

## REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

**TUESDAY, 6 MARCH 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](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, 9 MARCH 2018





**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, 6 March 2018**

**PRESENT**

P Prendergast  
M Scarfone  
T Capobianco  
B Ashwood  
G Davey

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

**DISCLOSURES OF INTEREST**

Nil

**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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**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Operational  
 Application Number : DA-2017-1312  
 Property : Lot 1 (No.90) Wichmann Road, Attadale  
 Proposal : Residential Building  
 Applicant : Wei Dong Huang  
 Owner : Wei Dong Huang  
 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>

**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In October 2017, the City was made aware that the existing dwelling at 90 Wichmann Road, Attadale was being used as short term accommodation for a number of people and began the relevant planning compliance procedure.
- Subsequently, the applicant lodged a Development Application for a change of use from Single House to Residential Building at 90 Wichmann Road, Attadale.
- The proposed 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' is not exempt from the requirement to obtain Development Approval under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and therefore is required to be assessed on its merits having regard to the local planning framework.
- The dwelling is rented out as a whole, not on the basis of individual rooms, on a short term basis and a management plan has been provided as a part of the Development Application. Notwithstanding the objections received it is considered that the development is acceptable when assessed against the relevant principles of the R-Codes, Local Planning Scheme No.6, and Clause 67 'Matter to be considered by Local Government' of the Regulations and is therefore recommended for approval subject to conditions.

**Figure 1 – Aerial photo of subject site**



**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Mixed Use
R-Code	:	R50
Use Type	:	Residential
Use Class	:	Permitted

**Site Details**

Lot Area	:	591 m <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

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 9 March 2018

**DETAIL**

Development Approval is sought for a change of use from Single House to Residential Building at Lot 1 (No.90) Wichmann Road, Attadale. The existing dwelling's internal layout remains the same and four additional car parking bays are proposed. The dwelling is rented out as one whole dwelling on a short term basis. Given the number of people proposed to be accommodated and the short term nature of the accommodation 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, is suited to an area which is zoned Mixed Use and is recommended for approval with conditions on that basis.

**STAKEHOLDER ENGAGEMENT**

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

**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)**

<b>Submission Number</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
1	Car parking will create a dangerous situation at the corner location.	Object	The property has space to accommodate at least 5 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. The existing and proposed crossovers are located more than 6m from where the kerb line deviates therefore satisfying clause 5.3.5 of the Residential Design Codes.	Not Uphold
	Will set a precedent for the area.	Object	Due to its location within a mixed use zone, close to shops and public transport the residential building satisfies LPS6 Mixed Used 'Zone Objectives'	Not Uphold



**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)**

<b>Submission Number Continued</b>	<b>Summary of Submission</b>	<b>Support/Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/Uphold/Not Uphold)</b>
2	Comments relating to anti-social behaviour	Object	This is not a material planning consideration, however, a search of Council Records system indicates no complaints have been lodged with the City for anti social behaviour other than the report of an abandoned car.	Not Uphold
	No one will visit the property to manage the residential building.	Object	It is a condition of the planning approval that the operation of the business be carried out in accordance with the Management Plan submitted as part of the application for planning approval.	Not Uphold
3	The use would add to traffic congestion on the surrounding Roads.	Object	The surrounding road network is capable of supporting any additional traffic generated by the use.	Not Uphold
	Brings down property values.	Object	Not a material planning matter as this is speculative.	Not Uphold

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with other agencies / consultants is not required for a Development Application of this type.

**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.

**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications in relation to this application.

**COMMENT**

Notwithstanding its location within a Mixed Use zone, 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 any area which has a density coding superimposed on it. In this case the land is zoned Mixed Use with a R50 density coding superimposed on it. Residential uses that are defined within the R-Codes, such as a 'Residential Building' are considered to be appropriate land uses within any zone covered by the R-Codes with or without conditions.

While the use of the land as a 'Residential Building' is considered consistent with the zoning it came to the City's attention following the receipt of a complaint from a surrounding property owner. Given this history the City chose to advertise the application prior to making a determination on this matter. As indicated above, 3 objections were received as a result of the consultation exercise undertaken. These relate to vehicle parking, the setting of a land use precedent, anti social behaviour, management of the property, traffic congestion and property values.

The applicant has provided a management statement in support of the application. The property will be managed by an employee who will undertake house keeping on a daily basis, organise check in and check out, manage the dwelling 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 site is located in close proximity to a Local Centre at Hislop Road/Canning Highway, and benefits from ease of access to a range of amenities including high frequency public transport links.

The development is considered to meet the objectives of the 'Mixed Use' 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.

**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)****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.

**OFFICER RECOMMENDATION****APPROVAL**

1. The management of the Residential Building shall be as detailed in the applicant's letter dated 27 November 2017 unless otherwise approved by the City.
2. All stormwater generated on site is to be retained on site.
3. Within 60 days of the date of this approval, a detailed scheme for the provision of 5 parking bays, manoeuvring areas, driveway/s and points of ingress and egress shall be provided to and approved in writing by the city. The approved scheme shall be implemented within 60 days of approval and thereafter retained in perpetuity for the life of the development.
4. The proposed concrete or brick paved vehicle crossover shall be constructed with a maximum width of 5m and located a minimum of 2m away from the outside of the trunk of any street tree and where applicable 1m from any light pole or other infrastructure. The crossover is to be constructed within 60 days of the date of this approval in accordance with the City's specifications and to the satisfaction of the Manager Statutory Planning.
5. Within 60 days of the date of this approval, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
  - (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and
  - (d) Any verge treatments

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

**U18/0500 RESIDENTIAL BUILDING (LOT 1) NO.90 WICHMANN ROAD, ATTADALE  
(REC) (ATTACHMENT)**

6. Prior to the commencement of any works associated with this approval, the 3 Street Trees (as marked on the approved plan) within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:

- 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, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
- 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 and refuelling of equipment and 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
  - The unauthorised entry by any person, vehicle or machinery
- No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.

**ADVICE NOTE**

1. In respect of condition 3 the use of grasscrete or similar style material is recommended for use to satisfy the requirements of this condition.