

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 14 MARCH 2023

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, 17 MARCH 2023



**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, 14 MARCH 2023.**

PRESENT

P Prendergast
M Scarfone
T Cappellucci
T Geddes
G Oatey
T Berhault
R Boswell

Manager Statutory Planning
Planning Services Coordinator
Senior Planning Officer
Senior Planning Officer
Senior Environmental Health Officer
Environmental Health 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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U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)

Ward : Applecross-Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2023-30
 Property : Lots 260-264 (30) The Strand, Applecross WA 6153
 Proposal : Floodlight Additions to Applecross Tennis Club
 Applicant : Applecross Tennis Club Inc
 Owner : State of Western Australia (C/- City of Melville)
 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 (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>

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought from the Department of Biodiversity, Conservation and Attractions (DBCA) for the installation of floodlights and the associated poles to Courts 11-14 at Applecross Tennis Club.
- A total of twelve floodlighting towers are proposed, four at a height of 10 metres and eight to a height of eight metres.
- The application lodged by Applecross Tennis Club was referred to the City for comment by the Department of Biodiversity, Conservation and Attractions (DBCA) as the works are located on land zoned Parks and Recreation under the Metropolitan Region Scheme (MRS). As the subject site is located within the Swan Canning Development Control Area, DBCA is responsible for assessment of development applications as per Part 5, Section 72(1) of the *Swan and Canning Rivers Management Act 2006*.
- The City is therefore not the decision maker in this case, it's fulfilling the role of referral agency only.
- In accordance with the *Swan and Canning Rivers Management Act 2006*, the Minister for the Environment is the decision maker for Part 5 applications. The City's comments will be included in a final report prepared by DBCA to the Minister for Environment on the proposal.
- The floodlights for the four courts are proposed to be automatically shut off at 10pm every night to allow for League (Pennant) Tennis to be played up to that time.
- The details of the proposed development have been assessed against *Local Planning Scheme No. 6* (LPS6), *Local Planning Policy 1.16 – Flood and Security Lighting* (LPP1.16) and *Local Planning Policy 3.4 – Tennis Courts* (LPP3.4).
- The application was advertised in accordance with the provisions of Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1) via letters to surrounding landowners and occupiers, and the erection of two signs on site. In addition, full details of the proposal were made available on the City's Melville Talks website.
- A total of 145 submissions were received with 13 objections, 131 supports and 1 neither supporting nor objecting to the proposal.
- The proposed development is acceptable when assessed against the relevant policy requirements.
- It is recommended that the application be recommended to DBCA for approval with conditions.

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)



Figure 1: Aerial photography of subject site

BACKGROUND

Scheme Provisions

MRS Zoning	: Parks and Recreation
LPS6 Zoning	: Public Open Space
R-Code	: N/A
Use Type	: Active Recreational Reserve
Use Class	: N/A, no change to existing use of reserve (Tennis).

Site Details

Lot Area	: 13842m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, to be retained
Street Furniture (drainage pits etc.)	: N/A
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the agenda which were distributed to Elected Members on Friday, 17 March 2023.

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)**BACKGROUND**

In 2019, a development application (DA-2019-1424) was referred to the City for comment under Part 5 of the *Swan and Canning River Management Act 2006*. This sought approval for the conversion of two courts to grass courts, the conversion of four grass courts to hard courts and installation of 12, 10m high floodlight towers to the proposed four hard courts. However, this application was withdrawn in 2020 after it was determined by the DBCA that the cyclone fencing referenced in the plans was already approved, in which case the applicant made the decision to apply for the remainder of the work under a separate application.

Therefore, a new development application (DA-2020-442) was lodged in the form of a Form 7 permit which consisted of the following and was also referred to the City to comment on by DCBA:

- The conversion of four existing grass courts into four hard courts;
- These same four courts were proposed to be floodlit by 12, 10m high floodlight towers, with the lights to be off by 10pm;
- Two courts converted from hard courts to grass courts;
- Minor retaining along parts of the affected courts (less than 500mm); and
- Associated stormwater management.

After the City completed an extensive community consultation process, the City was of the opinion that the concerns raised by objectors had been adequately addressed by the supporting information and the benefits to the community of extending the operating hours of the tennis club were considered to be substantial. As such, the City recommended support the proposal to DBCA subject to the inclusion of conditions, including a condition to limit the use of the lights to 9pm only.

The DBCA has issued two separate permits in relation to the above development application, in relation to court resurfacing and perimeter fencing. The issue of the floodlighting installation remains outstanding however and is the subject of this current application. It is noted that the Tennis Club currently operates without the benefit of any floodlighting which serves to limit their playing ability outside daylight hours.

DETAIL

The subject development application referred to the City by DBCA to comment on is for the installation of 12 floodlighting towers to courts 11-14 at Applecross Tennis Club at Lots 260-264 (30) The Strand, Applecross. The site is under the ownership of the City and zoned Parks and Recreation under the MRS. Courts 11 and 12 are proposed to be lit by four towers at 10metres in height. Courts 13 and 14 are proposed to have four towers for each court, with the towers at 8m in height. The floodlights are proposed to automatically turn off at 10pm every night to allow for League (Pennant) Tennis to be played outside daylight hours.

The minimum distance between a residential property (41 The Strand) and the proposed floodlights is 30m, this distance being in respect of one single column. Other columns are located further away, with the maximum separation between residential properties and the floodlights being up to 70m (refer to Figure 2 below).

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APPLECROSS TENNIS CLUB

● Proposed Lighting Towers

Figure 2: location of proposed floodlighting towers

Lighting

The proposed lighting is designed in accordance with *Australian Standards AS2560.2 Sports Lighting* and *AS4282-2019 Control of Obtrusive Effect of Outdoor Lighting*. The Lighting report submitted in support of the proposal concludes that there will be no light spill into any of the nearby residential properties to the south of the tennis courts.

The Lighting Report includes inconsistencies in respect of the impact of the lighting on the footpath located to the immediate north of the tennis club. On the one hand it is suggested that the maximum light levels (brightness) exceed the recommended levels, although elsewhere the Lighting Report suggests otherwise. It is considered that as the use of the footpath does not directly impact residential amenity, and as users are unlikely to be compromised by a well lit footpath, the inconsistency is noted.

Local Planning Policies

The application has been assessed against the provisions of LPS6, LPP1.16 pertaining to floodlighting towers on reserves under the care and control of the City of Melville and LPP3.4 pertaining to tennis courts lighting.

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Local Planning Policy 1.16 – Flood and Security Lighting

Development Requirement	Proposed	Comments	Delegation to approve variation
(a) Location of the proposed lighting towers in relation to the surrounding properties.	Floodlighting towers setback a minimum of 30 metres from adjoining residential properties.	Requires assessment against the policy objectives of LPP1.16.	Development Advisory Unit (DAU)
(b) Light emissions wholly contained within the subject lot and satisfy <i>Australian Standard AS.2560 – Sports Lighting</i> .	The majority of light emissions are contained for within the subject lot. Light spillage does not impact any residential property.		
(c) Hours of operation for flood lighting.	Lights to be turned off by 10pm every night.		
(d) The potential adverse impacts upon any adjoining residential properties.	Light emissions contained for the majority, wholly within the subject site.		

Local Planning Policy 3.4 – Tennis Courts

Development Requirement	Proposed	Comments	Delegation to approve variation
4.1 Floodlighting for tennis courts shall comply with the following requirements and be certified** as being compliant with the relevant Australian Standard*** by a suitably qualified lighting consultant*:	Lighting Report has been prepared by a qualified lighting consultant who has confirmed that the report is compliant with the relevant Australian Standards. However, as identified above, a discrepancy in the Lighting Report has been identified which will need to be addressed.	Requires assessment against the policy objectives of LPP3.4.	DAU

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)

Development Requirement (Continued)	Proposed	Comments	Delegation to approve variation
4.2 A timer is to be installed in the lighting circuit to ensure that all floodlights are extinguished between the hours of 9pm and 7am.	Floodlights proposed to be extinguished at 10pm each night.	Requires assessment against the policy objectives of LPP3.4.	DAU
4.3 In order to mitigate the impacts of the flood lighting on adjoining residential properties, screen planting may be required.	No screen planting proposed and not required as no light spill falls into any adjoining residential properties.		
6.1 Applications for the installation of tennis courts are to be made in accordance with the Regulations.	Lighting Report has been prepared by a qualified lighting consultant who has confirmed that the report is compliant with the relevant Australian Standards. No Acoustic Report has been provided as part of this revised submission. Applicants are relying on previous report provided as part of DA-2020-442.		

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Development Requirement (Continued)	Proposed	Comments	Delegation to approve variation
6.4 Subject to public consultation as outlined in Clause 4.3 above, the allowable times for the flood lighting of tennis courts may be increased to 10 pm where the amenity of the adjoining residents is safeguarded.	Floodlights proposed to be extinguished at 10pm each night.	Requires assessment against the policy objectives of LPP3.4.	DAU

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 3.4(a)
Support/Object:	145 submissions were received with 13 raising objections, 131 in support and 1 neither supporting nor objecting to the proposal.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Able to play tennis after work.	Support Noted.	Uphold
The extended usage of hours for night is a benefit as the reserve would be utilised all year round and security enhanced.	Support Noted.	Uphold
More opportunity for players to play and develop their skills.	Support Noted.	Uphold
Very positive impact for club & community.	Support Noted.	Uphold

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Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Currently use these courts and the lights would enable to get much more use of them during the year especially in winter when days are shorter.	Support Noted.	Uphold
Increases opportunities for both club members and the broader community, including local residents, to enjoy recreational tennis, which aligns with the City's strategic objectives to support healthy lifestyles and provide a sense of community.	Support Noted.	Uphold
The project will align to one of Tennis West's four strategic priorities, which are key to the successful and sustainable development of tennis facilities. Of these, Priority 2 - Enhancing venue capacity, specifically states "Additional floodlighting is required at strategic locations to support the demand for night tennis."	Support Noted.	Uphold

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Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Concerns for the local fauna, especially the birdlife nesting and living in close proximity to the tennis club. Studies overseas have shown that LED lighting can affect the local biodiversity.	Noted. DBCA have received advice from their Species and Communities Program that seven nationally listed migratory shorebird species have been recorded within a 500 m radius of the Applecross Tennis Club. The most important observation is of Great Knot, which is listed as critically endangered under the <i>Biodiversity Conservation Act 2016</i> . The environmental report submitted in 2019, didn't include a fauna survey. This is a matter for consideration of the DBCA. An advice note to raise awareness of the expressed concern is proposed to be provided to the DBCA.	Advice Note recommended
There is no demonstrable demand for the proposed facilities.	This is not a material planning consideration.	Not Uphold
Inadequate parking at the Club and what is being proposed is only going to exacerbate the matter further.	The installation of floodlighting does not result in the need for additional car parking as the tennis club land use exists as does the associated car parking facilities.	Not Uphold
Applecross Tennis Club has continued to encroach upon open public space by building more tennis courts.	The proposed floodlighting extends the active use of the reserve for tennis. The use of the reserve for tennis is consistent with the intended use of the reserve given its zoning under the MRS as a 'Parks and Recreation' reserve.	Not Uphold
The new proposed lighting will cause light spill into the home.	A Light Assessment has been provided by the applicant demonstrating the proposed lights used within the towers will not spill into any residential properties to the south.	Not Uphold
Don't support lights till 10pm.	Noted. A condition has been recommended requiring the towers to be switched off after use and by 9pm each night.	Condition recommended
Social issues that will arise by lights being on late at night.	This is not a material planning consideration.	Not uphold
Not a valid application.	The application is valid and has been referred to the City by DBCA.	Not Uphold

U23/0601 – ERECTION OF FLOODLIGHTS TO APPECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPECROSS WA 6153 (REC) (ATTACHMENT)

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
The proposed light poles will be visually obtrusive.	Concerns about the visual amenity of the foreshore are rebuffed on the grounds that the generally uninhibited vista of the Swan River foreshore is not considered to be encumbered via the narrow light poles proposed.	Not Uphold
Environmental statement within Environment report is purely subjective.	Noted. This is referring to a report provided as part of a previous application in 2019. No environmental report has been provided to the City by DBCA to review as part of the City's assessment of this application. However, DBCA as part of their assessment will need to ensure all relevant environmental requirements are addressed. An advice note has been recommended ensuring all environmental aspects are to comply with the relevant standards.	Advice Note recommended
The statement from the report dated 13/8/2019 prepared by Gabriels Hearne Farrel Acoustic Consultants dated 13/8/2019 that <i>"predicted noise emissions are unlikely to be any louder than those that exist"</i> is clearly based on daytime use of hardcourts but is not valid for the current application for floodlighting to permit night tennis up to 10pm.	Noted. This is referring to a report provided as part of a previous application in 2019. No acoustic report has been provided to the City by DBCA to review as part of the City's assessment of this application. However, DBCA as part of their assessment will need to ensure all relevant noise requirements are addressed. An advice note has been recommended ensuring noise is to comply with the relevant standards.	Advice Note recommended
Contrary to existing City policies.	Noted. Conditions have been recommended to ensure compliance with relevant City Local Planning Policies in regards to operating hours of the lights being switched off at 9pm each night and before the floodlights are installed, verification is required to confirm that the floodlights are in accordance with the relevant Australian Standards.	Conditions recommended

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)

Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
Noise emitting from the development.	<p>The application is for twelve floodlighting towers. The noise associated with tennis being played on this reserve is considered acceptable and consistent with the designation of the reserve at Applecross Tennis Club as an active reserve. The lighting is required to be switched off from 9pm which will ensure sports activity cease at this time reducing any potential amenity impact.</p> <p>An advice note has been recommended to ensure that noise is to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p>	Advice Note recommended
No protection or cover provided from the lights.	The proposed floodlighting towers have been designed to minimise light spill. The floodlights are designed in accordance with the relevant Australian Standards to direct illumination towards the playing area, and as stated avoids spill towards residential properties.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

As the subject site is located within the Swan Canning Development Control Area, DBCA is responsible for assessment of development applications as per Part 5, Section 72(1) of the *Swan and Canning Rivers Management Act 2006*. In accordance with the *Swan and Canning Rivers Management Act 2006*, the Minister for the Environment is the decision maker for Part 5 applications. The City's comments will be included in a final report prepared by DBCA to the Minister for Environment on the proposal.

STATUTORY AND LEGAL IMPLICATIONS

If the Minister for Environment gives an approval subject to a condition or restriction, the applicant may request the Minister to reconsider that condition or restriction under Part 5 s.82 of the *Swan and Canning Rivers Management Act 2006*.

FINANCIAL IMPLICATIONS

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

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

There are no Local Planning Policy or Council Policy implications in relation to this development.

COMMENT

Sections 2 and 3 of LPP1.16 require planning approval for the installation of all floodlights within reserves under the care and control of the City of Melville. Applications for floodlighting in such instances are assessed taking into account the following:

- (a) The location of the proposed lighting towers in relation to the surrounding properties.
- (b) Whether the light emissions are wholly contained within the subject lot and satisfy Australian Standard AS.2560 – Sports Lighting.
- (c) Hours of operation.
- (d) The potential adverse impacts upon any adjoining residential properties.

Sections 4 of LPP3.4 outlines that tennis courts are to comply with the following in regard to lighting:

- 4.1 Floodlighting for tennis courts shall comply with the following requirements and be certified as being compliant with the relevant Australian Standard by a suitably qualified lighting consultant.
- 4.2 A timer is to be installed in the lighting circuit to ensure that all floodlights are extinguished between the hours of 9pm and 7am.
- 4.3 In order to mitigate the impacts of the flood lighting on adjoining residential properties, screen planting may be required.

LPS6 does not have any specific requirements regarding the setback distances for structures on reserved land, however, the scheme objectives for public open space promote the use of recreation buildings and associated facilities to encourage active and passive use of the City's reserves and open spaces.

U23/0601 – ERECTION OF FLOODLIGHTS TO APPLECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPLECROSS WA 6153 (REC) (ATTACHMENT)

In consideration of the above criteria, it is considered that the twelve floodlights proposed by this proposal are supported in planning terms as:

- The closet tower is located 30 metres from the nearest residential property to the south along The Strand, ensuring no light spill onto adjoining residential properties;
- The applicant has provided a Light Assessment which has been prepared by a suitably qualified lighting engineer and is supported by the City. The lighting report demonstrates the lighting spill is contained for the majority within the Reserve;
- The floodlighting towers are considered to be consistent with the Scheme objectives by providing lighting over four tennis courts and activating this space beyond sunset, thereby allowing active recreation of this active reserve;
- The proposed hours of use of the floodlights are recommended to be conditioned to align with LPP1.16 and LPP3.4 and switch off at 9pm instead of the proposed 10pm. This will still allow the opportunity for tennis to be played for longer durations of the day than currently enjoyed at Applecross Tennis Club. However, 9pm rather than 10pm is considered acceptable as it allows players and spectators to finish playing and leave the tennis courts before 10pm which under noise regulations, is when noise levels should be at their least. This is also consistent with Clause 6.4 of LPP3.4 which is as follows:

6.4 Subject to public consultation as outlined in Clause 4.3 above, the allowable times for the flood lighting of tennis courts may be increased to 10pm where the amenity of the adjoining residents is safeguarded.

Given the number of objections received from properties directly to the south of the tennis courts along The Strand and their amenity may possibly be compromised by additional noise and light beyond the prescribed hours of the policy, restricting the floodlights to turn off at 9pm is considered reasonable. Therefore, a condition has been recommended to DBCA outlining this.

- In view of the above and the conditions recommended to the DBCA, it is considered that any amenity impacts from the towers will be effectively managed.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be recommended for approval to DBCA 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.

U23/0601 – ERECTION OF FLOODLIGHTS TO APPECROSS TENNIS CLUB – LOTS-260-264 (30) THE STRAND, APPECROSS WA 6153 (REC) (ATTACHMENT)**CONCLUSION**

The proposed development is considered to be consistent with the intent and provisions of Local Planning Scheme No. 6, Local Planning Policy 1.16 – Flood and Security Lighting and Local Planning Policy 3.4 – Tennis Courts. The application is recommended for conditional approval to DBCA on that basis.

OFFICER RECOMMENDATION**APPROVAL TO DEPARTMENT OF BIODIVERSITY, CONSERVATIONS AND ATTRACTIONS SUBJECT TO THE FOLLOWING:****Conditions**

1. All stormwater is to be retained on site in accordance with the approved detailed design plans, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Melville.
2. All floodlights are to be installed in accordance with AS2560.2.1-2003 and AS4282 (as amended) and are to be hooded such that the light source is not visible from the adjoining residential properties to the satisfaction Department of Biodiversity, Conservation and Attractions, on advice from the City of Melville.
3. The flood lights are to be installed with a timer which ensures the lights are not operating between the hours of 9pm and 6am, Monday to Sunday.
4. Prior to the use of the floodlights, written confirmation from a suitably qualified lighting consultant to confirm that the lighting has been installed in compliance with conditions 2 and 3 above will be required to the satisfaction of Department of Biodiversity, Conservation and Attractions, on advice from the City of Melville.

Advice Notes

- i. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from www.slp.wa.gov.au.
- ii. It is recommended that an updated Environmental Report shall be provided to the Department of Biodiversity, Conservation and Attractions (including a fauna survey) to ensure the proposed development is compliant with all necessary environmental legislation.

U23/0602 – PROACTIVE STREET RENUMBERING AT LOT 800 & 801 (NO. 101-103) ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2023-60
 Property : Lot 800 & 801 (No. 101-103) Ardross Street and Lot 2 (No. 25) Macrae Road, APPLECROSS WA 6153
 Proposal : Proactive Street Numbering
 Applicant : City of Melville
 Owners : Australian Telecommunication Commission & Kay Elizabeth Meyer
 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 (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>

U23/0602 – PROACTIVE STREET RENUMBERING AT LOT 800 & 801 (NO. 101-103) ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- No. 101-103 Ardross Street (shown highlighted in red Figure 1 below) has been subdivided in to two freehold lots as part of an approved subdivision referral (DA-2018-1256) and clearance application (DA-2022-630).
- This application is for a proactive street renumbering of No.101-103 Ardross Street and No. 25 Macrae Road (refer Figure 1 below) as there is no available number for the newly created lots (Lots 800 & 801) and the current sequence along Macrae Road is not ideal having regard to *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*.
- This street numbering application will result in a change of street number for the existing dwelling at No. 25 Macrae Road.
- This application was advertised to the landowner of No. 25 Macrae Road and the City received an objection to the proposal.
- Notwithstanding the above, the City recommends the proactive street renumbering application be progressed.

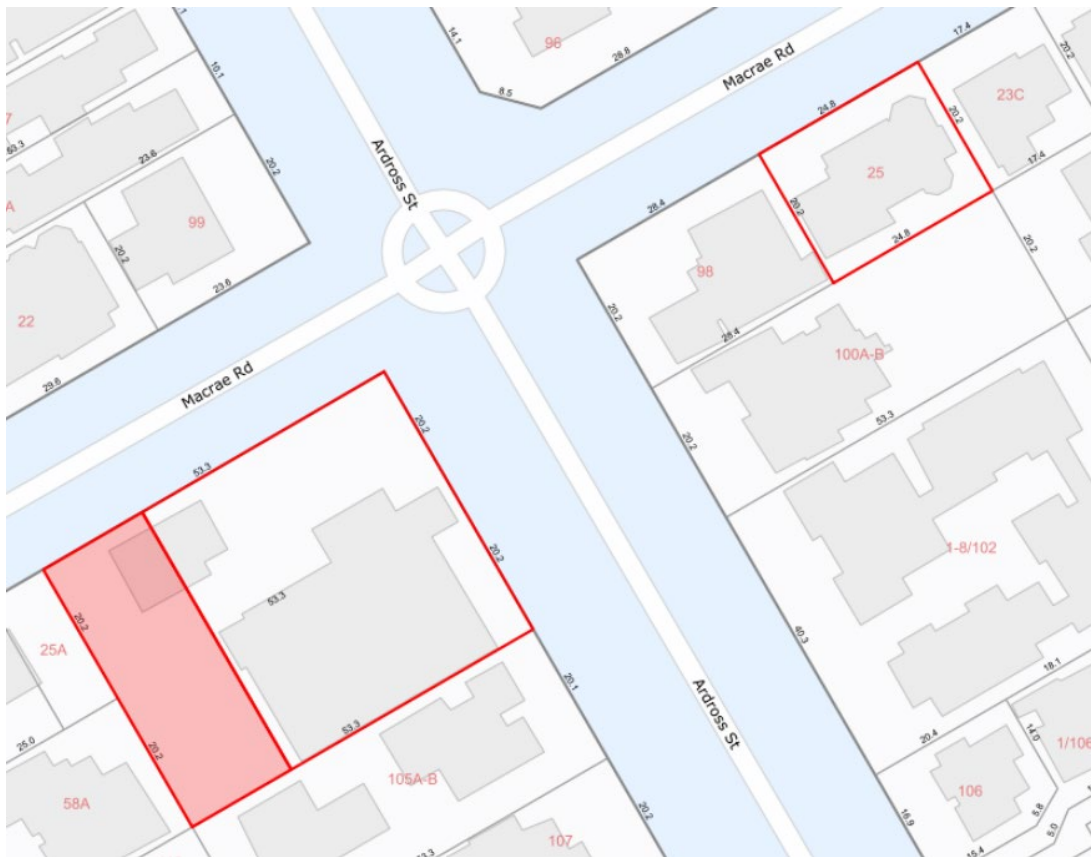


Figure 1 – Aerial Photography – lots subject of this proactive street renumbering highlighted in red above

**U23/0602 – PROACTIVE STREET RENUMBERING AT LOT 800 & 801 (NO. 101-103)
ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (REC)
(ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R60
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: 2646m ² (total of all lots)
Retention of Existing Vegetation	: N/A
Street Tree(s)	: No
Street Furniture (drainage pits etc.)	: No
Site Details	: Refer to Figure 1 above

A copy of the plans forms part of the attachments to the agenda which were distributed to Elected Members on Friday, 17 March 2023.

DETAIL**Background**

On 21 July 2022, the City received an application for subdivision clearance for No. 101-103 (Lots 800 & 801) Ardross Street, Applecross. The subdivision clearance relates to the creation of two freehold lots (as shown in Figure 2 below).

U23/0602 – PROACTIVE STREET RENUMBERING AT LOT 800 & 801 (NO. 101-103) ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)

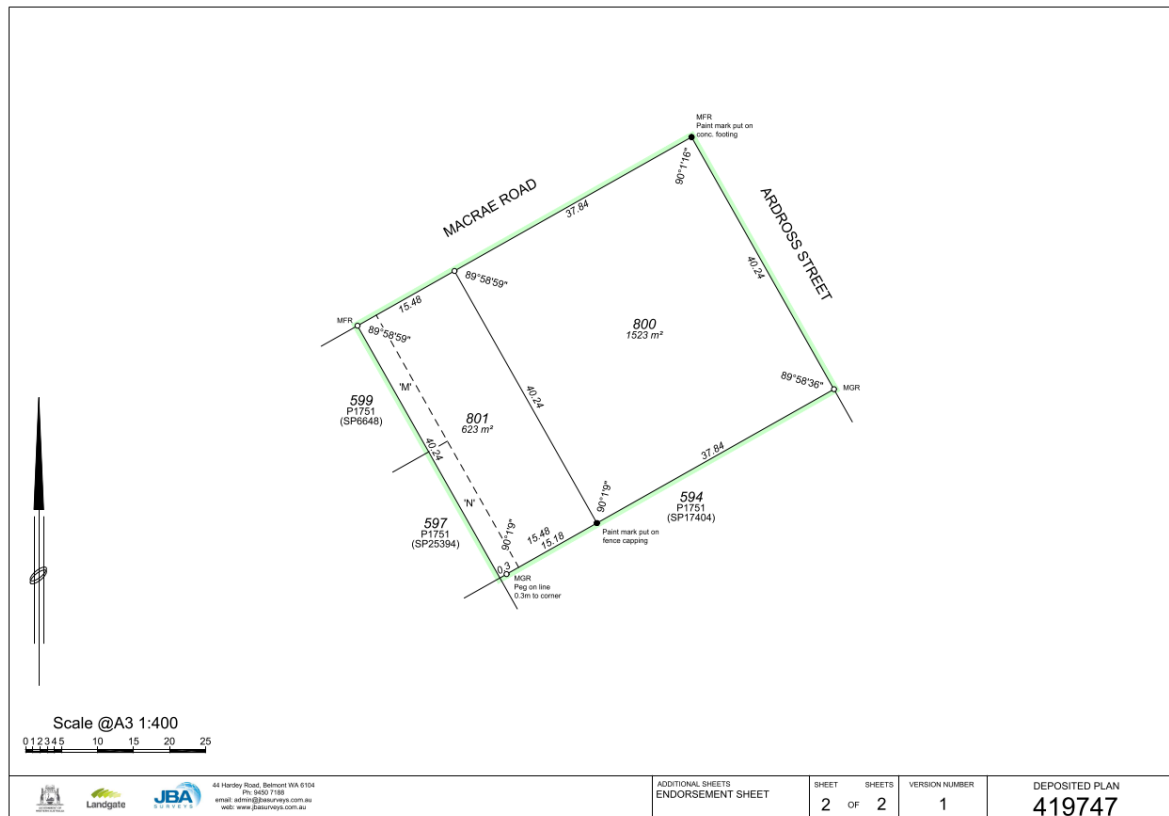


Figure 2 – Approved Freehold Lots

No street numbers were given to the two freehold lots at the time of subdivision clearance. It was determined that the City will engage in a separate proactive street renumbering application after the subdivision clearance was granted as it will involve the renumbering of other properties within the locality.

In addition to the above, the City has approved an application for four grouped dwellings on Lot 801 (DA-2022-845). A subdivision referral has recently been lodged to split lot 801 into 4 survey strata lots (DA-2023-32) which is yet to be approved by the WAPC. If this development proceeds, the City will engage in future proactive street numbering application at a future date.

Proposal

The City is responsible for the allocation of street numbers for all properties within its jurisdiction. The City's role is to ensure that all properties are correctly addressed, clearly identifiable and are numbered in accordance with the *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*.

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The City recommends the following addresses for the three properties as tabled below and depicted in Figure 3:

Current Street Address	New Street Address
25 Macrae Road (Lot 2) APPLECROSS WA 6153	23D Macrae Road (Lot 2) APPLECROSS WA 6153
101 – 103 (Lot 800 & 801) Ardross Street, APPLECROSS WA 6153	103 (Lot 800) Ardross Street, APPLECROSS WA 6153
	25 (Lot 801) Macrae Road, APPLECROSS WA 6153

When new or additional lots are created they are generally allocated street numbers at the time of development approval or subdivision (whichever is earlier). On occasions, it may be necessary to adjust or modify the street number of other existing properties to manage the introduction of new properties within established streets. Under the provisions of the *Local Law Relating to Street Numbering*, the City may choose to proactively pursue a change of street numbers for existing properties, which is the case in this scenario.

An application for street numbering is assessed against the requirements of CP-068 *Street Numbering* and LPP1.1.



Figure 3 – Map showing proposed street numbering pattern

U23/0602 – PROACTIVE STREET RENUMBERING AT LOT 800 & 801 (NO. 101-103) ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (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 3.4(a)
Support/Object: One objection received

In accordance with the requirements of LPP1.1, the application was advertised to the affected landowners for a period of 14 days, commencing 14 February 2023 and concluding 2 March 2022. One submission was received from the landowner of No. 25 Macrae Road, Applecross objecting to the proposal.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
The elderly owner has significant health challenges, and it is difficult for her to fully comprehend things of a complex nature.	If No. 25 Macrae Road is retained in lieu of 23D Macrae Road, this would be contrary to the Australian Standard and Council Policy.	Not Upheld
Any financial burden or personal hardship would be considered unreasonable as the owner has no internet access and cannot easily communicate via phone.	Property devaluation, financial burden and/or all other inconveniences, whether real or perceived, are not material considerations for this street numbering exercise.	Not Upheld
Prospect of losing posted documents because of confusion over the street renumbering and unnecessary administrative inconveniences.	The concerns expressed will not materialise if the proposed sequential numbering as per the City's recommendation is implemented. The possible administrative inconveniences are noted, but do not outweigh the need to implement the recommended street numbering sequence.	Not Upheld

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Summary of Issues Raised (Continued)	Comments	Action (Condition/ Uphold/ Not Uphold)
The landowner has been a longstanding resident at 25 Macrae Road Street for more than 20 years and renumbering the property will adversely impact the wellbeing of the owner.	<p>Noted. However, as outlined within Clause 3.1.1 of the City's Policy for <i>Street Numbering</i> (CP-068), the City will initiate renumbering of properties to achieve a logical sequence of street numbering within a street.</p> <p>The numbering pattern suggested is the only logical street pattern and no other numbering pattern can achieve compliance with the <i>Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing</i>.</p>	Not Upheld

II. OTHER AGENCIES / CONSULTANTS

The City has engaged in conversations with Landgate to discuss the most appropriate street numbering pattern for this application. This is discussed in further detail in the Comment section below.

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 for the City relating to this proposal.

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ARDROSS STREET AND LOT 2 (NO. 25) MACRAE ROAD, APPLECROSS WA 6153 (REC)
(ATTACHMENT)****COMMENT**

Macrae Road, contains a range of dwelling types along its length. The original lots have progressively been redeveloped and subdivided over time in accordance with the relevant planning framework. It is noted that as a result of this subdivision and development, the street numbering along the length of Macrae Road does not meet with the relevant Australian Standards and the provisions of the LPP in its entirety. In particular, there are a number of examples where properties have been given a Macrae Street address where in fact they actually front a secondary street or the other way around.

Officers have reviewed the existing street numbering along the street to determine the most appropriate number for Lot 801. As part of this review it has been identified that 25 Macrae is on the eastern side of Ardross Street from Lot 801 while 25A and 25B sit to the west of Lot 801. The Australian standards do not promote the use of suffixes or the continuation of numbering across an intersection as this does not result in a logical sequence. It would also be illogical to give Lot 801, number 25C as this would result in the suffixes being out of sync with one another.

Based on this assessment there is no obvious street number that could be allocated to Lot 801 without involving the renumbering of other existing properties, in this case the existing No 25 Macrae which is proposed to become 23d Macrae

While the City understands the disruption associated with the numbering change on the owner of No. 25 Macrae Road, a street number must be assigned to Lots 800 and 801. The proposed street numbering sequence is supported for the following reasons;

- The numbering pattern of No. 23D (Lot 2) Macrae Road, No. 25 (Lot 801) Macrae Road, and No. 103 (Lot 800) Ardross Street is the only logical street pattern, and no other numbering pattern can achieve compliance with the *Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing*. This numbering pattern is supported by Landgate;
- Future Lots as part of a recent subdivision referral and a DA for 4x two storey grouped dwellings can be numbered 25A – 25D at a future date, with the existing 25A and 25B being proactively renumbered;
- In addition to the above, renumbering Lots 800 and 801 with a different numbering sequence would not result in the logical sequential numbering that is required to be provided. Retaining all properties numbered 23 Macrae Road east of Ardross Street, and all properties numbered 25 west of Ardross Street is a better outcome that achieves compliance with the Australian Standards
- Landgate has advised that the City is to determine the most appropriate street numbering sequence that is consistent with the Australian Standards and the City's Street Numbering Policy. The City and Landgate are generally not supportive of numbers where a split in the street number sequence is created and are not in chronological order;
- To allocate a new number other than what has been recommended in this report (without a suffix) to the affected lots in question would require further renumbering changes along the street; and

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- The address change will not restrict the future allocation of numbers to the subject site or the surrounding sites.

CONCLUSION

The proposed street numbering pattern is consistent with the Australian Standards AS/NZS 4819:2011 Rural and Urban Addressing and the City's *CP-068 Street Numbering Policy*. The application is recommended for approval subject to the following street addressing as tabled within the Officer Recommendation:

OFFICER RECOMMENDATION APPROVAL

1. That the City proceed with approval of the proactive street numbering application, subject to the following street addressing:

Current Street Address	New Street Address
25 Macrae Road (Lot 2) APPLECROSS WA 6153	23D Macrae Road (Lot 2) APPLECROSS WA 6153
101 – 103 (Lot 800 & 801) Ardross Street, APPLECROSS WA 6153	103 (Lot 800) Ardross Street, APPLECROSS WA 6153
	25 (Lot 801) Macrae Road, APPLECROSS WA 6153

2. That the City proceed with notifying the relevant Government Agency bodies including Landgate, Water Corporation, Electoral Commission, Australia Post, Alinta Gas, ATCO Gas Australia, Synergy and GIS/Rates of the revised street addressing.
3. That the City advises the submitter of the outcome.