

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 6 APRIL 2021

1. This Meeting makes Recommendations to the Manager Statutory Planning.
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 Statutory Planning. 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 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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY, 9 APRIL 2021



**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, 6 APRIL 2021**

PRESENT

M Scarfone
B Ashwood
T Cappellucci
A Quintiliani
R Tu

Planning Services Coordinator
Senior Planning Officer
Senior Planning Officer
Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

**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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U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Ward : Bicton-Attadale-Alfred Cove
 Category : Operational
 Application Number : DA-2021-128
 Property : Lot 78 (No. 27) Doney Street, Alfred Cove WA 6154
 Proposal : Two Grouped Dwellings
 Applicant : Allmac Builders
 Owner : Kieran McGoldrick
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mark Scarfone
 Acting Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for two grouped dwellings at Lot 78 (No. 27) Doney Street, Alfred Cove.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- In accordance with Part 4 of the R-Codes and Clause 1.7.6 of Local Planning Policy 1.1, the proposed development was advertised to the adjoining owners and occupiers. During the consultation period submissions were received objecting to the proposal on the basis of the impact of retaining height, boundary wall height and the potential loss of privacy.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R20
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	1012.00sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	N/A
Street furniture (drainage, pits, etc.)	:	Not applicable
Site Details	:	Refer photo above – Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 9 April 2021.

DETAIL

In February 2021, a development application was lodged for two grouped dwellings and associated site works at Lot 78 (No. 27) Doney Street, Alfred Cove.

The application has been assessed against the provisions of LPS6, State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. The proposal complies with all the relevant development requirements with the exception of those matters listed below.

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setback (Bed 3 – Void <i>Western Boundary</i>)	1.8 metres	1.2 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback (Powder – Alfresco <i>Internal Western Boundary</i>)	1.5 metres	1.1 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Design Element (cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setback (Bed 2 – WIR <i>Internal Western Boundary</i>)	1.5 metres	1.1 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback (Bed 3 – Void <i>Eastern Boundary</i>)	1.8 metres	1.2 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback (Powder – Alfresco <i>Internal Eastern Boundary</i>)	1.5 metres	1.1 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback (Bed 2 – WIR <i>Internal Eastern Boundary</i>)	1.5 metres	1.1 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.2(ii)-Boundary Walls (Guest Bed – Alfresco <i>Western Boundary</i>)	14.2m boundary wall length	19.4m western boundary wall length	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.1.3 Lot Boundary Setback Cl.3.2(ii)-Boundary Walls (Guest Bed – Alfresco <i>Eastern Boundary</i>)	14.2m boundary wall length	19.4m eastern boundary wall length	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Design Element (cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.2.2 Garage Width	Max 60% for a two storey residential dwelling	63.45% of the frontage – Lot 700 and Lot 701	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.3.5 Vehicular Access	Driveway/crossover maximum of 9m for any one property	10.2m cumulative width	Condition to ensure compliance with deemed-to-comply provision	N/A
5.3.7 and 5.3.8 Site Works and Retaining (<i>Eastern Boundary</i>)	Retaining and fill not to exceed 0.5 metres	0.7 metres above Natural Ground Level	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.3.7 and 5.3.8 Site Works and Retaining (<i>Western Boundary</i>)	Retaining and fill not to exceed 0.5 metres	0.8 metres above Natural Ground Level	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Bed 3 <i>Eastern Boundary</i>)	To be setback 4.5 metres	Setback 2.8 metres	Condition to ensure compliance with deemed-to-comply provision	N/A
5.4.1 Visual Privacy (Bed 2 <i>Internal Eastern Boundary</i>)	To be setback 4.5 metres	Setback 2.6 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
5.4.1 Visual Privacy (Bed 2 <i>Internal Western Boundary</i>)	To be setback 4.5 metres	Setback 2.6 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Design Element (cont.)	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.1.3 Lot Boundary Setback Cl.3.2(ii)- Boundary Walls (Guest Bed – Alfresco <i>Western Boundary</i>)	Average wall height of 3 metres	Average height of western boundary wall at 3.25 metres	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)
5.3.7 and 5.3.8 Site Works and Retaining (<i>Northern Boundary</i>)	Retaining and fill not to exceed 0.5m above NGL within 1m of lot boundary	Retaining and fill maximum of 0.8m above NGL	Requires assessment against the Design Principles of the R-Codes. Refer details in report below.	Development Advisory Unit (DAU)

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comments Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: Three objections received.

A summary of the content of the objections received and a response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The height of the northern retaining wall (bulk impact).	Refer to the comments section of this report.	Not Uphold
The height of the western boundary wall (bulk impact).	Refer to the comments section of this report.	Not Uphold
Overlooking caused from the upper floor Bed 2 and Bed 3 of Lot 700 and Lot 701 to the northern boundary.	The subject windows meet the deemed-to-comply requirements of Clause 5.4.1 Visual Privacy of the R Codes.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic, risk, or environmental management implications with this application.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There are no Local Planning Policy or Council Policy implications in relation to this development. The proposed development requires a performance assessment having regard to the relevant Design Principles of the R-Codes.

COMMENTLot Boundary Wall Height

Part 6 of Local Planning Policy LPP 3.1 Residential Development replaces Clause 5.1.3 C3.2 (ii) of the R Codes with the following:

C3.2 Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2 of the R-Codes), within the following limits.....

- ii in areas coded R20 and R25, walls not higher than 3.5m with an average of 3m up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback.....*

The development proposes a Guest Bedroom – Alfresco boundary wall to the western side boundary of the future Lot 700. As per the proposed plans attached, this wall has an average wall height of 3.25m, and as such a performance assessment against the Design Principles of the R Codes is sought. The proposed wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The wall makes an effective use of space whilst not compromising the amenity of the adjoining eastern property;
- The proposed boundary wall is located next to the access way of Lot 2 (No. 25A) Doney Street, Alfred Cove, therefore will not directly abut any habitable spaces. As demonstrated in Figure 5, the subject boundary wall is setback 16m from the rear boundary of the future Lot 700 and will therefore have no impact on the Outdoor Living Area of the adjoining western property. Given the location of the wall and its relationship with the neighbouring property, any adverse bulk impacts are managed; and
- There are no visual privacy or overshadowing implications created by the proposed boundary wall given its western orientation. Both of these aspects meet the relevant deemed-to-comply provisions of the R-Codes.

Site Works and Retaining Walls

The Deemed to Comply provisions of Clause 5.3.8 of the R Codes allow for the erection of retaining walls up to 0.5m in height. In this case, the proposed retaining wall to the rear exceeds 0.5m above natural ground level and therefore requires a performance assessment.

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The proposed retaining wall height is supported when considered against the associated Design Principles as:

- The proposed retaining corresponds to the natural features of the site levels and allows for a flat sand pad level to allow for a useable outdoor living space to the rear of the future properties (Lot 700 and Lot 701). Given the 1.81m slope from the south-east corner to the north-west corner of the parent lot, the retaining (to accommodate for the proposed fill) is not considered excessive and equates to an equal level of cut and fill across the site;
- The amount of proposed cut to fill does not detrimentally affect neighbouring properties given it does not create any overshadowing as the retaining wall abuts the northern boundary. The retaining will directly abut the access way and carport parapet wall at Strata 76/2 (No. 7A) Chesson Street, Alfred Cove; therefore will not impact on any habitable spaces;
- The dividing fence (TOF 7.974) will be 1.8m above the proposed retained level of the outdoor living area of the subject property (RL 6.174), therefore will not create any overlooking issues; and
- The retaining walls are required to allow for the creation of a level rear yard for the proposed dwelling.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)



Figure 1. View of the rear of proposed Lot 700 (northern boundary). The subject retaining wall will abut this boundary.



Figure 2. The proposed retaining wall will abut the existing carport of the neighbouring northern property – 7A Chesson Street, Alfred Cove – and will not directly abut any habitable spaces.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)



Figure 3. The proposed retaining wall will abut the access way of the neighbouring northern property – 7A Chesson Street, Alfred Cove – and will not directly abut any habitable spaces.

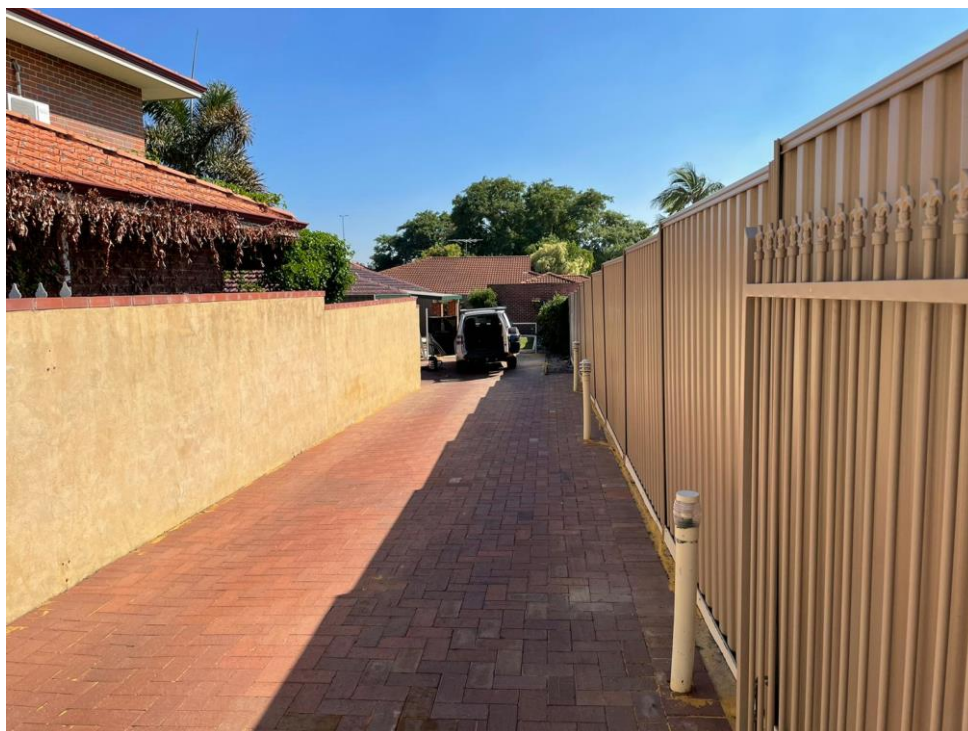


Figure 4. The proposed western boundary wall will abut the access way of 25A Doney Street, Alfred Cove, therefore having no bulk impact as viewed from any habitable spaces.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

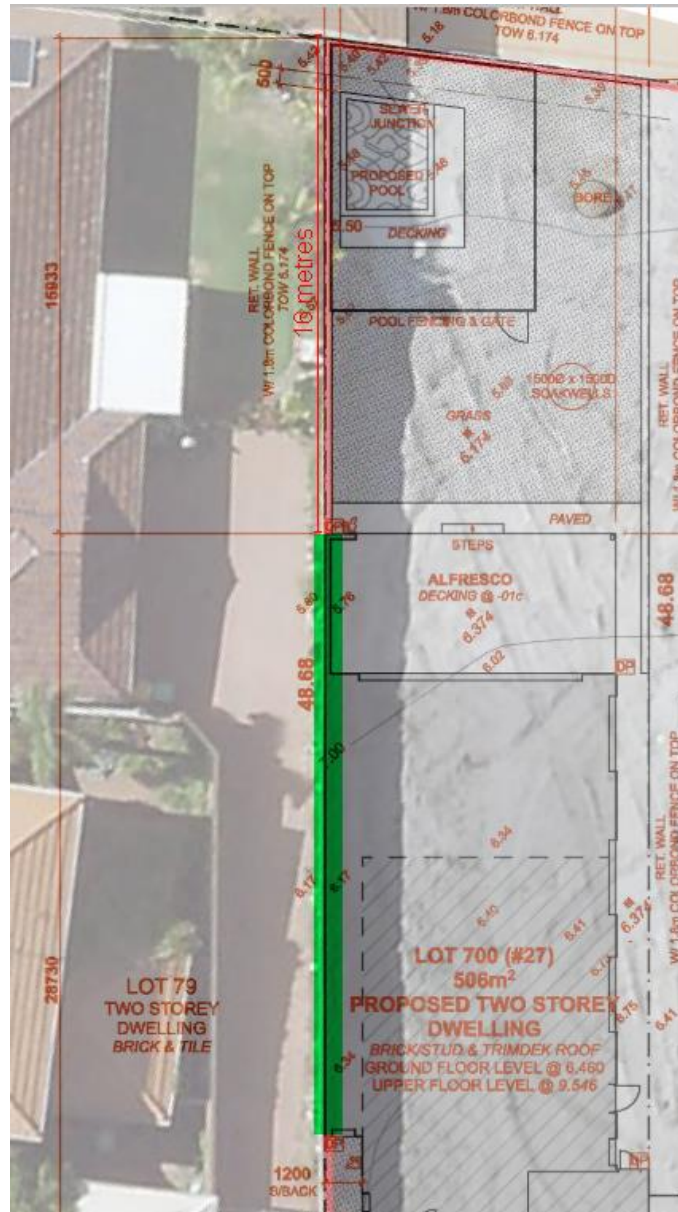


Figure 5. A site plan overlay of the subject application (right – Lot 700) and the existing neighbouring property (left – 25A Doney Street). The area highlighted in green is the proposed parapet wall. The parapet wall will abut the access way of 25A Doney Street, Alfred Cove and will not have an impact on any habitable spaces.

ALTERNATE OPTIONS AND 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 an opportunity to call this matter up for formal Council consideration.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)**CONCLUSION**

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the amendment be granted, subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.
3. This approval is granted on the condition that the proposed single houses or grouped dwellings on Lots 700 and Lot 701 are to be constructed simultaneously, to the satisfaction of the City.
4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
5. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossovers shall be designed to be;
 - a maximum width of 4.5m;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - a minimum of 1m from any existing street infrastructure.

The approved crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.

6. Prior to the initial occupation of the development, the opening along the northern elevation of Bed 3 of Lot 701 (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of State Planning Policy 7.3 Residential Design Codes Volume 1. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.
7. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.

U21/0557 - PROPOSED TWO GROUPED DWELLINGS - LOT 78 (NO.27) DONEY STREET, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

8. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
9. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
10. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
11. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

U21/0558 - CHANGE OF USE – USE NOT LISTED ‘DOG GROOMING’ AT LOT 84 (NO. 15) WEATHERBURN WAY KARDINYA WA 6163 (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- Development approval is sought for a change of use from a warehouse to a ‘dog grooming’ business at Lot 84 (No. 15) Weatherburn Way, Kardinya WA 6163.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6) and relevant local planning and council policies.
- The proposal was advertised in accordance with Clause 18 of the Local Planning Scheme and Local Planning Policy 1.1 Planning Process and Decision Making. Following this consultation three written submissions were provided to the City expressing concern that the development would result in an adverse impact on their property.
- Notwithstanding the submissions received, it is considered that the development is acceptable when assessed against the zoning objectives and aims of the Local Planning Scheme.
- It is recommended that approval be granted subject to conditions.

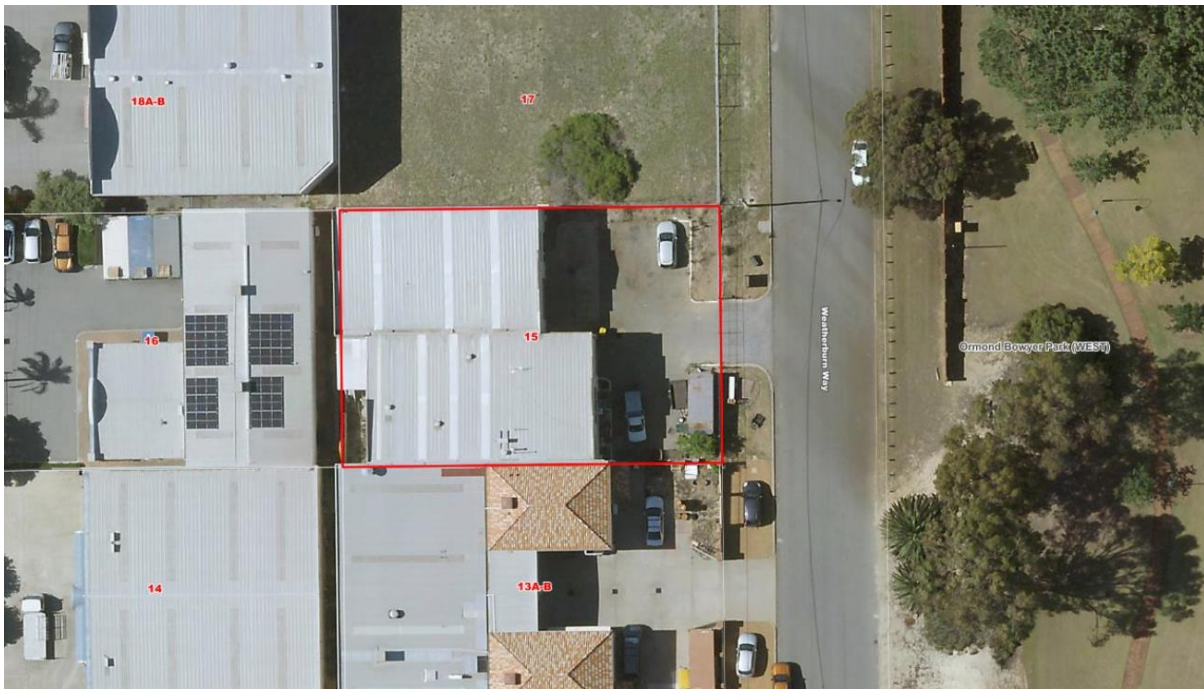


Figure 1 – Aerial Photography

U21/0558 - CHANGE OF USE – USE NOT LISTED ‘DOG GROOMING’ AT LOT 84 (NO. 15) WEATHERBURN WAY KARDINYA WA 6163 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Light Industry
R-Code	:	N/A
Use Type	:	Use not listed
Use Class	:	‘D’ Discretionary

Site Details

Lot Area	:	925 sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage, pits, etc.)	:	As existing, unchanged
Site Details	:	Refer to Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 9 April 2021.

DETAIL

A development application was lodged in January 2021 seeking approval for a change of use, from a warehouse to a ‘dog grooming’ business at Lot 84 (No. 15) Weatherburn Way, Kardinya WA 6163.

The details of the proposed development were assessed against provisions of Local Planning Scheme No. 6 (LPS6) and relevant local planning and council policies. The application complies with all relevant development requirements with the exception of the land use. A dog grooming business is not specifically referred to in the zoning table and cannot reasonably be determined as falling within a use class referred to in the zoning table. It is therefore a discretionary land use which requires consideration under Clause 18 of Local Planning Scheme No. 6 (LPS No.6).

Zoning	Proposed Use	Comments	Delegation to approve variation
Light Industry	Dog Grooming – Use not listed	Requires assessment against the Light Industry zoning objectives of LPS6. Refer to comments section below.	Development Advisory Unit (DAU)

U21/0558 - CHANGE OF USE – USE NOT LISTED ‘DOG GROOMING’ AT LOT 84 (NO. 15) WEATHERBURN WAY KARDINYA WA 6163 (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 18 4(b)
 Support/Object: Three objections received.

As part of the assessment of the development application it was considered appropriate to advertise the proposal in accordance with Clause 184(b) of LPS No.6. The application was advertised for a period of 14 days commencing 26 February 2021 ending 13 March 2021. Advertising consisted of a letter to adjoining landowners and occupiers as well as a sign on site. The application was also available to view on the City's website.

Three written submissions were provided to the City in response to the consultation expressing concern that the development would result in an adverse impact on their property.

A summary of the objections received and the City's response is provided in the table below.

R-Code Requirements

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Adverse noise impacts	The potential levels of noise generated from the proposed use are considered to be acceptable having regard to the Light Industry zoning objectives of LPS6 and the relevant Environmental Health standards. Refer to comments section below.	Not Upheld
Will adversely impact staff productivity within adjoining properties	See comment above.	Not Upheld
Decrease rental attractiveness	Not a relevant planning consideration	Not Upheld
Increase of non-commercial traffic in the area which may cause increased danger for both clients of the proposed groomers and operators of larger industrial vehicles.	Traffic generated is appropriate to the zoning, and the proposed parking is compliant with LPP1.6 Car Parking and Access provisions.	Not Upheld

U21/0558 - CHANGE OF USE – USE NOT LISTED ‘DOG GROOMING’ AT LOT 84 (NO. 15) WEATHERBURN WAY KARDINYA WA 6163 (REC) (ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

The proposed development was referred to internal agencies, including Environmental Health Services as a part of the assessment process. There are no objections to the proposed development subject to the imposition of appropriate conditions.

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 by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic, risk, or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications in relation to this proposal.

COMMENT

A dog grooming business is not specifically referred to as a use class in Table 3 - zoning table in Clause 17 of LPS No.6. It also cannot reasonably be determined as falling within any of the other use classes referred to in the zoning table. When this situation occurs the proposed use is considered as a ‘use not listed’ and needs to be determined under Clause 18 of LPS No.6.

The proposed ‘use not listed’ – dog grooming business is considered to meet the objectives of the light industry zone for the reasons outlined below and therefore is recommended for approval with conditions.

The objectives of the Light Industry zone detailed in LPS6 are as following;

- *To provide for a range of industrial uses and service industries generally compatible with urban areas that cannot be located in service commercial and centre zones.*
- *Ensure that where any development adjoins zoned or developed residential properties, the development is suitably setback, screened or otherwise treated so as not to detract from the residential amenity.*

U21/0558 - CHANGE OF USE – USE NOT LISTED ‘DOG GROOMING’ AT LOT 84 (NO. 15) WEATHERBURN WAY KARDINYA WA 6163 (REC) (ATTACHMENT)

The Centre and Mixed-Use zone objectives specifically mentions incorporating uses which “do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents”. The business proposes to accommodate up to 10 dogs at a given time. At times the noise generated from this number of dogs may have an adverse impact on surrounding businesses and residents and would not be appropriate in these locations in centre and mixed use zones where there is an expectation of higher levels of amenity.

Given the aforementioned, the noise generated from the proposed business is considered to be appropriate in the Light Industry or Service Commercial zones where there is an expectation for higher noise levels. For example, these zones can accommodate uses such as motor vehicle repair and industry uses.

The subject lot is a minimum distance of 85 metres from the nearest residential property (see Figure 2) and is buffered by Ormond Bowyer Park separating the two zoning areas. The proposed business will operate within the building space, mitigating the noise it may otherwise generate to the residential area and screening this from view.

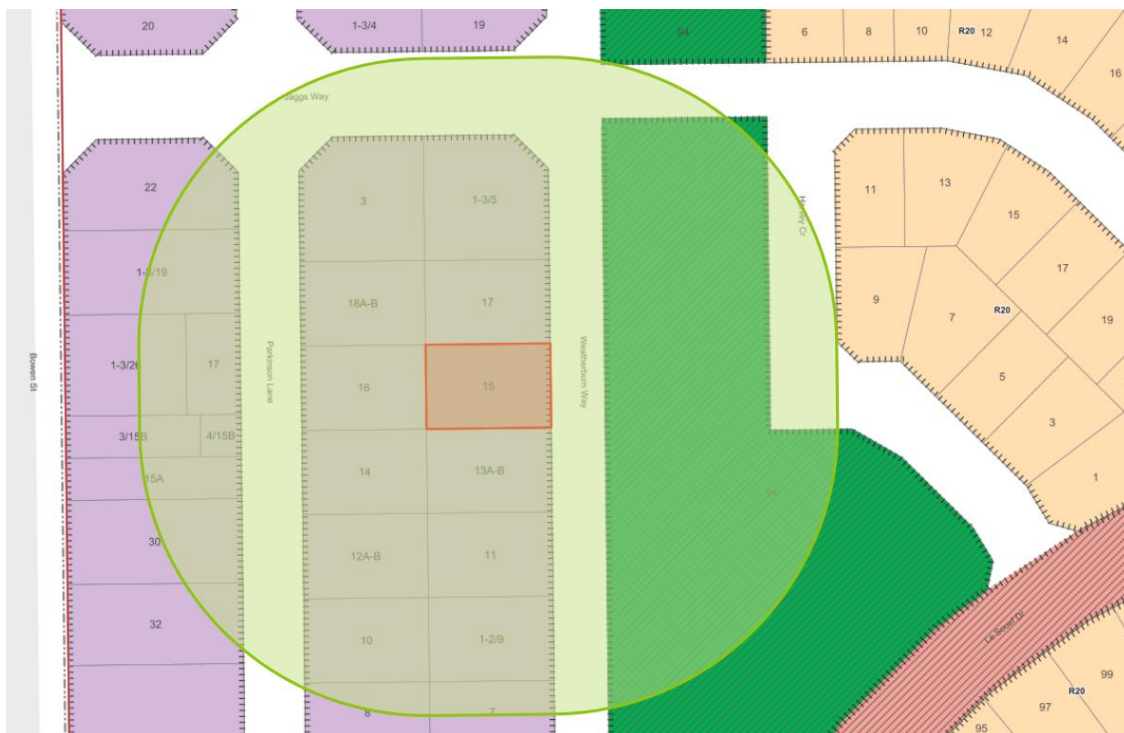


Figure 2 – Local Planning Scheme No. 6 Zoning – Beige represents the Residential Zone. Purple represents the Light Industry Zone. The hatched dark green represents Ormond Bowyer Park. The light green circle represents an 85m radius from the subject lot.

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The application details, inclusive of the noise management plan provided by the applicant, were reviewed by the City’s Health Department and supported subject to conditions for the following reasons;

- The noise will be assessed within the category of industrial and utility premises in accordance with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997. This is generally significantly higher than the category of noise sensitive premises: highly sensitive area as the type of premises receiving noise.
- Information provided by applicant of how they are going to protect against any noise disturbance supports the proposal.

The business is only operational during business hours (7am to 7pm with the occasional early start at 6am) however the business is within an industrial area wherein businesses are operating from earlier start times.

The business will see people dropping off and picking up their dogs throughout the day therein reducing the risk of peaks in traffic. The onsite parking proposed (five bays) is compliant against parking requirements under Local Planning Policy 1.6 *Car Parking and Access* provisions and sufficient for the business.

ALTERNATE OPTIONS AND 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 an opportunity to call this matter up for formal Council consideration.

CONCLUSION

It is considered the development meets the objectives of the Light Industry zone under LPS6 and it is recommended that approval for the change of use be granted, subject to conditions.

OFFICER RECOMMENDATION**APPROVAL**

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. The development shall operate in accordance with the Noise Management Plan (dated 26 March 2021) to the satisfaction of the City.**
- 3. The use shall only operate between the hours of 7am to 7pm Monday to Sunday.**
- 4. No dogs are to be present on the site between the hours of 7pm and 6am.**

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5. A maximum of 10 dogs at any one time are permitted to visit the property.
6. No more than 3 staff members are to occupy the premises at any one time.