



— City of —  
**Melville**

**REPORTS AND RECOMMENDATIONS**

**FROM THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**28 OCTOBER 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: 31 OCTOBER 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 28 OCTOBER 2008**

**PRESENT**

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

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

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

**ELECTED MEMBERS' ATTENTION**

Nil

**DELEGATED AUTHORITY – PLANNING POLICY (1) 2**

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

## DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

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

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

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

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

### Meeting to be informed of disclosures

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

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

### Disclosing members not to participate in meetings

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

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

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

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

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

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**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

Ward : Bicton-Attadale  
Category : Operational  
Application Number : HO-224  
Property : Lot 29 (649) Canning Highway,  
ALFRED COVE WA 6154  
Proposal : EDUCATION SERVICES  
Applicant : Gordon John Bagworth  
Owner : Mr Gordon John Bagworth and Mrs  
Pamela Jean Bagworth  
Disclosure of any Interest : No officer involved in the preparation of  
this report has a declarable interest in  
this matter.  
Responsible Officer : David Vinicombe, Manager Planning &  
Development Services  
Previous Items : Attach any previous items here

**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> |

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Application is for an home occupation for the provision of education related services, in the form of planning of school courses, organisation of tutors to go to students' homes, and provision of some tutoring on site.
- Compliant with Clause 5.6 of the Community Planning Scheme No. 5 with the exceptions of the employment of one (1) staff member (not a member of the occupying family), and two (2) clients proposed to be on site at any given time.
- Neighbour comment has been sought, with no objections.
- It is recommended that the application be approved.

**BACKGROUND**

No relevant background.

**Scheme Provisions**

|              |   |   |
|--------------|---|---|
| MRS Zoning   | : | Urban                                       |
| CPS 5 Zoning | : | Living Area – AC1<br>Primary Regional Roads |
| R-Code       | : | R20   |
| Use Type     | : | Home Occupation                             |
| Use Class    | : | D   |

**Site Details**

|                                      |   |   |
|--------------------------------------|---|---|
| Lot Area                             | : | 1012sqm                                   |
| Retention of Existing Vegetation     | : | Yes                                       |
| Street Tree(s)                       | : | No  |
| Street Furniture (drainage pits etc) | : | No  |
| Site Details                         | : | <a href="#">U08_0260_PROPERTY_MAP.pdf</a> |

[U08\\_0260\\_October\\_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 31 October 2008.

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)****Development Requirements**

| <b>Development Requirement</b> | <b>Required/ Allowed</b>   | <b>Proposed</b> | <b>Comments</b> | <b>Delegation to approve variation</b> | <b>Plan Notation</b> |
|--------------------------------|--|-----------------|-----------------|--|----------------------|
| Carparking                     | 2 bays for the existing dwelling, plus one bay for the staff member and one bay for every customer (max. 2).<br>(Total 5 bays) | 5 bays          | Complies        |  |                      |

**Setbacks**

Not applicable.

**POLICY IMPLICATIONS**

There is no relevant Council Policy.

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: Home occupation is a discretionary use under the provisions of CPS 5  
Support/Object: Support

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

| <b>Affected Property</b>                     | <b>Summary Submission</b> | <b>of</b> | <b>Support/Objection</b> | <b>Officer's Comment</b> | <b>Action (Condition/Uphold/Not Uphold)</b> |
|--|---------------------------|-----------|--------------------------|--------------------------|---|
| 647<br>Canning<br>Highway<br>Alfred<br>Cove  | No objection              |           | Support                  | No comment               | Uphold                                      |
| 651A<br>Canning<br>Highway<br>Alfred<br>Cove | No objection              |           | Support                  | No comment               | Uphold                                      |
| 651B<br>Canning<br>Highway<br>Alfred<br>Cove | No objection              |           | Support                  | No comment               | Uphold                                      |

**REFERRALS TO GOVERNMENT AGENCIES**

Required: Yes  
Reason: Subject lot abuts a Primary Regional Road  
Support/Object: Support

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

| Agency                                     | Summary of Submission   | Support/<br>Objection | Officer's<br>Comment   | Action<br>(Condition/<br>Uphold/<br>Not Uphold) |
|--|---|-----------------------|--|---|
| Department for Planning and Infrastructure | Advised that Primary Regional Road (PRR) reservation for Canning Highway is currently under review. Current planning indicates that subject lot is not affected by the PRR reservation. Stated that as per WAPC Liveable Neighbourhoods Operational Policy (Element 2) vehicle reversing onto Canning Highway should be avoided. Noted that the City has satisfied themselves with respect to vehicle turning movements within the subject lot. | Support               | A site inspection has been conducted which has confirmed that it is possible to exit the property in forward gear. | Uphold  |

**STATUTORY AND LEGAL IMPLICATIONS**

Should the Council refuse the application for planning approval, the applicant may have the right to have the decision reviewed in accordance with Part XIV of the Planning and Development Act 2005.

**FINANCIAL IMPLICATIONS**

There are no anticipated financial implications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no anticipated strategic and risk management implications.

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)****COMMENTS**

The applicant proposes the following:

- Provision of education related services in the form of planning of courses to be run in schools, the organisation of tutors to attend students' homes, and some tutoring at the subject property.
- Two (2) rooms of the dwelling totalling 37.5 square metres are to be used in relation to the home occupation.
- The hours of operation are 9.00 am to 7.00 pm Monday to Friday.
- The two (2) occupiers of the property will run the home occupation, along with an additional employee (in a receptionist role) who is not a member of the occupying family.
- No more than two (2) customers will visit the site at any time in relation to the home occupation.
- Three (3) car parking bays for the home occupation, with sufficient room provided for turning movement allowing vehicles to exit the property in forward gear.
- An advertising sign stating the name of the business, measuring 0.2 sqm.

The proposed home occupation complies with the provisions of the Community Planning Scheme No. 5 with one minor exception, that being one of the proposed members of staff does not reside on the premises.

Under the provisions of the, CPS5, the employment of any person not a member of the occupier family may be permissible subject to the grant of special approval. It is noted that the term "special approval" is not defined by the Scheme. Other forms of approval provided by the Scheme, such as "Special Majority" and "Absolute Majority" specifically require referral to Council for determination. In this case special approval is similar to an "S" use under the Use Class Table, which if applied in the same manner, means that approval may be issued by the Development Advisory Unit following advertising.

In considering whether this exception may be endorsed in this case, it is considered that the activities associated with the arrival and departure of one non resident staff member may be satisfactorily accommodated without prejudice to the general amenity of the area. The home occupation is an office based activity with complementary tuition services. It will provide a base for coordination of the activities of tutors, directing them to attend student homes to provide tutoring services. The tutoring which will be provided on site by the two applicants (and owners of the property) and will be conducted during school terms during and after school hours. As such the impact of the activities associated with the home occupation is minimised for the benefit of local residents.

Neighbour comment has been provided from three (3) neighbouring properties with no objections to the proposal. As the home occupation is conducted at the front of the property neighbour comment was not sought from properties to the rear.

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

Car parking is provided on site, in accordance with the Council's requirements. This includes the provision of two (2) car bays for the dwelling, as well as an additional three (3) bays to cater for the parking requirements of the 3rd employee and a maximum of two (2) customers. The space available is sufficient to enable the movement of vehicles out onto Canning Highway in forward gear. This is consistent with the requirements of the Department for Planning and Infrastructure.

The signage proposed is within the size limit tolerated by the CPS 5, and is designed to reflect the residential character of the Alfred Cove Precinct.

**CONCLUSION**

It is concluded that the home occupation may operate from this residence in accordance with the Council's requirements and without detriment to residential amenity. Accordingly, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION****APPROVAL**

**THAT THE APPLICATION FOR THE HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649) CANNING HIGHWAY, ALFRED COVE, BE APPROVED AND SUBJECT TO THE FOLLOWING:**

**SPECIAL CONDITIONS:**

- 1. NO MORE THAN THREE PERSONS ASSOCIATED WITH THE HOME OCCUPATION (INCLUDING EMPLOYEE), OTHER THAN MEMBERS OF THE OCCUPYING FAMILY, BEING ON THE SITE AT ANY ONE TIME.**
- 2. CAR PARKING BAYS FOR THE HOME OCCUPATION BEING PROVIDED IN ACCORDANCE WITH THE APPROVED PLAN TO COMPLY WITH THE AUSTRALIAN STANDARD (AS 2890.1).**
- 3. HOURS OF OPERATION BEING RESTRICTED TO 9.00 AM TO 7.00 PM MONDAY TO FRIDAY.**

**STANDARD CONDITIONS:**

- 3. COMPLIANCE WITH THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO 5.**
- 4. COMPLIANCE WITH ALL BUILDING AND HEALTH LOCAL LAWS AND REGULATIONS WITHIN THIS CITY.**

**U08/0260 – (NW) - HOME OCCUPATION OF EDUCATION SERVICES ON LOT 29 (649)  
CANNING HIGHWAY ALFRED COVE (REC) (ATTACHMENT)**

5. THE APPLICANT MUST PERMANENTLY LIVE ON THE PREMISES.
6. NO MORE THAN 38 SQUARE METRES OF THE DWELLING BEING USED FOR THE HOME OCCUPATION.
7. ALL PARKING ASSOCIATED WITH THE HOME OCCUPATION TO BE ACCOMMODATED WITHIN THE SUBJECT PROPERTY ONLY. ON-STREET PARKING IS NOT PERMITTED.
8. NOT MORE THAN ONE SIGN, BEARING THE NAME OF THE BUSINESS ONLY AND NOT EXCEEDING AN AREA OF 0.2 SQUARE METRES, SHALL BE ERECTED ON THE PROPERTY WITH REGARD TO THE HOME OCCUPATION.
9. IF IN THE OPINION OF THE COUNCIL, THE HOME OCCUPATION IS CAUSING A NUISANCE OR ANNOYANCE TO OWNERS OR OCCUPIERS OF LAND IN THE NEIGHBOURHOOD THE COUNCIL MAY REVOKE ITS APPROVAL.
10. THIS APPROVAL MAY NOT BE TRANSFERRED TO ANY OTHER PERSON OR PROPERTY.
11. THIS APPROVAL IS VALID FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF APPROVAL ONLY AND THE APPLICANT IS TO SEEK RENEWALS THEREAFTER TO ENABLE CONTINUANCE OF THE HOME OCCUPATION.
12. THE HOME OCCUPATION SHALL NOT REQUIRE THE PROVISION OF ANY ESSENTIAL SERVICE OF A GREATER CAPACITY THAN NORMALLY REQUIRED FOR THE PERMITTED USE OF THE LOT.
13. THE HOME OCCUPATION SHALL NOT CREATE INJURY TO OR PREJUDICIALLY AFFECT THE AMENITY OF THE NEIGHBOURHOOD INCLUDING (BUT WITHOUT LIMITING THE GENERALITY OF THE FORGOING) INJURY OR PREJUDICIAL AFFECTION DUE TO THE EMISSION OF NOISE, VIBRATION, SMELL, FUMES, SMOKE, VAPOUR, STEAM, SOOT, ASH, DUST, GRIT, OIL, WASTE WATER OR WASTE PRODUCTS.

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward  
Category : Operational  
Application Number : SN-2008-24  
Property : Units 1-7/832-834 Canning Highway,  
APPLECROSS WA 6153 and 63 Glenelg Street,  
APPLECROSS WA 6153  
Proposal : Street Renumbering From Canning Highway  
Address To Glenelg Street Address - 1-7/832  
Canning Highway, Applecross  
Applicant : Mr D Agar  
Owner : Mr D Agar and Mr P Cox  
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 : U08/0115 – Proposed street renumbering along  
western side of Glenelg Street, between MacRae  
Road and Canning Highway and renumbering of  
units 1-7/832 Canning Highway to Glenelg Street  
Applecross (DAU - 29 July 2008).

**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> |

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The application results from a request from owners / residents of seven (7) units on the corner of Canning Highway and Glenelg Street. The primary relationship for these properties is with Glenelg Street with post boxes sited there and vehicular access taken directly from it, but they have a Canning Highway address. According to the City of Melville Street Numbering Policy, it is more appropriate that the property has a Glenelg Street address.
- There is no Glenelg Street number available to allocate without inconveniencing at least one property.
- The application proposes to renumber the subject property comprising seven (7) strata units with a Glenelg Street number by leaving suffixes A, B, and C available for future subdivision of Lot 436 (63) Glenelg Street, and numbering the subject property units 1-7 / 63D or 63D-J.Glenelg Street.
- A previous application for renumbering by the owners of the seven (7) units, which involved renumbering several properties by utilising street numbers from nearby Gairloch Reserve, was refused by DAU on 14 August 2008. This was refused at that time as the proposed renumbering exercise envisaged by that application would have inconvenienced a number of other owner/occupiers residing within this stretch of Glenelg Street whose property numbers would have also been changed as part of that proposal. Those residents objected to the proposal and there was a shared concern that the proposed renumbering would create other problems if it was allowed to proceed. Furthermore it was considered that improved signage on the subject property would assist in more clearly identifying the properties in question.
- The affected landowners in this proposal at Lot 436 (63) Glenelg Street have been consulted and an objection has been submitted. The key concern expressed relates to the potential confusion which will be caused by sharing a number.
- In view of the relationship which the subject property has with Glenelg Street, coupled with the fact that the current proposal affects only the adjoining residence at No 63 Glenelg Street, does not actually alter that properties street number and also on the basis of similar approaches being applied to numbering of properties in similar situations along this stretch of Canning Highway,, it is recommended that the proposed street numbering be approved.

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)****BACKGROUND**

A previous application for street numbering was lodged by the applicant on behalf of the seven (7) strata units owners on 10 August 2007. The proposal sought to have a Glenelg Street number allocated to the subject property which is on the corner of Canning Highway and Glenelg Street. The subject property had, and still has, a Canning Highway address despite the fact that its driveways and letterboxes face onto Glenelg Street. This causes confusion for mail deliveries and general accessibility. Due to the lack of an available Glenelg Street numbers to allocate to the subject property, the previous proposal involved the renumbering of all of the properties along the western side of Glenelg Street, between MacRae Road and Canning Highway, by utilising Glenelg Street numbers from Gairloch Reserve which were not in use. Consultation with the affected landowners was undertaken with thirteen (13) responses received – five (5) supporting and eight (8) objecting to the proposal. The key concern expressed in the objections related to the inconvenience of having to notify personal and business contacts of the change of address. These concerns were shared by the Council and the application was refused accordingly. An alternative option as currently being considered was informally consulted with the neighbour and not supported. Following the DAU decision, the applicant raised concerns about inconsistencies with other similar situations for corner grouped dwelling sites along this section of Canning Highway. It was suggested that this matter could be reviewed by submission of a new application, which is now the subject of this report.

**Scheme Provisions**

|              |   |  |
|--------------|---|--|
| MRS Zoning   | : | Urban<br>Primary Regional Roads        |
| CPS 5 Zoning | : | Living Area Precinct – Canning Highway |
| R-Code       | : | R15/R25                                |
| Use Type     | : | N/A                                    |
| Use Class    | : | N/A                                    |

**Site Details**

|                                      |   |   |
|--------------------------------------|---|---|
| Lot Area                             | : | N/A                                       |
| Retention of Existing Vegetation     | : | N/A                                       |
| Street Tree(s)                       | : | N/A                                       |
| Street Furniture (drainage pits etc) | : | N/A                                       |
| Site Details                         | : | <a href="#">U08_0261_PROPERTY_MAP.pdf</a> |

[U08\\_0261\\_October\\_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 31 October 2008.

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**DETAIL**

**Development Requirements**

Not applicable.

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes – 1 letter sent  
Neighbour's Comment Supplied: Yes – 1 response received  
Reason: Changes to street numbers  
Support/Object: 1 objection

| Submission Number | Summary of Submission   | Support/<br>Objection | Officer's Comment  | Action<br>(Condition/<br>Uphold/<br>Not Uphold) |
|-------------------|---|-----------------------|--|---|
| 1.                | Up to 10 residences will be running off the same number. Believes this will cause more, rather than less confusion, particularly for mail deliveries. | Objection.            | Delivery of mail, as well as the capability of emergency services and visitors to locate the subject property will be improved because the proposed street number will have a better relationship with the road which the property faces, that being Glenelg Street. This will not impact on accessibility to the existing property at 63 Glenelg Street, which will retain its present street number. | Not uphold.                                     |

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|  |   |  |   |                    |
|--|---|--|---|--------------------|
|  | <p>Questions why renumbering has become an issue now after 20 years.</p>  |  | <p>The applicant has stated that until recently most of the units have been rentals. However, now that most of the units are owner-occupied, they wish to have the street numbering reviewed. Also, the Local Law was not in place at the time of subdivision and was developed to address issues of inconsistency of street numbering within the City of Melville.</p> | <p>Not upheld.</p> |
|  | <p>Questions what will happen with the number sequence if they subdivide, or alternatively if they do not. Believe this would cause confusion as A, B and C suffixes would be unused.</p> |  | <p>The proposed renumbering does not technically comply with the City of Melville Street Numbering Policy, however, as there is no available Glenelg Street number to allocate to the subject property, this alternative solution is considered to represent the best available option at this time..</p>   | <p>Not upheld</p>  |

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|  |  |  |   |                    |
|--|--|--|---|--------------------|
|  | <p>The subject property was previously 2 lots which were granted approval to subdivide (amalgamate) with the understanding that the property would have a Canning Highway address. Question why this approval condition should be allowed to be altered, thereby inconveniencing them.</p> |  | <p>Local Law in relation to street numbering was not in place at the time of the subdivision application. If it had been, then the likelihood is that the address allocated to the subject property would have been Glenelg Street on the basis that this was the primary street based on access and orientation of properties. It is not a normal requirement of subdivision to stipulate street numbers and street numbering is a separate process controlled by the Council, not the WA Planning Commission (or its predecessor). The claim that the subdivision of the subject lot was conditional upon the property retaining a Canning Highway address is not substantiated and in any event irrelevant to the Councils consideration of the current street numbering proposal.</p> | <p>Not upheld.</p> |
|--|--|--|---|--------------------|

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|  |   |  |   |             |
|--|---|--|---|-------------|
|  | Believe that the real reasons stated for wanting the renumbering are being masked. Believe there are no issues with mail or the location of the property, and that the proposal is to improve the subject property's value by removing the stigma of a highway address. |  | This comment is unsubstantiated. Noted.   | Not upheld  |
|  | The issue is not with locating the subject property, but with identifying individual units within the property.   |  | Site inspection conducted did not identify an issue with locating the individual units within the property.   | Not upheld. |
|  | They are emphatically opposed to the sharing the number they have had for the past 27 years.  |  | Noted, however it is not unreasonable to share a street number particularly when this would assist access to all properties by announcing the access from the street which access is provided – particularly in emergency situations. | Not upheld. |

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**REFERRALS TO GOVERNMENT AGENCIES**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

City of Melville Local Law Relating to Street Numbering

City of Melville Street Numbering Policy

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The original refusal with the recommendation for improved signage for the subject property be upheld.

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)****CONCLUSION**

It is considered that the proposal is acceptable and in accordance with the spirit of the Council's Local Law in relation to street numbering. It will result in very limited inconvenience to the occupiers of the neighbouring property at No 63 as that property will retain its existing street number. In addition, suffixes will remain available for any future subdivision of that property. The inconvenience that would have resulted for numerous occupiers with the previous proposal will not be an issue with the current proposal.

Access to the subject property is solely via two (2) driveways facing Glenelg Street, and the letterbox is also facing Glenelg Street. The property's entire relationship is with Glenelg Street, and in accordance with the City of Melville Street Numbering Local Law and Policy, the request for a Glenelg Street number is reasonable and would be approved without encumbrance if there was an available number to allocate. Due to a Glenelg Street number not being left available for the subject property, the current proposal is deemed to be an acceptable compromise. It is also noted that there are similar examples which provide precedent for this approach to street numbering in close proximity to the subject site. For example 1-8/25B Ullapool Road, 16A Ullapool Road, 18A Ullapool Road, 111A and 111B Ardross Street, 106D and 106E Ardross Street, 63C-63I Alness Street, and 41 Simpson Street are all strata developments with dual road frontages with similar approaches to street numbering. One example cited at 63C-63I Alness Street is particularly relevant as it abuts number 63 Alness Street, which has freehold title and therefore has no relationship with the adjoining property.

In view of these precedents, the lack of inconvenience caused to the occupier of the neighbouring property, and the strong relationship that exists with Glenelg Street which will assist in announcing the property address and access in emergency situations, it is recommended that the seven (7) strata units on the subject property be renumbered as either Units 1-7/63D Glenelg Street or 63D-63J Glenelg Street.

**U08/0261 - (NW) STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION**

**APPROVAL**

**A) THAT THE APPLICATION FOR STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (832) CANNING HIGHWAY, APPLECROSS, BE APPROVED AS EITHER UNITS 1-7/63D GLENELG STREET OR 63D-63J GLENELG STREET SUBJECT TO THE FOLLOWING:**

**SPECIAL CONDITIONS:**

- 1. THE NEWLY ALLOCATED STREET NUMBER TO BE PAINTED ON THE KERB ADJACENT TO THE LOT AS PER THE CITY OF MELVILLE LOCAL LAW RELATING TO STREET NUMBERING (CLAUSE 3.2).**
- 2. KEY SERVICING AUTHORITIES, EMERGENCY SERVICES, LANDGATE AND AUSTRALIA POST BE ADVISED OF THE STREET NUMBERING CHANGE.**

**B) THE ADJOINING PROPERTY OWNER BE ADVISED OF A) ABOVE.**

**FOOTNOTE:**

**APPLICANT BE ADVISED THAT CLEARER NUMBERING IN THE FORM OF NUMBERS THAT CONTRAST AGAINST THE DARK BRICK LETTERBOX IS RECOMMENDED TO IMPROVE LEGIBILITY OF THE PROPERTY AND THE INDIVIDUAL UNITS, ESPECIALLY UNIT 7.**

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|                            |   |  |
|----------------------------|---|--|
| Ward                       | : | Applecross – Mount Pleasant  |
| Category                   | : | Operational  |
| Application Number         | : | DA-2007 - 1598   |
| Property                   | : | 1 First Avenue, Applecross   |
| Proposal                   | : | Three storey mixed use development with undercroft car park (four office units and four multiple dwellings). |
| Applicant                  | : | Design Management Group  |
| Owner                      | : | R M and M Brockwell and D A Brooks and others.   |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter.              |
| Responsible Officer        | : | David Vinicombe<br>Manager Planning & 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> |

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Proposal is for a three storey mixed use development – 4 offices and 4 multiple dwellings.
- Undercroft carparking for 25 vehicles including 1 disabled bay provided.
- Total plot ratio is 1.165: non-residential – 0.504 and residential - 0.661.
- Southern side setback variations are proposed to the ground floor and second storey relative to the second set of stairs to the offices which are setback 1.5m in lieu of 2.0m.
- 5 submissions have been received objecting the proposal mainly due to overshadowing and visual privacy.
- This proposal is to be presented to an Elected Member Workshop to be held on 4 November 2008 prior to the issue of any approval in accordance with the decision making matrix provided by Council Policy. Elected Members may make comment on any additional conditions or modifications to conditions at the meeting and if required, request that the matter be referred to Council for determination.
- Recommended for approval subject to conditions.

**BACKGROUND**

Not Applicable.

**Scheme Provisions**

MRS Zoning : Urban  
CPS 5 Zoning : CBF - Canning Bridge Frame  
R-Code : R  
Use Type : Office / Residential  
Use Class : "S" use – Council discretion required after following advertising.  
"D" use – Council discretion required.

**Site Details**

Lot Area : 1012 sqm  
Retention of Existing Vegetation : No  
Street Tree(s) : Yes  
Street Furniture (drainage pits etc) : No  
Site Details : [U08\\_0263\\_PROPERTY\\_MAP.pdf](#)

[U08\\_0263\\_October\\_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 31 October 2008.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**DETAIL**

The application proposes a three storey building for mixed use development with 3 offices on the ground floor and 1 additional office on the second storey; and 4 multiple dwellings - 2 on the second storey and 2 on the third storey.

A total of 25 carparking bays are proposed (including 1 disabled bay) within the undercroft carparking; 18 bays for the non-residential component and 7 bays for the residential component.

A total plot ratio of 1.165 is proposed with 0.504 for the non-residential component and 0.661 for the residential component.

The proposed development requires variations to the southern side setback to the ground floor and second storey relative to the second set of stairs for the offices setback 1.5m in lieu of 2.0m..

Approximately 246 sqm of landscaping is proposed.

**Development Requirements**

| Development Requirement       | Required/ Allowed     | Proposed                  | Comments               | Delegation to approve variation | Plan Notation |
|-------------------------------|-----------------------|---------------------------|------------------------|---------------------------------|---------------|
| Open Space                    | N/A                   |                           |                        |                                 |               |
| Non-Residential Plot Ratio    | 0.6 (607.2 sqm)       | 0.504 (509.9 sqm)         | Complies               | MPDS                            |               |
| <b>Residential Plot Ratio</b> | <b>0.6(607.2 sqm)</b> | <b>0.661 (668.97 sqm)</b> | <b>Does Not Comply</b> |                                 |               |
| Total Plot Ratio              | 1.2 (1214.4 sqm)      | 1.165 (1178.87 sqm)       | Complies               |                                 |               |
| Landscaping                   | 25%                   | 25.8%                     | Complies               |                                 |               |
| Overshadow                    | 50%                   | 43%                       | Complies               |                                 |               |
| Building Height               | 13.5 metres           | 13.3 metres               | Complies               |                                 |               |
| Carparking                    | 21 bays               | 25 bays                   | Complies               |                                 |               |
| Residential                   | 8 reduced to 4 bays   | 7 bays                    | Complies               |                                 |               |
| Non-Residential               | 17 bays               | 18 bays                   | Complies               |                                 |               |

(Note: Non compliance is emphasized in bold)

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**Setbacks**

| Wall   | Required                                     | Proposed                                      | Comments               | Delegation to approve Variation | Plan Notation |
|--|--|---|------------------------|---------------------------------|---------------|
| Front<br>GF<br>2 <sup>nd</sup> storey<br>3 <sup>rd</sup> storey      | Nil<br>Nil<br>Nil                            | 6.0 metres<br>6.0 metres<br>6.0 metres        | Complies               |                                 |               |
| Rear<br>GF<br>2 <sup>nd</sup> storey<br>3 <sup>rd</sup> storey       | 6.0 metres<br>6.0 metres<br>5.5 metres       | 6.0 metres<br>6.0 metres<br>9.6 metres        | Complies               |                                 |               |
| <b>South Side</b><br><b>GF</b>                                       | <b>1.1/2.0 metres</b>                        | <b>1.5/1.5 metres</b>                         | <b>Does Not Comply</b> | <b>MPDS</b>                     |               |
| <b>2<sup>nd</sup> storey</b>   | <b>1.2/2.0 metres</b>                        | <b>1.5/1.5 metres</b>                         | <b>Does Not Comply</b> | <b>MPDS</b>                     |               |
| 3 <sup>rd</sup> storey   | 1.5/1.4/1.75 m                               | 1.5/1.5/4.8 m                                 | Complies               |                                 |               |
| North Side<br>GF<br>2 <sup>nd</sup> storey<br>3 <sup>rd</sup> storey | 2.0 metres<br>1.3/2.0 metres<br>1.5/5.5/1.75 | 3.5 metres<br>4.0/4.0 metres<br>5.0/7.0/5.0 m | Complies               |                                 |               |

(Note: Non compliance is emphasised in bold)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: "S" use (Office) – Council discretion required following advertising and "D" (Residential) use - Council discretion required  
 Support/Object: 5 Submissions objecting

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

**SUBMISSIONS 1 FIRST AVENUE, APPLECROSS**

| No. | Summary of Submission  | Support/<br>Objection   | Officer's Comment  | Action<br>(Condition<br>/ Uphold/<br>Not<br>Uphold)                             |
|-----|--|---|--|---|
| 1.  | Part of the south elevation appears to be clad in colorbond sheeting or something similar, and may give an industrial or factory-like appearance. Considered inappropriate in a residential area.  | Objection   | The south elevation only has rendered brickwork to the walls. No industrial cladding is proposed.  | Not Uphold  |
| 2.  | <p>Will overshadow the small courtyards of the units.</p> <p>Devalue of the property units.</p> <p>Windows overlooking into the courtyards and habitable rooms of the adjoining properties to the south.</p> <p>Excavation may cause structural damages to the adjoining properties to the south and a structural assessment should be required.</p> | <p>Objection</p> <p>Objection</p> <p>Objection</p> <p>Objection</p> | <p>The proposal complies with the requirements of the Residential Design Codes in relation to overshadowing.</p> <p>Not a Planning consideration.</p> <p>Proposal complies with the requirements of the Residential Design Codes. Major openings facing south have been fitted with fixed obscure glazing.</p> <p>Noted. Dilapidation reports will be recommended.</p> | <p>Not Uphold</p> <p>Not Uphold</p> <p>Not Uphold</p> <p>Uphold / Condition</p> |

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|    |  |           |  |               |
|----|--|-----------|--|---------------|
| 3. | Overshadowing due to the height of the proposed building.  | Objection | The proposal complies with the requirements of the Residential Design Codes in relation to overshadowing.  | Not to uphold |
|    | Cracking of wall due to the heavy machinery to be used and any damage should be rectified by the developers. | Objection | Noted. Dilapidation reports will be recommended.   | Not to uphold |
|    | The City of Melville to monitor dust and excessive noise.  | Objection | The builder is to comply with standard construction methods and procedures to minimize noise and dust.   | Not to uphold |
|    | Detrimental effect on the value of the property.   | Objection | Not a Planning consideration.  | Not to uphold |
|    | Building should be relocated northwards or reduced in height on the southern side or a combination of both.  | Objection | Proposal complies with height limit and setbacks.  | Not to uphold |
| 4. | Loosing views to the sky and living in a concrete forest with a great tall wall next to our property.        | Objection | Note. However proposal complies with height limit and setbacks.  | Not to uphold |
|    | People spying on our backyard all the time.  | Objection | Proposal complies with the requirements of the Residential Design Codes. Major openings facing south have been fitted with fixed obscure glazing.  | Not to uphold |
|    | Overshadowing our backyard and the whole house at any time of the day.                                       | Objection | The proposal complies with the requirements of the Residential Design Codes casting a shadow at midday on the 21 <sup>st</sup> June no more than 50% of the site area of the adjoining property. | Not to uphold |

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

|    |  |           |  |                    |
|----|--|-----------|--|--------------------|
|    | Concerns in relation to the structure of our property during the construction of the underground carparking. The Council should be responsible and guarantee the control and supervision during the whole of building process. | Objection | Noted. Dilapidation reports will be recommended.   | Not to uphold      |
| 5. | Overlooking from rear window on the second storey of the office component, which is 6.0m away from the rear boundary, impacting on the privacy of the adjoining courtyard.   | Objection | Office windows are not required to comply with visual privacy. The window is 6.0m setback from the boundary, however louvers will be recommended to a higher level of privacy and promote a “neighbourly” approach to the development. | Not to uphold      |
|    | Overlooking from rear windows on the third storey.   | Objection | Proposal exceeds the minimum 4.5m requirement with a minimum setback of 9.8m.  | Not to uphold      |
|    | Significant landscaping should be provided at the rear of the property to assist in visual privacy protection.   | Objection | Landscaping exceeds Scheme requirements, notwithstanding that the R-Codes do not require the provision of landscaping on mixed use developments.   | Not to uphold      |
|    | Acoustic privacy in relation to air conditioners and carparking ventilation located 2.0m setback from the rear boundary  | Objection | Noted. To comply with noise regulations will be recommended.   | Uphold / condition |

**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.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

### **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. It is proposed to present this proposal to an Elected Member Workshop on 4 November, 2008. Providing Elected Members are satisfied with the proposal, the application will be determined without further referral to Council.

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.

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.

Policy No. 06-PL-021 - Energy Efficiency in Building Design. This Policy was prepared to encourage building orientation and design to take advantage of passive solar access and improve solar efficiency of development within the City.

### **COMMENTS**

The current proposal raises the following matters for consideration.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**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 exclude walls of the commercial building and all floor areas for vehicle parking, whether at or below ground floor or above.

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 requirements 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 Canning Bridge Frame Precinct can achieve a plot ratio of 0.6 for the residential component (relative to R50 development) and 0.6 for non residential development (total plot ratio of 1.2).

The development proposes a non-residential plot ratio of 0.504 (509.9 sqm) which is 97.3 sqm less than the 0.6 maximum (607.2 sqm) in the Canning Bridge Frame. The residential component proposes a plot ratio of 0.611 (668.97 sqm), which is 61.77 sqm more than the maximum 0.6 (607.2 sqm) permitted. The combined plot ratio equates to 1.165 (1178.87 sqm), which is 35.53 sqm less than the maximum 1.2 (1214.4 sqm) permitted “as of right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Although the combined plot ratio is less than the combined “as of right” allowance, a variation to the residential component of the development is required. In this regard, the performance criteria for mixed use developments under Clause 7.2.1 of the Codes provides for variations to the residential plot ratio providing the dwellings combined with non-residential uses on the same site provide comparable standards of amenity to other multiple dwellings taking into account the need to satisfy streetscape objectives, provide open space in accordance with residential needs and provide car parking to satisfy reciprocal requirements of the residents and other users. It is considered that the proposed development provides comparable development in keeping with the streetscapes being currently developed in the locality and also provides adequate levels of open space and car parking to satisfy the residential and commercial user needs. Accordingly, it is considered that the performance criteria are satisfied.

In addition to the above, 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 Canning Bridge Frame (CBF) which indicates that offices may be supported where privacy of neighbours is respected and the design has a residential character. In this regard, the proposal is in context with the residential character of the area (developing to be contemporary in nature) and higher standards of privacy than applicable under the R-Codes are to be applied.
- b) Orderly and proper planning for the locality in that the development is considered to be consistent with the adjacent development and streetscape.
- c) Existing and future amenity of the locality along First Avenue which is within the Canning Bridge Frame. This area is currently being developed with similar proposals, ie: 28 Kintail Road is a 4/5 storeys mixed use building; an application for a 3 storey office building at 26 Kintail Road (currently under assessment); a 4 storey mixed use building at 21 Kintail Road (approved by Council in June 2008), a 4 storey mixed use development at 4 Forbes Road (approved by SAT on appeal on 10 April 2008) and a 3 storey mixed use development at 30 Kintail road was approved by Council on 21 October 2008.

Accordingly, no objection is raised to the minor increase in the residential plot ratio.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

In the context of the above, it is considered that the minor variation to the residential component of the development is consistent with the current expectations for development within the locality. Although, the residential component of the development exceeds the basic as of right allowance of 61.77 sqm, as the combined plot ratio is 35.53 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. It is noted that the development will be required to contribute 1% of the development value to public art and that the development will also be required to provide improvements to the verge area relative to provision of a footpath, landscaping (including planting of a new advanced specimen Jacaranda tree to the northern side of the verge) and provision of a service bay and hardstand bin collection areas.

#### 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 as of right 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), 17 bays would be required for the non-residential component (offices).

The total parking requirement is 21 bays. The development initially proposed 26 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 parking area has been deleted and converted to a reversing bay. Accordingly, the result is that 25 bays are available, 18 for the office component and 7 for the residential component.

All of the proposed bays are contained behind security gates. Conditions will need to apply to ensure that the gates remain open during business hours.

#### 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 509.9 sqm of offices will generate additional 51 VTPD. A total of 75 VTPD (vehicle trips per day) is considered to have no further impact on First Avenue.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Traffic volume counts in 2004 were 461 Average Weekday Traffic (AWT) along First Avenue. The total traffic volumes generated by the proposal is less than 16.3% of the traffic along First Avenue and it will be directed through Kintail Road of Kishorn Road. Kintail Road (40 metres to the east from intersection with First Avenue) had an AWT count in 2004 of 7243 and Kishorn Road (45 metres to the west from the intersection with First Avenue) of 1205. Both, Kintail Road and Kishorn Road have the potential to accommodate the traffic generated by the proposal.

The proposal has been referred to the City of Melville Engineering Services for comment. The proposal has been supported subject to the following requirements:

1. Construct footpath immediately adjacent to front property boundaries.
2. Construct paved bin storage areas on both side of the new crossover.
3. Reinstate road kerbing at location of existing crossover (redundant and reinstate verge.
4. Landscaping to verge areas to the satisfaction of Manager Planning and Development Services.
5. Provide a parking embayment for service vehicles in the verge area adjacent the street with access from the crossover in front of the development. (It is noted that street parking bays are provided along the eastern side of the street and parking restrictions apply to the western side.)

Setbacks

Southern Setbacks

The second set of stairs on the southern side of the office component does not comply with the required setback of the City of Melville Community Planning Scheme No. 5 - minimum of 2.0 m when abutting a residential property. The proposal shows a reduced setback of 1.5 m. It should be noted that the first set of stairs has the same setback, however these stairs are used for the tenants of the office component as well for the tenants of the residential component and therefore the required setback is 1.0 metre in accordance with the Residential Design Codes. The reduce setback of the second set of stairs to the offices is supported in this instance as the bulk of the stairs and overshadowing impact on adjoining property owners is created by the compliant residential unit located above the stairway. Accordingly, should the setback of the stairway be increased, the compliant residential unit setback above the stairs will still create the same impacts.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)***Privacy*

Visual Privacy has been addressed and the proposal provides obscure windows, planters and louvers to avoid overlooking into the adjoining properties. The rear window (facing west) of the non-residential component (ground floor and second storey) is to be screened (as verbally agreed by the applicant and to be conditioned accordingly) although there is no requirement in relation to visual privacy. This screening will address privacy concerns raised from adjoining properties and improve the energy efficiency rating for the building by providing shading to these windows.

*Landscaping*

The proposal indicates a landscaping area of 25.8% which exceeds the 25% required under the City of Melville Community Planning Scheme No. 5, however it is noted that the Residential Design Codes 2008 does not require landscaping for mixed use development. In addition, additional landscaping is to be applied to the verge area.

*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.

*Energy Efficiency*

The proposal satisfies Council Policy No. 06-PL-021 - Energy Efficiency in Building Design. In this regard, the Building Code of Australia requires a minimum energy efficiency rating of 3 Stars for the individual residential units with an average rating of 4 Stars. In addition, the Offices are required to be developed to achieve a 4 Star rating. The applicant has provided an independent ABSA Certificate stating that all four apartments have 4 Star and 4.5 Star ratings with an average of 4.25 Stars for all residential. In addition, the Office will achieve the required 4 Star rating or better as a result of the additional screening to be provided to the windows on the western side of the offices. This will provide an overall rating which exceeds the minimum requirements and satisfies the Policy.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)****Submissions**

Five (5) submissions have been received objecting the proposal. Three (3) of the objections mainly refer to overshadowing, one is addressing visual privacy and another is addressing appearance of the building. These submissions are not supported as detailed in the Submission Table above.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council may refuse the application should it be considered that the development does not comply with the provision of the City of Melville Community Planning Scheme No. 5, as the proposal exceeds the maximum residential plot ratio of 0.6. However the proposal complies with the maximum plot ratio of 1.2 based on the Council's legal interpretation and therefore an appeal to the State Administrative Tribunal (SAT) 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 following referral to the Elected Member Workshop on 4 November 2008 and application of any additional condition as required by Elected Members at this workshop. Should Elected Members require that this matter be referred to Council for determination; the matter will be placed before Council for consideration at the next Ordinary Meeting of Council on 18 November 2008.

**OFFICER RECOMMENDATION****APPROVAL**

**A) THAT FOLLOWING REFERRAL OF THE APPLICATION FOR THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS TO THE ELECTED MEMBER WORKSHOP ON 4 NOVEMBER 2008, THE APPLICATION 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.**

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPECROSS WA 6153 (REC) (ATTACHMENT)**

2. SECURITY GATES TO THE BASEMENT PARKING AREA ARE TO REMAIN OPEN DURING BUSINESS HOURS, WITH APPROPRIATE ARRANGEMENTS BEING MADE FOR VISITOR ACCESS AFTER WORKING HOURS PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
3. THE REAR OFFICE WINDOW FACING WEST TO BE FITTED WITH LOUVERS TO IMPROVE THE ENERGY EFFICIENCY RATING AND PRIVACY OF THE ADJOINING RESIDENTIAL DEVELOPMENT.
4. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN 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.
5. 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.
6. 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.
7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT IS REQUIRED TO PROVIDE A DILAPIDATION REPORT DETAILING THE CONDITION OF ADJACENT PROPERTIES TO THE APPROVAL OF PRINCIPAL BUILDING SURVEYOR.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

8. 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. THE PLAN IS TO ADDRESS MODIFICATIONS TO THE FOOTPATH AND VERGE AREAS OF FIRST AVENUE TO ACHIEVE A HIGH LEVEL OF AMENITY CONSISTENT WITH STREETSCAPE IMPROVEMENT DIRECTIONS FOR THE PRECINCT AND PROVIDE ONE 100L TREE ALONG THE FIRST AVENUE FRONTAGE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE APPROVED LANDSCAPING PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO THE FIRST COMMENCEMENT AND OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
9. PROVISION OF A SERVICE VEHICLE EMBAYMENT ON THE FIRST AVENUE FRONTAGE AND RELOCATION AND CONSTRUCTION OF FOOTPATH ON FIRST AVENUE TO THE PROPERTY LINE AT A HIGH STANDARD CONSISTENT WITH STREETSCAPE IMPROVEMENT DIRECTIONS FOR THE PRECINCT TO THE APPROVAL OF THE EXECUTIVE ENGINEER (ENGINEERING DESIGN). DETAILS IN THIS REGARD ARE TO BE SUBMITTED FOR APPROVAL PRIOR TO THE ISSUE OF A BUILDING LICENCE.
10. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE WASTE SERVICES MANAGER.
11. EXISTING CROSSOVERS NOT REQUIRED BY THIS DEVELOPMENT BEING CLOSED AND VERGES REINSTATED TO THE SATISFACTION OF THE EXECUTIVE ENGINEER (ENGINEERING DESIGN).
12. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS.
13. 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.

**U08/0263 - (JG) THREE STOREY MIXED USE DEVELOPMENT WITH UNDERCROFT CAR PARK (FOUR OFFICE UNITS AND FOUR MULTIPLE DWELLINGS) ON LOT 304 (1) FIRST AVENUE, APPECROSS WA 6153 (REC) (ATTACHMENT)**

- 14. 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.**
- 15. 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 NEIGHBOURING 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.**
- 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.**
- 17. 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.**
- 18. 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.**
- 19. 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.**
- 20. THE DEVELOPMENT IS TO ACHIEVE AN ENERGY EFFICIENCY RATING IN EXCESS OF THE BUILDING CODE OF AUSTRALIA REQUIREMENTS.**

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21. DETAILS OF THE PUBLIC ART 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.
22. 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.
23. PRIOR TO THE OCCUPATION OF THE BUILDING A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
24. THE SOUTHERN STREET TREE ON THE FIRST AVENUE VERGE TO BE MAINTAINED AND PROTECTED DURING THE CONSTRUCTION PROCESS.
25. A 1.8 METRE HIGH FENCE TO BE PROVIDED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT TO THE EAST AND MASONRY TO THE NORTH (UNLESS A LESSER STANDARD IS NEGOTIATED WITH THE ADJOINING PROPERTY OWNER) TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**STANDARD CONDITIONS:**

26. 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.
27. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.

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- 28. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.**
- 29. 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.**
- 30. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.**
- 31. 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 4MP2P AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.**
- 32. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.**
- 33. 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.**

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34. 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. THE LODGING OF DETAILED LANDSCAPE AND RETICULATION PLANS, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES FOR THE DEVELOPMENT OF THE SITE AND THE ADJOINING ROAD VERGE(S) AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
35. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
36. 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.
37. 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.

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**FOOTNOTES**

38. WITH RESPECT TO SPECIAL CONDITION 10, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.
39. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.
- B SHOULD ELECTED MEMBERS AT THE ELECTED MEMBER WORKSHOP ON 4 NOVEMBER 2008 REQUEST THE INCLUSION OF AN ADDITIONAL CONDITION OR MODIFICATION TO ANY OF THE ABOVE CONDITIONS, THEN THE CONDITIONS ABOVE BE MODIFIED ACCORDINGLY. ALTERNATIVELY, SHOULD ELECTED MEMBERS REQUIRE THE APPLICATION TO BE REFERRED TO COUNCIL FOR DETERMINATION, THEN THE APPLICATION BE REFERRED TO THE ORDINARY MEETING OF COUNCIL TO BE HELD ON 18 NOVEMBER 2008.
- C RESPONDENTS TO ADVERTISING OF PROPOSAL BE ADVISED OF THE DETERMINATION OF THIS APPLICATION.