

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD

11.00AM WEDNESDAY, 8 APRIL 2020

**Held electronically in accordance with Regulation 14D(2)(a) of the
Local Government (Administration) Regulations 1996.**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, the public are unable to attend this meeting. To be considered open to the public, the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) of the *Local Government (Administration) Regulations 1996*

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Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

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In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au/agendas in accordance with the provisions of the Policy.

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 11:00AM ON WEDNESDAY 8 APRIL 2020.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 11.05am. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then Mayor, Honourable George Gear, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

Mayor Honourable George Gear conducted a roll call at the commencement of the meeting and confirmed the following Elected Members were in attendance for the electronic meeting.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail, Cr N Robins
Cr C Robartson, Cr M Woodall
Cr J Barton
Cr K Mair (*from 11:10am*)
Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland

WARD

Applecross – Mount Pleasant
Applecross – Mount Pleasant
Bateman – Kardinya - Murdoch
Bull Creek - Leeming
Bicton – Attadale – Alfred Cove
Central
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman
Mr S Cope
Mr M McCarthy
Mr L Hitchcock
Mr P Prendergast
Ms K Brosztl
Mr B Ashwood
Mr A Quintiliano
Mr B Taylor
Ms C Newman

Chief Executive Officer
Director Urban Planning
Director Technical Services (electronic attendance)
Executive Manager Governance and Legal
Manager Statutory Planning
Manager Engineering (electronic attendance)
Senior Planning Officer
Planning Officer
Manager Governance and Property
Governance Coordinator

At the commencement of the meeting, due to the public being unable to attend this meeting, there were no members of the public and no representative from the Press in attendance.

6. *Question Time – City of Melville Residents and Ratepayers Association (Inc) continued*

Question 3

1.3. *Why are you not in a position to enable the public to attend this meeting and physically present deputations on what is a significant planning application?*

Response

The City is working towards improvements of this nature, however in making changes to legislation, as a matter of urgency, the Department of Local Government has made provision for the Council to continue to consider matters and the City is complying with legislation. The City will continue to work towards having meeting such as this open to the public in the future where practicable.

Question 4

1.4. *Will Council continue to erode proper public participation in such significant planning matters via Council meetings?*

Response

The City is not eroding participation, the City is continuing with business, within legislation, in usual times. Every effort is being made to assist the public in participation, through existing opportunities, including contact with Elected Members.

At 11:10am Cr Mair joined the meeting electronically.

Question 5

2.1. *What tree bond will be obtained from the developers: how will it be calculated and in what form will it be given?*

Response

No such bond is required.

Question 6

2.2. *Why will only 2 new street trees be installed as a result of this substantial development that will see the areas established tree canopy reduced. Will any new trees be sizable mature trees of a size of greater than 3 meters tall? if not why not?*

Response

The assumption that only two street trees will be planted is incorrect. Please refer to the proposed Landscaping Plan which outlines the spatial distribution of trees that will be provided as a result of this development, their species, and size, as well as a planting and maintenance regime.

6. *Question Time – City of Melville Residents and Ratepayers Association (Inc) continued*

Question 7

2.3. *Why is the City not ensuring full compliance with TPZs as outlines the Australian and other Standards and policies. Why has the City not used its own arborists and/or engaged qualified arborists to provide independent reports?*

Response

Please refer to the approved arborist report which is an attachment to the City's Responsible Authority Report to the JDAP. This report outlines the measures that will be employed to safeguard trees that are proposed to be retained on the application site, a number of which are located within the Tree Preservation Zone. It is noted that there are no existing verge trees in existence adjacent to the application site. The City recognised the benefits of retaining as many of the mature trees that are located on **private land** in this case, hence the Local Development Plan which was endorsed by Council, and which creates the Tree Preservation Zone on that private land.

Question 8

3.1. *Are the 6 Bays essential for this development's compliance with relevant policies, codes and standard?*

Response

They are required as visitor bays.

Question 9

3.2. *If so: why are these bays essential and what consideration has the developer provided in exchange for effectively long term lease over the community's land/verge area. Public parking?*

Response

They are required in accordance with the planning policy framework, specifically the R Codes Vol 2 which are State Planning policy. The provision of the bays within the verge is supported by the City as it is consistent with the City's Parking Strategy, and are anticipated by the Local Development Plan which was approved by Council. There is no requirement for the developer to "give back" in this context, although the development will result in the greening of the verges that surround the site noting that no such verge trees or planted landscaping currently exists.

Question 10

3.3. *If not: exactly why is the City foregoing valuable verge space that could be otherwise used in the better interest of the community; such as advancing the urban forest strategy. Please confirm that the City could have otherwise plant at least 3 substantial trees on this space. We note the planners have already identified the ample parking available at the adjoining property?*

6. *Question Time – City of Melville Residents and Ratepayers Association (Inc) continued*

Response

Please refer to previous response.

Question 11

3.4. *What broader area infrastructure contributions will be made by the developer (eg for wider road, draining and other consequential public works). How should such contributions be calculated?*

Response

No infrastructure contributions will be made by the developer as none are required. Any upgraded infrastructure required as a result of the development by service utilities for example, will be met by the developer.

Question 12

4. *Can you guarantee that the current plans as reviewed by the City officers show that the below ground parking will be built in accordance to the relevant Australian Standards, including AS-NZS2890; unlike a number of other similar developments within the City. Who within the City is accountable for such a review and compliance verification?*

Response

The proposed development has been designed to fully comply with the relevant Australian Standards. In addition there is a condition of planning approval recommended that ensures this to be the case. The City's Engineers have assessed and verified the details provided as meeting the requirements of the Australian Standard.

7. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Pazolli – Item P20/3849 - Development Assessment Panel Application- 5 Storey Multiple Dwelling Development at 109-141 Somerville Boulevard, Winthrop. Interest Under the Code of Conduct
- Cr Woodall – Item P20/3849 - Development Assessment Panel Application- 5 Storey Multiple Dwelling Development at 109-141 Somerville Boulevard, Winthrop. Interest Under the Code of Conduct

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**APPROVAL**

At 11:19pm Cr Wheatland moved, seconded Cr Kepert -

That the Council suspend the definition of “deputation” in clause 1.6 and clause 7.10 of the *City of Melville Meeting Procedures Local Law 2017* for the purpose of accepting deputations by electronic submission.

At 11:19pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8. DEPUTATIONS**8.1 Mr M FitzGibbon**

P20/3849 – Development Assessment Panel Application- 5 Storey Multiple Dwelling Development At 109-141 Somerville Boulevard, Winthrop

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11 REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosures of Interest

Member	Cr Pazoli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Central Metro Joint Development Assessment Panel that will decide this Development Application
Request	Stay, Discuss and Vote
Decision	Stay, Discuss and Vote

Member	Cr Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Central Metro Joint Development Assessment Panel
Request	Leave
Decision	Leave

At 11:21am having declared an interest in the matter, Cr Woodall left the meeting and did not return.

Mr FitzGibbon of Melville submitted an electronic deputation with respect to Item P20/3849 – Development Assessment Panel Application - 5 Storey Multiple Dwelling Development at 109 – 141 Somerville Boulevard, Winthrop. The electronic deputation was circulated to Elected Members and staff prior to the meeting. [Electronic Deputation Mr FitzGibbon](#)

P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD, WINTHROP (REC) (ATTACHMENT)

Ward	: Central Ward
Category	: Operational
Application Number	: DAP-2019-11
Property	: No. 109-141 (Lot 369) Somerville Boulevard, Winthrop
Proposal	: 5 Storey Multiple Dwelling Development
Applicant	: Taylor Burrell Barnett
Owner	: Nostoc Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil.
Responsible Officer	: Peter Prendergast Manager Planning Services

P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD, WINTHROP (REC) (ATTACHMENT)

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 checked="" 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 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/Committee to note.</i>

KEY ISSUES / SUMMARY

- Development approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a 5 storey multiple dwelling development at 109-141 Somerville Boulevard, Winthrop. The development includes;
 - 34 Multiple Dwellings,
 - 56 undercroft car parking spaces,
 - 6 verge car parking spaces, and
 - 4 motorcycle parking spaces.
- The application by virtue of its cost of development is a mandatory JDAP application which was submitted to the City on 25 November 2019.
- The Responsible Authority Report (RAR) is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 9 April 2020.
- The RAR is the subject of a call up to a meeting of the Council, in accordance with the provisions of Local Planning Policy LPP1.1 "Planning Process and Decision Making".
- The recommendation of the RAR is that the JDAP approve the application.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.
- The application is due to be considered by the JDAP on the 20th April 2020.

**P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY
MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD,
WINTHROP (REC) (ATTACHMENT)**



Figure 1: Aerial Map of Subject Site

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Neighbourhood Centre- C4
Strategy Policy	:	Local Development Plan DA-2017-704
Use Type	:	Residential (Multiple Dwellings)
Use Class	:	Permitted Use

Site Details

Lot Area	:	21274m ²
Street Tree(s)	:	None
Street Furniture (drainage pits etc)	:	Crossovers
Site Details	:	See aerial photo above

**P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY
MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD,
WINTHROP (REC) (ATTACHMENT)****DETAIL**

Development approval is sought from the Metro Central JDAP for the construction of a five storey development comprising 34 apartments on the north eastern portion of the existing neighbourhood shopping centre at 109-141 Somerville Boulevard, Winthrop. The residential development also includes a communal outdoor area, 56 undercroft car parking bays, 4 motorcycle bays and on-street visitor parking.

The Responsible Authority Report is provided as an attachment and includes details of the development proposal.

[3849 Draft RAR DAP 2019 11 Winthrop Village](#)

[Attachment 1 3849 Architectural Plans and Perspectives](#)

[Attachment 2 3849 Landscaping Plan](#)

[Attachment 3 3849 Transport Impact Statement](#)

[Attachment 4 3849 Arborist Report](#)

[Attachment 5 3849 Green Star Preliminary Assessment](#)

[Attachment 6 3849 Approved LDP DA-2017-704](#)

[Attachment 7 3849 Applicant Planning Report](#)

[Attachment 8 3849 Waste Management Plan](#)

[Attachment 9 3849 Design Review Panel Minutes December 2019](#)

STAKEHOLDER ENGAGEMENT

The engagement process is discussed in the RAR.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the approval authority for the application. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide an officer report including a recommendation to the Development Assessment Panel.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are not considered to be strategic, risk or environmental management implications with this application.

**P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY
MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD,
WINTHROP (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

These are outlined in full within the RAR

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION (3849)**APPROVAL**

At 11:22pm Cr Wheatland moved, seconded Cr Sandford -

That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 5 storey multiple dwelling development at 109-141 Somerville Boulevard, Winthrop, subject to conditions.

At 12:11pm Mr Prendergast left the meeting and returned at 12:15pm.

P20/3849 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 5 STOREY MULTIPLE DWELLING DEVELOPMENT AT 109-141 SOMERVILLE BOULEVARD, WINTHROP (REC) (ATTACHMENT)

Amendment

COUNCIL RESOLUTION

At 12:13pm Cr Mair moved, seconded Cr Barton -

To make the approval conditional on the removal of the six on-street car parking bays on Jackson Avenue and Hatherley Parade.

At 12:37pm the Mayor declared the motion

CARRIED (7/4)

Vote	
Cr Barber	N/A
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Mair	Yes
Cr Sandford	Yes
Mayor Gear	Yes
Cr Macphail	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No

At 12:21pm Mr Prendergast left the meeting and returned at 12:23pm.

Substantive Motion as Amended

COUNCIL RESOLUTION (3849)

APPROVAL

At 11:22pm Cr Wheatland moved, seconded Cr Sandford -

That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 5 storey multiple dwelling development at 109-141 Somerville Boulevard, Winthrop, subject to conditions; and

To make the approval conditional on the removal of the six on-street carparking bays on Jackson Avenue and Hatherley Parade

At 12:43pm the Mayor declared the motion

CARRIED UNANIMOUSLY(11/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 12:43pm.