



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

5 AUGUST 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: 8 AUGUST 2008



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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 5 AUGUST 2008**

PRESENT

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

Manager Planning & Development Services
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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U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPECROSS (ATTACHMENT) (REC)

Ward : Applecross – Mount Pleasant
Category : Operational
Application Number : DA-2008-481
Property : 4 Riseley Street, Applecross
Proposal : Change of Use from Residential to Office
Applicant : Tuscom Subdivision Consultants Pty Ltd
Owner : Jetcove Pty Ltd
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : David Vinicombe
Manager Planning & Development Services
Previous Items : Not applicable

AUTHORITY / DISCRETION

Definition

- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative *includes adopting local laws, town planning schemes & policies.*
- Review *when Council review decisions made by Officers.*
- Quasi-Judicial *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.*

KEY ISSUES / SUMMARY

- Change of Use from Residential to Office.
- Proposal was advertised for 21 days as Office is an "S" use.
- 3 Submissions in support have been received.
- Supported for approval.

U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPECROSS (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame (RF)
R-Code	:	R50
Use Type	:	Office
Use Class	:	“S” use – Council discretion required after following advertising.

Site Details

Lot Area	:	1012 square metres
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	U08_0117_PROPERTY_MAP.pdf

[U08_0117_August_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 8 August 2008.

DETAIL

The application proposes to convert 3 existing residential units into 3 office units; with 3 offices, 1 meeting room, amenities (tea room and toilets) and carparking for each office unit.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.6	0.155	Complies		
Landscaping	25%	25.5%	Complies		
Carparking	6 bays	12 bays	Complies		

U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPLECROSS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: "S" use
Support/Object: 3 submission supporting

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Up Hold/Not Up Hold)
1.	Agreement with the proposal.	Support	Noted	Up Hold
2.	Agreement with the proposal.	Support	Noted	Up Hold
3.	Requests clarification on several development issues relative to development once approved.	Support	Noted	Up Hold

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

POLICY IMPLICATIONS

Policy No. 06-024 Car Parking (Non-Residential)

U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPLECROSS (REC) (ATTACHMENT)**COMMENTS**

The application proposes a change of use from existing three (3) single storey residential dwellings to three (3) office units.

No additional landscaping has been proposed within this application, however the existing residential development has landscaping which may be retained as the proposed office units will be contained within the existing dwellings. This will contribute to maintenance of the residential appearance of the area in accordance with the Statement of Intent for the Riseley Frame Precinct.

Carparking

The proposed office use with 157.25 sqm of NLA area requires a total of 6 carparking bays. The application proposes a total of 12 carparking bays and 2 crossovers; one is the existing residential crossover and a new crossover is proposed to the north next to 2 Riseley Street, where 3 carparking bays are proposed (2 of them in tandem configuration). This second crossover and carparking is not supported as Riseley Street is a busy Local Distributor Road and the crossover and parking configuration will require vehicles to reverse onto the road. The other 9 carparking bays will allow vehicles to enter the street in forward gear. However 3 of the bays are proposed in tandem and these should be marked/reserved for staff parking only. The proposed 6 bays with clear access satisfy Council's Policy requirements for office parking on the property. The other 3 staff bays are in excess of Council Policy requirements.

Plot Ratio

A total of 157.25 sqm of plot ratio is proposed which equates to 0.155. The maximum required plot ratio in accordance with the precinct plan of Commercial Centre Frame (RF) is 0.6 and the proposal is in compliance.

Landscaping

Although no landscaping is proposed with this change of use, the existing development contains landscaping and an additional open area that equates to a total of 258 sqm, which satisfies the 256 sqm requirement.

CONCLUSION

The proposal is in general compliance with the requirements of the City of Melville Community Planning Scheme No. 5 and Policies and is accordingly recommended for conditional approval.

U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPECROSS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVAL

THAT THE APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS

1. THE PROPOSED NORTHERN CROSSOVER AND PROPOSED THREE (3) CARPARKING BAYS TO BE DELETED, TO AVOID VEHICLES REVERSING INTO RISELEY STREET.
2. THE CARPARKING BAYS 8, 9 AND 12, AS MARKED IN RED ON THE APPROVED PLAN, SHALL BE MARKED FOR STAFF ONLY.
3. PROVISION OF ONE (1) DISABLED CARPARKING BAY IN ACCORDANCE WITH AUSTRALIAN STANDARDS AS2890.1.
4. ANY ALARM SYSTEM TO BE A SILENT MONITORED SYSTEM TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
5. EXISTING STREET TREES ARE TO BE RETAINED.

STANDARD CONDITIONS

6. 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.
7. PRIOR TO ISSUE OF A BUILDING LICENSE, THE MANUFACTURER'S RATED NOISE LEVELS FOR REFRIGERATION AND VENTILATION ARE TO BE SUBMITTED TO AND APPROVED BY COUNCIL. IMMEDIATELY FOLLOWING THE INSTALLATION AND OPERATING OF THE EQUIPMENT, THE APPLICANT IS TO SUPPLY TO COUNCIL THE RESULTS OF A CERTIFIED TEST OF THE NOISE LEVEL OF IN-SERVICE PERFORMANCE.
8. 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.

U08/0117 - (JG) CHANGE OF USE FROM RESIDENTIAL TO OFFICE – 4 RISELEY STREET, APPLECROSS (REC) (ATTACHMENT)

9. IN ACCORDANCE WITH THE APPROVED PLANS ALL PARKING BAY/S, DRIVEWAY/S AND POINTS OF INGRESS AND EGRESS AREAS ARE TO BE PERMANENTLY PROVIDED, CONSTRUCTED, DRAINED, MARKED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
10. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
11. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.

U080119– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 5 AUGUST 2008

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	7B Hope Road, Ardross.	<p>A Planning application is under assessment for a two storey single residence.</p> <p>There is an existing street tree, <i>Olea europaea</i> (OliveTree), which obstructs the access to the proposed garage. Distance to side boundary is 4.0 metres, which will limit the crossover width to 3.0 metres.</p> <p>The tree has developed a forked trunk and its structure is not sound having propensity to split.</p>	<p>Remove tree and replace with one semi advanced tree, subject to: all work by COM at applicant's expense, a Building Licence being approved and an application be submitted for removal of the tree to the Manager Infrastructure Services.</p>
2	59A Dunkley Avenue, Applecross.	<p>A Building Licence is under assessment for the eastern vacant lot of the two recently created green title lots</p> <p>Proposed crossover has been designed with an island around the existing small Jacaranda located to the western side of the lot</p>	<p>Retention of the tree and relocate crossover further to the eastern side, allowing 1.0 metre clearance from the base of the existing tree.</p>