

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**17 FEBRUARY 2015**

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](mailto: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 must be received by the CEO by midday on the second Monday after the Friday publication of the Development Advisory Unit (DAU) minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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 are subject to the discretion of the CEO, and must be received by him no later than midday on the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday.
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: 20 FEBRUARY 2015**

**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, 17 FEBRUARY 2015.**

**PRESENT**

P Prendergast  
J Wardell-Johnson  
A Donaghey  
S Burnell  
C Taborda  
G Russell

Manager Statutory Planning  
A/Planning Services Coordinator  
Senior Planning Officer  
A/ Senior Planning Officer  
Engineering Technical Officer  
A/Manager Building Services

**APOLOGIES**

K Brosztl  
G Blakey  
A Leith  
T Capobianco

Manger Engineering Design  
Health Services Coordinator  
Planning Services Coordinator  
Manager Building Services

**IN ATTENDANCE**

**OBSERVERS**

**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 has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

### Meeting to be informed of disclosures

**S.5.66** If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

### Disclosing members not to participate in meetings

**S.5.67** A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

**Please refer to your Handbook for definitions of interests and other detail.**

## **TABLE OF CONTENTS**

U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT).... 1

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2014-1465  
 Property : Lot 639 (No. 343) Canning Highway Palmyra  
 Proposal : 'Use Not Listed (Manual Motor Vehicle Wash and Detail)' and Signage  
 Applicant : Bate Design Strategies  
 Owner : Danzone Pty Ltd et al.  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : None applicable  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**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 &amp; 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"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the development of the subject vacant lot for use as a Motor Vehicle Wash and Detail business. Consent for business signage is also sought at Lot 639 (343) Canning Highway, Palmyra.
- The use is classed as an 'S' – Discretionary use in the District Centre Precinct under the Use Class provisions of Community Planning Scheme No 5 (CPS5) and as such required public consultation in accordance with Clause 7.5.
- A multi-signature letter opposing the development and comprising 13 signatures, was received during the public consultation period. This highlighted resident concerns in respect of traffic and parking.
- Notwithstanding the objections received, the development is considered to satisfy all of the relevant provisions contained under CPS and Council Policy. It is recommended that planning approval be granted subject to conditions.



**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Use Not Listed
Use Class	:	Discretionary

**Site Details**

Lot Area	:	1,476sqm
Retention of Existing Vegetation	:	Yes
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Power poles/footpath
Site Details	:	See Photo Above

U15\_0457 February 2015. A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 20 February 2015.

**DETAIL****CPS5 and Policy Requirements**

None apply.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: 'Use Not Listed' is an 'S' use under CPS5  
 Support/Object: Objection

<b>Submission Number (Multi-Signature Letter)</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
	Express concern regarding the increase in traffic volume that will result from the proposed car wash taking into account the existing Our Lady of Fatima school and church traffic from No 2 Foss Street.	Objection	A traffic impact assessment has been provided which concludes that the proposed use can be successfully accommodated on the lot without prejudice to traffic flows of safety.	Not Uphold
	Express concern regarding that available street parking in the vicinity is used by existing businesses.		The proposed development has provided sufficient off street car parking in accordance with Council Policy. The road width adjacent to the site is 11m wide therefore should street parking occur as a result of existing uses, enough residual space exists for uninhibited two way traffic flow.	

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

	Express concern regarding the patrons of the nearby Japanese restaurant who will no longer have use of the vacant lot for parking.		The fact that the development of the subject site will remove the ability for any temporary car parking by patrons of other existing adjoining commercial uses is not a material planning consideration.	
	Express concern regarding the use of Foss Street as a thoroughfare to get to other commercial businesses in the District Centre.		Foss Street is a local road and its use by local traffic to access local services is to be expected.	
	Express concern regarding the loss of property value with additional commercial uses on the street.		L Property value is not a material planning consideration.	
	Express concern regarding noise and visual impact on adjoining neighbours.		Noise and visual impacts have been addressed through design and technical reports endorsed by relevant authorities.	

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with Main Roads Department was undertaken as the site abuts a Primary Distributor in Canning Highway.

Required: Yes  
Reason: As required under State Planning Policy 5.1  
Support/Object: Conditional Support

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Main Roads	Conditional support is given subject to: <ul style="list-style-type: none"> <li>• No vehicle access off Canning Highway</li> <li>• The removal of existing crossovers on Canning Highway</li> <li>• The preparation of a robust traffic impact assessment</li> <li>• Signage outside of the potential land resumption area</li> </ul>	Support	All conditions of approval are considered to have been met.	Uphold

**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 in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City associated with this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of Council's policies including Council Policies CP-079: Car Parking and Access and CP-087: Non-Residential Development. It is considered that the development meets the objectives of the Council Policies in all respects.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

Should Elected Members or interested third parties have an alternative view the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

**COMMENTS**

Planning approval is sought for the construction of a Motor Vehicle Wash and Detail and associated signage at 343 Canning Highway, Palmyra.

The proposed use is classed as a 'Use Not Listed' under the provisions of CPS5, which is an 'S' use in the District Centre Precinct, and requires discretionary approval after advertising has taken place. The Statement of Intent for the District Centre– Melville Precinct states:

*'Primarily retail shopping but may include offices, other commercial activities and residential use.'*

The proposed commercial development is an appropriate in principle in land use terms in this location. Since initial submission, the details of the development have been amended to ensure that any adverse impacts towards existing adjoining occupiers are minimised.

The use is proposed to incorporate a small café which is provided for patrons use and is located towards the street corner (north eastern corner) of the site. A covered alfresco deck to the café will add additional activation to the Canning Highway and Foss Street corner, and improve the resultant built form of the development.

The operational component of the business is located away from the street, towards the western and southern edges of the site. Bin and on site storage areas and staff facilities are screened from the street. The operational aspects of the business are screened by landscaping to the site and verge areas.

The proposal will accommodate 12 spaces on site. This level of provision complies with the requirements of Council Policy CP-079: Car Parking and Access. Four bicycle bays are to be provided for staff. Additional spaces between work areas for overflow of vehicles are provided as part of the operational component of the development.

Open shade structures are utilised for the washing and detailing work areas of the use. The open structures allows for free movement of staff and vehicles throughout the site.

All traffic will enter and exit the site by one entry off Foss Street. The entry point is located away from the Canning Highway intersection. Foss Street itself is approximately 11m wide from its intersection with Canning Highway for a distance of approximately 50m. This generous road width will facilitate the use, which will be able to operate without compromise to the free flow of traffic, and without prejudice to traffic safety. The City's Technical Services has reviewed the Traffic Impact Assessment and have raised no objection to the proposal in that respect.

The proposal is considered to satisfy all of the relevant provisions of CPS5 and Council Policy and therefore it is recommended that approval be granted subject to conditions.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)****CONCLUSION**

The proposed development is considered to be appropriate in land use terms, as sufficient parking and vehicle movement areas are provided on site and the building design and orientation provides activation to the corner of Canning Highway and Foss Street. The new development can occur without prejudice to traffic safety and the free flow of traffic in and around the Foss Street and Canning Highway intersection. The application is considered to satisfy the requirements of CPS5 and Council Policy and consequently, it is recommended that it be approved subject to the imposition of conditions.

**OFFICER RECOMMENDATION****APPROVAL**

- 1. All stormwater generated on site is to be retained on site.**
- 2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 8m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
- 3. 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 Manager Statutory Planning.**
- 4. Prior to the initial occupation of the development, all parking bays, manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bays shall thereafter be retained for the life of the development.**
- 5. Prior to the initial occupation of the development, bicycle parking facilities for 4 bicycles shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**
- 6. The business is limited to a maximum number of 14 staff (including a maximum 12 wash assistants) on site at any one time.**

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

7. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
- Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.
8. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
9. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

10. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. 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 treatmentsThe 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.
11. The bin storage area is to be constructed in accordance with CP-090- *Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*.
12. No vehicular access is permitted via Canning Highway.
13. The car wash and café shall operate between 7:00am and 7:00pm Monday to Saturday and between 9:00am and 7:00pm on Sundays and Public Holidays.
14. Permanent covering, reflective or heavily tinted glazing of the café/shopfront windows and openings is not permitted. Windows at ground floor level are to remain visually permeable at all times.
15. No part of the sign shall be located outside the lot boundary.
16. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 Manager Statutory Planning and are to be removed prior to initial occupation of the development.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

17. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- public safety and site security;
- hours of operation,
- noise and vibration controls;
- air and dust management;
- stormwater, groundwater and sediment control;
- waste and material disposal;
- traffic management plans for the various phases of the construction, including any proposed road closures;
- the parking arrangements for contractors and sub-contractors;
- on-site delivery times and access arrangements;
- the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
- any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.

18. All wastewater produced from the activities on-site must be disposed of to the Minister's Sewer with approval of the Water Corporation of Western Australia, or alternatively captured, contained and disposed of off site to an approved facility.

19. The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in hardstand, bunded and drained areas.

20. If land resumption by the main Roads Department takes place that results in the loss or displacement of any of the car parking bays hereby approved, a revised planning application shall be submitted to and approved by the City, prior to the resumption taking place. This revised planning application shall detail the location and number of required car parking bays, in accordance with the City's requirements. Failure to achieve the necessary levels of off street car parking will render the current planning approval null and void.

21. In the event of the Main Roads Department land resumption, the owner is responsible for demolishing/removing all structures within the land resumption area at their own cost.

**U15/0457 – (BA) – PROPOSED MOTOR VEHICLE WASH AND DETAIL USE AND SIGNAGE AT LOT 639 (343) CANNING HIGHWAY, PALMYRA (REC) (ATTACHMENT)**

- 22. The illumination of the proposed pylon sign must be of low-level not exceeding 300cd/m<sup>2</sup> and shall not flash, chase or pulsate. No signage shall contain fluorescent, reflective or retro reflective colours or materials.**