

**REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**9 NOVEMBER 2010**

- 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 Friday following the date of the publishing of these minutes.**
  - 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: 12 NOVEMBER 2010**

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT  
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON,  
COMMENCING AT 9.00AM ON 9 NOVEMBER 2010.**

**PRESENT**

T Capobianco (Presiding Member)	A/Manager Planning & Development Services
C O'Neill	Consultant
G Russell	A/Principal Building Surveyor
H Shigeyoshi	A/Planning Services Coordinator
L Anderson	Senior Planning Officer
P Stuart	A/Senior Planning Officer
R Bailey	Special Projects Officer (Engineering Design)
M Snell	Senior Team Leader Landscape Construction
C Taborda	A/Traffic & Road Safety Coordinator (Engineering Design)

**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 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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**U10/0291 - (HS) CHANGE OF USE FROM 'MOTOR VEHICLE REPAIRS' TO 'SHOWROOM / WAREHOUSE' ON LOT 802 (1-7) MARSHALL ROAD, MYAREE (REC) (ATTACHMENT)**

Ward : City  
 Category : Operational  
 Application Number : DA-2010-1231  
 Property : 1-7 Marshall Road, Myaree  
 Proposal : Change of Use: 'Motor Vehicle Repairs' to 'Showroom'  
 Applicant : Carrooda Pty Ltd  
 Owner : Carrooda Pty Ltd and Sansom Nominees Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Tony Capobianco  
 A/Manager Planning and Development Services  
 Previous Items : N/A

**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>

**U10/0291 - (HS) CHANGE OF USE FROM 'MOTOR VEHICLE REPAIRS' TO 'SHOWROOM / WAREHOUSE' ON LOT 802 (1-7) MARSHALL ROAD, MYAREE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The application is for a change of use for an existing commercial building complex in Myaree.
- The application seeks approval for a change of use from 'Motor Vehicle Repairs' to 'Showroom / Warehouse' for a proposed indoor/outdoor furniture business.
- A 'Showroom / Warehouse' use is a 'P' – permitted and 'D' – discretionary use respectively within the 'Mixed Business' Precinct.
- Given the application site is situated within the 'Mixed Business' Precinct under the provisions of the City of Melville Community Planning Scheme No. 5 (CPS5) and is non-residential in nature, referral to the Development Advisory Unit (DAU) is required in accordance with Policy 06-PL-004.
- Additional development requirements apply to the 'Mixed Business' Precinct under Council Policy No. CP-28-PL-006: Mixed Business Precinct Additional Development Requirements.
- The application is considered to comply with the development provisions contained under CPS5 and relevant Policies.
- Conditional approval is recommended.



**U10/0291 - (HS) CHANGE OF USE FROM 'MOTOR VEHICLE REPAIRS' TO 'SHOWROOM / WAREHOUSE' ON LOT 802 (1-7) MARSHALL ROAD, MYAREE (REC) (ATTACHMENT)**

**BACKGROUND**

The tenancy has been approved for the purposes of 'Showroom' on 28 August 1996 followed by a 'Motor Vehicle Repairs' on 15 November 2000. Whilst a 'King Kong' discount store has existed on-site until recently, it appears that no formal approval was ever issued by Council for the most recent use.

Separate to this application, Council has recently issued approval for the construction of a signage fascia on the existing commercial building. Specifically, the signage fascia is proposed to be erected on the front façade of the commercial building located on the lot. The fascia is proposed to extend to a maximum height of 11.0m and across the entire length of the building.

**Scheme Provisions**

MRS Zoning	:	Industrial
CPS 5 Zoning	:	Mixed Business
R-Code	:	R20/R25
Use Type	:	'Showroom' and 'Warehouse'
Use Permissibility	:	'P' – permitted and 'D' - discretionary

**Site Details**

Lot Area	:	13,597 sqm (approx. 275sqm tenancy)
Retention of Existing Vegetation	:	n/a
Street Tree(s)	:	n/a
Street Furniture (drainage pits etc)	:	n/a
Site Details	:	Refer photo above

[U10\\_0291\\_November\\_2010.pdf](#) A copy of the plans forms part of the attachments to the Agenda distributed to Members of Council 12 November 2010

**DETAIL**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	1.0 1.3 (max)	no change to existing	Complies		
Car Parking (1 bay/40sqm NLA, 1 bay per staff)	9 bays	19 bays existing and approved previously	Complies		
Building Height	11.0m (eaves) 13.5m (max)	No change	Complies		
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Rear</li> <li>• Side</li> </ul>	10.0m Nil Nil	No change to existing	Complies		

**U10/0291 - (HS) CHANGE OF USE FROM 'MOTOR VEHICLE REPAIRS' TO 'SHOWROOM / WAREHOUSE' ON LOT 802 (1-7) MARSHALL ROAD, MYAREE (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

There is no consultation required as part of this application.

**REFERRALS TO GOVERNMENT AGENCIES**

Whilst the proposal abuts Leach Highway which is designated a Category 2 'Primary Regional Roads' reservation, referral is not required in this instance in accordance with Western Australian Planning Commission Instrument of Delegation DEL 2010/01. Referral is not required where an application:

- c) Proposes a change of use with no structural modifications or additions to an authorised development and the new use does not require any additional car parking bays under the local planning scheme, provided that all the existing development, including carparking, is situated outside of the reservation area.*

The proposal does not propose any structural modifications or additions with the exception of signage (which will form part of a future application). No additional car parking bays are required.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications forming part of this application.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no strategic or risk management implications forming part of this application.

**POLICY IMPLICATIONS**

There are no policy implications applicable as part of this application.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

**U10/0291 - (HS) CHANGE OF USE FROM 'MOTOR VEHICLE REPAIRS' TO 'SHOWROOM / WAREHOUSE' ON LOT 802 (1-7) MARSHALL ROAD, MYAREE (REC) (ATTACHMENT)****COMMENTS**

The subject application seeks consent for a change of use from 'Motor Vehicle Repairs' to 'Showroom / Warehouse' on the existing commercial building at Lot 802 (1-7) Marshall Road, Myaree. Specifically, the 'Showroom / Warehouse' will have on display a variety of indoor/outdoor furniture including (but not limited to) large garden pots, bamboo furniture, flat pack furniture and general merchandise consisting of tall boys, chests of drawers, side tables, garden and water features, garden statues, large picture frames and mirrors and clay elephant range.

It is noted that the subject application does not seek planning approval for business signage. Specific business signage shall be the subject of a separate planning approval at an appropriate future juncture.

The property is located within the Mixed Business Precinct under the provisions of CPS5, which envisages the area to be used primarily for commercial uses accommodating retail uses of a bulky nature. In this case, the proposal is deemed to be entirely compliant with the Statement of Intent for the Mixed Business Precinct and otherwise represents an appropriate use by way of permissibility in accordance with the Use Class Table 1 of CPS5. The proposal is also deemed to be consistent with similar development in the surrounding locality by way of scale, design and appearance.

**CONCLUSION**

Given the application is compliant in all respects with the provisions of the City of Melville Community Planning Scheme No. 5 and relevant Policies, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION****APPROVAL**

**That the application for the change of use from 'Motor Vehicle Repairs' to 'Showroom / Warehouse' on Lot 802 (1-7) Marshall Road, Myaree be approved subject to the following conditions:**

**SPECIAL CONDITIONS:**

- 1. A separate application for Planning Approval and a Signs Licence is required for all signage.**

**STANDARD CONDITIONS:**

- 2. The façade of the building/s and wall/s is to be treated with non-sacrificial anti-graffiti agent.**
- 3. Prior to the commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4m<sup>2</sup> and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.**

**U10/0292– (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 9 NOVEMBER 2010**

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	30 Henley Road Ardross	Request for removal of one street tree as it is positioned adjacent to a proposed crossover. The lot has been subdivided into two side by side lots each with a 12.7 m frontage. Advice from the Western Australian Planning Commission is that the “...existing street tree to be retained”. The tree is a <i>Lophostemon Conferta</i> (Box Tree) in good condition opposite power lines, with a low spreading canopy.	Recommend that the existing street tree be retained and the proposed crossover be re-aligned to allow 1.0 m clearance from the base of the subject tree.  If required, the City of Melville will prune the lower branches to improve access to the garage when construction of the dwelling is completed.



**30 HENLEY ROAD ARDROSS**