



— City of —  
**Melville**

**REPORTS AND RECOMMENDATIONS**

**FROM THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**25 NOVEMBER 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: 28 NOVEMBER 2008**



— City of —  
**Melville**

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**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 1:30PM ON TUESDAY 25 NOVEMBER 2008**

**PRESENT**

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

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

**APOLOGIES**

T Capobianco

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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**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | Applecross/Mount Pleasant Ward  |
| Category                   | : | Operational   |
| Application Number         | : | DA-2008-858   |
| Property                   | : | 45 Ardross Street, Applecross   |
| Proposal                   | : | Three Storey With Undercroft Mixed Use Development  |
| Applicant                  | : | Tuscom Subdivision 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        | : | Mr David Vinicombe<br>Manager Planning and Development Services                                 |
| Previous Items             | : | Not Applicable  |

**AUTHORITY / DISCRETION**Definition

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

**KEY ISSUES / SUMMARY**

- The application is for a new 3 storey mixed use (4 multiple dwellings and non-residential carparking) plus addition of a second storey office (over existing commercial building) development with undercroft and ground floor carparking.
- The development proposes a non-residential plot ratio of 0.33 in lieu of 0.3. The residential plot ratio is 0.508 and the total plot ratio is 0.838. Maximum plot ratio permitted is 0.9.
- 6 submissions were lodged, 4 against the proposal (including 1 multi signature letter with 174 signatures) and 2 submissions supporting.
- The proposal complies with the maximum height limit of 10.5m.
- The application is recommended for conditional approval.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)****BACKGROUND**

The Development Advisory Unit on 18 March 2008 approved a change of use from shops to restaurant allocating 22 bays to the existing building, 15 for the restaurant and 7 for the existing offices.

**Scheme Provisions**

|              |  |
|--------------|--|
| MRS Zoning   | : Urban  |
| CPS 5 Zoning | : Community Centre Precinct (CCR)                                  |
| R-Code       | : R40  |
| Use Type     | : Office / Residential   |
| Use Class    | : "P" use – Permitted Use / "D" use – Council discretion required. |

**Site Details**

|                                      |   |
|--------------------------------------|---|
| Lot Area                             | : 1012 sqm                                  |
| Retention of Existing Vegetation     | : Not Applicable                            |
| Street Tree(s)                       | : Three (2) small trees, McDonald Road      |
| Street Furniture (drainage pits etc) | : None                                      |
| Site Details                         | : <a href="#">U08_0277_PROPERTY_MAP.pdf</a> |

[U08\\_0277\\_November\\_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 28 November 2008.

**DETAIL**

The application proposes to build a new three (3) storey mixed use building, comprising 4 multiple dwellings (2 on the second storey and 2 on the third storey), carparking for non-residential uses (commercial) on the ground floor and basement carparking. The carparking on the ground floor proposes 17 carparking bays and additional carparking is proposed in the basement for 13 bays more. A total of 30 carparking bays is proposed. One (1) additional office is proposed to be located on the second storey of the commercial building that faces Ardross Street.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**Development Requirements**

| Development Requirement | Required / Allowed | Proposed     | Comments               | Delegation to approve variation | Plan Notation |
|-------------------------|--------------------|--------------|------------------------|---------------------------------|---------------|
| Open Space              | N/A                |              |                        |                                 |               |
| Plot Ratio              | 0.9                | 0.838        | Complies               |                                 |               |
| Residential             | 0.6                | 0.508        | Complies               |                                 |               |
| <b>Non-residential</b>  | <b>0.3</b>         | <b>0.330</b> | <b>Does Not Comply</b> | <b>MPDS</b>                     |               |
| Landscaping             | N/A                |              |                        |                                 |               |
| Building Height         | 10.5m              | 10.5m        | Complies               |                                 |               |
| Carparking              | 28 bays            | 29 bays      | Complies               |                                 |               |

(Note: Non compliance is emphasised in bold)

**Setbacks**

| Wall                            | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|---------------------------------|----------|----------|----------|---------------------------------|---------------|
| Front                           | Nil      | Nil      | Complies |                                 |               |
| Secondary Street (Buckley Lane) | Nil      | 1.5m     | Complies |                                 |               |
| Rear                            |          |          |          |                                 |               |
| GF                              | Nil      | Nil      | Complies |                                 |               |
| 2 <sup>nd</sup> storey          | 1.5m     | 3.8m     | Complies |                                 |               |
| 3 <sup>rd</sup> storey          | 1.9m     | 3.8m     | Complies |                                 |               |
| Side Ardross Street             |          |          |          |                                 |               |
| 2 <sup>nd</sup> storey          | Nil      | 3.0m     | Complies |                                 |               |

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: "D" use – Council discretion required.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

Support/Object: 6 submissions: 2 supporting and 4 objecting (including a multi-signature letter with 174 signatures).

Please refer to submissions table attached to this report.

**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-PL-024 Car Parking (Non-Residential) – compliant.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The proposal was however presented to the Workshop held on 20 November 2008.

Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit. Although this Policy is in many regards overridden by the R-Code and Scheme provisions (as per legal advice), it still has relevance in guiding the assessment and calculation of the value of community benefits and determining the application of offsets.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

Policy No. 25-PL-002 Arts and Culture. This Policy requires all major commercial developments to provide public art to the value of 1% of the development cost.

**COMMENTS**

The current proposal raises the following matters for consideration.

Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. The planning tool aims to provide some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development.

The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

In this regard, for residential development, the definition includes the area of walls and provides for a number of exclusions which still add to the bulk of a building. Exclusions for residential development include areas for lifts, stairs or landings for more than one dwelling, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used for parking at or below natural ground level, lobbies or amenity areas common to one or more dwellings, balconies or verandahs open on at least two sides.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, plot ratio for commercial development also excludes external walls of the commercial building, plant rooms, lift shafts, stairs, toilets and amenities and all floor areas for vehicle parking, whether at or below ground floor or above.

The plot ratio “as of right” (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

The “as of right” plot ratio (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding. Legal advice from Council’s Solicitors indicates that the plot ratio requirement of Community Planning Scheme No 5 work in hand with the requirements of the Residential Design Codes. As of right, mixed use developments within the Community Centre Precinct (CCR) can achieve a plot ratio of 0.6 for the residential component (relative to R40 development) and 0.3 for non residential development (total plot ratio of 0.9). In addition, the “as of right” plot ratio requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application.

The development proposes a non-residential plot ratio of 0.330 (334.22 sqm) which is 30.62 sqm more than the 0.3 maximum (303.6 sqm) in the Community Centre Precinct (CCR). The residential component proposes a plot ratio of 0.508 (513.8 sqm), which is 93.4 sqm less than the maximum 0.6 (607.2 sqm) permitted. The combined plot ratio equates to 0.838 (848.02 sqm), which is 62.78 sqm less than the maximum 0.9 (910.8 sqm) permitted “as per right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

The variation to the non-residential plot ratio requirement under the CCR Precinct requirements in Part 4 of the CPS No 5 requires a Special Majority decision of Council under Clause 4.2(d). The Scheme requires that such a decision take into account considerations under Clause 7.8 of the Scheme and ensure that the non-compliance will not have an adverse affect on the occupiers or users of the development, inhabitants of the locality or the likely future development of the locality. In this regard, the variation of 30.62 sqm for the commercial component is minimal and unlikely to have any adverse affect.

Clause 7.8 of Community Planning Scheme No. 5 includes a number of matters to be taken into account when considering planning applications, such as the objectives of the Scheme, orderly and proper planning and existing and future amenity of the area. In this regard, the proposal is considered to be consistent with the following:

- a) The Statement of Intent for the Community Centre Precinct (CCR) indicates that medium density residential may be included to take advantage of facilities. In this regard, the proposal is located on the border of the Community Centre Precinct (CCR) next to the facilities offered by the Applecross Village.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)**

- b) Orderly and proper planning for the locality - the development is not considered to be inconsistent with the development and streetscape trends emerging within the locality. It could be considered that the three storey height is inconsistent with the existing predominant housing form of the locality, however, CPS No 5 provides for 3 storey development within the height limitation of 10.5m within both the Community Centre Precinct (CCR) and the adjoining Living Area A1 (Applecross 1) Precinct and, as indicated above, three storey development is an emerging trend within the locality.
- c) Existing and future amenity of the locality along within the Community Centre Precinct (CCR). See comments at b) above.

In the context of the above, it is considered that the minor variation to the commercial component of the development is consistent the current expectations for development within the locality. Although, the commercial component of the development exceeds the basic as of right allowance by 30.62 sqm, as the combined plot ratio is 62.78 sqm less than the maximum "as of right" plot ratio, it is considered that a contribution to community benefits in accordance with Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit is not applicable. Notwithstanding, in accordance with the Policy, provision of public art may offset any plot ratio benefit gained by the development (1% in accordance with Council Policy No. 25-PL-002 Arts and Culture).

Accordingly, the proposed plot ratio is supported.

Car Parking

In accordance with the Residential Design Codes a total of 8 carparking bays are required for the 4 multiple dwellings, which may be reduced to 4 bays where on-site parking required for other users is available outside normal business hours. No visitor bays are required for the residential development in accordance with the Residential Design Codes as only 4 dwellings are proposed.

In accordance with the City of Melville Policy No. 06-PL-024 Car Parking (Non-Residential), 24 bays would be required for the non-residential component (offices).

The total parking requirement is 28 bays. The development proposed 30 bays, however in order for the parking area to comply with Australian Parking standards relative to vehicle manoeuvring, one bay at the rear of the basement parking area has been deleted (bay no. 9) and converted to a reversing bay. Accordingly, the result is that 29 bays are available.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)**

A total of 4 bays for the residential development and 4 after business hours will be available on the basement plus additional 4 bays for the commercial component. All of these proposed bays are contained behind security gates. Seventeen (17) carparking are located at ground level.

A mature tree within the property and transformer is located in the area of the ramp to the basement. It is recommended that a replacement tree be provided in the MacDonald Street verge and that the transformer be relocated at the owner's expense.

### Traffic

Based on NSW Roads and Traffic Authority standards, the total vehicular trips generated by the proposed development should be in the order of 6 (5 to 6.5) vehicle trips per day (VTPD) per dwelling and 10 VTPD per 100 sqm of offices. Accordingly, the proposed 4 multiple dwellings will generate 24 VTPD and the 70.62 sqm of the new office will generate additional 7 VTPD. A total of 31 VTPD (vehicle trips per day) is considered to have no significant impact on McDonald Road / Ardross Street.

Traffic volumes counts in 2003 were 1694 Average Weekday Traffic (AWT) along Ardross Street (55 m north of the subject property) and 830 AWT on McDonald Road in 2001 (at front of subject property).

The total traffic volume generated by the proposal is only 1.8% of the traffic along Ardross Street and 3.7% along McDonald Road in relation to those years stated above.

### Height of the Building

The application proposes a maximum building height of 10.5 metres in compliance with the requirements of the City of Melville Community Planning Scheme No. 5.

At the present, there is not a 3 storey building within the Applecross Village Community Centre Precinct. The maximum heights developed are 2 storeys for 3 buildings within this Precinct. However a 3 storey residential building with 8 units is located on 108 Tweeddale Road, which is adjacent the north side of the Applecross Village CCR.

### Bin Storage

A bin storage area is proposed in the ground floor next to the foyer. It is proposed that a condition be required for the suitable collection of bins from the site.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**Landscaping

No landscaping is required under the Residential Design Codes for mixed use developments. Notwithstanding, the CCR Precinct requires the provision of 10% landscaping for non-residential development. In this context, the property contains non-residential development which attracts a landscaping requirement of 101 sqm. A total of 45 sqm landscaping is provided, which represents a variation of 56 sqm. In order to address this matter it is proposed that landscaping on the MacDonald Street verge be upgraded inclusive of the provision of 2 Jacaranda *mimosifolia* trees. In addition, it is noted that one of the existing trees on the verge is in poor condition and will need to be removed and replaced.

Privacy

The application proposes windows facing west, from ensuite, master bedroom, kitchen and dining. Also, the end of a balcony faces the west boundary, which adjoins Buckley Lane.

Buckley Lane has a width of 6.0m and the proposal has a setback of 1.5m. Accordingly, the distance of the windows and balcony to the western boundary of Buckley Lane is 7.5m which is in compliance with the privacy requirements of the Residential Design Codes.

Some submissions make reference to potential for overlooking from balconies to the dwellings across the road. However these balconies are also in compliance with the Visual Privacy requirements of the Residential Design Codes..

Crime Prevention through Environmental Design Assessment

The application has been assessed against Crime Prevention through Environmental Design (CPTD) principles adopted by the WA Planning Commission. The development already includes a security gate to the basement parking area. Use of security lighting and camera surveillance will improve compliance with these requirements. A condition in this regard is accordingly proposed.

Submissions

Six (6) submissions have been received, 2 are supporting and 4 objecting the proposal (including a multi-signature letter with 174 signatures). The submissions in support express concerns in relation to Visual Privacy, however the proposal complies with the Residential Design Codes in that regard.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)**

The submissions objecting mainly refer to height of the building being of 3 storeys which is out of character in relation to existing buildings within Applecross Village. The multi-signature letter states *“There is a wide acceptance for the office fronting Ardross Street but not the three storey residential component of the proposal.”* This matter is addressed in detail in the Schedule of Submissions (attached) and above in comments on orderly and proper planning under the Plot Ratio section of this report.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may refuse the application should it be considered that the development does not comply with the provisions of the City of Melville Community Planning Scheme No. 5 or have specific concerns relative to the height and number of storeys proposed by the development. However the proposal complies with the maximum plot ratio of 0.9 based on the Council’s legal interpretation, complies with the maximum height in accordance with the CPS No 5 and with the requirements of the Residential Design Codes. Therefore a refusal may result in an appeal to the State Administrative Tribunal (SAT) which may be difficult to defend.

**CONCLUSION**

In view of the above and the development satisfying in general the City of Melville Community Planning Scheme No. 5 and the Residential Design Codes, the proposal is supported for approval subject to appropriate conditions. This matter requires referral to Council for determination given the significant number of objections raised against the proposal, particularly in regards to the three storey height and as the variation to the plot ratio for the commercial component requires an Absolute Majority decision of the Council.

**OFFICER RECOMMENDATION****REFERRAL**

**THAT THE APPLICATION FOR THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS BE REFERRED TO THE NEXT AVAILABLE COUNCIL MEETING WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO CONDITIONS:**

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION**

**ABSOLUTE MAJORITY APPROVAL**

- A) THAT COUNCIL VARY POLICY 06-PL-036 RELATIVE TO THE DECISION MAKING PROCESS THE APPLICATION FOR THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

**SPECIAL CONDITIONS:**

- 1. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 2. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) RELATIVE TO CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES DETAILING HOW IT IS PROPOSED TO MANAGE:**
  - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
  - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
  - THE PARKING ARRANGEMENTS FOR EXISTING BUSINESSES ON SITE CONTRACTORS AND SUBCONTRACTORS;**
  - IMPACT ON TRAFFIC MOVEMENT AND;**
  - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
- 4. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.**

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

- 5. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE BY THE EXECUTIVE MANAGER ENGINEERING SERVICES PRIOR TO COMPLETION OF THE DEVELOPMENT.**
- 6. THE PROVISION OF TWO (2) NEW AND ONE (1) REPLACEMENT JACARANDA *MIMOSIFOLIA* TREES IN THE MCDONALD STREET VERGE AREA OF THE SUBJECT PROPERTY IN 200L CONTAINERS, AT THE APPLICANTS / OWNERS FULL COST TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED STREET TREES AND LOCATION TO BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN STATED IN SPECIAL CONDITION 5.**
- 7. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 8. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 9. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 10. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

- 11. PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE ADJACENT PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.**
- 12. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.**
- 13. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 14. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
- 15. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
- 16. DETAILS OF THE PUBLIC ART, TO THE VALUE OF 1% OF THE DEVELOPMENT COST, AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)

17. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
18. RELOCATION OF THE TRANSFORMER LOCATED ALONG BUCKLEY LANE AT THE ENTRY OF THE BASEMENT CARPARKING, AT THE OWNER EXPENSES AND THE NEW LOCATION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

STANDARD CONDITIONS:

19. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
20. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
21. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
22. 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.
23. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.
24. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4SQM AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.

**U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

25. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
26. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
27. 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.
28. 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.
29. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.

#### FOOTNOTES

30. WITH RESPECT TO SPECIAL CONDITION 7, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.

U08/0277 - (JG) THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)

31. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.
- B) THOSE THAT MADE SUBMISSIONS ON THE PROPOSED THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPLECROSS, BE ADVISED IN WRITING OF (A) ABOVE.

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward  
Category : Operational  
Application Number : DA-2008-804  
Property : 9-11 Willcock Street, ARDROSS WA 6153  
Proposal : Two Storey Office With Undercroft Carpark And Loft  
Applicant : Private Horizons Planning Solutions  
Owner : Honest Holdings 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 : Nil

**AUTHORITY / DISCRETION**

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

**KEY ISSUES / SUMMARY**

- Proposal is for a 2 storey office development with loft storage area and undercroft car parking facility.
- Car parking for a total of 23 vehicles is provided.
- The subject lot is a cleared vacant site located within the Commercial Centre Frame.
- Site area is 1295 sqm.
- The development proposed is in accordance with the requirements of CPS No 5 and Council Policy.
- The application has been advertised in accordance with Scheme requirements.
- No submissions were received.
- Proposal has been referred to an Elected Member's Workshop.
- Recommended for conditional approval.

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

|                                      |   |   |
|--------------------------------------|---|---|
| Lot Area                             | : | 1295 sqm                                  |
| Retention of Existing Vegetation     | : | N/A                                       |
| Street Tree(s)                       | : | N/A                                       |
| Street Furniture (drainage pits etc) | : | N/A                                       |
| Site Details                         | : | <a href="#">U08_0280_PROPERTY_MAP.pdf</a> |

[U08\\_0280\\_November\\_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 28 November 2008.

**DETAIL**

Planning consent is sought for the erection of a 2 storey office building. It is proposed to provide a suite of offices intended as the headquarters of Atrium Homes. An undercroft basement car park with 11 bays is provided as well as a further 7 bays within the front setback area onto Willcock Street and 5 bays within the rear setback area between the proposed building and the rear right of way (ROW).

**Development Requirements**

| Development Requirement | Required/ Allowed | Proposed    | Comments | Delegation to approve variation | Plan Notation |
|-------------------------|-------------------|-------------|----------|---------------------------------|---------------|
| Plot Ratio              | 0.6               | 0.484       | Complies |                                 |               |
| Landscaping             | 25%               | 25.3%       | Complies |                                 |               |
| Building Height         | 8m (eaves)        | 8m (eaves)  | Complies |                                 |               |
|                         | 10.5m (max)       | 10.5m (max) | Complies |                                 |               |
| Car parking             | 16 bays minimum   | 23 bays     | Complies |                                 |               |

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

**Setbacks**

| Wall      | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|-----------|----------|----------|----------|---------------------------------|---------------|
| Front     | 6m       | 12.6m    | Complies |                                 |               |
| Rear      | Nil      | 5.5m     | Complies |                                 |               |
| Side West | 2m       | 5m       | Complies |                                 |               |
| Side East | Nil      | 1.5      | Complies |                                 |               |

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: No  
 Reason: "S" use (office) - Council discretion required following advertising.  
 Support/Object: No submissions were received in response to the advertising undertaken.

**REFERRALS TO GOVERNMENT AGENCIES**

Not Applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

**POLICY IMPLICATIONS**

The following Council Policies are of direct relevance in the determination of this Planning Application:

Policy No. 06-PL-024 "Car Parking (Non-Residential)" – The proposal is compliant with the provisions of this Policy.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications which generally comply are to be referred to an Elected Members Workshop and thereafter to the Development Advisory Unit with a recommendation. The details of this proposal were presented to an Elected Members Workshop on 20<sup>th</sup> November 2008.

Policy No. 25-PL-002 Arts and Culture. This Policy requires all major commercial developments to provide public art to the value of 1% of the development cost.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Not applicable.

**COMMENT**

This application seeks consent for the erection of a 2 storey office development with undercroft car parking and a loft storage area on this vacant and cleared block located on Willcock Street in Ardross. The lot has a second frontage onto a right of way (ROW).

The application site is generally level. It is bounded by an existing office development to the east and by a residential property to the west. To the north (beyond ROW) is the main Riseley District Centre (with its range of retail, restaurant and commercial uses) and to the south across Willcock Street there is a predominance of residential uses.

The site is located in the Riseley Commercial Centre Frame under the provisions of the City of Melville Community Planning Scheme No 5 (CPS No 5). It is anticipated that development in this area will be primarily residential in land use terms "but may include offices.....where privacy of neighbours is respected and design has a residential character".

The proposed office development is designed to reflect the residential character of the neighbourhood, it being of traditional 2 storey design with masonry brickwork, decorative columns, arched style Georgian fenestration to the principle elevation, balustrading, and a pitched tiled roof incorporating hipped features

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

On the secondary rear elevation, the proposed building lacks the detail included on the front elevation and this results in an imbalance between the two facades to the detriment of the overall appearance of the development. It is recommended that a condition of approval be imposed to require the submission of a scheme to articulate the appearance of the rear elevation. This can be achieved via the introduction of a more varied palette of materials to reflect that proposed for the front elevation.

The development complies fully with the provisions of CPS No 5 and Council Policy. To that end a more than adequate level of car parking is proposed, some in an undercroft parking area and the remainder to the front and rear of the building. This takes advantage of the dual frontage that exists on this lot, and capitalises on the links that will result between the site and the adjacent District Centre once the development is operational.

With the exception of access to the open car parking bays located off the ROW, access to the site for staff and visitor vehicles, and service deliveries, will be taken from Willcock Street via a vehicle access drive that will service the undercroft parking area. Access to the open parking bays located within the front setback area is also taken from Willcock Street. Vehicle movements through the site can only take place from Willcock Street and the layout of the development will dictate that traffic flows are one way only with the egress point onto the rear ROW.

A Traffic and Parking Impact Assessment was submitted in support of the application. This report was in turn assessed by the Council's Traffic Engineers who have considered the implications of the proposal in the context of local traffic levels and vehicle movement and are supportive of the proposal in principle.

**DEVELOPMENT REQUIREMENTS****SETBACKS**

In relation to the development requirements the proposal is designed to satisfy the setback requirements of the Riseley Frame document and Clause 5.7 of CPS No 5. In consideration of the existence of a residential property to the west, the building is setback 5m from the western side boundary. This will safeguard levels of residential amenity for occupiers of that residence.

**LANDSCAPING**

The proposal also incorporates landscaping provision in accordance with Scheme requirements. The applicant was receptive to a request to increase the space made available for the planting of mature tree species within the rear setback area. To that end the configuration of car parking bays was adjusted to accommodate the space needed to house such trees. Their inclusion will assist in the assimilation of the building within the street scene in the interests of visual amenity. A condition of planning approval should be imposed to require the landscaping details, including plant species and densities, to be submitted for future approval.

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

**BUILDING HEIGHT**

The building is designed to accord with the maximum building height provisions of CPS No 5. As the building is of traditional design with a pitched roof, the maximum height of the walls to eaves is 8m from natural ground level, and the overall maximum height to ridge is 10.5m. This is in accordance with Council's requirements.

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTD) ASSESSMENT**

The proposal has been assessed against these principles as adopted by the WA Planning Commission. The development incorporates security measures such as gates to the undercroft car parking area. The use of security lighting and camera surveillance should be the subject of a planning condition.

**PLOT RATIO**

A plot ratio of 0.484 is proposed which is less than the ratio of 0.6 permissible under the provisions of CPS No 5. This means that there is less developed area within the lot which enables the provision of circulation space around the building, including the provision of landscaping and open parking areas which frame the built development in the interests of visual appearance.

**CONCLUSION**

In view of the above and on the basis that the development proposed is in accordance with the provisions of the CPS No 5 and Council Policy, it is recommended that the development is approved subject to appropriate conditions.

**OFFICER RECOMMENDATION.**

**THAT THE APPLICATION FOR A TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS**

**SPECIAL CONDITIONS:**

- 1. DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 2. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTD) RELATIVE TO CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

3. **PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**
  - **THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
  - **THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
  - **THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
  - **IMPACT ON TRAFFIC MOVEMENT AND;**
  - **OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
  
4. **DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.**
  
5. **A DETAILED LANDSCAPING AND RETICULATION PLAN FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE TO BE SUBMITTED TO AND APPROVED IN WRITING BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO COMPLETION OF THE DEVELOPMENT. THE PLAN SHOULD INCLUDE REFERENCE TO THE PROVISION OF CONCRETE OR BRICK PAVED VEHICLE CROSSOVERS CONSISTENT WITH COUNCIL REQUIREMENTS.**
  
6. **SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE WASTE SERVICES MANAGER.**

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

7. EXISTING CROSSOVERS NOT REQUIRED BY THIS DEVELOPMENT BEING CLOSED AND VERGES REINSTATED TO THE SATISFACTION OF THE EXECUTIVE MANAGER ENGINEERING SERVICES.
8. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS.
9. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
10. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
11. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
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13. DETAILS OF THE PUBLIC ART, WITH A MINIMUM VALUE OF 1% OF THE DEVELOPMENT, AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE, TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
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16. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.

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18. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
19. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
20. 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.
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22. 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 4M<sup>2</sup> AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.
23. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE WILLCOCK STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
24. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.

**U08/0280 - (PP) TWO STOREY OFFICE WITH UNDERCROFT CARPARK AND LOFT ON LOT 888, 9-11 WILLCOCK STREET, ARDROSS (REC) (ATTACHMENT)**

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26. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
27. 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.
28. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.

**FOOTNOTES**

1. WITH RESPECT TO SPECIAL CONDITION 6, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.
2. APPLICANT BE ADVISED THAT THE PROVISION OF WINDOWS ON THE EAST SIDE ELEVATION AND THE EASTERN FLANKS OF THE FRONT AND REAR ELEVATIONS AND THE BALCONY TO THE FRONT ELEVATION, MAY NOT ACCORD WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA 2008 VOLUME 1 PART C3. YOU ARE RECOMMENDED TO SEEK ADVICE IN THIS REGARD FROM CITY OF MELVILLE BUILDING SERVICES.

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | Applecross/Mt Pleasant  |
| Category                   | : | Operational   |
| Application Number         | : | DA-2008-699   |
| Property                   | : | Lot 600 (764) Canning Highway Applecross  |
| Proposal                   | : | Signage   |
| Applicant                  | : | Kingman Visual  |
| Owner                      | : | Peters Investments 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<br>Manager Planning and Development Services                                 |
| Previous Items             | : | U07/0231 (DA-2007-848)  |

**AUTHORITY / DISCRETION**

|                  |  |
|------------------|--|
| Advocacy         | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>  |
| 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>  |
| Legislative      | <i>includes adopting local laws, town planning schemes &amp; policies.</i>   |
| Review           | <i>when Council review decisions made by Officers.</i>   |
| ✓ 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, application for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The applicant originally applied for signage in 2007.
- The original application included signage in the same location which was considered to materially change and detract from the external appearance of the building.
- This aspect of the application was refused by Council.
- The current application is for signage on the curvilinear portion of the building .
- The proposed signage has a reduced impact compared to that of the original application and, does not detract from the external appearance of the building nor the locality.
- The application has been advertised and one letter of objection received.
- The application is to be recommended for approval.

**BACKGROUND**

The Council issued Planning Approval (DA-2007-848) dated 27 December 2007 for the display of advertising signage on the site. That approval specifically excluded a signage display on the curvilinear façade to the south eastern elevation of the building. It was resisted on the grounds that such a display would materially detract from the appearance of the building, and represent excessive corporate advertising beyond the scope of Council Policy.

The current application proposes a modified sign to the same south eastern elevation. The proposal includes a horizontal sign display along the uppermost level of the curved wall upon which it is to be sited, and a vertical sign positioned to the side of the main entrance door into the premises.

**Scheme Provisions**

|              |   |                                 |
|--------------|---|---------------------------------|
| MRS Zoning   | : | Urban and Primary Regional Road |
| CPS 5 Zoning | : | CCF – Riseley Frame             |
| R-Code       | : | R50                             |
| Use Type     | : | Signage                         |
| Use Class    | : | D                               |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600 (764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

**Site Details**

Lot Area : 3236sqm  
Retention of Existing Vegetation : Yes  
Street Tree(s) : Yes and no conflict with current proposal  
Street Furniture (drainage pits etc) : Yes and no conflict with current proposal  
Site Details : [U08\\_0281\\_PROPERTY\\_MAP.pdf](#)

[U08\\_0281\\_November\\_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 28 November 2008.

**DETAIL**

**Development Requirements**

| Development Requirement | Required/ Allowed                             | Proposed                            | Comments                               | Delegation to approve variation | Plan Notation |
|-------------------------|---|-------------------------------------|--|---------------------------------|---------------|
| Horizontal Signs        |   |                                     |  |                                 |               |
| Minimum Headway         | 2.75m   | 2.1m                                | <b>Does not comply with Local Law.</b> | MPDS                            |               |
| Maximum Depth           | 0.75m   | 0.35m                               | Complies                               |                                 |               |
| Projection from Wall    | 0.6m  | 0m                                  | Complies                               |                                 |               |
| Location                | Not be within 0.6m of either end of the wall  | More than 0.6m                      | Complies                               |                                 |               |
| Vertical Sign           |   |                                     |  |                                 |               |
| Minimum Headway         | 2.75m   | 0.7m                                | <b>Does not comply with Local Law.</b> | MPDS                            |               |
| Projection from Wall    | 1m  | 0m                                  | Complies                               |                                 |               |
| Location                | Not be within 1.75m of either end of the wall | More than 1.75m                     | Complies                               |                                 |               |
| Height                  | Be of a height at least twice its width       | Yes, Width = 0.55m<br>Height = 1.2m | Complies                               |                                 |               |
| Projection Above Wall   | 1m maximum                                    | 0m                                  | Complies                               |                                 |               |

(Note: Non compliance is emphasised in bold)

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Proposed signage is larger than that prescribed by the "Advertising" development standard for the Riseley Frame precinct in Part 4 of the Community Planning Scheme No. 5  
 Support/Object: 1 submission received objecting to the proposal.

| Submission Number | Summary of Submission  | Support/Objection | Officer's Comment               | Action (Condition/Uphold/Not Uphold) |
|-------------------|--|-------------------|---------------------------------|--------------------------------------|
| 1.                | Objection as per original signage application which objected on the following grounds:<br><br>a) All of these signs are to advertise a chemist inside the medical centre. The land that this medical centre occupies is zoned Commerical Centre Frame and retail trading is not permitted. | Object            | See comments section of report. | Not uphold                           |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>b) A chemist is regarded as a retail business. With no retail trading permitted, the 'dispensary' was approved under the 'medical centre' definition, but has a number of conditions to adhere to. These conditions are contained in the City of Melville's Development and Neighbourhood Amentiy Committee report from November 2001 and were raised and agreed to by the occupier.</p> |  |  |  |
|--|---|--|--|--|

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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|  |  |  |  |  |
|--|--|--|--|--|
|  | <p>c) How can a business that is not for retail purposes be able to advertise using a huge illuminated wall panel, an illuminated wall sign, a very large non-illuminated wall sign that stretches across most of the side of the business and 5 window graphics on the outside of the medical centre? If you look at the signage proposed you will see why this is grossly not in keeping with the approval of a 'dispensary' which is 'ancillary' to the medical centre.</p> |  |  |  |
|  | <p>d) As quoted by the occupier the 'dispensary' is ancillary to the medical centre and exists only because of the medical centre. No retail trading is permitted as part of the zoning, so no signs advertising a retail business should be erected on these premises.</p>  |  |  |  |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>e) The MCC through the conditions of approval has acknowledged that the dispensary services the patients of the medical centre. Advertising with large illuminated and non-illuminated signage to patient not of the medical centre contravenes the initial conditions of approval to this dispensary.</p> |  |  |  |
|  | <p>f) Advertising at this site should be related to the Medical Centre itself, not a retail business inside the centre. The medical centre currently has a large pylon sign on the corner of Canning Highway and Riseley Stret and other signage on the building.</p>   |  |  |  |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>g) No only is the existence of signage contravening the conditions of approval of this 'dispensary' by advertising a retail business, but the nature of the signage is that it is for a 'Chemart' pharmacy, which is a retail marketing group.</p> |  |  |  |
|  | <p>h) This 'dispensary' was approved as 'ancillary' to the medical centre. Advertising a retail pharmacy at this site contravenes the original approval fo the business and the zoning of the site.</p>   |  |  |  |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>i) No only does it contravene original approval due to this reason but also because approval was granted subject to a number of conditions. One that needs to be addressed is that 'the type of goods to be displayed and sold in the chemist will be directed at patients using the medical centre.' Who defines these goods?</p> |  |  |  |
|--|---|--|--|--|

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>j) This condition that the dispensary would display and sell goods directed at patients using the medical centres was raised by the applicant to enhance the prospect of the MCC approving the business. It certainly looks as if he/she is not complying with these conditions of approval as the business is becoming part of a retail marketing group. A marketing group that advertises using flyers promoting cheap toilet paper and tissues to increase store traffic not a dispensary dispensing medication and directing it's focus on patients using the medical centre</p> |  |  |  |
|--|---|--|--|--|

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
(764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

**REFERRALS TO GOVERNMENT AGENCIES**

Required: Yes  
Reason: Site abuts a Category 3 regional road on the Metropolitan Region Scheme.  
Support/Object: No Objection

| Agency                                     | Summary of Submission   | Support/<br>Objection | Officer's Comment   | Action<br>(Condition/<br>Support/<br>Dismiss) |
|--|---|-----------------------|---|---|
| Department for Planning and Infrastructure | <p>The proposed signage is not affected by the road widening and corner truncation requirements.</p> <p>The Department would be prepared to support the signage on condition that the advertisements do not interfere with sight lines, distract drivers or have the potential to become confused with traffic signals or road signs.</p> | No objection          | <p>The signage is located in a position which will not detract from highway safety within the Canning Highway Regional Road Reserve.</p> <p>It is setback approximately 23m from Canning Hwy and 29m from Riseley St. The existence of landscaping within this setback area provides further mitigation against any adverse impacts for drivers of vehicles on Canning Highway.</p> |   |

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

No anticipated financial implications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

No anticipated strategic and risk management implications.

**POLICY IMPLICATIONS**

Policy 28-013 – Chemists in Medical Centres- Frames and Mixed Business.

Policy 28-00 4- Canning Highway

Local Laws Relating to Signs, Hoardings and Billposting.

**COMMENT**

This proposal has been assessed in accordance with the provisions of CPS No 5, Council Policy and Local Law.

Local Laws Relating to Signs, Hoardings and Billposting

Clause 4.5 - Headroom of the Local Law indicates that " *every sign shall, unless otherwise permitted by the Surveyor, be so fixed as to provide a clear headway there under of not less than 2.75m.*" In this instance, the signage comprises of vinyl lettering and therefore does not protrude from the building. There is no risk of pedestrian injury on the proposed signage and accordingly the reduced clearance heights are supported by the Principal Building Surveyor.

Community Planning Scheme No 5

Under the Precinct development requirements of Part 4 of CPS No. 5, the Council may permit the display of signage in excess of 1 sqm in area. Unlike the application for the "Fruit" tower sign, which was referred to Council for an Absolute Majority decision from Council, this application may be approved without referral to Council provided such proposals are advertised in accordance with the provisions of Clause 7.5 of the Scheme. Applications are assessed in accordance with Scheme objectives with particular reference to the character and amenity of the locality.

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600  
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In this case the application was advertised and one letter of objection was submitted, a summary of which is already provided. In relation to the merits of the advertisement display proposed it is considered that the signs may be displayed on the building without detriment to visual amenity. This is because the signs are well designed and are of a scale which complements rather than dominates the building façade. In addition the subject site is located on the busy corner of Canning Highway and Riseley Street, where the dominant land uses are of a commercial and/or retail nature. These premises operate with signage to advertise the services and goods available from them, and in so doing, they define the character of the streetscape as commercial. The signage now proposed does not prejudice the character of the streetscape. Rather it is consistent with it. The Council's previous concerns with the signs proposed for this element of the building have been overcome by the more acceptable package of signs now proposed.

**Neighbour's Consultation**

The application was advertised in accordance with Part 7.5 of the Community Planning Scheme No. 5, and one letter of objection was received.

The concerns expressed by the respondent relates principally to the fact that the land is located within the Riseley Commercial Centre Frame, where retail development is not permitted. For the purposes of this planning application however, the Chemist use is defined as an acceptable ancillary element of the approved Medical Centre use, in accordance with Council Policy 28-013 "Chemists in Medical Centres-Frames and Mixed Business". To that end and in order to remain ancillary, conditions were attached to the original Medical Centre approval to control the operations of the chemist activity, including opening hours to coincide with the main use, no external access, a restriction on the total floor space and the submission of a sign strategy. It is considered appropriate that the sign strategy reflect the ancillary nature of the chemist activity, and this is a concern for the respondent who considers that the signs proposed promote the chemist as a free standing use. This view is not supported however, as the individual signs are not considered to dominate the building façade. Indeed the main sign on this building for the "Medical Centre" is significantly larger and more dominant than the package of signs now proposed for the chemist.

Furthermore the respondent has expressed a concern that the chemist use is unacceptable in principle in land use terms. This view is not supported as the use does have approval and can legitimately operate in accordance with the Council's requirements provided the conditions of the Planning Approval are adhered to. One of these conditions relates to the submission of a sign strategy. This strategy is the subject of this application, the details of which are considered acceptable in the context of CPS No 5, Council Policy, and Local Law.

**U08/0281 – (AG) - THREE HORIZONTAL SIGNS AND ONE VERTICAL SIGN ON LOT 600 (764) CANNING HWY, APPLECROSS (REC) (ATTACHMENT)**

**CONCLUSION**

It is considered that notwithstanding the objection made, the signs proposed for the ancillary chemist element of this Medical Centre are acceptable and may be displayed in accordance with the Council's requirements.

It is recommended that conditional approval be granted.

**OFFICER RECOMMENDATION**

**APPROVAL**

- A) THAT THE APPLICATION FOR SIGNAGE ON LOT 600 (764) CANNING HIGHWAY, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:**

**SPECIAL CONDITION:**

- 1. THE SIGNAGE BEING REMOVED UPON CESSATION OF THE "CHEMMART" BUSINESS ON SITE.**

- B) THE RESPONDENT BE ADVISED OF A) ABOVE.**