

REPORTS AND RECOMMENDATIONS
FOR THE
DEVELOPMENT ADVISORY UNIT
MEETING
HELD ON
TUESDAY, 21 JULY 2020

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 24 JULY 2020

**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, 21 JULY 2020**

PRESENT

P Prendergast
B Ashwood
T Cappellucci
M Flanagan
G Russell
G Blakey
T Berhault

Manager Statutory Planning
A/Planning Services Coordinator
Senior Planning Officer
Planning Officer
Manager Building Services
Coordinator Environmental Health
Environmental Health 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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**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)**

Ward : Palmyra - Melville - Willagee
 Category : Operational
 Application Number : DA-2014-1568/A
 Property : Woolworths Supermarket & Liquor Store, Lot 401
 (No. 68) Leach Highway, MELVILLE WA 6156
 Proposal : Modification of Development Condition
 Applicant : Element
 Owner : Hamish Developments 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 (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>

U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401 (NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)

KEY ISSUES/SUMMARY

- In August 2003 Council resolved to approve a Development Application for the construction of Woolworths supermarket on the corner of Leach Highway and Stock Road Melville (DA-2003-491).
- In February 2015 an application was approved to extend the delivery hours to include Sunday and public holidays (DA-2014-1568).
- Approval is now sought to amend Condition 1 of DA-2014-1568 in order to extend the hours in which the supermarket operations can service and undertake online grocery deliveries.
- The proposed development has been assessed against the City of Melville Local Planning Scheme No. 6 (LPS No.6), *Environmental Protection (Noise) Regulations 1997* and relevant Local Planning Policies.
- The application was advertised to the adjoining properties in accordance with Local Planning Policy 1.1- *Planning Process and Decision Making Policy*. Two objections were received.
- It is recommended that the amendment be conditionally approved.



Figure 1 – Aerial Photography

**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS6 Zoning	: Mixed Use
R-Code	: Centre C4
Use Type	: Local Centre
Use Class	: Permitted

Site Details

Lot Area	: Subject lot - 88730m ²
Retention of Existing Vegetation	: Trees to be retained
Street Tree(s)	: Not applicable
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, 24 July 2020

DETAIL

In August 2003 approval was granted for the development and operation of a Woolworths Supermarket at No. 68 Leach Highway, Melville. Condition 22 of the approval stated that;

- *No deliveries to be made to the supermarket and the loading bay outside of the hours of 7:00AM to 7:00PM Monday to Saturday and not at all on Sundays and Public Holidays*

In February 2015, a new and separate development application was approved (DA-2014-1568) which modified the delivery hours as follows:

- *Access of service vehicles to the property including deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.*

Like other supermarkets Woolworths has experienced an increase in demand for online grocery delivery, exacerbated of late by COVID-19. To accommodate this increased demand, it is proposed to amend Development Approval DA-2014-1568 to extend the times within which the service vehicles associated with the online collection and delivery of grocery items can occur.

**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)**

This proposed extension to delivery hours would be limited to the small trucks (online delivery vehicles) used to collect groceries from the store for delivery to the customer. Larger trucks and semi-trailers used to deliver groceries to the store from the main Woolworths distribution depot, or from third party suppliers would continue to be managed in accordance with Condition 1 of DA-2014-1568. The proposed amendment seeks approval to permit trucks to operate from 4am until 11pm daily.

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 1.7.7
Support/Object: Two submissions received.

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

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Increased Noise Levels	Refer to the comments section of this report.	Not Uphold
Increased Traffic Levels	Refer to the comments section of this report.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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 this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications in relation to the determination of this development application.

COMMENT

The details of the proposal have been assessed against the zoning objectives of LPS6, the provisions of Local Planning Policy 1.10- *Amenity* and the Department of Water and Environmental Regulations *Environmental Protection (Noise) Regulations 1997*. With regard to the objections received, the two key concerns relate to noise and traffic.

Increase in Noise Emissions

An Environmental Noise Assessment report (attached) was provided in support of the proposal, with a particular focus on the noise related impacts that will accrue from the loading and manoeuvring of the online grocery delivery vehicles. The recommendations of the report were amended after consideration of it by the City Environmental Health Team, who indicated a preference that a certain type of audible reversing warning system be fitted to the delivery vehicles.

A summary of the report findings is as follows:

Noise levels associated with the loading of online delivery vehicles at the Woolworths Melville loading dock have been calculated to comply with the assigned noise levels at all times.

The use of reversing beepers within the loading dock, associated with the online delivery vehicles, has also been calculated to comply. It is noted that even if a (even further) conservative assessment of reversing beepers were to be undertaken – where the beepers are present for greater than 1% of a representative time period (but less than 10%) noise levels associated with the beepers are still calculated to comply.

Notwithstanding the above, it is suggested that the use of broadband reversing alarms be implemented where possible

As stated in the submitted Acoustics Report, the proposed amendment to the delivery times is considered to comply as per the *Noise Regulations* and as such the noise generated from these vehicles will not cause undue harm to the amenity of the nearby residents. The City's Health Officers have confirmed that they are also satisfied that through the imposition of a condition relating to the use of a broadband reversing alarm, residential amenity will be maintained.

**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)**Traffic Impacts

In respect to potential traffic impacts, it is proposed that the online delivery vehicles will enter the loading dock from the southern end of Maddox Street and exit via the northern end. As seen from Figure 2 and Figure 3, the loading dock is beneath the street line and has a noise wall located along its full length (Figure 4). This wall mitigates the impact of noise from the delivery and service area of the store in the interests of residential amenity, and the managed movement of vehicles into and out of the service area ensures that vehicles servicing the store are able to access the area without compromise to the free flow of traffic on the surrounding roads. In addition, the careful management of vehicle movements by the store will further assist in ensuring the roads in the vicinity are free flowing and devoid of congestion caused by the supermarket activity.

It is also noted in response to the concerns expressed regarding traffic that the proposed extended times for delivery are effectively between 4am and 7am, when traffic in general is lighter. Similarly, the extension of hours at the end of the day will see activity associated with the online arm of the business extend beyond the existing 7pm cut off, out to 11pm, also times when general traffic flows in the vicinity are lighter. As such it is considered unlikely that the modification sought by the current DA will result in additional traffic or parking issues.



Figure 2: Entrance to the loading dock from Maddox Cr (as viewed north).

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**Figure 3: View of the loading dock facing south. Maddox Cr is located on the left hand side of this image.
Vehicles are to exit the loading dock from this side**



Figure 4: View of the noise barrier separating the loading dock from Maddox Cr

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.

**U20/0535 – AMENDMENT TO DA-2014-1568 AT WOOLWORTHS MELVILLE LOT 401
(NO. 68) LEACH HIGHWAY, MELVILLE (REC) (ATTACHMENT)**

CONCLUSION

The performance assessment that has been applied in this case concludes that extending the delivery hours for the online delivery vehicles can be accommodated without prejudice to the nearby residential properties. Therefore it's recommended that the application to amend condition 1 of DA-2014-1468 be approved.

OFFICER RECOMMENDATION

APPROVAL

That development approval be granted subject to the following conditions:

- 1. Access to the property for general stock deliveries and the operation of forklifts shall not occur before 7:00am or after 7:00pm Monday to Saturday and before 9:00am or after 7:00pm on Sundays and Public Holidays.**
- 2. Vehicle movements (including collections, deliveries and returns) associated with the delivery of items purchased online shall:**
 - a. Not occur before 4:00am or after 11:00pm Monday to Sunday (inclusive),**
 - b. Be loaded exclusively within the loading dock area on the Eastern Side of the supermarket, and**
 - c. Be limited to vehicles capable of being driven on a standard 'C' class licence.**
- 3. The development shall be operated in accordance with the recommendations set out in the Acoustic Report by Herring Storer Acoustics dated 9 July 2020, to the satisfaction of the City. If the delivery vehicles are fitted with reversing alarms, they are required to be broadband 'croaker' alarms only.**