

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 1 MAY 2018

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: 3 May 2018

PC Prendergast



**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, 1 MAY 2018**

PRESENT

P Prendergast
M Scarfone
T Capobianco
B Ashwood
H MacKenzie-Rae

Manager Statutory Planning
Planning Services Coordinator
Manager Building Services
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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WILLAGEE 4

U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET, WILLAGEE

Ward : Palmyra-Melville-Willagee
 Category : Operational
 Application Number : DA-2018-303
 Property : 13 Woodhams Street, Wilagee
 Proposal : Proposed home business- Cooking School
 Applicant : C M D C Salazar De Haskell
 Owner : C M D C Salazar De Haskell
 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 & 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>

U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET, WILLAGEE

KEY ISSUES / SUMMARY

- Approval is sought for a proposed Home Business: Cooking Classes at 13 Woodhams Street Willagee. A 'Home Business' is classed as an 'A' use within the 'Residential' zone under the provisions of the City of Melville Local Planning Scheme 6 (LPS6). An 'A' use means that the use is not permitted unless discretion is exercised to approve after formal consultation has taken place.
- A formal consultation process was followed with letters to affected adjoining owners and occupiers being mailed out. This has resulted in the receipt of one submission which opposes the proposed development. Notwithstanding the objection received, the proposed Home Business is judged to be acceptable having regard to the relevant planning considerations. It is recommended that the proposal be approved subject to conditions.



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R25
Use Type	: Home Business
Use Class	: 'A' Use

U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET, WILLAGEE

Site Details

Lot Area : 809m²
 Retention of Existing Vegetation : N/A
 Street Tree(s) : N/A
 Street Furniture (drainage pits etc) : N/A
 Site Details : See site photo above.

DETAIL

Planning approval is sought to operate cooking classes/lessons from the proposed kitchen/dining area at the property. Under the provisions of LPS6, the use is classified as a 'Home Business'.

The proposed home business will be run by one resident of the dwelling. A maximum of 8 clients will be permitted at one time. The frequency of the classes will be limited to one per week at either 10am – 1pm or 6pm – 9pm.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: As per LPP 1.1 Planning Process and Decision Making
 Support/Object: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Submission 1	Concerns about the parking of cars on the street and traffic flow.	Object.	Adequate off street car parking is proposed on the driveway and verge of the property to ensure that the need for on street car parking is limited. The traffic flows generated by the development are limited as the use will only occur once per week, and no more than eight clients will attend at any one time. It is noted that the submitter does not	Not Uphold

U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET, WILLAGEE

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1 continued			reside within Woodhams Street itself, and as such the concerns raised with regard to parking and traffic at the application site do not strictly apply to him.	

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for development 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 is no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

LPP 1.1 Planning Process and Decision Making.

COMMENT

The proposed home business meets the definition of home business as per LPS6 as demonstrated in the table below.

"Home Business means a dwelling or land around a dwelling used by the occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –

U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET, WILLAGEE

	Comments
a) <i>Does not involve employing more than 2 people who are not members of the occupier's household; and</i>	The home business will be operated by one person who is a permanent resident at the property.
b) <i>Will not cause injury or adversely effect the amenity of the neighbourhood; and</i>	The scale (maximum 8 persons) and frequency (once per week for 3 hours) of the use is low key. On that basis it is considered that the use can take place without giving rise to any adverse amenity impacts.
c) <i>Does not occupy an area greater than 50sqm; and</i>	Kitchen/dining area 34.17m ²
d) <i>Does not result in traffic difficulties as a result of the inadequacy of parking or an increase of traffic volumes in the neighbourhood; and</i>	<p>The use needs 2 bays provided on site for the residential component and an additional 8 bays for the home business.</p> <p>These bays can primarily be accommodated on the applicant's driveway and verge, with additional parking being available within the street itself.</p> <p>A management plan will be required to be provided to ensure that the applicant provides information to clients regarding parking options on the property driveway or verge area. This will potentially remove, but certainly limit, the need for on street car parking.</p>
e) <i>Does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and</i>	Complies.
f) <i>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".</i>	Complies.

It is clear from the assessment of the proposed development against the standard criteria listed above, that the use can take place without prejudice to the levels of residential amenity enjoyed by residents of the locality. The use will be undertaken on an infrequent basis (no more than once per week), there are a limited number of clients involved, a reasonable level of off street car parking is provided, and the local road network has the necessary capacity to cater for the traffic likely to be generated, without prejudice to road safety. In essence this is precisely the type of small home business envisaged in residential areas, allowing the resident in question to create an income, whilst the broader community can take advantage of the training and education opportunities offered, all without changing, in any adverse way, the residential character of the locale.

**U18/0504 PROPOSED HOME BUSINESS AT 13 (LOT 118) WOODHAMS STREET,
WILLAGEE****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 proposed home business can be accommodated in this case without detriment to residential amenity, or road safety. As such it meets the requirements of LPS6, and is recommended for conditional planning approval on that basis. .

OFFICER RECOMMENDATION (U18/0504)**APPROVAL****1. APPROVAL FOR THE USE IS GRANTED ON THE BASIS THAT:**

- **Development Approval is issued to the applicant only and is not transferable to another person or property.**
 - **The Home Business will function from the area shown on the attached approved plans.**
 - **There will be no retail sale, display or hire of goods of any nature.**
 - **A sign up to 0.2m² in area may be erected at the property to advertise the home business.**
 - **A maximum of eight clients only will attend the weekly cooking class.**
- 2. The Home Business shall operate for a three hour period from either 10.00-13.00 hrs or 18.00 – 21.00hrs, once per week.**
 - 3. Prior to the commencement of the approved Home Business, a management statement shall be submitted to and approved in writing by the City. The management statement shall outline the following:**
 - a. The parking options available for customers both on the driveway, and the verge.**
 - b. The method of providing this information to customers.**

This Home Business shall operate in accordance with the approved management plan at all times to the satisfaction of the City.

- 4. This Planning Approval is valid for one year from the date of this decision. On or prior to that date, the use shall cease unless further approval to extend/continue the use has been sought from and agreed in writing by the City in the form of a separate planning approval.**