

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**3 MAY 2011**

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development. Services
  2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Planning & Development Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: [peter.prendergast@melville.wa.gov.au](mailto:peter.prendergast@melville.wa.gov.au) or Tel 9364 0626.
  3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.
  4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the Friday following the publication of the DAU agenda to the City's web site.
  5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,  
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY 3 MAY 2011**

**PRESENT**

A Templeton	A/Manager Planning & Development Services
H Shigeyoshi	Senior Planning Officer
L Anderson	Senior Planning Officer
T Capobianco	Principal Building Surveyor
M Snell	Senior Team Leader Landscape Construction
R Bailey	Special Projects Officer (Engineering Design)
C Taborda	A/Traffic & Road Safety Coordinator (Engineering Design)

**APOLOGIES**

**IN ATTENDANCE**

**OBSERVERS**

**DISCLOSURES OF INTEREST**

**ELECTED MEMBERS' ATTENTION**

Nil

**DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020**

**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 has 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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**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

WARD : APPECROSS/MT PLEASANT  
 CATEGORY : OPERATIONAL  
 APPLICATION NUMBER : DA-2011-50  
 PROPERTY : LOT 256 (7) ARDROSS STREET, APPECROSS  
 PROPOSAL : TWO-STOREY SINGLE HOUSE  
 APPLICANT : MR T WRIGHT  
 OWNER : MR I K DOUBIKIN  
 DISCLOSURE OF ANY INTEREST : NO OFFICER INVOLVED IN THE PREPARATION OF THIS REPORT HAS A DECLARABLE INTEREST IN THIS MATTER.  
 RESPONSIBLE OFFICER : MS AMANDA TEMPLETON  
 A/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	<b><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></b>

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- DEVELOPMENT APPROVAL IS SOUGHT FOR THE CONSTRUCTION OF A TWO-STOREY SINGLE HOUSE.
- THE PROPOSAL IS GENERALLY COMPLIANT WITH THE ACCEPTABLE DEVELOPMENT PROVISIONS OF THE RESIDENTIAL DESIGN CODES (R-CODES) WITH THE EXCEPTION OF BOUNDARY, PRIVACY AND RETAINING WALL SETBACKS, DRIVEWAY WIDTH AND OVERSHADOWING.
- THE VARIATIONS WERE ADVERTISED TO ADJOINING NEIGHBOURS WITH ONE LETTER OF OBJECTION BEING RECEIVED. IN RESPONSE, THE APPLICANT SUBMITTED REVISED PLANS TO BRING ALL ITEMS WHICH PREVIOUSLY DID NOT MEET THE ACCEPTABLE DEVELOPMENT PROVISIONS RELATIVE TO THE AFFECTED NEIGHBOUR INTO COMPLIANCE WITH THE EXCEPTION OF OVERSHADOWING.
- THE OUTSTANDING VARIATIONS AS DETAILED FURTHER IN THIS REPORT ARE CONSIDERED TO SATISFY THE RELEVANT PERFORMANCE CRITERIA OR CAN OTHERWISE BE MADE TO COMPLY SUBJECT TO APPROPRIATE CONDITIONS.
- THE PROPOSAL IS RECOMMENDED FOR CONDITIONAL APPROVAL.



**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : Living Area – River Foreshore (RFS)  
 R-Code : R12.5  
 Use Class : Residential  
 Use Permissibility : P - permitted

**Site Details**

Lot Area : 1,011sqm  
 Retention of Existing Vegetation : Not applicable  
 Street Tree(s) : Not applicable  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Refer to photo above  
 U11\_0349\_May\_2011.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 6 May 2011

**DETAIL**

The proposal satisfies all of the relevant provisions contained within Community Planning Scheme No. 5, the R-Codes and Council policy with the exception of those matters addressed below.

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Driveway Width (max)	6.0m	8.2m	Does not comply	MPDS	
Privacy Setback - Entry	7.5m	2.25m	Does not comply	MPDS	
Overshadowing	25%	33.58%	Does not comply	MPDS	

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side Setback (north)					
GF - Pool Equipment / Store / Courtyard screen	1.7m	1.5m	Does not comply	MPDS	
UF - Retaining at stairs	2.0m	0m	Does not comply	MPDS	
UF – En suite / Dressing / Bed 1	2.6m	2.0m	Does not comply	MPDS	

(Note: GF – ground floor, UF – upper floor)

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: Variations to R-Codes / CPS5  
 Support/Object: Objection

	<b>Summary of Submissions</b>	<b>Support / Objection</b>	<b>Officer's Comment</b>	<b>Action (Uphold / Not Uphold)</b>
9 Ardross Street	<p>Detrimental impact upon the micro-climate (and amenity) of the adjoining residence. By decreasing setbacks, the overshadowing impact will be increased, cutting off access to full sun-light in winter.</p> <p>Variations will also exacerbate the wind-tunnel between the two houses.</p>	Concern	In response to the concerns raised, the Applicant has submitted amended plans which have brought all items of non-compliance relative to the affected neighbour into compliance with the Acceptable Development provisions of the R-Codes, with the exception of overshadowing. The impact of the overshadowing is detailed further in the 'Comments' section below.	Not Uphold

**REFERRALS TO GOVERNMENT AGENCIES**

There are no Government referrals required as part of this application.

**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**

There are no financial implications applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications applicable.

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)**

**POLICY IMPLICATIONS**

There are no policy implications applicable to this application.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

**COMMENTS**

As detailed in the preceding sections above, planning approval is sought for the construction of a two-storey single house at 7 Ardross Street, Applecross. The subject site is characterised by its riverfront location and has frontage to two public streets, these being Ardross Street to the east and Tuart Street to the west.

The proposed development satisfies all of the requirements of Community Planning Scheme No. 5 (CPS5), the R-Codes and Council policy with the exception of those matters assessed below.

Side Setbacks (North)

There are three proposed setback variations relative to the northern boundary, as follows:

- Ground floor pool equipment, store and courtyard screen wall setback of 1.5m in lieu of the required 1.7m;
- Upper floor retaining wall for stairs setback nil in lieu of the required 2.0m; and,
- Upper floor ensuite, dressing and Bed 1 wall setback 2.0m in lieu of the required 2.6m.

The proposed variations have been assessed against Performance Criteria 6.3.1 and 6.3.2 of the R-Codes and are all considered to satisfy the criteria for the following reasons:

- The adjoining dwelling to the north (1A Fraser Road, Applecross) does not contain any major openings along its southern elevation which may be detrimentally impacted by virtue of building bulk or loss of privacy which can be associated with the reduced setbacks. Furthermore, the proposed development also does not contain any major openings which face into the adjoining property along its northern elevation.
- The potential increased building bulk as a result of the proposed setback variations is minimised through the use of varying building materials, wall heights, landscaping treatment and finish. Specifically, the northern façade consists of a mixture of rendered brickwork, concrete block screen with landscape / creeper treatment and seam zinc cladding which have a cumulative effect in reducing bulk and façade monotony.

U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)

- Access to direct sun and ventilation to the adjoining property is not considered to be significantly compromised by the proposed reduced setbacks given that the variations relate to the northern boundary (i.e. shadow impact is measured against south-facing walls) and adequate separate distances between neighbouring walls are otherwise available.
- The proposed retaining wall for the stairs is considered to have negligible bulk impact upon the adjoining property given it abuts a driveway and garage area which is also supported by retaining walls.
- As the proposed northern elevation does not include any major openings, privacy and amenity levels currently enjoyed by the adjoining property at 1A Fraser Road will be maintained.
- No submission was received from the owners of the adjoining property to the north.

#### Overshadowing

The proposal presents a variation to the Acceptable Development provisions relating to overshadowing of the adjoining property to the south. The proposed area of overshadowing at 12pm, 12 June on to the adjoining southern property is 33.58% in lieu of the allowed 25%.

A submission was received from the adjoining neighbour to the south (No. 9 Ardross Street) which raised concerns in relation to overshadowing and reduced access to full sun-light in winter.

Whilst the concerns raised are acknowledged, the proposed development is considered to satisfy Performance Criteria 6.9.1 of the R-Codes for the following reasons:

- Of the 33.58% shadow impact, approximately 24.8% falls directly on to roofed areas of the adjoining property being the carport, dwelling and rear garage, as well as a driveway, thus having minimal adverse impact.
- Importantly, no active outdoor living areas are anticipated to be overshadowed by the proposed development, nor are any major openings to habitable rooms.
- As detailed in the preceding sections above, in response to the concerns raised by the adjoining neighbour at No. 9 Ardross Street, the Applicant has brought all other items of non-compliance (i.e. setbacks) relating to the southern boundary into compliance with the Acceptable Development provisions of the R-Codes.

#### Vehicular Access

The proposal seeks a variation to the Acceptable Development provisions of the R-Codes relating to maximum driveway width of 8.2m (40.7%) in lieu of the permitted 6.0m (40%). The Performance Criteria allow for variations to the above requirement subject to crossovers being designed to avoid street trees, maintain pedestrian safety and otherwise not detract from the streetscape.

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

In this instance, the proposed variation is considered to have the potential to result in a detrimental impact upon the streetscape of Tuart Street. Accordingly, the Applicant has been advised as has agreed to reduce the driveway width to 6.0m. Accordingly, a condition of approval is recommended to this effect.

Visual Privacy

The proposed Entry Courtyard located off Tuart Street is setback 2.25m at its closest point from the southern boundary. As the floor level of the Entry Court is approximately 1.8m above natural ground level, it is subject to the R-Codes provisions relating to visual privacy which require a minimum setback of 7.5m.

As it is considered that views of the adjoining property's outdoor living area may be achieved from the subject Entry Court, a condition of approval is recommended to ensure that the entire southern balustrade be treated with fixed obscure screening to a minimum height of 1.65m above the finished floor level, or any other screening alternative that complies with the purpose and intent of clause 6.8.1 (A1) of the R-Codes.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

**CONCLUSION**

It is considered that the proposed development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that the conditional approval be granted.

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPECROSS (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION**

**APPROVAL**

- A) That the application for a Two-Storey Single House at Lot 256 (7) Ardross Street, Applecross be approved subject to the following Special and Standard Conditions:

**SPECIAL CONDITIONS:**

1. All stormwater generated on site is to be retained on site.
2. The Tuart Street crossover is to be a maximum of 6.0 metres in width, as marked in 'RED' on the approved plans.
3. Prior to initial occupation of the dwelling, the SOUTHERN side of the UPPER FLOOR ENTRY COURT, as marked in 'RED' on the plans hereby approved, must have installed fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes of Western Australia. The screening measures must thereafter be retained in perpetuity, to the ongoing satisfaction of the Manager Planning and Development Services.

**STANDARD CONDITIONS:**

4. Prior to first occupation, the external face of the parapet wall(s) on the boundary is to be finished to an equivalent standard of finish and colour of the dwelling (or fence) on the adjoining property to the satisfaction of the Manager Planning and Development Services.
5. In accordance with the provisions of Council Policy "Highly Reflective Roofing Materials", the materials proposed for use on the development hereby approved must not be highly reflective. The use of Zinalume, white or surfmist coloured metal roofing may only be permitted through the grant of a separate planning approval.
6. Prior to first occupation, all unused crossover(s) are to be removed and the kerbing and road verge reinstated at the owners full cost. All work undertaken to be to the satisfaction of the Manager Planning and Development Services.
7. The construction of retaining walls must not exceed the heights specified on the plans hereby approved, unless otherwise approved by Council.
8. Ground levels may not be changed other than approved as part of this approval.

**U11/0349 PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 256 (7) ARDROSS STREET, APPLECROSS (REC) (ATTACHMENT)**

**ADVICE NOTES:**

- 9. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**
  - 10. The applicant is to consult with the City's Technical Services Department with respect to construction details relating to works undertaken within the Tuart Street road reserve.**
- B) That the neighbour who submitted on the application be notified of A) above.**

**U110350/ PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

Ward : City  
 Category : Operational  
 Application Number : DA-2010-1298  
 Property : 24 Marr Street, MYAREE WA 6154  
 Proposal : USE OF EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE  
 Applicant : Swan River Crabs Pty Ltd  
 Owner : Swan River Crabs Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Ms Amanda Templeton  
 A/Manager Planning and Development Services  
 Previous Items : Not Applicable

**AUTHORITY / DISCRETION**

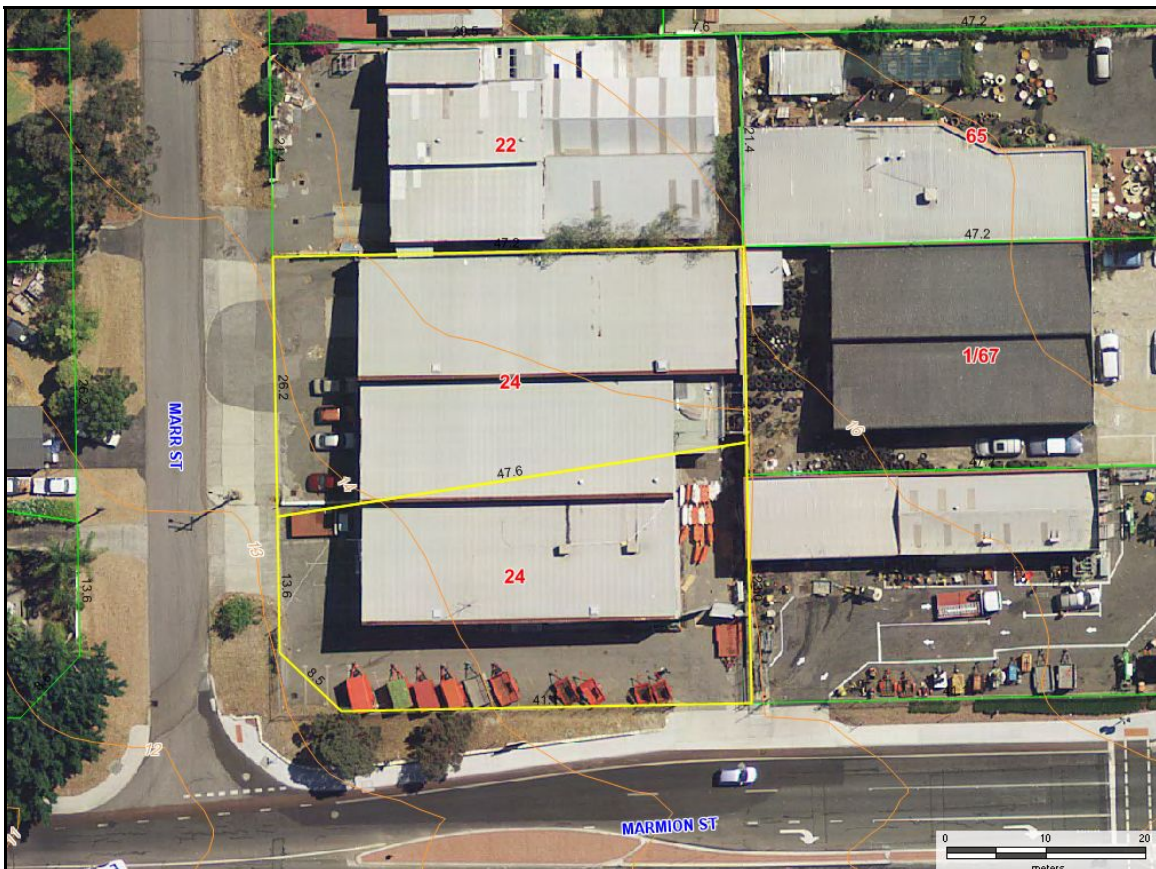
Definition

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<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>

**U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought to utilise an existing vacant building for Light Industry and Storage purposes for seafood storage, processing and distribution at 24 Marr Street, Myaree.
- The subject site is situated within the Mixed Business Frame Precinct under the provisions of the City of Melville Community Planning Scheme No. 5 (CPS5).
- Light Industry is an 'S' use and Storage is a 'D' use within the Mixed Business Frame Precinct and as such is not permitted unless Council exercises discretion and grants approval after advertising.
- The application was advertised for 21 days in accordance with Scheme provisions. Three letters of objection and one petition were received.
- The proposal complies with all of the relevant development requirements of CPS5 and relevant Council Policies.
- The application is recommended for conditional approval.



**BACKGROUND**

Planning approval was granted on 30 June 1981 pursuant to City of Melville Town Planning Scheme No. 2 to operate the site for Industrial and Sales purposes.

**U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

Upon gazettal of CPS5, the previously approved General Industry use became an 'X' - Use Not Permitted within the Myaree Mixed Business Frame Precinct. Accordingly, the business continued to operate from the subject site as a Non-Conforming Use.

On 9 September 2006 the business ceased operating from the subject site. As the use has now ceased for a period greater than 6 months, non-conforming use rights no longer exist. As such, the site currently has no approved use.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Mixed Business Frame
R-Code	: Not Applicable
Use Type	: Light Industry and Storage
Use Class	: Light Industry - 'S' Not permitted unless Council exercises discretion and grants approval after advertising. Storage - 'D' Not permitted unless Council exercises discretion and grants approval.

**Site Details**

Lot Area	: Lot 71 (1083sqm) Lot 72 (1065sqm)
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer to photo above

U11\_0350\_May\_2011.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 6 May 2011

**DETAIL**

**Development Requirements**

The proposal satisfies all of the relevant development requirements contained within CPS5 and Council policy.

**U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: 3 objections and 1 petition  
 Reason: Light Industry is a 'S' use  
 Support/Object: All object

Affected Properties	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold / Not Uphold)
15 Marr Street	The business will operate 24 hours a day and on weekends.	Objection	The proposed operating times are between 6am and 5pm Monday to Friday and not at all on weekends.	Not Uphold
17 Marr Street	Noise from the operation of the building and vehicles in and around the site 24 hours a day.	Objection	The applicant commissioned a Noise Report as part of the application. The report concluded that the proposed noise levels associated with the operation of the business meet the relevant criteria.	Not Uphold
16 Marr Street	A petition signed by 18 residents		A condition of approval is recommended requiring access of service vehicles to the premises including deliveries and the operation of equipment at the premises including forklifts is not to occur before 7:00am or after 3:00pm Monday to Friday.	Condition
	Noise issues resulting from reversing beepers.	Objection	A condition of approval is recommended to require that vehicles associated with the daily operation of the business are fitted with multi frequency broadband alarms rather than the traditional beeping of a conventional alarm.	Condition
	On-site parking is inadequate and therefore parking will occur on Marr Street and the street verges.	Objection	The proposal satisfies the car parking requirements of CPS5. Therefore there is sufficient space on site to park staff, visitor and delivery vehicles.	Not Uphold

	Large interstate trucks (24 wheels) will be used as part of the operation.	Objection	The largest vehicle proposed to be utilised for deliveries is a five tonne truck. This size truck is acceptable for use as it meets the requirements of the Environmental Protection (Noise) Regulations 1997 and can adequately manoeuvre within the site.	Condition
	Marr Street, Charleson Street, Schatch Court and Welby Street will be used for vehicle access as part of the operation to access Marmion Street.	Objection	The only vehicle entry point to the site is off Marr Street, however all delivery vehicles will have to exit the site via Marmion Street as the delivery bay is adjacent to the eastern boundary. Furthermore, the majority of the employee parking bays are located along the southern boundary and will also exit the site via Marmion Street.	Not Uphold
	Loading and unloading of trucks will occur on the western side of the site abutting Marr Street.	Objection	A condition of approval is recommended to require that all loading and unloading of trucks are to occur at the specified loading dock on the eastern side of the site. The existing roller doors located on the western side of the building are not to be used for loading and unloading.	Condition
	Odours from the fish and chip shop will be an issue.	Objection	The fish and chip shop component of the original application has been removed from the proposal.	Not Uphold
	Odours from seafood processing and waste removal will be an issue.	Objection	The applicant commissioned the preparation of an Odour Management Plan and Waste Management Plan as part of the application. These plans outline measures that are required to be undertaken to ensure odour emissions are managed. Conditions of approval are recommended to ensure that the premises are operated in accordance with the submitted WMP and OMP at all times.	Not Uphold
	Residential land values will decrease.	Objection	Not a planning matter that can be addressed	Not Uphold
	The proposal does not provide	Objection	It is considered that the proposed repainting of the buildings and the	Not Uphold

	an acceptable interface between the Residential and Mixed Business Frame Zonings.		extensive landscaping proposed both onsite and within the verge areas will greatly improve the appearance of the site and result in a suitable interface between the two zonings.	
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**REFERRALS TO INTERNAL DEPARTMENTS**

*Health Services*

The application was referred to the City’s Environmental Health Services who have recommended a number of conditions of approval and advice notes relating to the control of noise and odour emissions. These have been included within the recommendation below.

*Technical Services*

The City’s Technical Services have recommended a number of conditions relating to parking and manoeuvring. These have been included within the recommendation below.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

None applicable.

**POLICY IMPLICATIONS**

The following policy is of specific relevance in the determination of the subject application:

Policy 06-PL-024 – Car Parking (Non-Residential)

This Policy controls the provision of car parking for non-residential development proposals throughout the City.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is recommended for approval under delegation through the DAU process. Should Elected Members have an alternative view; the DAU ‘call-up’ procedures provide opportunity to call the matter up for formal Council consideration.

## **U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

### **COMMENTS**

Planning approval is sought to utilise the vacant buildings at 24 Marr Street, Myaree for Light Industry and Storage purposes. The proposed use relates to the storage, processing and distribution of seafood. In particular, this will involve the delivery of seafood in freezer trucks to the site, filleting and vacuum packing of seafood and sorting seafood for distribution to retail outlets in the Perth area. It is not proposed to smoke or cook seafood at the site.

The proposal does not involve any changes to the existing footprint of the built form on site. An internal upgrade is however proposed to customise the building to the needs of the operation. Furthermore, it is proposed to upgrade the exterior appearance of the buildings, extensively landscape the street verge abutting the site and to upgrade the car parking areas and vehicle access ways abutting both Marr Street and Marmion Avenue. Two signs are also proposed along the Marmion Street façade.

The business is to employ five full time staff and one casual staff member.

The proposed hours of operation are from 6am to 5pm Monday to Friday and not at all on weekends. Notwithstanding this, although staff can attend the site from 6am, machinery and forklifts are not proposed to be operated and deliveries are not to occur prior to 7am.

Deliveries to the site are to be undertaken by a five tonne truck.

It should be noted that the original application which was advertised in accordance with CPS5 included a 'fish and chip' shop, seafood retail shop in addition to the proposed Light Industry and Storage uses. Due to public concern and onsite car parking limitations, the application was amended to remove the 'fish and chip' shop and seafood retail shop components of the application.

### Car Parking

In relation to Council's Policy 06-PL-024 – Car Parking (Non-Residential), the required number of on-site car parking bays is 13. The application proposes 13 on-site bays including one disabled bay and in addition to the loading dock.

As the business is to employ a total of six staff and given that there will be no retail sales undertaken from the site, it is considered that the proposed number of car parking will be adequate to cater for the car parking demands of the business.

### Noise

The applicant submitted a Noise Report as part of the planning application. The noise report accounted for all of the proposed internal operations as well as vehicular movements to and from the site. The report concluded that the anticipated noise levels associated with the operation of the business from the site will comply with the "Assigned Noise Levels" contained in the Environmental Protection (Noise) Regulations 1997 at all times and that no noise mitigation measures are required.

## **U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

To ensure that the business is operated in accordance with these regulations, a condition of approval is recommended to require an Acoustic Report be prepared by a suitably qualified Acoustic Consultant once the business is in operation to demonstrate that the operation of the premises does comply with the "Assigned Noise Levels" contained in the Environmental Protection (Noise) Regulations 1997.

### Odour

The Applicant submitted an Odour Management Plan (OMP) as part of the application. The intention of the plan is to ensure that no offensive odours from the operation are emitted that could effect the general public.

In general, the main source of potential odour emissions is to come from seafood that is allowed to thaw and decompose. The OMP ensures that suitable measures will be undertaken to ensure that seafood does not have the chance to thaw and decompose.

The OMP also includes an odour reporting system, whereby if concerns are raised by the public about odours, the concerns are to be recorded as odour events and the City is to be notified within 48 hours. The recording of such events will include:

- Time
- Date
- Type of odour event
- Extent of odour event
- Type of response
- Time of completion
- Complaints received.

Following the report of an odour event, the operator of the business together with the City will take appropriate measures to ensure the issue is resolved.

A condition of approval is recommended to ensure that the business is operated in accordance with the OMP at all times.

### Waste Management

The Applicant submitted a Waste Management Plan (WMP) as part of the application. The WMP ties in with the OMP however the primary objective of the WMP is to ensure that the disposal of waste is undertaken in an appropriate manner to minimise the discharge of offensive odours from waste that could affect the general public.

In general, the main source of odour will occur from disused seafood that is allowed to thaw and decompose. The WMP specifies suitable measures that are required to be undertaken to ensure that seafood waste is disposed of without causing odour issues to the general public.

A condition of approval is recommended to ensure that the business is operated in accordance with the WMP at all times.

## U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)

### Signage

The proposed signage on the Marmion Street elevation is considered to be consistent with the scale and form of the building. The colours of the proposed signage in conjunction with the proposed paint colours for the building are considered to upgrade the appearance of the building. The design and size of the signs are considered consistent with that displayed within the surrounding Myaree commercial area and they are not anticipated to result in any impacts upon traffic safety. Overall, it is considered that they will not have an adverse impact on the character and amenity of the locality.

### Land Use Matters

'Industry – Light' is defined within CPS5 as follows:

*'Industry – Light' means an industry:*

- (a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (b) *the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.*

Storage is defined within CPS5 as follows:

*'Storage' means the use of a building or land for storage of goods, equipment, plant or materials.*

Light Industry is an 'S' use within the Mixed Business Frame Precinct and as such is not permitted unless Council exercises discretion and grants approval after advertising in accordance with Clause 7.5(d). Furthermore, Storage is a 'D' use within the Precinct as such also requires Council discretion to approve.

The proposed processing business is considered to fall within the definition of "Industry – Light" as the information including the Noise Plan, Odour Management Plan and Waste Management Plan submitted with the application include measures to manage any anticipated emissions so that there will be no significant adverse affect upon the amenity of the locality.

Furthermore, the access and car parking arrangements and the restricted hours of operation are considered to further mitigate the potential impacts arising from vehicles accessing the site upon the surrounding area.

### Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. As outlined above, it is considered that the proposal is acceptable in this context and is not anticipated to result in any significant adverse impacts upon the amenity of the surrounding area.

**U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

Furthermore, it is considered that the proposed repainting of the buildings and the extensive landscaping proposed within the verge areas abutting Marr Street will greatly improve the amenity of the site and result in a suitable physical interface between the two zonings.

**CONCLUSION**

It is considered that the application (subject to appropriate conditions) suitably addresses the provisions and requirements of CPS5 and relevant Council Policy. Accordingly, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION**

**(APPROVAL)**

**That the application for the use of the existing vacant site for Light Industry and Storage at 24 Marr Street, Myaree be approved subject to the following Conditions:**

**SPECIAL CONDITIONS**

- 1. Access of service and delivery vehicles to the premises and the operation of machinery including forklifts are not to occur before 7:00am or after 3:00pm Monday to Friday.**
- 2. Delivery vehicles accessing the site are to be no larger than 5 tonne.**
- 3. Delivery vehicles are to enter the site from Marr Street and exit the site on to Marmion Street.**
- 4. Vehicles associated with the daily operation of the use, with the exception of private staff vehicles, are to be fitted with reversing beepers that emit a multi frequency broadband sound instead of the traditional beeping of a conventional alarm are used at the premises at any time.**
- 5. Within 60 days of the commencement of the operation of the business at the site, an Acoustic Report is to be prepared by a suitably qualified and experienced Acoustic Consultant which demonstrates that the operation of the premises complies with the "Assigned Noise Levels" contained in the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Manager Planning and Development Services. Any further noise mitigation measures (if any) recommended by this report are to be implemented within 30 days of the receipt of the Acoustic Report.**
- 6. The loading and unloading of trucks shall only occur within the specified loading dock adjacent to the eastern boundary at all times.**
- 7. The roller doors along the western elevation of the building are not to be utilised for loading and unloading purposes and closed at all times.**

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8. The use of the site is to comply with the following definitions contained within Community Planning Scheme No. 5:

*'Industry – Light' means an industry:*

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.*

*'Storage' means the use of a building or land for storage of goods, equipment, plant or materials.*

9. The premises are to be operated in accordance with the Odour Management Plan 2011, at all times.
10. The Manager Planning and Development Services of the City of Melville is to be notified of any all odour events as stipulated in the Odour Management Plan, within 48 hours of the following information:
- Time of odour event
  - Date of odour event
  - Type of odour event
  - Extent of odour event
  - Type of response
  - Time of completion
  - Details of any complaints received
  - Responses to any complaints received
  - Details of appropriate measures that are to be undertaken to reduce the likelihood of the odour event occurring again are also to be submitted to the satisfaction of the Manager Planning and Development Services.
11. The premises are to be operated in accordance with the Waste Management Plan 8 March 2011, at all times.
12. Prior to occupation of the building one disabled car parking bay is to be provided, clearly designated as such, and to be of minimum dimensions 3.2 metres wide by 5.4 metres deep.
13. In accordance with the approved plans all 13 parking bay/s (including one disabled bay), driveway/s and points of ingress and egress areas are to be permanently provided, constructed, drained, marked prior to the occupation of the business and thereafter maintained to the satisfaction of the Manager Planning and Development Services.

**U11/0350 PROPOSED USE OF AN EXISTING VACANT BUILDING FOR LIGHT INDUSTRY AND STORAGE AT 24 MARR STREET, MYAREE (REC) (ATTACHMENT)**

**STANDARD CONDITIONS**

14. Prior to occupation of the building, all unused crossover(s) are to be removed and the kerbing and verge reinstated at the applicant/owner's full expense to the satisfaction of the Manager Planning and Development Services.
16. Prior to commencement of the development, a landscaping plan must be submitted to and approved in writing by the Manager Planning and Development Services. The plan should demonstrate the provision of landscaping within the subject lot(s) and the Council owned verge, and must include details of:
  - the location and type of proposed tree and shrub species including their size and planting density,
  - grassed areas,
  - how the planted areas will be reticulated, and
  - maintenance schedules.

The approved landscaping must be implemented during the first available planting season after the completion of the construction phase, and thereafter maintained to the satisfaction of the Manager Planning and Development Services. Any planted species that fail to establish within one year of the planting phase must be replaced.

15. Prior to the commencement of operation, the elevations of the building/s and wall/s are to be treated with non-sacrificial anti-graffiti agent.
16. All stormwater generated on site is to be retained on site.

**FOOTNOTES**

1. The food preparation and storage areas must be constructed in accordance with Australian Standard 4674 - Design, Construction and Fitout of Food Premises. The operation of the premises is to be in accordance with the requirements of Standard 4.2.1 of the Food Safety Standards – Primary Production and Processing Standard for Seafood.
2. The premises are deemed as being a “Food Business” under the Food Act 2008. Prior to the commencement of food handling operations, the “Food Business” must notify the City of Melville in the approved form. All plans and specifications of the food business including details of all fixtures, fittings, appliances and finishes must be submitted to the City of Melville for approval as part of the application for Building Licence.
3. The premises are to comply with the City of Melville Health Local Laws 1997.
4. All liquid industrial waste is to be discharged to sewer with applicable trade waste permit as required by Water Corporation Industrial Waste Section.

**U11/0351– (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 3 MAY 2011**

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	10 Braunton Street, Bicton  Relating to DA-2011-247	Mature <i>Agonis flexuosa</i> (Weeping Peppermint ) in significant decline (middle tree in photo below).  Request for removal in order to construct a new crossover.	Removal supported as this tree is already in significant decline.  There are five other existing verge trees adjacent to this corner property on Braunton St and Bristol Ave.  As per City of Melville Street Tree policy, a condition of approval is recommended to require the applicant to pay for two semi mature replacement trees prior to removal.



**U11/0351– (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 3 MAY 2011**

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
2	<p>81 Swan Road Attadale.</p> <p>Relating to DA-2011-413</p>	<p>Two mature Queensland Box Trees (<i>Lophostemon conferta</i>).</p> <p>Owner of 81 Swan Rd wishes to have trees removed to create a double crossover and water wise landscaping.</p> <p>The trees have been heavily pruned due to overhead power lines.</p>	<p>Removal of both trees is supported as the trees will never attain full size and the integrity of the shooting branches as they grow is questionable.</p> <p>Conditions of approval are recommended to require one tree to be replaced by a 400-500 litre specimen on the verge at 81 Swan Road; and the other tree to be replaced by two semi mature specimens in keeping with City of Melville Street Tree policy.</p>

