

## **REPORTS AND RECOMMENDATIONS**

**FOR THE**

**DEVELOPMENT ADVISORY UNIT**

**MEETING**

**HELD ON**

**TUESDAY, 16 FEBRUARY 2021**

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 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, 19 FEBRUARY 2021**



**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, 16 FEBRUARY 2021**

**PRESENT**

P Prendergast  
M Scarfone  
L Crake  
B Ashwood  
A Di Nella  
G Davey

Manager Statutory Planning  
Planning Services Coordinator  
Building Services Coordinator  
Senior Planning Officer  
A/Senior Planning 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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**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASANT (REC) (ATTACHMENT)**

Ward : Applecross – Mount Pleasant  
 Category : Operational  
 Application Number : DA-2020-1455  
 Property : Lot 403 (101B) Reynolds Road, Mount Pleasant  
 Proposal : Two Storey Single Dwelling  
 Applicant : Marvila Group Pty Ltd  
 Owner : Y R Hardy and J M Hardy  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : N/A  
 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"/>	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>

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASANT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Development approval is sought for a two storey single house at Lot 403 (101B) Reynolds Road, Mount Pleasant.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the Deemed-to-Comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies.
- A performance assessment is sought against the following design elements, boundary setbacks, visual privacy and solar access.
- The proposal was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. One objection was received. In response to the objection, the applicant provided amended plans to bring one upper floor setback on the southern boundary into line with the deemed to comply standards and provide screening to the southern side of the balcony in accordance with the deemed to comply provisions.
- 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.



**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASANT (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

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

**Site Details**

Lot Area	:	435m <sup>2</sup>
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer to Figure 1

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 19 February 2021.

**DETAIL**

Development approval is sought for a two storey single dwelling at Lot 403 (101B) Reynolds Road, Mount Pleasant. The proposal has been assessed against all the relevant provisions of LPS6, the Deemed-to-Comply provisions of the R-Codes and applicable local planning policies and Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

**R-Code Requirements**

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Lot Boundary Setback First Floor Stairs (northern side)	1.2m	1.0m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Lot Boundary Setback First Floor Bedroom 4/retreat (northern side)	1.9m	1.2m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASEANT (REC) (ATTACHMENT)**

Development Requirement (Continued)	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Lot Boundary Setback First Floor WIR (northern side)	2.8m	1.2m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Lot Boundary Setback Ground Level kitchen/scullery (southern side)	1.5m	1.3m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Lot Boundary Setback First Floor Bath/ensuite (southern side)	2.4m	2.0m	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Clause 2.1 Garage Width	Garage less than 60% of the lot frontage	62%	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
Solar Access	25% (112m <sup>2</sup> )	35% (157m <sup>2</sup> )	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**STAKEHOLDER ENGAGEMENT**

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: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	The variation to Solar Access requirement will impact on my two solar panels mounted on the single story roof part of the dwelling.	Objection	Refer to the comments section of this report.	Not Uphold

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASEANT (REC) (ATTACHMENT)****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 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 on-going financial implications for the Council in this application.

**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 associated with this proposal...

**COMMENT**

Commentary in this report will focus on the overshadowing issues raised by the submission received from the neighbour. The remaining matters listed above have been assessed under the relevant design principles of the R-Codes, and are supported in satisfying those principles.

**Solar Access**

The subject site has a width of 10.07 metres with a predominant east/west orientation. The Design Principles contained in Clause 5.4.2 of the R-Codes seek to ensure sufficient solar access for the development site and the protection of outdoor living areas, major openings and solar collectors on adjoining properties. It is considered that the proposed design satisfies the Design Principles for the following reasons:

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASANT (REC) (ATTACHMENT)**

- The adjoining two storey home to the south (subject of the submission received) has been designed with its key living areas oriented in an east and west direction towards the front and rear of the lot. This ensures that there are only two major openings facing north towards the subject site. These two major openings which are affected have alternative access to natural light, via east and west facing major openings which will allow natural light into those two habitable rooms. The bulk of the shadow falls over non-major openings and a narrow access leg at the side of the property which are not sensitive areas.
- The majority of the solar panels on the adjoining property are located on the roof of the upper floor and therefore will not be impacted by this proposal. It is acknowledged that the proposed development will impact on the two solar panels on the lower level at some points during the day however this is considered reasonable.
- The design of the adjoining covered alfresco area with a north facing boundary wall ensures this space shadows itself and blocks access to northern sunlight. The proposal will not exacerbate the impacts already felt from the existing boundary wall.
- The proposed development meets the height provisions set out in *Local Planning Policy 1.9 Height of Buildings*.
- Other than the two southern side setbacks listed above, the portion of wall opposite the two solar panels meets the deemed to comply requirements. Setting the ens/bath wall back to meet the deemed to comply provisions would only reduce the overshadowing variation by approximately 2.4sqm.
- The proposed development (two storey narrow lot design) reflects the prevailing built form along this section of Reynolds Road. With this type of development, there is generally a shadow cast towards the neighbouring property to the south. The impacts of this relationship are however mitigated by design considerations whereby upper floors are located towards the front of the lot ensuring the rear yard of each dwelling is not impacted by adverse shadow impacts. This is also the case with this development.

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B) REYNOLDS ROAD MOUNT PLEASANT (REC) (ATTACHMENT)**



**Figure 2:** Site plan overlay of the neighbouring property (103A Reynolds Road) and the subject site.

**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, the Design Principals of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

**OFFICER RECOMMENDATION**

**APPROVAL**

- 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. 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 City.**

**U21/0522 - PROPOSED TWO STOREY SINGLE DWELLING AT LOT 403 (101B)  
REYNOLDS ROAD MOUNT PLEASEANT (REC) (ATTACHMENT)**

4. 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 crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.
5. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.
6. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.
7. Prior to the initial occupation of the development, the boundary wall shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. 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.

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**

Ward : Bicton - Attadale - Alfred Cove Ward  
 Category : Operational  
 Application Number : DA-2020-1345  
 Property : Lot 126 (9) Morriett Street, Attadale WA 6156  
 Proposal : Home Business - Off Grid Solar Energy Products  
 Applicant : D Wheatley  
 Owner : D Wheatley & S J Wheatley  
 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**

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<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 (e.g. 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>



**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Development approval is sought for a home business at Lot 126 (No. 9) Morriett Street, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6) and relevant local planning and council policies including Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1).
- The home business will involve the assembly of solar energy kits. This process is proposed to be undertaken in an existing outbuilding located within the rear garden. The solar energy kits are primarily aimed at caravan users to enable the use of solar power in remote areas.
- The proposal was advertised to the adjoining owners and occupiers in accordance with Part 4 of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). Two submissions were received objecting to noise generated from the workshop in addition to the storage of hazardous materials, fire risk and potential crime resulting from the business.
- 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**

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R20
Use Type	:	Home Business
Use Class	:	Advertising required 'A' use

**Site Details**

Lot Area	:	819m <sup>2</sup>
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	Yes, to be protected
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, 19 February 2021.

**DETAIL**

The business will involve standard office based activity which is proposed to take place from within the dwelling itself, whilst the assembly of the off grid products will take place within an existing outbuilding located within the rear garden of the property.

The assembly of the solar energy kits involves the use of power tools including a hand drill, a jig saw, a circular saw and drop saw. All other components of the energy kit including electrical wiring, cabling and accessories would not require any use of power tools. The image below illustrates a completed solar energy kit:



**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**



**Figure 2** – Solar energy kit, proposed to be assembled as part of the business.

The application has been assessed against the provisions of LPS6 and relevant local planning and council policies. The definition of a Home Business under LPS6 is stated below:

**Home Business:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession -

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**

The proposal satisfies all of the abovementioned requirements of a Home Business as tabled below:

Requirement	Proposed	Delegation to approve
a) does not involve employing more than 2 people who are not members of the occupier's household.	Maximum 3 employees including the employer/resident of the property.	Development Advisory Unit
b) will not cause injury to or adversely affect the amenity of the neighbourhood.	Refer to Comment section of the report.	
c) does not occupy an area greater than 50m <sup>2</sup> .	14m <sup>2</sup> for workshop, 11.9m <sup>2</sup> for office. Total area = <50m <sup>2</sup>	
d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet.	All sale of goods done undertaken online via the Internet.	
e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood.	No increase in traffic difficulties as sufficient parking available to accommodate maximum one client at a time.	
f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight.	No presence or use of a vehicle >4.5 tonnes in tare weight.	
g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.	The land use can be accommodated within a Residential zone.	

**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: Two objections received.

In accordance with the requirements of LPP1.1, the application was advertised to the affected landowners for a period of 14 days, commencing 25 November 2020 and concluding 9 December 2020. Two submissions were received both objecting to the proposal, citing the following concerns:

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**

<b>Summary of Issues Raised</b>	<b>Comments</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Noise impacts from the use of power tools in the workshop.	The home business requires the use of power tools for the assembly of products. Refer to the comment section of this report.	Not Uphold
Storage of hazardous materials	The business does not propose any storage of hazardous materials. All materials (metal panels, electrical cabling and associated accessories) are to be stored within part of the garage, not visible from the street or adjoining sites.	Not Uphold
Potential fire risk	The increase in fire risk as a result of the use of the business is not a valid planning consideration. To note, the site is not located within a bushfire prone area and is not subject to any additional planning requirements.	Not Uphold
Perceived increase of crime	This is not a valid planning consideration.	Not Uphold
All manufacturing should be carried out in industrial areas.	The nature and scale of the business is considered to be appropriate as a Home Business in this location. Refer to the comment section of this report.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

N/A

**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.

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)****COMMENT**Home Business

As stated above, the home business proposes to use power tools for the assembly of solar energy kits within the workshop. Concern is raised regarding the principle of allowing this type of activity in a residential area, with noise from the use of power tools being cited as a key concern.. Due consideration has been given to the concerns raised, but on balance it is considered that the use proposed may be accommodated as a Home Business in this residential location as:

- The proposed business does not involve the manufacturing or production of any goods. All materials associated with the assembly of these products will be delivered to the premises in a flat-packed and tidy manner. The impact of use of power tools in the assembly of the products would not be dissimilar to the noise from power tools by any resident, including for example the use of power lawn mowers, hedge trimmers, lawn edger's, all of which are commonly used on a daily basis within a residential environment such as this.

An Environmental Health Officer of the City has reviewed the proposal and is satisfied that the proposed home business will not result in adverse noise impacts. Consideration has been taken of the requirements of the Environmental *Protection (Noise) Regulations 1997* (Regulations), which the applicant will have to operate the business in accordance with. The City's health Officer has recommended that based on the information provided to the City in respect of the noise generating activities proposed, that these are capable of being accommodated without prejudice to the Regulations. If the City receives complaints post operation, then these will be investigated accordingly.

- The majority of the work, including wiring is quiet involving the use of hand tools; and
- It is proposed that as a business start-up, the scale and intensity of the development will be low key. If the business grows, it is likely that the business will re-located accordingly.

Given the expressed concerns of neighbours, it is considered prudent that a time limited consent be granted for this development in the first instance. It is considered the proposed home business should be approved on a temporary basis for an initial six month period. During this period, the impacts of the activity can be monitored by neighbours and the City. . At the end of the 6 month period, the applicant may lodge an application with the City to extend the period of approval, again temporarily, or on a permanent basis if impacts allow.

**U21/0553 - HOME BUSINESS - LOT 126 (9) MORRIETT STREET, ATTADALE WA 6156  
(REC) (ATTACHMENT)**

## **CONCLUSION**

The application for a home business has been assessed and is considered to comply with the relevant planning framework. It is therefore recommended that the development be approved subject to the imposition of conditions.

## **OFFICER RECOMMENDATION**

## **APPROVAL**

- 1. The development the subject of this approval must comply with the approved plans including the operational management plan at all times unless otherwise approved in writing by the City.**
- 2. This approval is time limited for a period of six months from the date of this decision. On or prior to this date, the home business is to cease all operations, unless a further extension is sought and provided by the City in writing.**
- 3. The Home Business shall employ no more than 2 non-resident persons at any one time.**
- 4. No retail sale, display or hire of goods of any nature is to occur.**
- 5. No signage shall be displayed at the premises that exceeds 0.2m<sup>2</sup>.**
- 6. The Home Business must operate in accordance with the submitted Operational Management Plan, to the satisfaction of the City.**
- 7. All materials and/or equipment used in relation to the Home Business must be stored within the residence, shed and/or rear yard, behind property fences, at all times.**
- 8. All pick-up and deliveries of goods or materials associated with the approved Home Business activity are to be carried out by the Applicant with no clients or delivery vehicles visiting the premises.**