Codes relating to wall height (as the wall on the high side exceeds the 6m DTC allowance) but compliance will be demonstrated in relation to the permissible top of roof (or ridge) height. The plans which are the subject of current consideration are no exception to this rule, having wall heights ranging from 7.0 metres (block 1) to 7.1 metres (block 3) to 7.2 metres (block 2) on the high side of each respective building. In the case of such a building design, the proposed wall height and top of roof height almost become one and the same, having regard to how each must be calculated, so the top of roof height for each of these buildings is fully compliant.

The building which faces Railway Parade (block 4) incorporates a wall height of 6.7 metres which compares with the DTC allowance of 6.0 metres and the height which is proposed results primarily from the fact that the design incorporates 1.0m of filling and retaining to the left hand side (western) property boundary.

The Design principle for building height requires that the proposed development present a design which creates no adverse impact on the amenity of adjoining properties or the streetscape, 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;
- Buildings facades designed to reduce the perception of height through design measures; and
- Podium style development is provided where appropriate.

The proposed heights of the skillion roof buildings facing the right-of-way are supported for the following reasons:

- The default building height limits within this locality are intended to accommodate two storey buildings, and it is two storey buildings which are proposed;
- Upper floor side setbacks of these buildings demonstrate compliance with the Deemed-to-comply provisions of the R-Codes, meaning that there is no adverse impact on occupants of the proposed dwellings or those in neighbouring buildings in relation to matters such as access to daylight and sun;
- The increased wall height has no adverse impact on access to any views of significance; and
- The perception of the height of the walls in question is reduced through the use of differing materials for the uppermost portion of the walls in question.

The proposed heights of the pitched roof building facing Railway Parade is not supported for the following reasons:

- Unnecessary fill and retaining beneath the building exacerbates the height of the building;

- The zero setback to the two storey boundary wall is out of keeping with the context of other development within the locality (there are presently very few two storey developments on the northern side of the railway line and certainly none which incorporate similar built form);
- The zero setback to the two storey boundary wall prevents the opportunity for natural venting of two bathrooms; and
- The two storey wall is blank and monolithic in its design and appearance and will be highly visible within the streetscape, owing to its positioning alongside a car park.

6.1.3 Street setback	As prescribed by Table 4 (4m minimum primary street to Railway Parade). 1.5m minimum to right-of-way	Acceptable. Refer to detailed comments below.
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6.1.3 – Street Setback facing right-of-way – Detailed Comments

There is somewhat of a void in the R-Codes in terms of specifying setback requirements for the buildings facing the right-of-way. The right-of-way is logically a street boundary but cannot be described as such noting that the Railway Parade is the designated Primary street (as defined by the R-Codes “unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling”) and secondary street is defined as “in the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.”

(For development which is assessed under Table 1 of the R-Codes this problem is addressed as there is a notation which clarifies that secondary street includes a communal street, private street and right-of-way as street, but there is no such notation within Table 4 of the R-Codes against which this application is assessed)

Notwithstanding the comments provided above, the applicant has treated the right-of-way as a ‘secondary street’ in the written submission which accompanied their application, and the Town agrees with this approach.

Buildings in blocks 1 – 3 are generally provided with setbacks of 1.5 metres or greater with exceptions for small triangular portions comprising an 87mm protrusion for unit 2, 375mm for unit 4 and 277mm for unit 7 on the ground floor and 87mm for unit 13, 375mm for unit 15 and 277mm for unit 18 on the upper floor.

The building is articulated and the built form is superior to that which could otherwise have been proposed with a straight edge along a 1.5m setback line. Given the small projections in question, and the majority of the building structure within blocks 1 – 3 having a setback of 1.5m or greater, the setbacks as proposed are supported.

<p>6.1.4 Lot boundary setbacks</p>	<p>As set out in Tables 2a and 2b. No 'as of right' entitlement to walls on boundary.</p>	<p>Acceptable. Refer to detailed comments below.</p>
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6.1.4 - Lot boundary setbacks – Detailed comments

Right hand (eastern) side boundary alongside No. 70 Railway Parade

The development incorporates a boundary wall to a parking structure associated with car parking bays 11-14, 17-18 and store 7. This boundary wall has a total length of 17.4 metres (side boundary length between Nos. 72 and 70 is 59.26 metres) and a height of 2.3 metres as viewed from the adjoining property. There are no Deemed-to-comply entitlements for a zero side setback where multiple dwellings are proposed at an R40 density code.

The wall on boundary is commensurate with that which is permitted for development at an R20 density code where the R-Codes provide a Deemed-to-comply entitlement for development of a wall on boundary within the following parameters:

- Maximum height of 3.5 metres and average height of 3.0 metres; and
- Maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary (i.e. wall length of 17.75 metres).

Given the orientation of the lots (lot boundary running north/south) the proposed boundary wall will not result in overshadowing of the adjoining property, and the wall is situated alongside an area of extensive rear garden.

As the wall fits within what could otherwise be Deemed-to-comply development at an R20 density code and noting the relationship between the proposed development and what exists on the adjoining property, this setback variation is supported.

Left hand (western) side boundary alongside Nos. 2 & 2B Broadway

Setbacks to the boundary adjoining the property at No. 2 Broadway meet those set down within the Deemed-to-comply provisions of the R-Codes

Southern boundary adjoining rear of BWS site at No. 76 Railway Parade

Bin store No. 2 and stores 13-16 and 19 are built to the southern boundary of the development site which abuts the rear of the BWS bottle shop. The area to the rear of the shop contains air-conditioning plant and the like and the single storey boundary wall in this location assists in providing separation between noise generating sources on the adjoining property and noise sensitive premises on the development site. A single storey boundary wall height is consistent with the size and scale of boundary walls expected at an R40 density code and for the reasons identified above this boundary wall is supported.

Left hand (western) side boundary wall adjoining BWS site at No. 76 Railway Parade

A two storey boundary wall is proposed in conjunction with units 8 (ground floor) and 19 (upper floor) adjoining the BWS bottle shop. A two storey boundary wall does not meet the Deemed-to-comply provisions of the R-Codes and accordingly this setback must be considered against the associated Design Principles which require:

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.

As the adjoining property is developed for commercial purposes, no concerns are held in relation to the potential of this wall to adversely affect the amenity of the adjoining property.

Concern is, however, held in relation to the bulk and scale of this wall and the negative impact that it would have as viewed from the public realm noting the following:

- There are few two storey buildings located north of the railway line (as the development site is) and none with a similar built form;
- The wall is blank and monolithic and unrelieved, increasing the visual impact of building bulk as viewed from both the adjoining property and the public realm;
- Two storey blank boundary walls are not consistent with the established, nor desired, character of development within the locality; and
- Two storey boundary walls are not contemplated by the R-Codes in conjunction with development at an R40 density code.

6.1.5 Open space	As set out in Table 4 (45% of site)	Complies.
6.2.1 Street surveillance	Street elevations of building to address the street, with facades generally parallel to the street and clearly definable entry points. Habitable room windows or balconies that face the street.	Complies.

<p>6.2.2 Street walls and fences</p>	<p>Front fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.</p>	<p>Not Acceptable. Refer to detailed comments, below.</p>
<p><u>6.2.2 – Street walls and fences - Detailed comments</u></p> <p>While it is noted that the height of the solid portion of fencing within the street setback area on the Railway Pde frontage of the development has been reduced from that which was originally proposed, the overall height of fencing within the street setback area remains at up to 2.5 metres in height overall above existing ground levels, well in excess of the 1.8 metre maximum which is ordinarily accepted. This height results directly from the extent of filling and retaining which is proposed. As proposed, the overall height of fencing is seen to be excessive and is not supported.</p>		
<p>6.2.3 Sight lines</p>	<p>Walls, fences or other structures truncated or reduced to no higher than 0.75m within 1.5m of where such structures adjoin vehicle access points where a driveway meets a street.</p>	<p>Complies.</p>
<p>6.2.4 Building appearance</p>	<p>Buildings which comply with the provisions of a special control area or local planning policy.</p>	<p>Not Acceptable. Refer to detailed comments provided in relation to comments on compliance with Clause 5.3 of the Town’s Local Planning Scheme No. 10 for further comment in this respect.</p>
<p>6.3.1 Outdoor living areas</p>	<p>Each dwelling to be provided with at least one balcony or equivalent accessed directly from a habitable room.</p>	<p>Acceptable with the exception of arrangements for units 5, 19 and 22. See detailed comment below.</p>
<p><u>6.3.1 – Outdoor living areas (OLA’s) – Detailed comments</u></p> <p>Arrangements for all units with the exception of units 5, 19 and 22 are unacceptable. Concerns with the OLA’s for these units are described below:</p> <ul style="list-style-type: none"> • Unit 5 - undersize (beneath 10 sq. metres) generally; 		

<ul style="list-style-type: none"> • Unit 19 – undersize due to impact on usable area from positioning of air-conditioning plant; and • Unit 22: - undersize due to impact of air-conditioning plant and siting of column. 		
<p>6.3.2 Landscaping</p>	<p>Landscaping of open spaces in accordance with the following:</p> <ul style="list-style-type: none"> (i) Street setback max 50% hard surface and no cars save for visitors bays; (ii) Separate wheelchair accessible pedestrian paths connecting entries to buildings with the public footpath and car parking areas; (iii) Landscaping between each 6 consecutive external car bays to include shade trees; (iv) Lighting to pathways, communal open space and car parking areas; and (v) Clear line of sight at pedestrian and vehicle crossings. 	<p>Generally acceptable with the exception of pedestrian path provision.</p> <p>Extent of hard surface within street setback requires consideration against the Design principles.</p> <p>See detailed comments below:</p>
<p><u>6.3.2 – Landscaping - Detailed comments</u></p> <p><u>Landscaping:</u></p> <p>Landscaping within the prescribed 4m front setback area on the Railway Parade frontage is slightly less than the 50% minimum prescribed by the Deemed-to-comply provisions of the R-Codes, however, landscaping which sits forward of the buildings on the Railway Parade frontage (and which will ‘read’ as the setback area to any casual observer) overall equates to an area which is more than 50% of the area contained within the prescribed street setback. On this basis the proposed arrangements are supported.</p>		

Pedestrian Path

While the design provides a satisfactory arrangement for pedestrian access within the site and to the rear right-of-way, the plan does not provide a pedestrian path from the public street to the main entrance to the development (between units 9 and 10 on the ground floor). The absence of a pedestrian path linking the front entrance of the development to the pedestrian path is not acceptable.

6.3.3
 Parking

Car and bicycle parking at the following ratios:

Occupier car bays:

0.75 bays per small dwelling (< 75m² or 1 bedroom)

(Note: As the plot ratio of all dwellings is under 75 sq. metres, each dwelling has a prescribed parking requirement of 0.75 bays per dwelling).

Visitor car bays:

0.25 bays per dwelling

Bicycle Parking:

1 space per 3 dwellings for occupiers; and

1 space per 10 dwellings for visitors designed in accordance with AS2890.3 (as amended).

Parking is provided at the following ratios:

Occupier car bays

Each dwelling is provided with 1 car parking bay (22 in total) which exceeds the 0.75 per bay (17 in total) required under the R-Codes.

Visitor Car Bays

6 bays required and 6 bays provided.

Bicycle Parking

While the number of bays is acceptable, siting and design is not. See additional comments below.

6.3.3 – Parking - Detailed comments

Bicycle Parking

Clause 6.3.3 C3.2 of the Residential Design Codes states that bicycle parking is to be provided in accordance with the relevant Australian Standard (AS 2890.3) at a ratio of one space per ten dwellings (3 spaces) for visitors and one space per three dwellings (8 spaces) for occupiers.

Although the design references two bike racks which notionally would provide storage for the required number of bicycles, there are a number of deficiencies associated with the arrangement as follows:

- Lack of weather protection (required for occupier spaces);
- Lack of security (at a minimum a secure compound is required for occupier spaces);
- Siting (bike racks located beyond acceptable distance from entry to premises and visitor bays not located close to main pedestrian access points as specified within the Australian Standard).

Having regard to the deficiencies identified above, bicycle parking arrangements are not acceptable as currently proposed.

6.3.4 Design of car parking spaces	(i) Spaces and manoeuvring areas as per AS 2890.1. (ii) Visitor bays marked for visitor use only, located close to or visible from the point of entry to the development and outside security barriers. (iii) Car parking areas comprising 6 or more spaces provided with landscaping & shade trees. (iv) All bays except visitors' fully concealed from the street or public place.	(i) Not acceptable. See detailed comments below. (ii) Acceptable. (iii) Not applicable. No uncovered car parking areas comprising 6 or more bays proposed. (iv) Acceptable.
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6.3.4 – Design of car parking spaces - Detailed comments

Council's Local Planning Policy No. 8 – Parking Specifications identifies a requirement for access aisles between rows of car parking bays to incorporate a minimum width of 6.2 metres. This is the minimum specified by Australian Standard AS2890.1 to allow single movement entry into car parking bays. The three access aisles within the main car parking area incorporate dimensions of 5.8 metres, 5.85 metres and 5.9 metres.

The reduced width access aisles further results in the design not demonstrating compliance with requirements contained within clause 2.5.2 (c) of AS2890.1 which requires car parking areas to be designed so as to allow two vehicles (one B99 design standard vehicle and one B85 design standard vehicle) to pass each other at intersecting parking aisles.

Visitor car parking bay 3 is under width at 2.335m as shown on the approved drawings.\

<p>6.3.5 Vehicular access</p>	<p>(i) One opening per 20m street frontage.</p> <p>(ii) Access to be taken (where available) first from right-of-way; or second from secondary street; or third from primary street.</p> <p>(iii) Driveways designed for two way vehicle access.</p> <p>(iv) Driveways to be adequately paved and drained.</p>	<p>(i) Complies.</p> <p>(ii) Proposed arrangement accepted. See detailed comments below.</p> <p>(iii) Complies (subject to design modifications discussed in point 6.3.4, above).</p> <p>(iv) Complies.</p>
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6.3.5 – Vehicular Access - Detailed comments

Clause 6.3.5 (C 5.2) would ordinarily expect that access to on site car parking spaces in this instance would be provided solely from the right-of-way at the rear of the site, and while the majority of car parking spaces (all occupier spaces and two visitor spaces) are accessed from this location, it is also proposed the an access point be provided from Railway Parade to serve four visitor car parking spaces. The Design principle associated with this matter requires “vehicular access to be provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape”.

The proposed configuration is supported for the following reasons:

- The majority of car parking spaces (including all occupier spaces) are accessed from the right-of-way as called for within the Deemed-to-comply provisions of the R-Codes;

<ul style="list-style-type: none"> • Provision of visitor car parking spaces accessed from the public street provides the most practical siting for visitors; especially those who have not previously been to the site and are relying on a physical public street address to locate the property; and • Siting visitor car parking bays adjacent to the main pedestrian entrance to the development is a standard and established design approach which is advocated by the R-Codes. 		
6.3.6 Site works	<ul style="list-style-type: none"> (i) Excavation or filling between street and building or within 3m of street alignment (whichever is the lesser) not exceeding 0.5m. (ii) Excavation or filling within a site and behind street setback line limited by compliance with building height limits and building setback requirements. (iii) All excavation or filling behind a street setback line and within 1m of a lot boundary not more than 0.5m above natural ground level. 	Not Acceptable. See detailed comments below.
<p><u>6.3.6 – Site Works - Detailed comments</u></p> <p>The proposed development incorporates filling and retaining to 1000mm in height adjacent to the left hand (western) side property boundary with the BWS bottle shop. This exceeds the 500mm maximum which is allowed by the Deemed-to-comply provisions of the R-Codes and accordingly must be considered against the associated Design Principles which require:</p> <ul style="list-style-type: none"> • <i>Development that considers and responds to the natural features of the site and requires minimal excavation/fill; and</i> • <i>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.</i> <p>The locality within which the development is proposed is essentially flat, each original lot upon which the development is proposed having a cross fall from side to side of approximately 500mm. However, the cross fall for the development site as a whole now exceeds this figure as it is formed from the amalgamation of a number of original lots (as viewed from the rear right-of-way the development site is four original lots wide and as viewed from Railway Parade the development site is two original lots wide).</p>		

On the right-of-way frontage of the development site the designer has responded to natural topography by stepping the floor levels of the buildings over three levels (Block 1 has a finished floor level (FFL) of 9.972, block 2 incorporates a FFL of 10.486 and block 3 incorporates a FFL of 11.00).

However, on the Railway Parade frontage of the development site, the design incorporates a single floor level of 11.00 across the entirety of the development site.

The approach which has been taken on the Railway Parade frontage of the development site is not acceptable for the following reasons:

- Selecting the highest point of natural ground level and then simply filling across the development site (as is proposed) does not consider and respond to the natural features of the site, contrary to the Design principle;
- Selecting the highest point of natural ground level and then filling across the site does not result in a development with minimal excavation/fill, contrary to the Design principle;
- The 1000mm high filling which is proposed is highly visible from both the adjoining property and the street, having regard to the nature of development on the adjoining property, contrary to the Design principle;
- No other property within proximity of the development site incorporates filling and retaining as proposed with this development, so the arrangement is out of context with other development within the locality; and
- The 1000mm high filling sits immediately beneath a proposed two storey boundary wall. The extent of filling which is proposed contributes to the development not complying with prescribed building heights and exacerbates the bulk and scale of this component of the development, adversely impacting the streetscape and amenity of the locality.

6.3.7	Retaining walls of less than 0.5m high built up to lot boundary.	Not Acceptable. See detailed comments below as well as comments for Site Works (6.3.6) above.
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6.3.7 – Retaining walls - Detailed comments

The proposed development incorporates a retaining wall of 1000mm in height which is built to the left hand (western) side property boundary with the BWS bottle shop. This exceeds the 500mm maximum which is allowed by the Deemed-to-comply provisions of the R-Codes and accordingly must be considered against the associated Design Principles which require:

Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.

Refer to comments provided in reference to Site Works, above, as the planning considerations are the same.		
6.3.8 Stormwater management	All storm water contained on site where possible.	Complies.
6.4.1 Visual privacy	Major openings and unenclosed habitable spaces raised more than 0.5m above natural ground level and overlooking any other residential property behind its street setback set back in accordance with Table within cl 6.4.1 or are screened.	Acceptable. See detailed comments below.

6.4.1 – Visual Privacy - Detailed comments

The proposed development incorporates a number of major openings and unenclosed active habitable spaces which have a floor level more than 0.5m above natural ground level which overlook the BWS bottle shop site behind its street setback line and which are not set back from a lot boundary in accordance with the distance identified within the Deemed-to-comply provisions of the R-Codes. These areas must be considered against the associated Design principles with the openings in question being:

- Rear facing Bedroom window and Balcony to Unit 19; and
- Habitable room windows and associated external areas to Units 13-15.

The property which can be viewed from the openings and spaces referred to above is the BWS bottle shop site, and while overlooking of this site is not problematic at the present time, consideration against the specified Design principles must be made as this site is zoned Residential and therefore a site upon which future residential development is permitted.

The arrangements which are proposed are considered acceptable from a visual privacy perspective for the following reasons:

- While the BWS remains on the adjoining property the ability for there to be casual observation from the proposed development is actually a positive outcome from a Crime Prevention Through Environmental Design (CPTED) perspective;
- Views from Unit 19 provide an oblique, rather than direct, view into the adjoining property;

<ul style="list-style-type: none"> • Bedroom windows to upper floor units 14 and 15 are set back 4.3 metres from the common boundary which varies only minimally from the 4.5m setback prescribed by the DTC provisions; • The elevated walkways forward of units 13-15 are spaces which will not be used for extended periods of time; and • If the BWS site is redeveloped for residential purposes in the future, site planning for any such development can be undertaken having regard for what has been approved and developed on the adjoining property. 		
6.4.2 Solar access for adjoining sites	Shadow cast from proposed development at noon on 21 June not to exceed 25% of R20 coded land or 35% of R40 coded land.	Complies.
6.4.3 Dwelling size	<p>Diversity in unit types and sizes as follows:</p> <p><u>1 Bedroom Dwellings</u></p> <p>20% min & 50% max (5 minimum / 11 maximum)</p> <p><u>2 Bedroom Dwellings</u></p> <p>40% minimum (9 minimum)</p> <p>Min dwelling size of 40m² plot ratio floor area.</p>	Acceptable. See detailed comments below.
<p><u>6.4.3 – Dwelling Size – Detailed Comments</u></p> <p>All dwellings within the development incorporate a minimum plot ratio floor area of 40 sq. metres.</p> <p>The proposed development incorporates the following mix:</p> <ul style="list-style-type: none"> • 16 x two bedroom / two bathroom dwellings; • 2 x dwellings which have two rooms with the capacity to be used as bedrooms along with 1 bathroom; and • 4 x one bedroom / one bathroom dwellings. <p>The DTC provisions of the R-Codes specify a requirement for 4.4 (5) one bedroom dwellings, while the associated Design principles require the development to provide “diversity in dwellings to ensure that a range of types and sizes is provided”.</p>		

The proposed development provides the following mix of dwelling types:

18% one bedroom (marginally below the 20% DTC minimum)

73% two bedroom dwellings (comfortably meeting the 40% DTC minimum)

9% with two rooms which can be used as bedrooms and one bedroom.

The two dwellings which incorporate two habitable rooms along with one bathroom do provide a dwelling type which differs from the two bed / two bath and one bed / one bath dwellings. As such, a diversity of dwelling types is provided as required by the specified Design Principle and the dwelling mix which has been proposed is supported.

6.4.4 Outbuildings	Outbuildings in accordance with prescribed criteria (points (i) to (viii)).	Acceptable. See detailed comments below.
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6.4.4 – Outbuildings – Detailed comments

The Deemed-to-comply provisions of the R-Codes permit the development of outbuildings which:

- i. Are not attached to a dwelling;
- ii. Are non-habitable;
- iii. Do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- iv. Do not exceed a wall height of 2.4m;
- v. Do not exceed a ridge height of 4.2m;
- vi. Are not within the primary or secondary street setback area;
- vii. Do not result in the non-compliance with open space set out in Table 4; and
- viii. Are set back in accordance with Tables 2a, 2b and Figure Series 3.

On outbuilding is defined by the R-Codes as “an enclosed non-habitable structure that is detached from any dwelling, but not a garage”. As such, the various outbuildings which are incorporated into this development include:

- The building containing bin store 1 and stores 9 – 11 adjacent to the right hand (eastern) side property boundary;
- The building containing stores 8 and 20-22 which is built up to the left hand (western) side property boundary;
- The building containing stores 7 and 18 which is built up to the right hand (eastern) side property boundary;
- The building containing stores 13-16 and 19 which is built up to the boundary with the BWS bottle shop; and
- The building containing stores 1-6, 12 and 17.

As the outbuildings described above incorporate variations to the Deemed-to-comply provisions of the R-Codes (approx. 123 sq. metre total floor area; wall height which exceeds 2.4m; and built to boundary in some locations) they must be considered against the associated Design principle which requires:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”

The arrangements which have been proposed in relation to proposed outbuildings are considered acceptable for the following reasons:

- The outbuildings in question are not visible from the street and as such do not detract from the streetscape; and
- The outbuildings are designed and constructed of materials which match the remainder of the development meaning that they will not detract from the visual amenity of residents or neighbouring properties.

<p>6.4.5 External fixtures</p>	<p>(i) Solar collectors permitted.</p> <p>(ii) Std TV aerials; essential plumbing vent pipes & external rain water down pipes.</p> <p>(iii) Other external fixtures which are screened.</p> <p>(iv) Antennae & satellite dishes not visible from street.</p>	<p>Although there is only limited information provided in relation to this matter, the proposal is seen to be acceptable (appropriate conditions would have to be included to suitably address this matter in the event that the proposed development were to be approved).</p>
<p>6.4.6 Utilities and facilities</p>	<p>(i) 4m² store with 1.5m min internal dimensions for each dwelling.</p> <p>(ii) Communal rubbish pick up area(s) which are conveniently located; accessible; adequate in size; and screened from view.</p>	<p>(i) Complies.</p> <p>(ii) See detailed comments below.</p>

	<p>(iii) Clothes drying areas screened from view.</p>	<p>(iii) Complies. Communal clothes drying area provided which is located adjacent to the boundary with Nos. 2 & 2B Broadway. To be supplemented on any approval granted by the Town by conditions requiring any other clothes drying to be screened from view of the street.</p>
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6.4.6 – Utilities and Facilities – Detailed comments

The development has been provided with two bin stores. Bin store 1 is located adjacent to building block 4 while bin store 2 is located within the vicinity of building block 1.

Bins are provided at a ratio of 1 bin shared between 2 units, meaning that the development is provided with 22 bins in total (11 x 240 litre general rubbish bins which will be collected weekly and 11 x 240 litre recycling bins which will be collected fortnightly). This level of provision accords within the recommended level of capacity advocated within the “Guide to Best Practice for Waste Management in Multi-unit Developments” October 2010 prepared by Sustainability Victoria which states, at page 40:

“Examples of best practice waste management in low-rise developments include:

Option 1: Use of mobile garbage bins (MGBs) for garbage and recyclables, with bins stored in a communal storage area. Council’s waste management unit will be able to advise what the allocation of bins will be. However, a rule of thumb is one 240L bin of each type (i.e. garbage, recycling) shared per two units.”

The level of provision offered by the sharing of 1 bin per 2 units also provides a level of capacity which is similar in total to that advocated within the “Draft Multiple Dwelling Development Waste Management Planning Guidelines – A Toolkit for Western Australian Local Government and Developers” 2013 prepared by WALGA.

Bin store 1 is designed to accommodate 7 general waste bins and 7 recycling bins and is designed to serve the 8 dwellings in block 4 which front Railway Parade and the 6 dwellings in block 3 which front the rear right-of-way. It is located conveniently for use by the residents within the dwellings fronting Railway Parade and an acceptable distance from the residents within block 3 facing the right-of-way.

Bin store 2 is designed to accommodate 4 general waste bins and 4 recycling bins and is designed to serve the 8 dwellings in blocks 1 and 2 which front the rear right-of-way. It is located an acceptable distance from the residents within these dwellings.

With modification to existing verge treatment (there is a specifically developed and maintained verge planting treatment which sits forward of the development site which would currently prevent the placement of bins and which would need to be removed and replaced with brick paving to accommodate placement of bins) there is just enough verge space available to accommodate the placement of 22 bins for collection.

A deficiency in the design of the rubbish storage areas for this development is the absence of storage capacity for bulky rubbish disposal. Best practice requires the provision of space within or immediately adjacent to bin storage areas to allow residents to temporarily store unwanted bulky items while awaiting disposal. This is said to be important to stop residents illegally dumping this material on the footpath, which detracts significantly from the quality and appearance of the development, and is of increased relevance noting that the likelihood of dwellings such as those which are proposed being used for rental accommodation and subject to a higher turnover of occupants. The design should be modified to build in capacity for bulky rubbish storage / disposal and all waste management arrangements should be addressed within an updated and refined waste management plan to be separately approved by the Town.

Noise:

When the application for grouped dwellings was made on behalf of the same landowner in 2013, the Town confirmed the need for an acoustic consultants report to be prepared which addressed the matter of potential noise impacts on the proposed dwellings, particularly from the adjoining bottle shop.

The applicant was advised that the report should address noise emissions from No. 76 (Lot 51) Railway Parade, including all existing installations, activities and processes, giving actual sound level measurements of plant, both individually and in combination.

The need for the report to include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions received at the proposed noise sensitive premises are in compliance with the requirements of the Environmental Protection Act 1986 was identified, along with the need for the report to include assessments of:

- Noise emissions from refrigeration motors;
- Noise emissions from air-conditioning units;
- Noise emissions from vehicular movements to and from site (include customers, deliveries, and staff at various times of the day);
- Noise emissions from the use of the bin store including waste collection activities; and
- Noise emissions from customers / patron activity.

The applicant was advised of the need for this report to be provided in conjunction with the assessment of the application for planning approval, as its recommendations may influence the design of the development.

When the application for 22 multiple dwellings was submitted by Danmar Homes on behalf of the same land owner in late 2013 the same advice was re-conveyed as it was for a third time when the current application for planning approval was made in 2015.

It is not apparent as to why the property owner has been so reluctant to have the required noise report commissioned, especially noting advice from the Town's Environmental Health staff confirming that:

- (a) there is a definite noise conflict which exists on site; and
- (b) the recommendations contained within the noise report may influence the design and layout of dwellings on the development site.

The need for an acoustic report to be produced remains outstanding and the applicant has been informed accordingly. They have requested that this matter be dealt with by way of a condition of approval.

Additionally, the noise report can also cover the church site to address concerns which have been raised by the church in their submission and should also address road and rail infrastructure which may impact occupants of proposed dwellings.

Right-of-way

The rear of the development site is adjoined by a paved and drained right-of-way. This right-of-way is 4.02 metres in width which is insufficient to accommodate two way vehicle movements. In circumstances where development adjoining such a right-of-way is proposed, it is standard planning practice for land to be excised from abutting properties on either side of the right-of-way in equal amounts in order that the overall width of the right-of-way can eventually be increased to 6.0 metres.

In this instance, the desire to see an eventual overall right-of-way width of 6.0 metres would mean that a 1.0 metre strip of land would need to be excised from the rear of the development site. The applicant is conscious and accepting of this requirement and a 1.0 metre strip of land to be excised for right-of-way widening is shown on the plans accordingly.

The Town's records show that the portion of the right-of-way which adjoins the development site is privately owned by the Church of Christ which owns the land on the opposite side of the right-of-way and that the owners of the development site would have the ability to claim 'user rights' in relation to vehicle access.

Options/Alternatives

If the Development Assessment Panel believes that:

- (a) areas which need to be addressed under clause 5.3 of the Town's Local Planning Scheme No. 10 to enable a determination to be granted at an R40 density code; and
- (b) the areas of concern which have been identified which are linked to the R-Code assessment;

can respectively be addressed via conditions of approval, it could approve the application in accordance with the recommendation contained within this report.

If the Development Assessment Panel believes that the areas of concern that have been identified can not suitably be addressed, then it could refuse the application subject to specifying appropriate reasons linked to non-compliance with the provisions of the Town's Local Planning Scheme and R-Codes.

Council Recommendation:

To be provided following Council's consideration of the application for planning approval.

Conclusion:

As identified within this report, the development site is allocated a split residential density coding of R20/40 under the provisions of the Town's Local Planning Scheme No. 10, and some refinement is required to facilitate development at the R40 density code as proposed. The required changes are relatively straightforward in terms of the changes that need to be made.

In addition to changes required to facilitate approval of the development at an R40 density code, there are also a range of refinements which are required to address the numerous R-Code concerns which were detailed within this report.

Where a recommended condition of approval requires a design change to be effected, all parties need to be aware of the potential for one design change to have other 'knock on' implications. In this respect the applicant needs to be mindful that in making a design change to address an imposed condition of approval that the change which is made does not result in a new area of non-compliance being generated with respect to a new or unrelated matter.

OFFICER RECOMMENDATION – ITEM 4.1

That Council endorses the Senior Planning Officer's report and recommendation to the Metropolitan Central Joint Development Assessment Panel for the Proposed 22 Multiple Dwellings on Lot 54 (Nos. 72-74) Railway Parade, Bassendean.

Voting requirement: Simple majority

5.0 CLOSURE