



— City of —
Melville

REPORTS & RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

16 JUNE 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: 19 JUNE 2009



— 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 9:00 AM ON TUESDAY, 16 JUNE 2009.**

PRESENT

T Capobianco (Presiding member)	A/Manager Planning and Development Services
J Gonzalez	Planning Services Coordinator
P. Prendergast	Planning Services Coordinator
R Jessup	Senior Horticultural Technical Officer
R Bailey	Technical Officer

APOLOGIES

D Vinicombe	Manager Planning & Development Services
D Monteiro	Environmental Health Officer
G. Russell	A/Principal Building Surveyor

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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U09/0092– (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING JUNE 16 2009

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	28 Marcus Avenue Booragoon	Pathway request 110760 for removal of one street tree to allow construction of a crossover to a proposed new dwelling. The City of Melville is currently assessing a building licence application for the construction of a new single storey dwelling on this site, the proposed new driveway of which necessitates the removal of the tree in question. The tree is a small Jacaranda mimosifolia in reasonable condition forming part of an avenue of Jacaranda's along Marcus Avenue. The tree is positioned centrally to the proposed crossover.	It is recommended that the street tree be removed and replaced with one 100 litre Jacaranda mimosifolia. Tree removal should not take place prior to the issue of a Building Licence, and all work will be undertaken by the City of Melville at the applicant's expense. The tree is relatively young therefore removal and replacement with the same species is the best option to maintain the avenue of Jacaranda trees along Marcus Avenue.

U09/0092- (RJ) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING JUNE 16 2009



U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant Ward
Category : Operational
Application Number : DA-2009-95
Property : 3/12 Kintail Road, Applecross
Proposal : Change Of Use – ‘Residential’ To ‘Office’
Applicant : Mr I Graydon
Owner : Ms K A McAuliffe
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 : n/a

AUTHORITY / DISCRETION

Definition

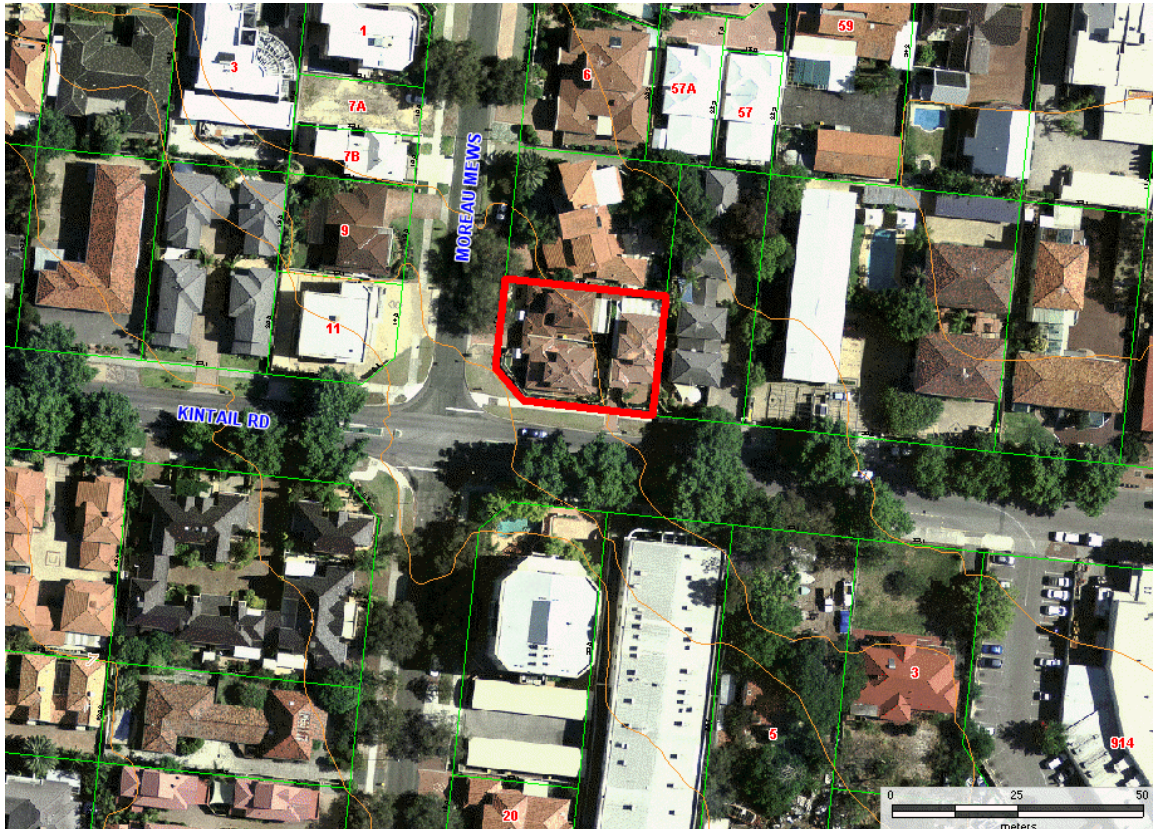
- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending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

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The application is for a change of use from 'Residential' to 'Office' of an existing residential strata unit.
- The strata unit the subject of this application forms one of a group of three strata units.
- The proposed 'Office' use is a 'S' use under Table 1 of CPS No. 5 which means the use is not permitted unless the Council exercises discretion and grants planning approval after advertising in accordance with Clause 7.5(d).
- Application was advertised in accordance with scheme provisions resulting in the receipt of (5) submissions, all of which object to the proposal on the grounds of lack of parking, traffic safety concerns and inappropriate signage.
- Objections are dismissed given that the proposal complies with the parking requirements contained under Policy 06-024 – Car Parking (Non-Residential) and traffic safety impact is deemed to be negligible given the small-scale nature of the 'Office' use. Signage will be the subject of separate planning approval.
- It is proposed that Council exercise its discretion by applying the parking requirements contained under Policy No. 06-024: Car Parking (Non-Residential).
- The subject site is well located relative to a range of public transport services including Transperth bus routes and the Canning Bridge Train Station.
- Designated cycle and pedestrian pathways also run along Kintail Road and the immediate surrounds.
- The proposal complies with all of the development requirements contained under CPS No. 5.
- Conditional approval is recommended.

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: CBF – Commercial Centre Frame
R-Code	: R50
Use Type	: Commercial
Use Class	: Office

Site Details

Lot Area	: 749.744sqm
Retention of Existing Vegetation	: n/a
Street Tree(s)	: n/a
Street Furniture (drainage pits etc)	: n/a
Site Details	: See above image

[U09 0093 June 2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on 19 June 2009.

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Car Parking Policy 06-024: 1 bay/30m ² NLA	2 bays	3 bays	Complies		
CBF Precinct Requirement: 1 bay/15m² GLA	7 bays	3 bays	Does not comply	MPDS	
Plot Ratio	0.6	0.13	Complies		
Front Setback	Min. 6.0m	Existing	Complies		
Landscaping	Min. 25%	Existing	Complies		
Maximum Building Height	11.0m (eaves) 13.5m (maximum)	Existing Existing	Complies Complies		

(Note: Non compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: 'S' use under CPS No. 5 Table 1
Support/Object: Object

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold/Not uphold)
1.	<p>With four offices being planned there could be up to 8-staff being employed plus clients. Where is parking coming from? As there are plans for the verge to be brick-paved are they intended to park there or possibly across the ground in our private visitor car park?</p> <p>The illuminated sign is totally out of order for the area and inappropriate for the location which is currently residential. The intersection on which this property is located has a history of vehicle crashes and having a building on the corner with signs would cause further distractions.</p>	Object	<p>Car parking is provided in accordance with the requirements of Council Policy ref 06-PL-024 "Car Parking (Non Residential) (See further commentary below.)</p> <p>The details have been amended relative to signage, and the proposed illuminated sign has been deleted and replaced with a non-illuminated wall sign of a dimension no greater than 1sqm in size.</p>	Not uphold

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

2.	<p>Our quiet enjoyment will be negatively affected due to increased traffic as well as verge parking that will be both inconvenient and dangerous in the area that already has high traffic flow. This location has experienced numerous accidents and near misses in recent times.</p> <p>I understand that signage will be erected that will detract from the current residential aesthetics of the location.</p>	Object	<p>The introduction of a small-scale office use within this part of the Canning Bridge Commercial Frame area will have a negligible impact on amenity for existing adjacent residents. Refer to comments section below for further explanation on parking and traffic impact.</p> <p>As stated the signage proposed has been amended to comply with Council's requirements.</p>	Not uphold
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U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

	<p>It is our understanding that commercial properties are more strictly regulated with regard to fire hazard rating. We do not look forward to high firewalls being constructed on our border. With increased fire risk, we also envisage higher insurance cost and as we are a triplex, we would be carrying one-third of these costs; very unfair.</p>		<p>With regard to insurances costs, these are matters which must be considered between strata owner/s.</p>	
4.	<p>We estimate that it would be possible to have as many as ten people working in this building if this application was granted. The residential amenity would be detrimentally affected and there would be insufficient parking on-site for staff and clients.</p> <p>Plans also propose brickpaving the verge which would cause disturbance and has traffic safety implications. There has been several accidents on the adjacent intersection with Moreau Mews and we fear this will exacerbate the problem.</p> <p>The illuminated sign for the roof of the building is not acceptable in what is predominately a residential area.</p>	Object	<p>This proposed use is an acceptable one in land use terms within this Commercial Centre Frame. In addition it complies with the Councils car parking requirements.</p> <p>The brickpaving of the verge area is not supported as it does not comply with Council Policy. Council Policy only allows up to 33.3% of a verge to be brickpaved. Regarding traffic safety, the parking requirement of 2-bays is readily accommodated on-site and as such without detriment to the free flow of traffic in the vicinity.</p>	Partially uphold

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

5.	<p>The illuminated sign proposed for the roof of the building would cause me disturbance as the light would shine straight into my bedroom window.</p> <p>It would be possible for the property to have as many as 12 staff if this application was granted. If granted, it would affect the residential amenity in the area as there would be insufficient parking for staff and clients. Also concerned that visitors bays in our apartment block would be used by visitors to the premises.</p>	Object	<p>The illuminated sign originally proposed has been deleted and replaced with a non-illuminated wall sign measuring 1sqm in size. As noted above, the illuminated sign is no longer proposed, being replaced with a non-illuminated wall sign measuring 1sqm in size.</p> <p>Staff or office numbers are not used to calculate parking requirement. Based on the total net amount of floorspace, the proposal is compliant with the Councils car parking requirements.</p>	Dismiss
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REFERRALS TO GOVERNMENT AGENCIES

Referral not required.

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.

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STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

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

This policy exists to control the provision of non residential car parking, and provides detailed guidance relative to the number of off street car parking bays required for a particular land use.

Clause 5.8.1 of CPS No. 5 requires the provision of off street car parking in accordance with Part 4 of the Scheme, and allows discretion to be exercised having regard to Council Policy..

With regard to the subject application, it is proposed that Council exercise its discretion by applying the parking requirements contained under Policy No. 06-024: Car Parking (Non-Residential) (herein referred to as the 'Car Parking Policy'). It is noted that the parking requirements applicable under the provisions CPS No. 5 provide a generalised parking requirement and do not reflect that which is use specific. The purpose of the Car Parking Policy is to provide parking standards which reflect realistic demand based on factors such as operational characteristics, hours of operation and anticipated visitor numbers.

Based on the above, it is deemed appropriate that the parking requirement for the proposal be determined in accordance with the Car Parking Policy. Parking compliance and further justification is provided under the comments section below.

Policy No. 06-017: Bicycle Planning and End of Trip Facilities in Non Residential Areas

Council Policy No. 06-017: "Bicycle Planning and End of Trip Facilities in Non Residential Areas" (herein referred to as the 'Bicycle Planning Policy') provides a set of standards for the provision of bicycle parking and associated facilities at end of trip destinations such as employment and commercial centres to encourage the use of bicycles, thereby reducing dependency on motor vehicles.

The details of this application include for the retention of shower and changing facilities for the benefit of employees of the business in accordance with the provisions of this Policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members have an alternative view, the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

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COMMENTS

Consent is sought for the change of use of an existing residence to an office. The residence in question forms one of a group of three strata units situated on a 749.744sqm corner lot. Two (2) of the strata-lots have direct frontage to Moreau Mews whilst the subject lot, has its frontage facing Kintail Road.

There are three main issues for consideration in the determination of this proposal and these relate to the following:

- whether the proposed change of use is acceptable in principle in land use terms,
- whether the change of use to office can operate from the property without significant detriment to the levels of residential amenity currently enjoyed by owners and occupiers of residences in the vicinity, and
- whether the proposed development satisfies the requirements of the Council with regard to off street car parking provision.

Land Use Considerations.

The subject site is situated within the 'Canning Bridge Frame' under the provisions of CPS No. 5. The wider area is also the subject of the City of Melville Canning Bridge Rail Station Precinct Study. The Council envisages that development within the Canning Bridge Frame locality will be primarily residential in nature but may "...include offices and medical practitioners where privacy of neighbours is respected and design has a residential character".

Whilst the subject site is currently in residential use, the pattern of land use in the immediate vicinity does not reflect this. In reality there are a large number of non residential uses in close proximity, and this pattern of land use is a reflection of the locational advantages that exist for business uses here. These locational advantages are brought about by the areas proximity to good public transport links including the Canning Bridge Rail Station and a number of Transperth bus routes. In addition the availability of readily accessible Public Car Parking and cycle routes makes the area an attractive and sustainable location for non residential uses..

This position is reinforced by the Canning Bridge Rail Station Precinct Study. This study forms part of the State Government's "Network City: Community Planning Strategy for Perth and Peel" program that was launched in 2004. Network City examines ways of managing population growth through to 2030, by promoting increased employment and other activities at local and regional centres that are linked to key public transport services. This initiative includes Transit Oriented Development (TOD), comprising a mix of residential, office, retail and other land uses that encourage local residents to travel by public transport. The Canning Bridge Study area which includes land within the neighbouring City of South Perth, the Rail Station itself and an area within the City of Melville is potentially promoted as an 'activity centre' in the context of Network City, where a range of activities are encouraged in the vicinity of transit stations, providing an opportunity to foster transit oriented developments.

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The use of the subject property as an office is generally consistent with the objectives of CPS No 5 and the draft Canning Bridge Study. In land use terms therefore the proposal is supported.

Parking and Traffic Impact

It is proposed that Council exercise the discretion available under clause 5.8.1 of CPS No 5 to vary the level of car parking advocated within the Precinct Development Requirements of Part 4 of the Scheme, in favour of the standards advocated under Council Policy ref PL-024 "Car Parking (Non Residential)..

Under the provisions of this Policy, the parking requirement for an office use is two (2) bays based on a rate of 'one bay per 30sqm net lettable area (NLA)'. The proposal provides sufficient space to park three (3) vehicles, one within the front setback and two in tandem in the existing carport, therefore exceeding the minimum requirement of two (2) bays required under the Council Car Parking Policy.

Notwithstanding this, a number of representations have been received from neighbouring residents expressing concern with regard to parking and traffic safety. Specific reference has been made to the number of individual offices proposed within the subject property, and the number of staff likely to be accommodated as a result. In relation to the application of Council Car Parking Policy the method used to determine car parking requirements relies on a measurement of floor area, not an appraisal of the number of individual office rooms or the likely number of staff proposed to be employed.

The provision of three car parking bays will provide the property with more than sufficient car parking off the street in accordance with the requirements of Council Policy. This, coupled with the fact that the application site is so well located in relation to public transport, cycle paths, and local car parking facilities in the form of paid car parks and roadside parking, means that the use should be able to operate successfully from this site without detriment to the free flow of traffic or without prejudice to road safety.

Residential Amenity

It is considered that a small scale office use such as this can operate side by side with residential uses without detriment to amenity levels. This view is reached on the basis that the number of vehicle movements to and from the office premises is commensurate with that associated with the existing residential use, there are no external alterations proposed, and as the environment of the locality is not solely residential in character there should be more tolerance for non residential development.

CONCLUSION

Given that the application is compliant in all respects with the provisions of the Scheme and Council Policies, it is recommended that conditional approval be granted.

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVED

A) That the application for change of use of 'Residential' to 'Office' on Lot 1 (Unit 3 No. 12) Kintail Road, Applecross be approved subject to the following special and standard conditions:

Special Conditions:

- 1. No more than 33.3% of the Kintail Road road reserve (i.e. verge) is to be paved.**
- 2. Vehicle parking is not permitted on the road reserve.**
- 3. The proposed signage as marked in 'RED' on the approved plans do not form part of this approval.**

Standard Conditions:

- 1. A separate application for Planning Approval and a Signs Licence is required for all signage.**
- 2. The development complying with any amendments and notations marked in 'RED' as shown on the approved plans.**
- 3. 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.**
- 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 overfill.**
- 5. Rubbish storage area to be provided and screened from public view to the satisfaction of Manager Planning and Development Services prior to occupancy. This area is not to be located within the parking or landscaping area.**

U09/0093 - (HS) CHANGE OF USE - RESIDENTIAL TO OFFICE ON LOT 1 (UNIT 3 NO. 12) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

6. During construction access to the lot to be via the street frontage only and that no building rubble be permitted to overspill the site.

7. 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. The parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the City of Melville Plan Nos 102A2-80E/1 (concrete commercial crossover), 423A2-87E (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay for where any damage is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost or such damage or alteration. A concrete apron having width of 0.75 millimetres must be installed between a brick paved crossing and the bitumen surface of a road The cost of damage to a street tree will be determined in accordance with the “Tree Amenity Valuation Formula” adopted by the Council in September 1994.