



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

5 MAY 2009

- 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 MAY 2009



— City of —
Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6954
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melville.wa.gov.au

**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 MAY 2009.**

PRESENT

D Vinicombe (Presiding Member)	Manager Planning & Development Services
J Gonzalez	Planning Services Coordinator
P.Prendergast	Planning Services Coordinator
T Capobianco	Principal Building Surveyor
D Monteiro	Environmental Health Officer
R Jessup	Senior Horticultural Technical Officer

APOLOGIES

R Bailey	Technical Officer
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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.

TABLE OF CONTENTS

U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654 (45) ARDROSS STREET, APPLECROSS. (ATTACHMENTS) (REC).....	3
U09/0069- (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 5 MAY 2009	10
U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD, MYAREE (REC) (ATTACHMENT).....	12
U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT).....	19
U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT).....	34

**U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654
(45) ARDROSS STREET, APPECROSS. (ATTACHMENTS) (REC)**

Ward : Bicton - Attadale
Category : Operational
Application Number : DA-2008-164/A
Property : 45 Ardross Street, Applecross
Proposal : Increase the number of seats for restaurant.
Applicant : Canford Hospitality Consultants Pty Ltd
Owner : Netpoint Nominees 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 : U08/0035 – DAU approval on 18 March 2008

AUTHORITY / DISCRETIONDefinition

- 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.***

**U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654
(45) ARDROSS STREET, APPLECROSS. (ATTACHMENTS) (REC)**

KEY ISSUES / SUMMARY

- Proposal to increase the maximum seating permitted.
- Existing 22 carparking bays at the rear of the building.
- Application proposes two car parking allocations: one for day time weekdays until 6.00 pm and one for night time weekdays after 6.00 pm and weekends.
- 48 seats are proposed for the day time car parking allocation.
- 68 seats are proposed for the night time weekdays and weekend car parking allocation.
- Supported for approval subject to conditions.



U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654 (45) ARDROSS STREET, APPECROSS. (ATTACHMENTS) (REC)

BACKGROUND

The Development Advisory Unit report on 18 March 2008 supported approval for a change of use from Shops to Restaurant on the subject property, subject to the following conditions:

- “1. A MAXIMUM OF 40 SEATS BEING PERMITTED AT ANY ONE TIME FOR THE RESTAURANT, INCLUDING THE OUTDOOR SEATING AREA.**
- 2. A TOTAL OF 5 CARPARKING BAYS TO BE MARKED FOR THE EXCLUSIVE USE OF THE RESTAURANT’S STAFF.**
- 3. 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.**
- 4. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION ACT 1986.**
- 5. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATION 1992 (AS AMENDED).**
- 6. IN ACCORDANCE WITH THE PROVISION OF THE CITY OF MELVILLE LOCAL LAWS RELATING TO OUTDOOR EATING AREA, AN APPLICATION FOR AN ALFRESCO DINING LICENCE MUST BE SUBMITTED TO, AND APPROVAL GRANTED BY HEALTH SERVICES, PRIOR TO THE ESTABLISHMENT OF THE OUTDOOR EATING AREA.**
- 7. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. (PLEASE CONSULT WITH HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISY EQUIPMENT SUCH AIR CONDITIONERS).**
- 8. A HEALTH LICENCE IS REQUIRED FOR HIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.**
- 9. THE DEVELOPMENT IS REQUIRED TO PROVIDE PUBLIC TOILETS FOR PATRON USE TO THE APPROVAL OF HEALTH SERVICES.**

**STANDARD CONDITIONS:
COM; 03, 06, 11, 38, 50, 51**

ADVICE TO THE OWNER:

**U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654
(45) ARDROSS STREET, APPECROSS. (ATTACHMENTS) (REC)**

THE OWNER IS ADVISED THAT THE 22 CARPARKING BAYS ON SITE HAVE BEEN ALLOCATED TO THE RESTAURANT AND THE 4 OFFICES WITHIN THE BUILDING AND THEREFORE ANY FUTURE CHANGE OF USE MAY BE CONSIDERED ONLY IF THE NEW USE REQUIRES LESS CARPARKING THAN THAT REQUIRED FOR AN OFFICE OR RESTAURANT.”

Scheme Provisions

MRS Zoning : Urban
CPS 5 Zoning : Community Centre (CCR)
R-Code : R40
Use Type : Restaurant
Use Class : P

Site Details

Lot Area : 1012sqm
Retention of Existing Vegetation : Not Applicable
Street Tree(s) : Not Applicable
Street Furniture (drainage pits etc) : Not Applicable
Site Details : See above image

[U09 0068 May 2009.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 May 2009.

DETAIL

The proposal involves a review and consideration of the carparking requirements for the seating area of the restaurant. Approval issue on 18 March 2008 conditioned the restaurant to a maximum of 40 seats (1 bay for every 4 patrons = 10 bays) including outdoor seating area and 5 bays for the exclusive use of staff.

This application proposes to amend the previous approval into two car parking allocations: one to operate until 6.00 pm weekdays and until 12.00 noon on Saturdays; and another allocation from 6.00 pm weekdays and from 12 noon on Saturdays and all day Sunday.

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable

**U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654
(45) ARDROSS STREET, APPLECROSS. (ATTACHMENTS) (REC)**

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

Council Policy No. 06-024 Car Parking (Non-Residential).requires the provision of *“1 bay per 4 patrons at capacity, plus 1 bay per staff member.”* for a restaurant.

COMMENTS

The existing development provides a total of 22 carparking bays at the rear of the building. A total of 7 bays are required for the offices within the building and 15 bays have been allocated to the restaurant.

The proposal is to increase the number of seats, including the outdoor eating area that has been approved to a maximum of 21sqm. This proposal will increase the existing approved 40 seats to 48 during weekdays and before 12.00 noon on Saturday and a maximum of 68 seats during evenings, Saturday afternoon and Sunday. The additional seats during the evenings, Saturday afternoon and Sunday are to be accommodated in an extended outdoor eating area located on the verge in front of the restaurant.

**U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654
(45) ARDROSS STREET, APPLCROSS. (ATTACHMENTS) (REC)**

The application proposes two different car parking allocations to provide for the increase seating area:

1. Day time weekday and Saturday morning allocation to be as follows:
Offices: 7 bays to be used during office hours 9.00 am to 5.00 pm Monday to Friday.
Restaurant: 15 bays, 3 for staff and 12 for patrons, extending the seating area to 48 patrons.

The previous approval for 40 patrons provided for 5 staff members to be on duty. Only 3 staff members are required; therefore the proposal is to allocate the excess 2 bays to patrons to provide for an increase the number of patrons to a maximum of 48 (48 seats). This allocation is proposed to run every day of the working week until 6.00 pm and until 12.00 noon on Saturdays.

2. Night time weekday (after 6.00 pm) and weekend allocation (after noon on Saturday) to be as follows:
Offices: 0 bays as business hours are from 9.00 am to 5.00 pm weekdays.
Restaurant: 22 bays, 5 for staff and 17 bays for patrons, extending the seating area to 68.

With this increase in patrons the full staff (5 members) will be required. This allocation is proposed to run every day of the working week from 6.00 pm, Saturdays from 12.00 noon and the whole of Sunday.

The applicant advises that the additional 20 seats are to be cordoned off from public use when the 48 seats are operating. No objection is raised to which seats are cordoned off. The may be inside on fine days or outside during inclement weather.

CONCLUSION

The proposal satisfies the parking requirements of Council Policy and the use is compatible with other uses within the Community Centre Precinct. Accordingly, the proposal is supported for conditional approval.

U09/0068 - (JG) INCREASE THE NUMBER OF SEATS FOR RESTAURANT ON LOT 654 (45) ARDROSS STREET, APPECROSS. (ATTACHMENTS) (REC)

OFFICER RECOMMENDATION

APPROVAL

That the application to increase the number of seats for a Restaurant on Lot 654 (45) Ardross Street, Applecross, be approved subject to the following conditions:

SPECIAL CONDITIONS:

1. That during day time weekdays (Monday to Friday) until 6.00 pm and Saturdays until 12.00 noon, a maximum of 48 seats being permitted at any one time for the restaurant, including the outdoor seating area
2. That in accordance with Special Condition 1 above a total maximum of 12 carparking bays to be available for customer use and 3 carparking bays are to be marked for the exclusive use of the restaurant's staff.
3. That during night time weekdays (Monday to Friday) from 6.00 pm, Saturdays from 12.00 noon and Sundays, a maximum of 68 seats being permitted at any one time for the restaurant, including the outdoor seating area.
4. That in accordance with Special Condition 3 above a total maximum of 17 carparking bays to be available for customer use and 5 carparking bays are to be marked for the exclusive use of the restaurant's staff.
5. Special Conditions No. 1 and No. 2 of the Planning Approval DA-2008-164 dated 18 March 2008 being deleted.
6. Remainder of development complying with Development Application DA-2008-164 approved on 18 March 2008, including the date of expiry of the approval.

ADVICE NOTE:

- i) *Any increase in area of the approved Outdoor Eating Area will require a new Outdoor Eating Area Licence from the City of Melville Health Services.*

U09/0069– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 5 MAY 2009

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	32B Willcock Street Ardross	Request received for removal of one street tree to allow construction of a crossover to the new dwelling near completion. The tree is a <i>Lophostemon conferta</i> (Box Tree) in good condition pruned for clearance to the overhead power lines. Special Condition 2 of the Planning Approval DA-2005-970 specifies that the crossover is to be no greater than 40% of the Lot frontage limiting the width to a 4.0m maximum. Plans submitted for the Development Approval details the existing street tree clear of the crossover.	The street tree be retained and the crossover to be constructed in accordance with the approved plans DA-2005-970 dated 12 August 2005 as ample access is available to the property and removal of the street tree will impact on the established streetscape.
2	42 Williams Road Melville	<p>Request received for removal of two street trees as the owner considers they will hinder the demolition and building process. Other issues raised in the submission is that the trees are extremely unsightly, require regular pruning for overhead power lines, surface roots interfere with the reticulation system, dense canopy does not allow lawn to grow, drop small nuts & leaves, attract bees and do not form part of a streetscape. The owner would like to have new trees planted.</p> <p>One tree is a <i>Lophostemon conferta</i> (Box Tree) and the second is a <i>Cinamomum camphora</i> (Camphor Laurel Tree). Both species have been commonly planted as street trees within the City of Melville. There is no common theme of street trees in Williams Road. Street trees are sporadic in this portion of Williams Road and removal of both trees would be detrimental on the streetscape. Notwithstanding, it is not considered reasonable to insist on the retention of both street trees at the property as most properties in tree lined streets within the City do not have two street trees.</p>	<p>Remove of the <i>Lophostemon conferta</i> (Box Tree) nearest to the proposed crossover to reduce the impact on access to the new dwelling is supported. All work by the City of Melville at the applicant's expense - a quotation to be issued.</p> <p>The <i>Cinamomum camphora</i> (Camphor Laurel Tree) is to be retained and protected during the building works.</p>

U09/0069– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 5 MAY 2009

2 (cont)		<p>Planning Approval has been granted and the Building License is currently being assessed. The proposed crossover is located on the southern side of this lot with a 1.0m clearance to the street tree. Removal of this tree nearest the proposed crossover will improve access to the proposed dwelling and improve solar penetration assisting establishment of lawn to the verge.</p>	
3	26 Williams Road Melville	<p>Request received for removal of one street tree. The owner requires removal for development reasons as the lot has been subdivided into two Lots. The tree is a <i>Corymbia ficifolia</i> (WA Red Flowering Gum) is in good condition. The City of Melville supported subdivision on the condition that measures are taken to ensure identification and protection of street verge tree(s) adjacent to the subject land prior to the commencement of site works. Building License BA 2009-184 to construct a two storey dwelling has been issued for the left hand lot detailing this tree clear of the proposed crossover.</p>	<p>The street tree recommended to be retained as there is adequate access for the development and in order to maintain the existing streetscape.</p>

**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

Ward : City Ward
Category : Operational
Application Number : DA-2009-190
Property : Lot 25 (77) North Lake Road, MYAREE
Proposal : Four Garages and Store
Applicant : Imperial Homes Pty Ltd
Owner : Morbrae Pty 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.

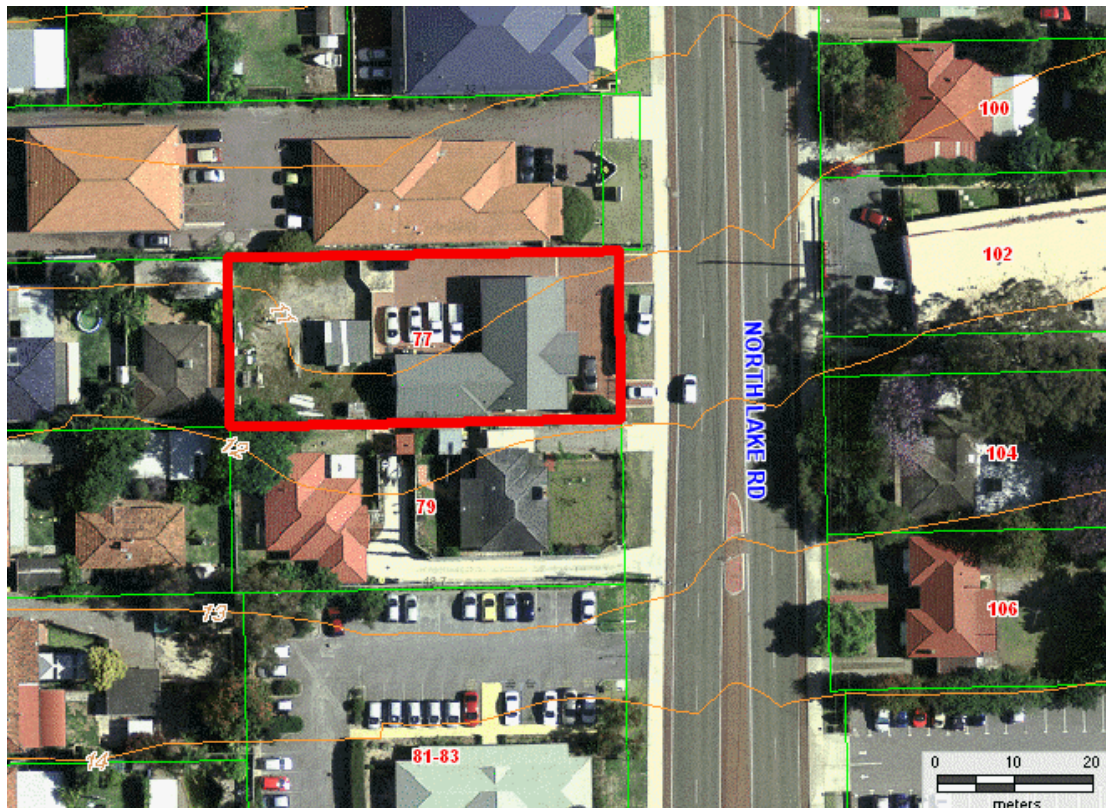
AUTHORITY / DISCRETIONDefinition

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**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Application is for the addition of four (4) garages and storeroom to an existing 'Office' development.
- The application site is located within a Mixed Business Frame Precinct under the provisions of CPS No 5 and the use is classified as "Office", which is a commercial development requiring referral to the Development Advisory Unit in accordance with Council Policy 06-PL-004.
- Additional development requirements apply for Mixed Business Precincts under Council Policy ref No. 28-007 "Additional Development Requirements".
- The application complies with the additional development requirements stipulated under this Policy
- Referral to the Department for Planning and Infrastructure (DPI) is required given North Lake Road is reserved as a Category 2 Other Regional Road(s) under the Metropolitan Region Scheme.
- The DPI has been consulted on the proposal and raised no objections to the proposal.
- Conditional approval is recommended.



**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning : Urban / Other Regional Roads
 CPS 5 Zoning : Mixed Business Frame
 R-Code : R20
 Use Type : 'Office'
 Use Class : Permitted

Site Details

Lot Area : 1081.57 sqm
 Retention of Existing Vegetation : n/a
 Street Tree(s) : n/a
 Street Furniture (drainage pits etc) : n/a
 Site Details : See above image

[U09_0070_May_2009.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 May 2009.

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	1.3	0.147	Complies		
Landscaping	5% (54.08sqm)	9.89% (107.07sqm)	Complies		
Building Height	8.0m (eaves) 10.5m (max)	n/a 3.8m – 5.0m	Complies		
Car parking	10.97 bays	16 bays	Complies		
Fencing	2.0m high masonry abutting residential	2.0m high brick fence	Complies		

**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	6.0m	Existing	Complies		
Rear	0m / Nil	1.6m	Complies		
Side	0m / Nil	0m (south) 2.0 m (north)	Complies Complies		

PUBLIC CONSULTATION/COMMUNICATION

Advertising not required.

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
Reason: Abuts Category 2 'Other Regional Roads' reservation.
Support/Object: Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not uphold)
DPI	The subject property abuts North Lake Road, which is reserved as a Category 2 Other Regional Roads (ORR) in the Metropolitan Region Scheme (MRS). Lot 25 is not affected by the ORR reservation for North Lake Road, as per Western Australian Planning Commission Land Requirement Plan No. 1.3022. There is sufficient space for turning manoeuvrability within the lot to ensure vehicles will be able to enter and exit the site in a forward direction.	Support	Comments from DPI are supported.	Uphold

**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

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

There are no anticipated financial implications.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated financial implications.

POLICY IMPLICATIONS

Policy No. 28-007 – Mixed Business Frame Precinct Additional Development Requirements. The proposed development complies with the development requirements of the above Policy.

Council Policy ref 06-PL-004 “Development Advisory Unit” requires that applications for commercial development are to be referred to the Development Advisory Unit for recommendation. As this application refers to commercial development it requires referral through the DAU process.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable

COMMENTS

The subject property is a former dwelling house that was converted for commercial purposes some years ago. The property is located within a Mixed Business Frame Precinct under the provisions of CPS No 5, which envisages that the area be used primarily for commercial purposes including offices, showrooms, consulting rooms, medical centres and the like. Uses need to be compatible with adjoining residential uses.

**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

In this case the commercial use attached to the subject lot is an existing one for which planning approval already exists. The application under consideration seeks consent for the erection of additional buildings related to the existing authorised use of the site as offices. Whilst the extension of the use is acceptable in principle in land use terms, it is necessary to assess the impact that the additional structures will have upon the amenity of the locality, particularly as the subject site abuts residential property to its immediate south and west.

The Mixed Business Precinct Additional Development Requirements Policy outlines the main considerations that should be taken into account in assessing the acceptability or otherwise of development proposals within the Mixed Business Frame Precincts. These include consideration of plot ratio, setbacks, landscaping, building height, parking and advertising. The proposal has been assessed against the requirements of this Policy and it is concluded that the development is acceptable in that regard.

CONCLUSION

Given that the application is compliant in all respects with the Scheme and Council Policy, it is recommended for conditional approval.

OFFICER RECOMMENDATION:

A) That the application for four garages and store on lot 25 (77) North Lake Road, Myaree be approved subject to the following standard conditions:

- 1. 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.**
- 2. The materials and finishes of the development are to compliment the existing building to the satisfaction of the Manager Planning and Development Services.**
- 3. 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 overflow.**
- 4. During construction access to the lot to be via the street frontage only and that no building rubble be permitted to overspill the site.**

**U09/0070 - (HS) FOUR GARAGES AND STORE ON LOT 25 (77) NORTH LAKE ROAD,
MYAREE (REC) (ATTACHMENT)**

- 5. 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.**
 - 7. The building shall not be used for habitable or residential purposes.**
 - 8. The office use depicted on the approved plan shall not be extended without a further approval from the Council.**
- B) The adjoining property owners to be advised in writing of A) above.**

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant Ward
Category : Operational
Application Number : DA-2008-1550
Property : 6 Fraser Road, APPLECROSS
Proposal : Three Storey Single Dwelling
Applicant : Zorzi Builders Pty Ltd
Owner : L N Piper and S J Piper
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 | when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <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> |

**U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD,
APPLECROSS (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The applicant proposes a masonry and tile single dwelling up to three storey's in height.
- The subject site encroaches the river foreshore reserve and the property is affected by a Metropolitan Region Scheme reservation, which has not been resumed by the State.
- The authority to determine the subject application lies with the Western Australian Planning Commission (WAPC) and not the City.
- The site slopes away from Fraser Road towards the River by approximately 11m.
- This marked change in levels facilitates the construction of the property to present a single storey frontage to Fraser Road and a three storey frontage to the River.
- A gate house and fencing (piers and infill panels) is proposed to Fraser Road.
- The Fraser Road verge in front of the property slopes down to the front boundary line. Therefore view of the building from the street will be minor and mainly of the roof tops of the single storey sections of the dwelling.
- The proposal indicates filling of the lot from 1.0m up to 3.8m along the eastern and western boundaries. The adjoining property to the west is already filled up to 2.75m at the lower end.
- As a consequence of filling, variations to the maximum permissible building height and retaining wall setbacks are required to be considered.
- The development involves considerations under Performance Criteria of the R Codes for building, setbacks, and fill amount (all supported) and Council's Height Policy for maximum building height (not supported)..
- It is recommended that the WAPC be advised of Council's conditional support for the proposal inclusive of a requirement for the height to be reduced to conform with the Precinct development requirements.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD,
APPLECROSS (REC) (ATTACHMENT)



**U09/ - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD,
APPLECROSS (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	1114.59 sqm
Retention of Existing Vegetation	:	Nil
Street Tree(s)	:	Nil
Street Furniture (drainage pits etc)	:	Cycle path
Site Details	:	See above image

[U09_0072_May_2009.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 May 2009.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	55% (557.2 sqm)		Complies		
Building Height	8m to eaves under Scheme 8.8m in accordance with Council Policy. 10.5m max.	8.6m 10.65-10.7m	Complies Does Not Comply. It is recommended that the maximum building heights be reduced to comply with the provisions of CPS No 5. A condition of planning approval should be imposed accordingly.	Any variation to the height would require referral to Council for a Special; Majority decision in accordance with Clause 4.3 of the Scheme to vary the Precinct requirement.	
Carparking	2 bays (1 covered)	4 bays 4 covered)	Complies		
Fencing within the street setback area	Solid to 1.2m above NGL	Below street level.	Complies		
Overshadowing	25% of adjoining neighbour	8%	Complies		
Site Works	500mm fill (refer report)	Between 0.5m and 3.8m fill	Does not comply	MPDS	

(Note: Non compliance is emphasized in bold)

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	7.5 - dwelling 3.0 - garage (where parallel)	16.75 3.98,3.75	Complies Complies		
Rear	6.0	7.4, 8.4	Complies		
Basement Level					
Side (west)					
W1. (alfres, ent, guest suite, c'yard)	1.8	1.2, 1.6	Does not comply	MPDS	
Side (east)					
W1. (afresco)	2.3	6.4	Complies		
W2. (store, pond)	1.6	Nil, 1.713	Does not comply	MPDS	
Ground Level					
Side (west)					
W1. (balcony)	3.5	1.6	Does not comply	MPDS	
W2. (bed1, ens)	1.6	1.6	Complies		
W3. (l'dry)	1.3	1.6	Complies		
W4. (lift, stores)	1.5	1.0, 1.6	Does not comply	MPDS	
W5. (overall)	1.8	3.0, 3.4	Complies		
Side (east)					
W1. (balcony)	3.8	4.5, 7.5	Complies		
W2. (sitting, kit, void)	2.3	3.2	Complies		
W3. (ens, bed4, pond)	1.5	1.713	complies		
First Floor					
Side (west)					
W1. (balcony, dining)	2.9	1.5	Does not comply		
W2. (bed2)	1.4	1.5	Complies		
W3. (garage2)	1.1	1.0	Does not comply	MPDS	
W4. (overall)	3.3	3.0, 5.5, 3.0, 1.5	Does not comply	MPDS	
Side (east)					
W1. (balcony)	5.2	7.5	Complies		
W2. (family)	5.2	3.3, 5.2, 7.5	Does not comply	MPDS	
W3. (cinema, void)	1.8	2.6	Complies		
W4. (study)	1.4	2.1	Complies		
W5. (overall)	3.3	6.6, 10.5	Complies		

(Note: Non compliance is emphasised in bold)

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required in accordance with the R-Codes
 Support/Object: Object

Submission Number	Summary of Submission	Support / Object	Officer's Comment	Action (Condition/Uphold/ Not uphold)
1.	I object to any changes to the limits allowed by the R Codes, as it would heavily and directly affect views of our house over the city and river.	Object	The objector's property is located on the southern side of Fraser Road opposite the application site. As such the proposal will have limited impact towards the objectors property, except in relation to the height and impact on views.. The bulk of the proposed dwelling is sited to the lower northern side adjacent to the river foreshore. The design of the property is considered acceptable in planning terms, subject to a minor change to the roof line to meet the maximum building height permissible under CPS No 5 requirements.	Partially uphold.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

<p>2.</p>	<p>Do not accept the proposed setbacks and levels.</p> <p>We say it is generous because of the bulk and is still the same as the previous application.</p> <p>The lower rear building resembles a commercial office block and departs from the more friendly style of its own front façade of a residential home. The building bulk has been pushed back and down to back up and block off our views.</p> <p>The very long bulky parapet three storey wall kills our main outlook. We are not talking of a river view to the east but a normal view of a reasonable looking next door neighbour's house or residence.</p>	<p>Object</p>	<p>Noted.</p> <p>It is noted that the proposed building has a similar scale and bulk as the 2 grouped dwellings located on the property to the west.</p> <p>Noted. The property has been designed with a single storey section to Fraser Rd. The property to the west is approximately 2.5 -2.75 metres higher than the basement lower level of propoer level, which is at the river end of the lot. The developiment complies with rear setback requirments and acordingly, it would be difficult to refuse the application on the basis of impacts on views.</p> <p>The design incorporates some articulation in the recessed wall for the upper level to reduce impacts of bulk in this facade. It is considered that the outlook for the neighbour is not prejudiced in the manner described.</p>	<p>Not uphold</p> <p>Not uphold.</p> <p>Not uphold</p> <p>Not uphold</p>
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U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

	Why can't the front half of their building look like the bottom half and allow for the integration of court yards and garden areas?		The front of the dwelling onto Fraser Road comprises the main access to and from the proposed property. It is therefore laid out to facilitate access for vehicles to the garage area. If the design of the front mimicked the rear, a three storey façade would have a greater impact on the streetscape in impact further on the local amenity in terms of views to the river and the City.	Not uphold
	When the sun hits their western three level wall our building will take on the full reflection of the sun without any break in that very long lower wall.		The dwelling to the west will shadow the wall referred to in the afternoon.	Not uphold
	The indentations on the floor plans are noted, but they are one layer on top of another layer. This means that there is no real relief when you put it all together. It becomes very clear to you when you view their west side elevation. It is a series of commercial walls.		The level of articulation satisfies the requirements of the R codes.	Not uphold
	It will be a structure that our clients will have to look up at for ever and we feel that that is not right or in keeping with Council Policy for a residential application for a house in this high quality residential area.		The design and external appearance of this dwelling is considered to satisfy the requirements of Council Policy 06-PL-035 Aesthetics Policy and is acceptable.	Not uphold

**U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD,
APPLECROSS (REC) (ATTACHMENT)****REFERRALS TO GOVERNMENT AGENCIES**

A small triangular portion of the application site is reserved for Regional Open Space under the provisions of the Metropolitan Region Scheme. When resumed this will be part of the River Reservation. As this portion of the lot has not been ceded or transferred to the Crown, the authority to determine the subject application lies with the Western Australian Planning Commission (WAPC). Therefore, in this case the Council is required to prepare and submit its recommendation to the WAPC for final determination.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

The applicant may have the right to have the decision of the WAPC reviewed in accordance with Part 14 of the Planning and Development Act 2005.

POLICY IMPLICATIONS

Council Policy 06-026 'Height of Buildings'. The purpose of this Policy is to set out the approach to the measurement of height, limitation of the impact of height on the surrounds, and allowance for taller structures.

Council Policy 06-PL-035 'Aesthetics Policy'. The purpose of this Policy is to assist and guide on the acceptable aesthetic element of proposed development.

Council Policy 06-PL-026 "Height of Buildings", delegated authority exists for the maximum height to eaves to be increased by a maximum of 10%.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable.

COMMENT

This application seeks consideration by the City of a three storey single dwelling on vacant land. The land was cleared in January 2009 when demolition of the original house took place.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

The application site is located in a Living Area Precinct under the provisions of the City of Melville Community Planning Scheme. No 5 (CPS No 5). The dominant land use activity in this Precinct is residential, and the existing immediate streetscape is made up of large single detached two and three storey dwellings. The wider area typically houses executive domestic properties, and its location on the River Foreshore makes it an extremely desirable location for this form of executive residential development.

The application site is bounded by residential properties to the south, west and east, and by the River Foreshore to the north. The site slopes in a northerly direction from Fraser Road down towards the River. There is a marked change in levels across it in the order of 11.0m, and this change in ground level is a direct constraint on the way in which the site can be successfully developed. The design of the proposed property takes advantage of the change in levels across the site to present a single storey element at the higher level facing Fraser Road, and enabling the provision of a three storey structure at the northern end of the site closer to the River. The latter capitalises on the views across the River to the north.

In design terms the proposed residence has the outward appearance of a more traditional dwelling towards Fraser Road, incorporating rendered external walls complemented by clay tiled pitched roofs. Towards the River foreshore the design is more contemporary with an almost flat roof, clean sharp lines, and extensive areas of glazing to capitalise on the River views. This dual design approach respects the character of the streetscape on Fraser Road whilst being more innovative towards the less constrained River foreshore side.

Whilst the property has been designed to comply with the requirements of the R-Codes and CPS No 5, there are a number of variations proposed to the minimum setback requirements for which the applicant seeks approval under the performance criteria of the Codes. The issues these variations pose are as follows:

Building Setbacks

The proposal seeks variations to the side setback requirements of the R-Codes in relation to the boundary walls of the east and west side elevations.

The specific setback variations sought are outlined in the setback table provided earlier in this report, and are assessed against the following Performance Criteria of Clause 6.3.1 of the R codes:

“P1 Buildings setback from boundaries other than street boundaries so as to:

- provide adequate direct sun and ventilation to the building;*
- ensure adequate direct sun and ventilation being available to adjoining properties;*
- provide adequate direct sun to the building and appurtenant open spaces;*
- assist with protection of access to direct sun for adjoining properties;*
- assist in ameliorating the impacts of building bulk on adjoining properties; and*
- assist in protecting privacy between adjoining properties.”*

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

It is considered that in relation to the setback variations sought these are acceptable as they do not result in any significant detriment to levels of residential amenity on the part of the neighbouring properties to the east and west. The reduced setbacks make effective use of the space available whilst maintaining privacy for occupiers and do not result in any significant adverse impact in terms of overshadowing, bulk or ventilation for occupiers of the proposed building or the occupiers of the adjoining properties. In relation to the impacts of these boundary setback variations it is noted that no objections were raised in relation to the proposal from the owners of properties located to the east of the application site.

Site Works

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 suitable building platforms. The objective of the site works requirements of the R-Codes is to preserve the sense of the natural topography of both the site and the locality, with a view to the protection of streetscape and the amenity of adjoining properties, whilst allowing the creation of these "suitable" building platforms.

In this particular case, there is a natural fall of 11.0m from the south of the lot to the north. In order to facilitate development the applicant proposes substantial filling and subsequent retaining along the eastern boundary of the property of approximately 0.5m to 3.0m and 1.0 to 2.0m along the western boundary. This has been designed to ensure that the natural topography of the site is maintained and contributes to the amenity of the streetscape. Retaining along the eastern boundary forward of the adjoining house has been reduced in height and now includes tiered levels with landscaping to reduce the immediate bulk impacts of the retaining wall. In the short term the bulk is further reduced by the existence of significant vegetation in the front setback area of the adjoining property and in the longer term, it is expected that this property will be redeveloped to better capture views to the north over the top of the battleaxe lot at its rear. This redevelopment is expected to raise levels and accordingly expected to further reduce the impact of the retaining wall.

The Acceptable Development requirements of the R-Codes relative to Site Works (6.6.1 A1.4) allow filling behind the front setback and within 1.0m of a common boundary provided it does not exceed 0.5m above the natural ground level at the boundary, except where otherwise 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 relative to Clause 6.6.1 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.

Provided a condition is imposed to require the underpinning of the retaining wall to the eastern side, it is considered that the site works proposed are acceptable when judged against the performance criteria. The development is recommended for approval on that basis.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)**Building Height**

The constraint provided by the natural slope across the site has presented a challenge to the developer, particularly when the maximum height restrictions advocated by CPS No 5 were factored into the development equation.

CPS No 5 dictates a maximum building height in this precinct of 8.0m to eaves, 10.5m maximum. In the process of assessing the impact of this application the detailed plans have been amended to seek compliance with these maximum height requirements. However, there remains a 150 – 200 mm encroachment into the maximum building height requirement of 10.5m which whilst minor, nonetheless requires modification to bring the development fully into accord with Scheme provisions. A suitably worded condition of approval is proposed to achieve this height compliance. The imposition of this condition is consistent with the concerns expressed by the neighbour from 5a Fraser Road. (See submission table of this report).

In addition a small 4.3m length of eave height on the eastern side elevation does, at a height of 8.6m, exceed the maximum eave height tolerance of 8.0m. Under the provisions of Council Policy 06-PL-026 "Height of Buildings", delegated authority exists for the maximum height to eaves within this precinct to be increased by a maximum of 10%. An eave height of 8.8m is therefore acceptable. As the proposed maximum eave height is 8.6m this is acceptable and in accord with Council Policy.

Construction within Council Verge

When the original dwelling was constructed on this lot, retaining wall structures and paving for car parking were constructed within the Council owned verge. This gave the impression that the property boundary extended into the verge area and meters for services such as water were located within the verge. In January 2009 the house was demolished and the majority of these encumbrances within the verge removed except for one retaining wall. This retaining wall is located near the edge of a cycle path and its retention is a hazard. The applicant has installed a temporary security fence between the retaining wall and the path in preparation for the building works.

The applicant has been advised of the need to remove the wall, reinstate the verge levels and relocate the fence to within the property boundary. Should the application be approved, it is recommended that a condition be imposed to require the removal of the retaining wall together with any metres / gauges for the domestic services, and the verge reinstated.

CONCLUSION

With exception to the minor variation to the height proposed, this development suitably satisfies Council's Scheme, Policy and R-Code requirements. Accordingly, subject to conditions inclusive of requiring the dwelling to be reduced in height, it is recommended that the WAPC be advised of Council's conditional support for the proposal.

**U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD,
APPLECROSS (REC) (ATTACHMENT)****RECOMMENDATION****Approval**

That the City advise the Western Australian Planning Commission that the application for a three storey dwelling on Lot 2 (no.6) Fraser Road, Applecross be recommended for approval subject to the following conditions:

Special Conditions

1. The development shall be constructed in accordance with the maximum building height provisions of the City of Melville Community Planning Scheme No 5.
2. All structures related to the previous dwelling housed on the subject lot are to be removed and the verge levels reinstated to their former position in accordance with a scheme to be submitted to and approved in writing by the Manager Planning and Development Services prior to the commencement of the development.
3. Prior to the commencement of the development, all service and utility meters associated with the subject lot are to be relocated to within the property boundary.

Standard Conditions

4. 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 overflow.
5. Ground levels may not be changed other than approved as part of this approval.
6. The external face of all boundary and retaining walls to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.
7. 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.
8. All unused crossover(s) are to be removed and the kerbing and road verge are to be reinstated at the owners full cost to the satisfaction of the Manager Planning and Development Services.

U09/0072 - (CP) THREE STOREY SINGLE DWELLING ON LOT 2 (NO.6) FRASER ROAD, APPLECROSS (REC) (ATTACHMENT)

- 9. All common boundary fencing to be 1.8 metres in height at any point along the dividing boundaries measured 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. Ground levels may not be changed other than approved as part of this approval.**

U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)

Ward : Palmyra/Melville/Willagee Ward
Category : Operational
Application Number : DA-2009-372
Property : 301 Stock Road, PALMYRA
Proposal : Cookers And Trolley Wash Bay
Applicant : Planning Solutions (Aust) Pty Ltd
Owner : D'Orsogna Bros Pty 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 : NA

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> |

U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning consent is sought for an extension to the existing factory complex to provide additional floorspace to the D'Orsogna meat processing operations undertaken from the premises.
- The application site is located within a Planning Control area under the provisions of the Planning and Development Act 2005.
- As such the determining authority is the WAPC, and the City of Melville is required to provide its recommendation on the proposal to the WAPC accordingly.
- Application details comply with the City of Melville Community Planning Scheme No 5, the Metropolitan Region Scheme and Council Policy.
- Application is required to be referred through the Council's DAU process in accordance with the requirements of Council Policy 06-PL-004.
- It is recommended that the City of Melville lends its support for the proposal and advises the WAPC of that support accordingly.



U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban Industrial/Primary Regional Road
CPS 5 Zoning	:	Industrial/Primary Regional Road
R-Code	:	NA
Use Type	:	Industrial
Use Class	:	Industry

Site Details

Lot Area	:	26378.48 sqm
Retention of Existing Vegetation	:	NA
Street Tree(s)	:	NA
Street Furniture (drainage pits etc)	:	NA
Site Details	:	See above image

[U09_0073_May_2009.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 May 2009.

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	1.2	0.41	Complies		
Landscaping	15% of site area	As existing	Complies		
Building Height	Two storeys	Single storey	Complies		
Car parking	1 bay per staff member and 2 bays for customers.	As existing (see comments section below)	Complies		

**U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH
BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)****Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	6m	As existing	Complies		
Rear/Side	Nil	31m	Complies		

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: No
Neighbour's Comment Supplied: NA
Reason: NA
Support/Object: NA

REFERRALS TO GOVERNMENT AGENCIES

Required: No
Reason: NA
Support/Object: NA

STATUTORY AND LEGAL IMPLICATIONS

NA

FINANCIAL IMPLICATIONS

NA

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

NA

U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Council Policy ref 06-PL-004 “Development Advisory Unit” requires that applications for commercial development are to be referred to the Development Advisory Unit for recommendation. As this application refers to commercial development it requires referral through the DAU process.

Council Policy ref 06-PL-024 Car Parking (Non Residential) is relevant in the assessment and determination of this proposal (see comments section of this report).

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Elected members may decide that the application should be recommended for refusal. Should that be the case then the recommendation from the City of Melville to the WAPC in relation to the determination of the proposal will be that the application is refused. The WAPC however, retain the discretion to overturn the recommendation of the City.

COMMENT

The application site is located on the corner of Leach Highway and Stock Road. It comprises an area of some 2.6 hectares, and is bounded by Leach Highway to the north, Stock Road to the east, and industrial activity to the south and west. Access to the site is unchanged by this proposal.

The site houses the activities associated with D’Orsogna Bros Pty Ltd, an industrial meat processing facility. The application seeks consent for an addition to the existing complex of buildings, intended to house new cookers, and provide space for a trolley wash area. The development will upgrade and improve the effectiveness and efficiency of the D’Orsogna operation, and is specifically intended to provide the capacity the company needs to fulfil its obligations for supply contracts to a local supermarket client.

The proposed addition is sited in the north western portion of the complex. Although visible from outside the site, the visual impact of the addition is negligible as the new building is seen against the backdrop of an existing larger structure, and is designed to reflect and complement the character of the existing structure accordingly.

The application site is located within the area designated as Planning Control Area No 80 by the Planning and Development Act 2005. The intent of this designation is to control development within the vicinity of the Leach Highway/Stock Road intersection which is intended to be upgraded as part of the Metropolitan Freight Network Planning Policy. Whilst the final consideration of these Policy implications will be undertaken by the WAPC in their determination of the application, the proposed additions the subject of the current application can be successfully accommodated without prejudice to the intent of this Policy.

U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)

The proposed development has been assessed against the provisions of CPS No 5 and is fully compliant with Scheme requirements.

With regard to the car parking provisions of Council Policy, an industrial use such as this demands the provision of one car parking bay per staff member plus two customer service bays. As the additional space created by this proposal is not intended to support an increase in the number of employees at the D'Orsogna complex, there are no additional car parking requirements applicable.

CONCLUSION

The improvements that will accrue from the development will ensure that the business continues to operate successfully from this site. On that basis and as the details of the proposal are consistent with the requirements of the MRS, CPS No 5 and Council Policy, it is recommended that the Council should offer its conditional support for the proposal to the WAPC.

U09/0073 - (PP) PROPOSED ADDITION TO PROVIDE COOKERS AND TROLLEY WASH BAY ON LOT 10, 301 STOCK ROAD, PALMYRA (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

SUPPORT

That the Western Australian Planning Commission be advised that the City of Melville supports the application for the erection of additions to the existing industrial complex on Lot 10 Leach Highway/Stock Road, Palmyra, subject to the following standard conditions:

1. The development is to be connected to the Water Corporation's reticulated sewerage system.
2. Lighting to be provided to all car parking 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.
3. All sewerage wastes and water pipes to be concealed within the building.
4. 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 overflow.
5. 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.