



## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

**TUESDAY, 29 AUGUST 2017**

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: FRIDAY, 1 SEPTEMBER 2017

**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, 29 AUGUST 2017**

**PRESENT**

P Prendergast  
M Scarfone  
B Ashwood

Manager Statutory Planning  
Planning Services Coordinator  
Senior Planning Officer

**APOLOGIES**

T Capobianco  
M Cosson  
A Miller

Manager Building Services  
Senior Planning Officer  
Planning Officer

**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 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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**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)**

Ward : City

Category : Operational

Application Number : DA-2017-564

Property : 17 Rankin Way, BOORAGOON

Proposal : Proposed single storey dwelling

Applicant : Wei Dong Huang

Owner : Florence Ong

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

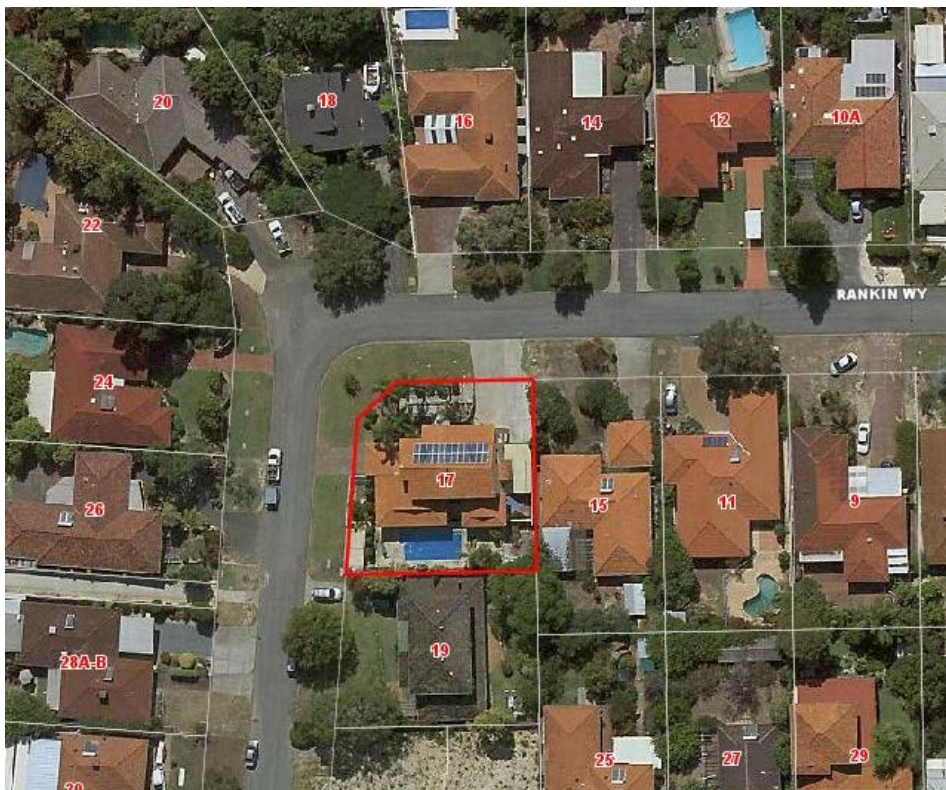
**AUTHORITY / DISCRETION**

**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"/>	<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>

**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Retrospective Development Approval is sought for a change of use from Single House to 'Residential Building' at 17 Rankin Way, Booragoon.
- Part of the existing building is occupied by a single family, while several rooms of the building are rented out on a short term basis. This arrangement of accommodation is considered to meet the definition of a 'Residential Building' provided for in State Planning Policy 3.1 – Residential Design Codes (R-Codes).
- A 'Residential Building' use is considered to be appropriate within the 'Residential' zone however a 'Residential Building' is not exempt from the requirement to obtain Development Approval under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and therefore is required to be assessed on its merits having regard to the local planning framework.
- Notwithstanding the objections received it is considered that the development is acceptable when assessed against the relevant principles of the R-Codes, Local Planning Policy and Local Planning Scheme No.6 and as is therefore recommended for approval subject to conditions.



**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

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

**Site Details**

Lot Area	:	847m <sup>2</sup>
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer photo above

U17\_0492\_August\_2017. A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday 1 September 2017.

**DETAIL**

Retrospective Development Approval is sought for a change of use from Single House to Residential Building at Lot 346 (No.17) Rankin Way, Booragoon. The existing dwelling is configured to enable portions to be occupied by a family on a permanent basis and several rooms to be rented out separately on a short term basis. The rooms for rent are self contained with small kitchenettes and each is provided with its own entrance door. The configuration of this dwelling is considered to meet the definition of a 'Residential Building' provided in the R-Codes.

The proposed change of use is considered to be consistent with the relevant provisions of the planning framework and is recommended for approval with conditions on that basis.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	As per Clause 18(4)(b) of LPS6
Support/Object:	Object

**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)**

<b>Summary of Submission</b>	<b>Support/ Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Car parking on the street	Object	The property has space to accommodate at least 6 vehicles on site. This is consistent with the requirements of the R-Codes and LPP 1.13 Bed and Breakfast Accommodation which requires 1 bay per bedroom for uses of that nature. In addition the City's Parking Local Law permits parking on the verge, and street parking is also available.	Not uphold.
High turn over of people, leading to security issues.	Object	There is no demonstrated link between the turn over of residential tenants within the residential building, and security..	Not uphold.
Scale is not of a residential nature	Object	Scale of the building is existing. The use is residential in nature, and the existing building is located in a residential zone.	Not uphold.
Ability for rooms to meet health and building requirements.	Object	If retrospective Development Approval is granted this does not remove the need for the applicant to comply with other relevant legislation including health and building regulations.	Not uphold.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with other agencies / consultants is not 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 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 application.



**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)****COMMENT**

Despite its location within a residential zone, the a 'Residential Building' is not exempt from the need for Development Approval, and as such the details of the development must be assessed on its merits having regard to the local planning framework.

Under the provisions of LPS6 the R-Codes apply to all land within the City Of Melville, and residential zones within the City are coded in accordance with R Code requirements. Residential uses that are defined within the R-Codes, such as a 'Residential Building' are considered to be appropriate land uses within a residential zone, with or without conditions.

While the use of the land as a 'Residential Building' is considered consistent with the zoning it has been the subject of complaints from surrounding properties and the City chose to advertise the application prior to making a determination on this matter. As indicated above, a number of objections were received relating to vehicle parking, scale, security and safety from a building and health perspective.

The applicant has provided a management statement in support of the application. The owner lives at the premises and is therefore able to organise check in and check out, manage the rooms and supervise the behaviour of tenants. The house rules provided are considered appropriate to ensure the development does not have a negative impact on the adjoining landowners. The site has sufficient space to accommodate the minimum number of parking bays required by the R-Codes and Council policy. In addition the subject site is located in close proximity to Garden City Shopping Centre which provides access to a range of amenities including high frequency public transport links.

The development is considered to meet the objectives of the 'Residential' zone without impacting negatively on the amenity of the adjoining properties.

**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**

With consideration of the above, the application is considered to satisfy the requirements of LPS6, the R Codes and Local Planning Policy. On this basis, the proposal is recommended for approval subject to conditions.



**U17/0492 RETROSPECTIVE RESIDENTIAL BUILDING LOT 346 (NO.17) RANKIN WAY  
BOORAGOON (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION U17/0492**

**APPROVAL**

**CONDITION**

- 1. The management of the Residential Building shall be as detailed in the applicant's letter dated 16 August 2017 unless otherwise approved by the City.**