



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

28 JULY 2009

- NOTES:**
- 1. This Meeting makes Recommendations to the Manager Planning & Development Services.**
 - 2. Should any Elected Member want any matter referred and considered by the Council, please contact the Manager Planning & Development Services prior to the Tuesday (or Wednesday if Monday is a public holiday) following the date of this Meeting.**
 - 3. Unless 'called in' by an Elected Member it is expected that the Manager Planning & Development Services will after the 'call in' date approve the recommendations, refer the matter to the Council or back to the Development Advisory Unit for further considerations.**

DISTRIBUTED: 31 JULY 2009



— City of —
Melville

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**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, 28 JULY 2009.**

PRESENT

J Gonzalez (Presiding Member)

A/Manager Planning & Development
Services

H Shigeyoshi
P.Prendergast
G Russell
T Portelli

A/Planning Services Coordinator
Planning Services Coordinator
Building Services Coordinator
Environmental Health Officer

APOLOGIES

R Jessup
R Bailey

Senior Horticultural Technical Officer
Technical Officer

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING POLICY (1) 2

**The following items are recommendations to the Manager Planning &
Development Services for decision.**

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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**U09/0112 - (MB) CHANGE OF USE – RESIDENTIAL TO CONSULTING ROOMS
(PHYSIOTHERAPIST) ON LOT 60 (507) MARMION STREET, BOORAGOON WA 6154
(REC) (ATTACHMENT)**

Ward : City
Category : Policy
Application Number : DA-2009-633
Property : 507 Marmion Street, BOORAGOON WA 6154
Proposal : Change Of Use – Consulting Rooms
(Physiotherapist)
Applicant : Madan Holdings Pty Ltd
Owner : B Dodds and Mr B Dodds
Disclosure of any Interest : **Select either:**
No Officer involved in the preparation of this
report has a declarable interest in this matter.
Responsible Officer : Mr Julio Gonzales
A/Manager Planning and Development Services
Previous Items : NA

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|---|--|
| <input type="checkbox"/> Advocacy | <i>when 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 Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>when 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> |

**U09/0112 - (MB) CHANGE OF USE – RESIDENTIAL TO CONSULTING ROOMS
(PHYSIOTHERAPIST) ON LOT 60 (507) MARMION STREET, BOORAGOON WA 6154
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- This application seeks consent for the change of use of the existing residence to consulting rooms for a Physiotherapist Practice.
- Application site is located on Marmion Street in an area classed as a Living Precinct by CPS No 5.
- A consulting room use is classified as an “S” use in this Living Precinct under CPS No 5,
- Application has been advertised in accordance with Scheme requirements.
- DAU is required to determine the proposal given the “S” use classification and the commercial nature of the proposal.
- Application is recommended for conditional approval.



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(PHYSIOTHERAPIST) ON LOT 60 (507) MARMION STREET, BOORAGOON WA 6154
(REC) (ATTACHMENT)****BACKGROUND**

The subject site has, to date, been used for residential purposes only.

Scheme Provisions

| | | |
|--------------|---|--|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | Living Area Precinct |
| R-Code | : | R20 |
| Use Type | : | Consulting Room |
| Use Class | : | “S” – Use not permitted unless Council exercises discretion following advertising. |

Site Details

| | | |
|--------------------------------------|---|-----------------|
| Lot Area | : | 772.00 sqm |
| Retention of Existing Vegetation | : | N/A |
| Street Tree(s) | : | N/A |
| Street Furniture (drainage pits etc) | : | N/A |
| Site Details | : | See above image |

[U09_0112_July_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on 31 July 2009.

DETAIL**Development Requirements**

The proposal wholly complies with the development requirements of CPS No 5 and Council Policy.

PUBLIC CONSULTATION/COMMUNICATION

| | |
|-------------------------------|--|
| Advertising Required: | Yes |
| Neighbour's Comment Supplied: | No |
| Reason: | “S” use classification requires special advertising. |
| Support/Object: | No representations received in response to advertising undertaken. |

**U09/0112 - (MB) CHANGE OF USE – RESIDENTIAL TO CONSULTING ROOMS
(PHYSIOTHERAPIST) ON LOT 60 (507) MARMION STREET, BOORAGOON WA 6154
(REC) (ATTACHMENT)**

REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Council Policy ref 06-PL-024 Car Parking (non residential) exists to provide guidance to control the provision of non residential car parking. Under the requirements of this Policy a medical consulting room use shall be provided with three (3) bays per practitioner plus one (1) per staff member including the practitioner.

On the basis that a maximum of 5 car parking bays are provided, the consulting room facility can operate with one practitioner and one staff member only.

COMMENTS

The main issues for consideration in the determination of this application relate to whether the proposed use is acceptable in land use terms in accordance with CPS No. 5 and whether it can be accommodated without detriment to levels of residential amenity or road safety.

Land Use Considerations

Under the provisions of CPS No. 5, the application site in question is located within a Living Area Precinct. Such areas are characterised as being primarily residential in character, although home occupations, corner shops, parks, religious, recreational and educational activities may be accommodated in land use terms provided that they are designed in a residential style and not developed to such an intensity that they disturb the Precinct within which they are located.

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(PHYSIOTHERAPIST) ON LOT 60 (507) MARMION STREET, BOORAGOON WA 6154
(REC) (ATTACHMENT)**

A consulting room is defined by CPS No 5 as “land or buildings other than a hospital used by not more than 2 health consultants and 1 staff member for the investigation or treatment of human injuries or ailments and for general patient care”. This is classed as an “S” use in accordance with the Use Class Table of CPS No. 5, and as such is not permitted unless the Council exercises discretion and grants planning approval after advertising in accordance with Clause 7.5(d) of CPS no 5. The application has been the subject of a programme of advertising in accordance with these requirements. No representations were received as a result of this consultation exercise.

The primary intent of permitting a medical consulting use within a residential area is to provide local communities with the ability to easily access local health practitioners such as general practitioners, or less general health facilities such as the Physiotherapy facility proposed in this case. These activities are often accommodated in residential areas in order to raise service levels within them and to encourage sustainable transport objectives. They are also often established at major intersections and along major roads, where exposure to passing traffic and good public transport provides suitable sites in areas of diminished residential amenity.

In this case the consulting room will be housed within an existing residential building and as such it will retain the outward appearance of the residence accordingly. It is proposed that the use will operate between 8am to 6pm Monday to Friday, and on Saturday’s from 8am to 12pm. This will be represented as a condition of approval.

In view of the foregoing, the use of the subject property as a consulting room is considered to be consistent with the land use objectives of CPS No 5, and the proposal is supported on that basis.

Car Parking

Under the provisions of Council Policy, a total of five off street car parking bays are required for the use proposed. The details submitted with the application depict the provision of 5 bays in total, all of which are accommodated within the front setback area, two of which will utilise an existing 2 bay car port. In addition, the crossover to the front of the premises is proposed to be increased in width to facilitate ease of movement to and from the site.

It is considered that the level of car parking proposed, coupled with the improvements to the width of the crossover ensure that the consulting use can operate in accordance with the Councils requirements. The proposal is supported on that basis.

CONCLUSION

The proposal is considered to be an acceptable use for the subject property, it being appropriately located between the City Centre and Mixed Business zoning. In addition the proposal incorporates the necessary level of off street car parking in accordance with Council Policy. The proposal is therefore supported subject to the imposition of appropriate conditions.

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(REC) (ATTACHMENT)**

OFFICER RECOMMENDATION

APPROVAL

That the application for proposed Change of Use – residential to consulting rooms (physiotherapist) on lot 60 (507) Marmion street, Booragoon WA be approved subject to the following conditions;

- 1. The car parking bays are to be clearly and permanently line marked out prior to the change of use hereby approved being first implemented.**
- 2. No more than one (1) practitioner and one (1) support staff member are to occupy the premises at any one time.**
- 3. The hours of operation shall be limited to Monday to Friday from 8am to 6pm and Saturday from 8am to 12 pm.**
- 4. A separate application for Planning Approval and a Signs Licence is required for all signage.**