

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 13 AUGUST 2019

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, 16 AUGUST 2019



**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, 13 AUGUST 2019**

PRESENT

P Prendergast
M Scarfone
T Cappellucci
B Ashwood
R Boswell

Manager Statutory Planning
Planning Services Coordinator
Senior Planning Officer
Senior 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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**U19/0522 – CHANGE OF USE: RESIDENTIAL TO SPECIALIST CONSULTING ROOMS
AT LOT 121 (63) BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

Ward : Bull Creek - Leeming
 Category : Operational
 Application Number : DA-2019-394
 Property : Lot 121 (63) Benningfield Road, Bull Creek
 Proposal : Change of Use – Residential to Consulting Rooms
 Applicant : Dr Rasiah Sureshkumar
 Owner : RST WA PTY LTD
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 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 (eg 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>

KEY ISSUES / SUMMARY

- On 23 May 2019, the City received an application for a Change of Use – Residential to Consulting Rooms at Lot 121 (69) Benningfield Road, Bull Creek.
- The application proposes 3 consulting rooms with only 2 consulting rooms to be occupied at any given time.

**U19/0522 – CHANGE OF USE: RESIDENTIAL TO SPECIALIST CONSULTING ROOMS
AT LOT 121 (63) BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

(Continued)

- There will be 2 consulting medical specialists and 1 receptionist at any given time. The proposed hour of operation is Monday to Saturday 8:30am to 5.00pm.
- 8 car bays including one disability bay is provided on site.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making to the surrounding affected landowners. 5 submissions were received during the consultation period each outlining concerns relating to traffic congestion and parking, property value, increased noise and road safety. Notwithstanding the objections received, it is considered that the development is acceptable having regard to the relevant provisions of Local Planning Scheme No.6.

It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Consulting Rooms
Use Class	: A1 'requires advertising'

**U19/0522 – CHANGE OF USE: RESIDENTIAL TO SPECIALIST CONSULTING ROOMS
AT LOT 121 (63) BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

Site Details

Lot Area : 714sqm
Retention of Existing Vegetation : Not applicable
Street Tree(s) : No
Street Furniture (drainage pits etc.) : N/A
Site Details : Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 16 August 2019

DETAIL

Development approval is sought for a Change of Use from Single House to Consulting Rooms at Lot 121 (63) Benningfield Road, Bull Creek. The proposed Consulting Rooms will be conducted from within the existing dwelling which will be suitably renovated to accommodate the proposed use. Client and staff parking can be accommodated on site as 8 car parking bays will be provided – 2 bays at the front and 6 bays at the rear of the building.

The proposal has been assessed against all the relevant provisions of LPS6 and applicable Local Planning Policies and Council Policies. The proposal satisfies all of these requirements with the exception of the proposed signage which is discussed in further detail below.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
Support/Object: 5 objections received

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

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Traffic congestion and parking	The proposed 8 off street car parking bays will ensure that the use operates with limited impact on Benningfield Street. Benningfield Street itself is classed as a Local Distributor Road within the wider road hierarchy, and is designed to accommodate traffic flow of up to 8000 vehicles per day.	Not Uphold

**U19/0522 – CHANGE OF USE: RESIDENTIAL TO SPECIALIST CONSULTING ROOMS
AT LOT 121 (63) BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

Summary of Issues Raised (Continued)	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Traffic congestion and parking	The road to the front of the subject application site currently operates at 50% capacity, with the most recent traffic count figures from 2018 indicating no more than 4000 vehicle through flow. The proposed use with its limited vehicle movements can be readily accommodated within the local road network without causing any adverse traffic impacts.	Not Uphold
Devalue properties	Not a material planning consideration.	Not Uphold
Noise	The proposed consulting room use is a low key use, with associated low noise impacts. It is considered that on that basis the use can be accommodated here without rise to any adverse residential amenity impacts.	Not Uphold
Increased amount of U-turns	The existence of a median within the road reserve to the front of the application site means that access and egress for vehicles to the site will be left in left out only. Concern has been expressed that this will result in an increase in the incidence of vehicles undertaking a U turn within the road reserve. The City's traffic engineers raise no concern in respect to this prospect on the basis that the road reserve is of sufficient width to safely undertake a U turn manoeuvre, without detriment to traffic safety or the free flow of traffic.	Not Uphold

Table 1: Summary of Consultation.

**U19/0522 – CHANGE OF USE: RESIDENTIAL TO SPECIALIST CONSULTING ROOMS
AT LOT 121 (63) BENNINGFIELD ROAD, BULL CREEK (REC) (ATTACHMENT)**

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant has 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 the proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed signage requires a performance assessment having regard to the criteria outlined in Clause 8 of Local Planning Policy 'Outdoor Advertisements and Signage'.

COMMENT

The details of the development have been assessed against the provisions of LPS6 and Local Planning Policy. It is considered that the development can be supported for the following reasons:

- Under the provisions of Table 3- Zoning Table of LPS6, the proposed Consulting Room use is an A (discretionary use) within the residential zone. This means that the use is not permitted unless discretion is exercised by granting approval after consultation has taken place, and after consideration of any submissions received as a result of that consultation.
- Whilst located within a residential zone, the site is located directly across the road from the Stockland Bull Creek District Shopping Centre. This means that the character of the residential strip within which the application site is located is not wholly residential.
- The fact that the District Centre Zone is in such close proximity means that the introduction of a non residential use of the scale and character proposed can be accommodated in principle in land use terms without prejudice to the prevailing land use character.
- In terms of residential amenity impacts, the advertising of the proposed development gave rise to the receipt of 9 submissions, all opposing the development. The key issues raised by these submissions relate to general amenity impacts such as noise, traffic congestion, parking, and traffic safety. These matters have been addressed elsewhere in this report, where it is concluded that the development can take place without compromise to the issues raised (refer to Table 1: Summary of Consultations).

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- Two signs are proposed as a part of this application, a pylon sign and a wall sign. Under the provisions of LPP 2.2 the pylon sign meets the deemed to comply provisions for a commercial premises in a residential zone however the wall sign requires a performance assessment. The proposed wall sign is considered acceptable as it is simple, clear, concise and modest in size. Given the site context opposite a district shopping centre, the signage is considered to be compatible with the surrounding area. For these reasons the proposed signage is supported.

The proposed Consulting Rooms is recommended for approval on that basis.

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

The application is considered to satisfy the provisions of LPS6. The intensity and scale of the Consulting Rooms is suitable for the locality and will provide a service to the community. On this basis, it is recommended that the proposal be approved 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. No more than 2 practitioners are to occupy the premises at any one time.**
- 3. The Medical Consulting Rooms shall not operate outside of the hours of 8:30am to 5:00pm Monday to Saturday.**
- 4. All materials and/or equipment used in relation to the Consulting Rooms shall be stored out of public view.**
- 5. All signage is to be designed and installed to comply with the Local Planning Policy 2.2 - *Outdoor Advertising and Signage Policy*.**
- 6. The development shall be serviced by a concrete vehicle crossover with:**
 - a maximum width of 6m;**
 - 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.**

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The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications, to the satisfaction of the City.

7. Prior to commencement of development, a detailed landscaping and reticulation plan for No. 63 (Lot 121) Benningfield Road shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and
 - (d) Any verge treatments

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.