



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

16 DECEMBER 2008

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development Services.
 2. Should any Elected Member want any matter referred and considered by the Council, please contact the Manager Planning & Development Services prior to the Tuesday (or Wednesday if Monday is a public holiday) following the date of this Meeting.
 3. Unless 'called in' by an Elected Member it is expected that the Manager Planning & Development Services will after the 'call in' date approve the recommendations, refer the matter to the Council or back to the Development Advisory Unit for further considerations.

DISTRIBUTED: 19 DECEMBER 2008



— City of —
Melville

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**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 1:30PM ON TUESDAY 16 DECEMBER 2008**

PRESENT

D Vinicombe (Presiding Member)
J Gonzalez
P. Prendergast
T Capobianco
D Monteiro
R Jessup
R Bailey

Manager Planning & Development Services
Planning Services Coordinator
Planning Services Coordinator
Principal Building Surveyor
Environmental Health Officer
Senior Horticultural Technical Officer
Technical Officer

APOLOGIES

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING POLICY (1) 2

The following items are recommendations to the Manager Planning & Development Services for decision.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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**U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward
Category : Operational
Application Number : DA-2008-917
Property : 54 River View Terrace, MOUNT PLEASANT
Proposal : Two Storey Dwelling With Undercroft
Applicant : Sovereign Building Company
Owner : Ms K A Rigg
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : Not applicable.

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|--|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The application relates to the construction of a two storey dwelling with undercroft garaging.
- The site has an east west orientation with a natural slope across its north south axis.
- Fill of up to 1.262m along the northern boundary and 1m along the eastern boundary is proposed.
- Objections from the surrounding neighbours have been received.
- Recommended that the levels of the development be reduced by 500mm to reduce the impacts of the development by more appropriately retaining the visual impression of the natural site levels.
- The proposal is supported subject to standard and appropriate conditions.

BACKGROUND

Not applicable.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area Precinct
R-Code	:	R12.5
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	1011.84 sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	U08_0292_PROPERTY_MAP.pdf

[U08_0292_December_2008.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 19 December 2008.

U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54 RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Fill	A maximum of 600mm above natural ground level.	1.262m along northern boundary and 1m along eastern boundary.	Does not comply	MPDS	

(Note: Non compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Excessive fill
 Support/Object: Object

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Uphold / Not Uphold)
1.	We object to the builder's proposed height of 3.3m for the boundary walls on Lot 102 River View Terrace Mt Pleasant	Objection	The proposed retaining walls will reach a maximum height of 1.2m from natural ground level on the subject property but 1.8m from the natural ground level of the eastern neighbouring property. This is due to the significant fall in levels between the two properties.	Partially Uphld

U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54 RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)

			<p>For the north neighbour, the height of the retaining wall varies in height and for the most part maintains a height of 0.2m or less. Furthermore, this neighbour is located to the north of the subject property and therefore is not impacted by overshadowing.</p>	
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REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

There is no Council Policy that specifically relates to fill or retaining as these matters are governed under the provisions of the Residential Design Codes 2008 and Community Planning Scheme No 5. Up to 0.6m of fill is permissible under the Scheme compared to a maximum of 0.5m under R Codes

**U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)****COMMENTS**

This proposal is wholly compliant with the provisions of the R Codes with the exception of the amount of fill proposed and the resultant retaining wall heights.

As the topography of this area is naturally sloping there is generally a need to modify land levels within the confines of individual lots in order to create level building platforms. The objective of the site works requirements of the R Codes is to preserve the sense of the natural topography of the site and locality with a view to the protection of streetscape and the amenity of adjoining properties, whilst allowing the creation of these level building platforms.

In this particular case, there is a natural fall of 3.0m from the south of the lot to the north. In order to achieve the proposed levels, the lot has been cut to a maximum of 800mm from natural ground level and fill to a maximum of 1.2m has been introduced to the northern boundary and 1m maximum to the eastern boundary. This has been designed to ensure that the natural topography of the site is maintained and contributes to the amenity of the streetscape. In order to ensure that the development will not result in detriment to levels of residential amenity currently enjoyed by neighbours, the applicant has oriented outdoor living areas to the north of the lot and progressively stepped the finished ground levels down in that area of the lot. This results in less than half of the northern boundary requiring retaining of up to 1.2m in height. The retaining wall to the rear of the lot abuts the back yard area of the adjoining neighbouring lot. The yard area is heavily planted and as such not an accessible outdoor space.

The Acceptable Development requirements of the R-Codes relative to Site Works (6.6.1 A1.4) basically requires filling behind the front setback and within 1.0m of a common boundary not to exceed 0.5m above the natural ground level at the boundary except where other wise stated in a Local Planning Policy or equivalent. In this case, the equivalent is nominated as 0.6m under Clauses 7.2 and 7.3 of the Scheme whereby this height of fill is determined to be the appropriate height in which to trigger a planning application to assess amenity impacts. The Performance Criteria P1 requires development to retain the visual impression of the natural level of the site, as seen from the street or other public place, or from an adjoining property. Whilst the proposed development does step down across the fall of the site by incorporating the undercroft garage, its lower floor finished floor level of 11.94m exceeds the medium existing ground level of approximately 10.5m by approximately 1.44m and accordingly the lower floor level appears elevated. This elevation manifests itself at approximately 0.37m of fill along southern side boundary. Whilst this is not excessive in itself, it does contribute to higher than necessary levels of fill along the northern side and southern rear boundaries.

**U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)**

The applicant makes the following comments in favour of the proposal;

“The existing variations in topography of the street and surrounding area, namely the fall in natural ground levels from the southern side boundary down to the northern side boundary of up to 3 metres have influenced the proposed levels of the dwelling and subsequent retaining walls.

It is the owners endeavour to reduce the impact of the building on the adjoining neighbours, whilst ensuring that the fill required preserves the sense of the natural topography. This is reflected by the proposed levels requiring both excavation and fill, with excavation up to 0.850m on the southern boundary and 0.600m on the eastern (rear) boundary.

Additionally, existing retaining walls along the northern boundary are being removed and replaced with minor retaining walls for excavation to facilitate access to the under croft garage, which is located adjacent to the adjoining dwelling, enhancing the current bulk and the amenity of their property.

Subsequently, the proposed fill is to be contained to the rear of the site up to 1.262m above existing levels at the boundary, which is located adjacent to extensive backyards to both the adjoining northern and eastern properties, ensuring that no adverse affect on building bulk, overshadowing or privacy is forced upon the adjoining properties.

The over height retaining walls maintain existing height disparities evident in the natural ground levels to lots in the street, which is considered to have no adverse affect on the provision of direct sun to, or on the amenity of the adjoining properties. Furthermore, as the dwelling has been setback 6m from the northern boundary, this further reduces the overall bulk of the building on the northern property.”

In view of the Performance Criteria objectives of retaining the visual impression of the natural site levels, it is considered that there is scope to improve the relationship of the proposed residence within the streetscape and in the interests of residential amenity impacts via a reduction in the Finished Floor Levels of the residence and the Finished Ground Levels of the site. To do so by 500mm would help ameliorate further the impact of retaining to the rear and northern boundaries and ensure a more balanced outcome in terms of cut and fill at the site. This reduction by 500mm results in compliance along the northern boundary as the retaining walls would not exceed 600mm above NGL. The variation to the rear boundary remains but only in the far north east corner where the retaining wall would reach a height of 900mm above NGL. The impact of this wall is considered to be negligible based on the inactive outdoor area of the rear neighbour being affected.

**U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)**

It is important to note that the upper level does not pose overlooking issues to the neighbouring properties as the required privacy setbacks have been achieved. This is through the positioning of the proposed residence to the south of the lot to take advantage of the northern aspect. This in turn assists in ameliorating building bulk to the property on the lower northern side. No overshadowing concerns are present for the northern adjoining neighbour as overshadowing is calculated to the south. It is evident that due consideration has been given to the northern neighbour in the preparation of this proposal. It is considered that lowering the levels by 500mm will result in an appropriate outcome for both the north and rear neighbour.

CONCLUSION

Based on the above comments, the proposal is considered acceptable with the levels of the site being reduced by 500mm. The proposal is accordingly supported subject to a condition requiring the reduced levels in addition to standard conditions.

OFFICER RECOMMENDATION**APPROVAL**

**THAT THE TWO STOREY DWELLING WITH UNDERCROFT GARAGE ON LOT 102 54
RIVER VIEW TERRACE, MOUNT PLEASANT BE APPROVED WITH THE FOLLOWING
CONDITIONS;**

SPECIAL CONDITIONS:

- 1. THE FRONT FENCE BEING TRUNCATED OR THE SOLID PORTION BEING REDUCED TO NO HIGHER THEN 0.75M WITHIN 1.5M OF WHERE THE FENCE ADJOINS THE POINT WHERE THE DRIVEWAY MEETS THE FRONT BOUNDARY.**
- 2. THE FINISHED FLOOR LEVELS AND EXTERNAL FINISHED GROUND LEVELS TO BE REDUCED BY 500MM.**

U08/0292 - (MB) TWO STOREY DWELLING WITH UNDERCROFT ON LOT 102 54 RIVER VIEW TERRACE, MOUNT PLEASANT (REC) (ATTACHMENT)

STANDARD CONDITIONS:

- 3. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.**
- 4. ROOFING MATERIALS BEING OF A NON-REFLECTIVE MATERIAL (ZINC OR WHITE COLOUR METAL ROOFING MAY ONLY BE PERMITTED THROUGH SPECIAL PLANNING CONSENT).**
- 5. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4M² AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.**
- 6. A 1.8 METRE HIGH FENCE TO BE PROVIDED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT. AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT.**
- 7. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.**
- 8. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.**

**U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS
APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON
LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)**

Ward : Bicton/Attadale Ward
Category : Operational
Application Number : DA-2008-1511
Property : 66 Murray Road, BICTON
Proposal : Department for Housing and Works application for
11 One-Bedroom Units And Eight Two-Bedroom
Units
Applicant : Kenz Building Design Studio
Owner : Minister of Housing
Disclosure of any Interest : No Officer involved in the preparation of this
report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : Not Applicable

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|--|---|
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| <input type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Department for Housing and Works (DHW) propose to build 11 one-bedroom units and eight (8) two-bedroom units.
- The development would realise a density increase from R17.5 to R40 (when taking into account the density bonus for the single-bedroom units).
- Community Planning Scheme No. 5 states no discretion shall be exercised by the Council to vary a Residential Planning Code density.
- DHW advise that according to the Public Works Act (1902), DHW have authority to disregard the applicable density.
- This authority has been verified by Council's Solicitors, however DHW must have regard to the purpose and intent of any planning scheme affecting the land; orderly and proper planning; and the amenity of the locality.
- An assessment of the submitted details has revealed many inconsistencies with the requirements and accordingly, it is considered that the application fails to appropriately address the Scheme, orderly and proper planning of the locality and amenity.
- It is therefore recommended to the West Australian Planning Commission (WAPC) that the application be refused.

BACKGROUND

Legal advice from Council's Solicitors in relation to the legalities of the application was sort as 19 residential dwellings are proposed where the R code density at R17.5 would generally support the development of 5 dwellings only. Subsequent correspondence confirms that the works are a form of "public work" which do not require Council approval and therefore do not have to abide by the Residential Planning Code density or CPS No 5 requirements.

Nevertheless, in assessing the application, the WAPC must have regard to:

- The purpose and intent of any planning scheme affecting the land;
- Orderly and proper planning; and
- The amenity of the locality.

When assessing the above criteria generally for residential development, the Residential Design Codes (R-Codes) give a comprehensive basis for the control of such development throughout Western Australia. The extent to which the proposed development complies with the criteria laid down by the R Codes, notwithstanding the density issues, is the main focus of this report.

U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R17.5
Use Type	:	Residential
Use Class	:	'P-Use' – use is permitted (However, proposed density is not).

Site Details

Lot Area	:	3362.57 sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes - one tree
Street Furniture (drainage pits etc)	:	One power pole in line with crossover
Site Details	:	U08_0293_PROPERTY_MAP.pdf

[U08_0293_December_2008.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 19 December 2008.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	No.
Neighbour's Comment Supplied:	No.
Reason:	The application cannot be recommended for approval by the City as to do so would be to endorse a variation to the Residential Planning Code applicable to the lot, and scheme provisions do not enable this course of action to be taken.

U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
Reason: For the determination of WAPC.

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Not Applicable

COMMENT

DHW has provided documentation (see **Attachment**) which attempts to provide rationale to support the proposal which is summarised below:

1. The proposal satisfies setback and height requirements;
2. The proposal satisfies Clause 2.4 of the Scheme by providing the greatest practical range of permitted density in order to achieve a high variety of housing types;
3. Medium housing densities may be allowed where sites demonstrate attributes such as proximity to commercial centres, tertiary education institutions major transport routes and compatibility with surrounding development;

U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)

4. The site is located nearby the Melville Plaza Shopping Centre, major transport routes of Stock and Point Preston Roads and Canning Highway, the Bicton Primary School and several older unit developments.
5. The site is located adjacent to R50 and R60 precincts.
6. Development at this density will allow the Department to avoid underutilising a land asset of considerable strategic value. Proposal provides for efficient use of ideally located and fully serviced land whilst contributing to meeting the social obligation placed on the DHW to provide public housing and demands, particularly in the 1 and 2 bedroom sectors.
7. The development will improve local amenity by removal of the existing rundown fibro and tile housing stock.
8. The proposal accords with Network City principles particularly the primary goals of achieving 60% of new development to occur within established areas, making fuller use of urban land, providing more affordable housing, encouraging public over private transport, and enabling connectivity to local services and infrastructure.
9. The development will be complimented by a landscaping plan with an emphasis on suitable mature vegetation.

In response to the above rational, it is noted that points 2-4 relate to Policy provisions in the Scheme which determine allocation of densities within the City, and accordingly have been given consideration in the setting of the subject R17.5 and nearby R50 and R60 densities. They are not, as interpreted by the applicant, grounds for conveniently determining development density beyond the scope of the Scheme or any Scheme Amendment which may take these factors into consideration. Whilst it is acknowledged that redevelopment will improve amenity of the locality by removal of existing rundown housing stock and provide the Department with meeting its social obligations, the site could equally be sold for or developed at the appurtenant R17.5 density to allow investment in an alternative site in a more appropriate location to deliver alternative housing choice whilst improving the subject local amenity. With regard to Network City principles, it is noted that the review of CPS No 5, which is currently being facilitated through the Local Planning Strategy intends to provide strategic options to address redevelopment of existing residential areas and meet regional housing objectives. Under the Strategy, the subject locality is proposed to retain a density consistent with the present – low density.

**U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS
APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON
LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)**

Under the provisions of CPS No 5 the subject lot is zoned R17.5. The development is proposed to be built at a maximum density of R50, but when considering the proposal involves single bedroom units with density bonus provisions applicable under the R-Codes (not applicable under CPS No 5), the proposal would otherwise be built to an average R40 density. This is contrary to the Scheme provisions as CPS No 5 does not allow for variation of the existing density and ordinarily an application of this density could not be approved. However, as the applicant is the Department of Housing and Works, and as the Department is exempt from the need to comply with density provisions, the Council can only recommend refusal of the application to the Western Australian Planning Commission.

Notwithstanding the exemption above, the applicant does have to demonstrate regard for CPS No 5 including consideration of the orderly and proper planning of the locality and its inherent amenity. In this regard, the character of this area, as defined by its built form and endorsed by CPS No 5, is that of low density residential development with older sporadic developments achieving a density of R30. This character is further endorsed by and reflected in the Statement of Intent outlined in the Scheme Precinct Living Area BC2 - Bicton. This states that this area is characterised by:

“Primarily low density residential but may include home occupations, corner shops, park etc, provided they are not developed to such an intensity that they disturb the precinct or are out of character with it...”

It is considered that the increase in the density proposed with this development will in itself disturb the Bicton precinct, notwithstanding the fact that a residential use is proposed. This proposal represents a clear disregard for the Council's desire to defend a low density residential environment in the immediate locality, and accordingly it is considered that the proposal it is contrary to the proper and orderly planning of the locality and will be of detriment to the amenity of the area.

Aside from these issues of principle, the plans submitted with the application demonstrate several non-compliances with the R-Codes and Scheme, namely:

- No retaining walls are shown on the plan, however the elevations depict cut and fill in excess of 500mm (and 600mm as required by the Scheme);
- No overshadowing diagram has been submitted with the application;
- There are no finished floor levels (FFLs) indicated on any of the dwellings;
- External privacy is not satisfied for bedroom windows 32/4 to 32/6;
- No justification has been submitted under the Performance Criteria of the R Codes to support the variations sort; and

**U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS
APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON
LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)**

- The existing large trees on site are proposed to be removed – this is a major amenity consideration and their removal is likely to disturb the precinct. Clause 6.5 of CPS No 5 provides for Council to require development to be carried out in such a way as to minimise disturbance of existing vegetation and provide for trees to be preserved and protected whether included under a Tree Register or not. The development of the site in accordance with the density provisions that are applicable would enable the retention of these trees in the interests of visual amenity and nature conservation.

There is concern that the proposal would result in real detriment to the levels of residential amenity currently enjoyed by residents of the area, particularly those that abut the site itself. For this reason the development cannot be supported.

CONCLUSION

Based on the variations to the R-Codes sought together with consideration of the amenity provisions listed in Clause 7.8 of the CPS No 5, it is concluded that the impact of the proposal on the adjoining landowners and the precinct in general is considerable. The proposal will set a precedent in terms of increased density and create a development which is out of character with the precinct.

The fact that this site is in public ownership presents an opportunity for it to be developed in a manner which suits all parties involved. The current submission takes no account of the Council's concerns. It has limited regard to the provisions of the R Codes and takes no account of the existence of mature trees. It does not satisfactorily address the purpose and intent of the CPS No 5, orderly and proper planning for this locality or local amenity, and as such it is recommended that the WAPC be advised that the City objects to the proposal in the strongest possible terms.

U08/0293 - (PS) PROPOSED DEPARTMENT FOR HOUSING AND WORKS APPLICATION FOR 11 ONE BEDROOM UNITS AND EIGHT TWO BEDROOM UNITS ON LOT 85 (66) MURRAY ROAD, BICTON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

OBJECT

THAT THE WESTERN AUSTRALIAN PLANNING COMMISSION BE ADVISED THE CITY OF MELVILLE OBJECTS TO THE PROPOSED DEPARTMENT FOR HOUSING AND WORKS DEVELOPMENT FOR 11 SINGLE-BEDROOM UNITS AND EIGHT TWO-BEDROOM UNITS AT LOT 85 (66) MURRAY ROAD, BICTON FOR THE FOLLOWING REASONS:

1. THE PROPOSAL DOES NOT HAVE SUFFICIENT REGARD FOR THE PURPOSE AND INTENT OF THE CITY'S COMMUNITY PLANNING SCHEME NO. 5 DUE TO THE PRECINCT BEING PRIMARILY LOW DENSITY. IT IS THEREFORE OUT OF CHARACTER WITH THE PRECINCT.
2. THE PLANS SUBMITTED WITH THE APPLICATION ARE NOT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESIDENTIAL DESIGN CODES 2008; A POLICY GUIDE FOR THE ORDERLY AND PROPER PLANNING FOR ALL RESIDENTIAL DEVELOPMENTS IN WESTERN AUSTRALIA.
3. THE PROPOSAL DOES NOT GIVE ADEQUATE CONSIDERATION TO THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO.5 AMENITY PROVISIONS AND ASSOCIATED POLICIES.
4. THE AMENITY OF RESIDENTS IN THE LOCALITY WILL BE CONSIDERABLY IMPACTED THROUGH NON-COMPLIANCE WITH PRIVACY AND THE REMOVAL OF EXISTING MATURE FLORA WITHIN THE PROPERTY.
5. THE JUSTIFICATION PROVIDED BY THE APPLICANT IS NOT CONSIDERED RELEVANT AND SUFFICIENT TO SUPPORT THE PROPOSAL.

U08/0294– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING DECEMBER 16 2008

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	4B Denny Way Alfred Cove	A Pathway request 90730 to remove one street tree to allow construction of a crossover to a new dwelling. The tree is a mature Schefflera actinophylla (Umbrella Tree) in good condition. The tree is located on the left hand side of the Lot between the side boundary and power pole.	It is recommended that the Umbrella Tree be removed and replaced with one semi-advanced Jacaranda mimosifolia in a 100 litre container, subject to: all works by the City of Melville at applicant's expense; and a Building License being approved.
2	9 Regent Way Mount Pleasant	Multi signature letter requesting removal of one street tree to allow construction of a crossover to a new house nearing completion. Tree is a mature Lophostemon conferta (Box Tree) in good condition and forms part of a mature streetscape. Previously considered during the Planning Assessment and subsequently at DAU 15 July 2008 where removal of this tree was refused and a second tree (now removed) was approved for removal.	Recommend that the original decision in this regard be reiterated - retention of street tree and deviation of crossover allowing 1.0m clearance from base of tree. This will enable reasonable access and maintain the existing streetscape.

U08/0294– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING DECEMBER 16 2008

		<p>Council Policy No: 12-001 provides for trees to be removed where they are dead or dying; dangerous and cannot practically be made safe; causing damage to property or likely to do so in the future; necessary in the opinion of the Director of (Planning and) Development Services to provide property access; or not a prescribed tree species. The Policy also indicates that Ward Councillors and affected residents may be consulted where the trees are not prescribed and are either dead or dying, or dangerous and cannot practicably be made safe. Finally, appeals to the Director of (Planning and) Development Services relative to development approvals shall be dealt with by the Development and Neighbourhood Amenity Committee (no longer in operation – requiring referral to Council) in the usual manner.</p>	
		<p>In this case, the tree is one of the City's prescribed species and accordingly, the process of any appeal with regard to this recommendation of the DAU would require referral to Council (consistent with DAU "call-up" procedures.</p>	

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

Ward : Bull Creek/Leeming Ward
Category : Operational
Application Number : DA-2008-916
Property : 52 Benningfield Road, BULL CREEK
Proposal : Extension Of Tavern Bottleshop
Applicant : MGA Town Planning Consultants
Owner : Australian Leisure & Hospitality Group Ltd
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : Not Applicable

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|--|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Consent is sought for an extension and alterations to the Bull Creek Tavern.
- It is proposed to remove the existing drive through bottle shop and replace it with an extended packaged style liquor supermarket.
- Application has been advertised in accordance with Scheme requirements and two submissions were received objecting to the proposal.
- The tavern area will be reduced in size from 321 sqm to 146 sqm. This will be complemented with a new courtyard/alfresco addition.
- The development will result in a reduction in the demand for car parking bays as the emphasis of the complex becomes more focused on bottle shop sales as opposed to tavern activity.
- The development will result in an improvement to the visual appearance of the tavern facility and the area generally.
- The application is recommended for conditional approval.

BACKGROUND**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre-Bull Creek Centre
R-Code	:	R60
Use Type	:	Hotel/Tavern
Use Class	:	“S” Use-Not permitted unless Council exercises discretion and grants planning approval after advertising.

Site Details

Lot Area	:	4416.40 sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	U08_0296_PROPERTY_MAP.pdf

[U08_0296_December_2008.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 19 December 2008.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	NA				
Plot Ratio	0.6	0.3	Complies		
Building Height	8.0m to eaves, 10.5m max	10m max	Complies		
Carparking	146 bays	45 bays	Does not comply	MPDS	

(Note: Non compliance is emphasised in bold)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	3.0m	Complies		
Rear	Nil	Nil	Complies		
Side (N)	Nil	4.7m	Complies		
Side (S)	Nil	4.3m	Complies		

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: "S" Use - Council discretion required after advertising.
 Support/Object: 2 submissions were received objecting to the proposed development.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold/Not Uphold)
1.	<p>Concerned that anti social behaviour, induced by alcohol, will increase.</p> <p>Considers that the area is already oversubscribed with Liquor Outlets.</p>	Objection	<p>The incidence of anti social behaviour in the vicinity of the Bottle Shop/ Tavern is not a material planning consideration.</p> <p>The number and location of competing Liquor related outlets is not a material planning consideration. In any event this is an existing use.</p>	<p>Not Uphold</p> <p>Not Uphold</p>
2.	<p>Concerned about anti social behaviour in the vicinity, particularly how this is manifest within the PAW which runs alongside the objectors property linking Lochee Way with August Court.</p> <p>The closure of this PAW is being sought and letters to request this action have been forwarded to the Council.</p>	Objection	<p>See above.</p> <p>This is a separate matter from the proposal under consideration with the tavern extension. Pending submission of formal requirements by the applicants, a report will be prepared for Council in relation to the PAW closure in due course. This is expected early in 2009.</p>	<p>Not Uphold</p> <p>Not Uphold</p>

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

	<p>The availability of large liquor retailers open till late at night act as a magnet for anti social behaviour. Concerned that it is difficult to gain assistance from the Police when incidences of anti social behaviour prevail. Concerned that at a time when the press report a link between hospital emergency admissions and alcohol, and the fact that “80%” of crime is alcohol related, it would be inappropriate to extend and enlarge liquor premises.</p>		<p>Whilst these concerns are not specific material planning considerations, the amenity impacts of the development on adjacent residents should be reduced by this application which significantly reduces the public drinking areas of the tavern by more than half.</p>	<p>Not Uphold</p>
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REFERRALS TO GOVERNMENT AGENCIES

Not Applicable.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

Policy 06-024 Car Parking - (Non Residential). This Policy provides guidance in relation to car parking provision, linking the demand for spaces to the Net Lettable Floor area (NLA) proposed. The merits of the proposal in relation to the provisions of this Policy are referred to in detail below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not Applicable.

COMMENTS

The main issues for consideration in the determination of this application relate to:

1. Land Use - Hotel uses are not permitted within the District Centre Frames unless the Council exercises discretion and grants planning approval after advertising in accordance with scheme requirements.
2. Visual Amenity - Do the alterations / extensions to the Tavern result in an improvement to the visual amenity of the area?
3. Car Parking - Is the level of car parking provision acceptable when judged against the standards required by Council Policy?

Land Use

The "Liquor Store" is a specific use class under CPS No 5 and therefore not categorised as a "shop". Accordingly, no retail floorspace considerations are to be applied for this application relative to the District Centre.

The proposed development has been the subject of advertising in accordance with Clause 7.5(d) of CPS No 5. The applicant arranged for a sign to be erected on the site for a period of twenty one (21) days. This sign gave notice of the proposed development and resulted in the submission of comments from two (2) interested third parties (see summary of public consultation/communication).

In view of this the Council may now proceed to exercise discretion and determine the application taking into consideration the representations made.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

The proposed development will result in the substantial alteration and expansion of the existing bottle shop. It is proposed to provide an extension at the rear of the building, whilst removing the existing “drive through” function and the existing Public Bar and Lounge. This will provide the space to extend the bottle shop facility to provide a retail sales floor area of 847 sqm, together with a cool room of 82.5 sqm.

Whilst the Bottle Shop element of the business expands, the Tavern component of the business significantly contracts. The existing Public Bar and Lounge is removed, and the TAB Lounge is reduced in size and becomes the Bar and Sports area of the Tavern with an alfresco courtyard to the front. In all, the size of the drinking areas of the Tavern is more than halved from 321 sqm to 146 sqm (175 sqm reduction).

The Tavern/ Bottle Shop is an existing long standing business of this locality which is, in land use terms, suitably located within the District Centre. The remodelling of the premises to provide an altered retail offer is therefore acceptable in principle in land use terms.

Visual Amenity

The application detail proposes the creation of a new “packaged liquor supermarket” which offers the retail floor space for the retailer to display and store a diverse range of products in the interests of consumer choice. The Bottle Shop will essentially be housed in a new structure of portal frame construction, clad in a combination of concrete tilt up panels, rendered blockwork, compressed sheet face mounted relief panels, and custom orb cladding. The building has been designed to incorporate an entry statement tower (similar to that of the adjoining shopping centre) to the front elevation.

The Tavern proposal retains an element of the existing building style, it being more domestic in scale, complemented by the creation of a new courtyard / al fresco area. This element of the building is subservient in design terms to the Bottle Shop, but together they sit well together, unified by a palette of building materials and colour which will ultimately improve and enhance the visual appearance of the development in the interests of visual amenity.

Car Parking

Under the provisions of Council Policy ref 06-024, the proposed development will require the benefit of 146 car parking bays. This is calculated on the basis of 1 bay per 2 sqm of floor area for the bar area which at 146 sqm equates to the provision of 73 car parking bays. For the Bottle Shop the requirement is 7 bays per 100 sqm floor area which at 1035 sqm equates to the provision of 73 bays. In total the development requires the provision of 146 bays.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

The actual level of provision proposed amounts to 45 bays which is a significant shortfall of 101 bays when judged against the provisions envisaged by the Council's Car parking Policy. However in assessing the acceptability or otherwise of this non-complying level of provision, the existing scenario in relation to car parking provision needs to be taken into consideration.

Under the existing arrangement the Tavern operates with a floor area of 321 sqm which results in a demand of 161 car parking bays. The Bottle Shop at 260 sqm floor area results in the need for 19 bays. In total the present arrangement results in the need for 180 bays, and the use operates with 54 bays, a shortfall of 126 bays.

The proposed alterations to the floor areas associated with the Bottle Shop and Tavern will result in improvements to the level of car parking provision as the shortfall of bays is reduced from 126 bays at present to 101 bays once the alterations are complete. From a pragmatic stance this is an improvement to the current situation and as such it is concluded that the development is acceptable in the context of car parking provision. It is noted also that the availability of large car parking areas associated with the adjacent Bull Creek District Shopping Centre means that reciprocity of car parking does informally occur.

With regard to servicing, it is proposed to undertake this from the area to the north side of the building. The servicing arrangements have been assessed and it is concluded that the details associated with them are acceptable. The owners of the site have the right to use the existing internal access routes located within the District Centre which are provided by way of Rights of Carriageway in order to access their property, including the dedicated car parking areas and the service area.

CONCLUSION

Overall it is considered that notwithstanding the concerns raised by the objectors, that this development may proceed in accordance with the provisions of the Council's Community Planning Scheme and Council Policy. The points raised by the objectors are not upheld for reasons previously given.

In design terms the proposal represents an improvement to the visual character of the locality as a somewhat tired and outdated structure is replaced with a modern more imposing one, more commensurate with its position within a thriving District Centre.

It is recommended that conditional planning approval is granted.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

OFFICER RECOMMENDATION

APPROVAL

- A) THAT COUNCIL VARY POLICY 06-024 CAR PARKING - (NON RESIDENTIAL) TO TAKE INTO ACCOUNT THE IMPROVED PARKING PROVISION RELATIVE TO THE EXISTING TAVERN DEVELOPMENT RESULTING FROM SIGNIFICANT REDUCTIONS IN THE TAVERN FLOORSPACE AND APPROVE THE APPLICATION FOR THE REDEVELOPMENT OF THE BULL CREEK TAVERN ON LOT 602 BENNINGFIELD ROAD, BULL CREEK SUBJECT TO THE FOLLOWING CONDITIONS:**

SPECIAL CONDITIONS:

- 1. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**
 - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
 - IMPACT ON TRAFFIC MOVEMENT AND;**
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
- 2. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 4. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

5. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
6. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
7. PRIOR TO THE OCCUPATION OF THE REFURBISHED PREMISES A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

STANDARD CONDITIONS:

8. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
9. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
10. LIGHTING TO BE PROVIDED TO ALL CARPARKING AREAS AND THE EXTERIOR ENTRANCES TO ALL BUILDINGS IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1158.3.1 (CAT. P). ALL EXTERNAL LIGHTING TO BE HOODED AND ORIENTED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE TO THE TRAVELLING PUBLIC OR ABUTTING RESIDENCES.
11. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.
12. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4SQM AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.

**U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

13. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
14. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
15. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
16. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
17. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.

FOOTNOTES

18. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE REQUIREMENTS OF THE HEALTH ACT 1911 (AS AMENDED) AND THE CITY OF MELVILLE HEALTH LOCAL LAW 1997.
19. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATION 1992 (AS AMENDED).

U08/0296 - (PP) EXTENSION OF TAVERN BOTTLESHOP ON LOT 602 52
BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)

20. A HEALTH LICENCE IS REQUIRED FOR HIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.
 21. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.
 22. ADDITIONAL DESIGNATED EXISTS WILL BE REQUIRED INCREASE THE MAXIMUM ACCOMMODATION OF THE SPORTS LOUNGE TO CAPACITY.
- B) APPLICANT AND THOSE WHO MADE SUBMISSIONS ON THE APPLICATION BE ADVISED IN WRITING OF A) ABOVE.

**U08/0297 - (PP) FIONA STANLEY HOSPITAL ON LOT 4378 110 MURDOCH DRIVE,
MURDOCH WA 6150 (REC) (ATTACHMENT)**

Ward	:	University Ward
Category	:	Operational
Application Number	:	DA-2008-1544
Property	:	110 Murdoch Drive, MURDOCH WA 6150
Proposal	:	Fiona Stanley Hospital
Applicant	:	Health Department of WA
Owner	:	Minister for Health
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Mr David Vinicombe Manager Planning and Development Services
Previous Items	:	Nil

AUTHORITY / DISCRETION

	<u>Definition</u>
<input checked="" type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council reviews decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- Application relates to Stage 1 of the Fiona Stanley Hospital development within the Murdoch Activity Area.
- Consent is sought for the core hospital buildings, associated car parking, landscaping and internal roads and access ways.
- Application site is Crown land reserved under the MRS.
- Determining Authority is Western Australian Planning Commission with the City of Melville as consultee.
- This report is intended to provide an interim appraisal of the proposal. A full report will be presented to DAU in early January 2009.

**U08/0297 - (PP) FIONA STANLEY HOSPITAL ON LOT 4378 110 MURDOCH DRIVE,
MURDOCH WA 6150 (REC) (ATTACHMENT)****BACKGROUND**

The issues surrounding the development of the FSH are well rehearsed. Matters associated with the development proposal have been the subject of a number of presentations to Council on a number of occasions and the subject full Council of consideration relative to the Master Plan. Officers of the Council have been involved in the pre application consideration of the FSH Health Precinct development for a significant period. The proposal is consistent with the Master Plan Report for the FSH precinct, and the wider Murdoch Activity Centre Structure Plan.

Scheme Provisions

MRS Zoning	:	The majority of the site is reserved for Public Purposes (Hospital)
CPS 5 Zoning	:	Regional Reserve: Public Purposes (Hospital)
R-Code	:	NA
Use Type	:	Hospital
Use Class	:	Not determined under CPS No 5

Site Details

Lot Area	:	164,743 sqm
Retention of Existing Vegetation	:	Yes in relation to a comprehensive landscaping and revegetation strategy.
Street Tree(s)	:	NA
Street Furniture (drainage pits etc)	:	NA
Site Details	:	U08_0297_PROPERTY_MAP.pdf

DETAIL

This is a major development proposal, the decision on which will be undertaken by the WAPC subject to a recommendation from the City of Melville as responsible Local Government for the area. This report is intended as an interim appraisal of the proposal for Stage 1 of the FSH currently under consideration. A full report on the matter will be reported to DAU in early January 2009 when responses of all relevant internal consultees within the Council has been finalised.

**U08/0297 - (PP) FIONA STANLEY HOSPITAL ON LOT 4378 110 MURDOCH DRIVE,
MURDOCH WA 6150 (REC) (ATTACHMENT)**

Location and Site Characteristics

This application seeks consent for the Stage 1 building works of the Fiona Stanley Hospital (FSH).

The proposed hospital is located within the Murdoch Activity Centre (MAC), approximately 12 km's south of the Perth CBD. It is sited within the northern area of the MAC close to the site of the existing St John of God Hospital which bounds the site of FSH to the north west. The site is bounded by Murdoch Drive to the west, Kwinana Freeway to the east, and the Challenger TAFE campus to the south.

The FSH Health Precinct site comprises an area of some 32 hectares located across three Crown land parcels. Prior to recent clearing as part of the FSH site works, the land was predominantly vacant bushland. The terrain is mainly undulating with a sandy ridge line running from NE to SW. The site is located on the Swan Coastal Plane, and is situated on Bassendean sands.

Outline of Development Proposal

The Stage 1 works include the following:

- a ten storey core hospital building comprising an area of 114,000 sqm,
- a five storey education and pathology building (incorporating basement parking) comprising an area of 38,500 sqm,
- a single storey mental health building of 3600 sqm,
- a three storey admin building of 3600 sqm,
- a three storey central energy plant building of 5800 sqm,
- associated car parking including a five storey multi deck car park of 24,200 sqm and an overall provision of 3300 car parking bays including six surface car parking areas, and
- associated landscaping and internal streets/public realm.

A separate application for roads and infrastructure associated with the FSH is to be submitted in due course. These elements of the development do not therefore form part of this application. However, for information purposes the Roads and Infrastructure application will include the following:

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- public roads within FSHHP road reserves,
- new signalised intersections Main Street and Murdoch Drive including the East West Connector and Murdoch Drive,
- drainage infrastructure for the precinct including stormwater pipes within road reserves,
- Water Corporation water reticulation mains, located within the road reserves for water supply to the main hospital site,
- Water Corp sewers located within road reserves,
- Pathways within public road reserves,
- Limestone retaining walls,
- Underground power cables and other Western Power installations,
- Reticulated gas supply within road reserves,
- Telecommunications conduits within road reserves,
- Street lighting, and
- A new entrance road and lighting.

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes.
Reason: Crown Land therefore WAPC determination required.
Support/Object :

STATUTORY AND LEGAL IMPLICATIONS

NA

FINANCIAL IMPLICATIONS

NA

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

NA

POLICY IMPLICATIONS

NA

ALTERNATE OPTIONS & THEIR IMPLICATIONS

NA

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When complete, the FSH will be the major tertiary hospital for the southern metropolitan area. At an estimated cost of \$1.8 billion, the 643 bed hospital will provide a range of acute medical and surgical services, and will be the home of the major centre for the treatment of trauma, burns, and heart and lung transplants in Western Australia.

The development of the FSH will be a central element of the planned health, research and education precinct within the MAC, with clear links to the existing hospital at St John of God Murdoch, and Murdoch University. The development will act as a catalyst for further health and education related activities, and it is expected that the area will witness significant commercial development pressure in the short and medium term.

Transport and Car Parking

Significant traffic and parking modelling has been undertaken as part of the MAC Structure Planning activities. A total of 3300 car parking bays are proposed under the Stage 1 proposal for use of staff, patients and visitors. This level of provision was determined via a measurement and assessment of the % of car drivers within the staff of similar hospital facilities. The results of this assessment indicated that for Royal Perth Hospital the ratio of car users as a % of all staff was 62%. This is attributed to the central location of RPH and its excellent public transport linkages. The locational advantages of FSH and the links that will exist from it to a fully co-ordinated transport network, support the stance that 62% of standard car parking provision should be the target for the development.

This level of parking provision is a departure from the standards generally employed by the City of Melville under Council Policy in the determination of planning applications. This matter will be fully considered as part of the report to be presented to DAU in January 2009.

The Council's Engineering Services are in process of a detailed consideration of the proposal. A full appraisal of their findings in relation to the transport related aspects of the proposal will be reported to DAU in January 2009.

Building Design

The collection of core hospital buildings proposed by this application are designed to provide a distinguished work of architecture. Each of the buildings is sited to maximise the working relationships that will ensue once the FSH is operational. It is envisaged that the development will contribute positively to its surroundings. A full appraisal of the design of the core hospital buildings will be reported to DAU in January 2009.

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Conservation, Ecology and Open Spaces

The FSHHP is designed to include a range of open spaces that afford opportunities to meet recreational, social and environmental needs of users of the facility, and provide a landscaped setting for its buildings. An integrated and fully considered approach to the provision of these spaces has been demonstrated by the consultants employed by the FSH. A full appraisal of these elements of the proposal will be reported to DAU in January 2009.

RECOMMENDATION

IT IS RECOMMENDED THAT THIS REPORT BE NOTED