

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 13 JUNE 2023
WEDNESDAY, 14 JUNE 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, 16 JUNE 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, 13 JUNE 2023 AND 11.00 AM
WEDNESDAY 14 JUNE 2023.**

PRESENT

P Prendergast
M Scarfone
M Giancaspro
T Geddes
J Caracciolo
D Bond

Manager Statutory Planning
Planning Services Coordinator
Senior Building Surveyor
Senior Planning Officer
Planning Officer
Senior 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.

TABLE OF CONTENTS

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT).....	4
U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT).....	12

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Ward : Bicton – Attadale – Alfred Cove
 Category : Operational
 Application Number : DA-2023-294
 Property : Lot 392 (No. 169B) Kitchener Road, Alfred Cove 6154
 Proposal : Two Storey Single House
 Applicant : Residential Attitudes
 Owner : D Bechelli & J Ould & P Bechelli
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD,
ALFRED COVE WA 6154 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for Two Storey Single House at Lot 392 (No 169B) Kitchener Road, Alfred Cove.
- The details of the proposed development have been assessed against Local Planning Scheme No 6 (LPS6), State Planning Policy 7.3 (SPP 7.3) - Residential Design Codes Volume 1 (R-Codes) and Local Planning Policy 3.1 – Residential Development (LPP3.1).
- The proposed development requires a performance assessment in relation R-Codes Clause 5.1.3 Lot boundary setbacks.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1).
- One submission that objected to the proposal was received during the advertising period.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD,
ALFRED COVE WA 6154 (REC) (ATTACHMENT)



Figure 1: Aerial photography of subject site.

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Single House
Use Class	: Permitted

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Site Details

Lot Area : 450m²
Retention of Existing Vegetation : No
Street Tree(s) : Yes, to be retained
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, 16 June 2023.

DETAIL

The application has been assessed against the provisions of LPS6, LPP3.1, and the relevant provisions of the R-Codes. A performance assessment is required in respect of the matter listed below.

State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 - Lot boundary setback	1.5m lot boundary setback	0.9m lot boundary setback.	Requires a performance assessment against the Design Principles of the R-Codes.	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 1.7.6
Support/Object: One (1) submission objected to the proposal.

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

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Summary of Issues Raised	Officer's Comments	Action (Condition/ Uphold/ Not Uphold)
General privacy	The R-Codes allows for a performance based assessment of each proposal based on its merits. The proposed setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold
Amenity impact	The R-Codes allows for a performance based assessment of each proposal based on its merits. The proposed setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold
Request for a new dividing fence	The dividing fence is an issue to be accommodated between the two landowners.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will have 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 are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications in relation to this proposal.

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

COMMENT

The proposed development requires a performance assessment regarding the lot boundary setback as outlined above in the detail section of this report. The design principles contained in Clause 5.1.3 Lot boundary setbacks of the R-Codes seek to minimise the impact of building bulk on adjoining properties, maintain privacy and provide for solar access. The development meets the design principles as discussed below.

P3.1:

- Building bulk is minimised as the subject wall is articulated by virtue of the angled boundary and the walls orientation to the lot boundaries. The wall has a varying lot setback from 0.9m to 2.3m to the affected lot boundaries with the average lot setback for this wall at 1.6m (over a length of 16.8m).
- The reduced lot boundary setback for the wall will not impact the adjoining north-eastern neighbours access to adequate direct sun and. The wall is single storey with a height of 3m and orientated south-west of the adjoining lots thereby its orientation ensures that access to sun and ventilation is maintained and adequate.
- There are no perceived or actual overlooking concerns associated with the reduced lot boundary setback of the wall. The proposal complies with deemed-to-comply provisions within Clause 5.4.1 Visual privacy of the R-Codes and the walls associated windows for the kitchen and scullery rooms will be entirely screened from view via a standard dividing fence, see Figure 1 below.

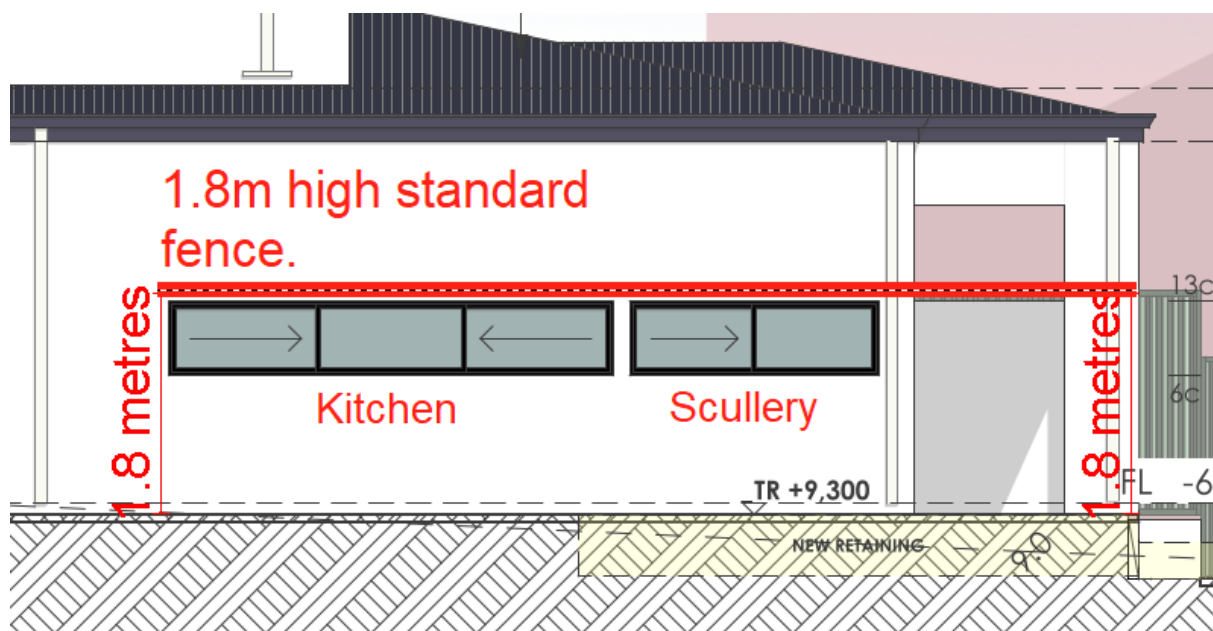


Figure 1: Shows the windows associated with the portion of wall subject to the lot boundary setback variation as being entirely screened with a standard 1.8m high fence.

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

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 opportunity to call this matter up for formal Council consideration.

CONCLUSION

The application is considered to satisfy the provisions of LPS6, and Council Policy. It is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

Subject to the following conditions:

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, 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 City and are to be removed prior to initial occupation of the development.**
- 4. The boundary wall/s subject to this approval shall, as a minimum, be finished to a clean finish, to the satisfaction of the City.**
- 5. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;**
 - a maximum width of 4.5m;**
 - located a minimum of 2m away from the outside of the trunk of any street tree; and**
 - a minimum of 1m from any existing street infrastructure.**

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

U23/0608 - TWO STOREY SINGLE HOUSE AT LOT 392 (NO. 169B) KITCHENER ROAD, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

6. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
- 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 of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
 - 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 or refuelling of equipment or 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; or
 - The parking of vehicles or machinery.
7. Prior to the initial occupation of the development, the on-site tree/s (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
8. Prior to the initial occupation of the development, the opening along the east elevation of the Chillax Room (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of State Planning Policy 7.3 Residential Design Codes Volume 1. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

Ward : Bicton – Attadale – Alfred Cove
 Category : Operational
 Application Number : DA-2022-803/A
 Property : Lot 437 (No. 42) Stock Road, Attadale WA 6156
 Proposal : Home Business (Dance Classes)
 Applicant : A Clarkson
 Owner : A & T Clarkson
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for a Home Business (Dance Classes) at Lot 437 (No 42) Stock Road, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No 6 (LPS6).
- The proposed development requires a performance assessment in relation to LPS6 Residential Zone objectives.
- The application was advertised in accordance with the provisions of the R-Codes, Planning and Development (Local Planning Scheme) Regulations 2015 and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1).
- 11 submissions were received during the advertising period comprising of three objections and eight supporting submissions.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant objectives of LPS6.
- It is recommended that approval be granted subject to conditions.



Figure 1: Aerial photography of subject site.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R15
Use Type	: Home Business
Use Class	: A

Site Details

Lot Area	: 1008m ²
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes, to be retained
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, 16 June 2023.

BACKGROUND

On 17 January 2023, a development application for a Home Business (Dance Classes) at Lot 437 (No. 42) Stock Road, Attadale, reference DA-2022-803, was refused by the City. The application was refused on the basis that the Home Business did not meet the residential zone objectives as contained within Clause 16, Table 2 of the City of Melville *Local Planning Scheme No 6* (LPS6).

The applicant chose to seek a review of the decision by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*. As part of the SAT mediation process it was agreed between the City and the applicant that the application could be reconsidered on the basis of additional information being provided. On this basis the SAT issued orders, pursuant to Section 31(1) of the State Administrative Tribunal Act 2004 (WA) which invited the City to reconsider its decision on or before 27 June 2023, or at a later date as agreed with the applicant and SAT.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

DETAIL

The Home Business operation comprises of the following;

- 1 employee providing the lessons who is the landowner and the occupant of the dwelling.
- Dance classes with music.
- Maximum of 4 customers per dance class.
- Maximum of 3 dance classes on any given day.
- Days and hours of operation being from Monday to Friday, 3.30pm to 6pm, Saturday from 8am to noon and Wednesday from 9am to 10am.
- 2 parking bays located within the subject site.

The application has been assessed against the provisions of LPS6. As identified in the Table below a Home Business is an 'A' use in the residential zone meaning it is not permitted unless the decision makers has exercised its discretion following community consultation

Local Planning Scheme No 6:

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Table 3 of LPS 6	Preferred land uses are outlined within LPS6.	Home Business - 'A' land use.	Requires a performance assessment against the relevant Zone Objectives of LPS 6	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 1.7.6
 Support/Object: Three (3) submissions objected to the proposal.
 Eight (8) submissions in support of the proposal.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

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

Summary of Issues Raised	Officer's Comments
<p>Land Use More appropriate zones for the operation of dance classes.</p>	<p>A Home Business can be considered in the Residential zone. For the reasons outlined below, the proposed use is considered consistent with the objectives of the zone and is supported.</p> <p>See comment section in report below.</p>
<p>Traffic and Parking Safety concerns with traffic and parking conflicting with school hours and insufficient parking to accommodate operation of the dance class customers.</p>	<p>An assessment of parking considerations has been undertaken and the proposal is supported.</p> <p>See comment section in report below.</p>
<p>Noise and Amenity Noise and amenity impacts from the dance classes.</p>	<p>An acoustic report has been provided in support of the proposal which identifies the relevant noise considerations have been met.</p> <p>See comment section in report below.</p>
<p>Lack of disability access.</p>	<p>Disability access for the Home Business is not required under the planning framework.</p>

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will have 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 are no strategic, risk or environmental management implications with this application.

**U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD,
ATTADALE WA 6156 (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

COMMENTLand Use

In accordance with the provisions of Table 3 – Zoning Table of the City of Melville's *Local Planning Scheme No. 6* (LPS6), a 'Home Business' is an 'A' use which is not permitted unless the decision maker exercises its discretion by granting approval. In considering the discretionary nature of the development proposed, it is necessary to take into consideration not just the land use table in LPS6, but also the relevant zone objectives table of LPS6.

The objective of the residential zone relevant to this development are as follows:

1. To provide for a range of non-residential uses, which are compatible with and complementary to residential development to promote sustainable residential development.

LPS6 therefore allows for home businesses to be considered and to operate on this basis. The proposed home business is compatible with and complimentary to residential development as the scale of the home business does not result in undue residential amenity impacts regarding noise or parking as shown in further detail below. As such in land use terms the proposed development is supported in principle.

Traffic and Parking

The definition of a 'Home Business' land use within LPS6, shown below, prescribes general parking and traffic considerations to be adhered to;

- Does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood.

Outside of this land use definition within LPS6, specific parking requirements for home businesses are not expressly stated within any state or local planning framework and therefore are assessed within the context of the individual home business and operational requirements. In this regard the following is relevant in determining sufficient parking for the home business.

1. This section of Stock Road is not classified as an integrator arterial road and therefore there is no requirement for vehicles to enter the street from the property in forward gear.
2. There are 2 car parking bays within the existing double garage for the occupants of the dwelling as required by the R-Codes.
3. The applicant has provided 2 car parking bays on the driveway contained within the subject site for customer pick up and drop off parking.
4. The use of these car parking bays is for short term parking to accommodate children pick up and drop off.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)

5. Patronage of the dance classes is drawn from the local community with some parents able to walk their young children to the classes and some older children able to walk or cycle to the classes by themselves.
6. There exists additional parking in the portion of the crossover within the verge.
7. There exists verge parking along Reserve Street adjacent to Point Walter Golf Course Reserve within a 110m proximity of the subject site (See Figure 1 below).
8. The City will be recommending a condition of approval that there be a 15-minute break between the end of a class and the start of a class to alleviate any potential parking and traffic concerns at pick up and drop off periods.



Figure 1: Shows additional verge parking located at the Point Walter Golf Course Reserve within a 110m proximity of the subject site.

The proposed home business is not considered to result in traffic difficulties as appropriate parking for the land use on the subject site has been accommodated as shown above. The proposed home business is not considered to result in any substantial increase in traffic volumes within the area. The proposed car parking is therefore considered appropriate for the site and can be supported on this basis.

U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD, ATTADALE WA 6156 (REC) (ATTACHMENT)Noise and Amenity

The submissions received during the public consultation period raised concerns regarding potential noise impacts of the home business onto adjoining residential properties.

The acoustic assessment and report undertaken by Herring Storer Acoustics considered the proposal to meet the provisions of *Environmental Protection (Noise) Regulations 1997*. The report is based on the business operating within certain parameters including the music during dance classes being played at a low level. This acoustic assessment and the recommendations within it have been assessed and confirmed by City Environmental Health Officers to meet the provisions of *Environmental Protection (Noise) Regulations 1997*.

A condition of development approval is recommended, requiring that the Home Business operate in accordance with the acoustic report at all times.

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 opportunity to call this matter up for formal Council consideration.

CONCLUSION

The application is considered to satisfy the provisions of LPS6, and Council Policy. It is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION**APPROVAL****Subject to the following conditions:**

- 1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.**
- 2. Development approval is granted exclusively to the applicant and is not transferable to another person or property.**
- 3. The home business shall operate in accordance with the submitted acoustic report (Herring Storer Acoustics, December 2022) at all times, to the satisfaction of the City.**
- 4. The home business shall employ no more than two (2) non-resident persons at any one time.**
- 5. No retail sale, display or hire of goods of any nature is to occur.**
- 6. No signage shall be displayed at the premises that exceeds 0.2m².**

**U23/0609 - HOME BUSINESS (DANCE CLASSES) AT LOT 437 (NO. 42) STOCK ROAD,
ATTADALE WA 6156 (REC) (ATTACHMENT)**

- 7. The Home Business shall operate as outlined below unless otherwise approved in writing by the City:**
- The dance lessons shall be conducted by the resident of the dwelling only. No external employees are permitted.**
 - Maximum of 4 customers per dance class.**
 - Maximum of 3 dance classes on any given day.**
 - Days and hours of operation being from Monday, Tuesday, Thursday and Friday, 3.30pm to 6pm, Wednesday from 9am to 10am and 3.30pm to 6pm and Saturday from 8am to noon.**