

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

MONDAY, 7 FEBRUARY 2022

AT 6.00PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

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.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

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 in accordance with the provisions of the Policy.

DISTRIBUTED: 11 FEBRUARY 2022

CONTENTS PAGE

	Item Description	Page Number
URBAN PLANNING		
P22/3969	Three Storey Single House – Lot 2 (No.4) Dee Road Applecross WA 6153 (Item Brought Forward)	4
P22/3968	DAP Call Up – Proposed Eight Storey Development Comprising 49 Apartments – No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant	19
P22/3969	Three Storey Single House – Lot 2 (No.4) Dee Road Applecross WA 6153	25



1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:00pm and invited Cr Margaret Sandford to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

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.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

WARD

Cr T Fitzgerald (Deputy Mayor)	Palmyra – Melville - Willagee
Cr K Wheatland	Palmyra – Melville - Willagee <i>(Electronic Attendance)</i>
Cr G Barber, Cr J Edinger	Bicton – Attadale – Alfred Cove
Cr N Robins <i>(Until 7:01pm)</i>	Bateman – Kardinya – Murdoch <i>(Electronic Attendance)</i>
Cr D Macphail	Bateman – Kardinya - Murdoch
Cr Woodall, Cr J Spanbroek	Bull Creek - Leeming
Cr N Pazolli	Applecross – Mount Pleasant
Cr C Ross <i>(From 7:03pm)</i>	Applecross – Mount Pleasant
Cr K Mair	Central
Cr M Sandford	Central <i>(Electronic attendance)</i>

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr G Ponton	A/Director Urban Planning
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer <i>(Electronic attendance)</i>

At the commencement of the meeting, there were 5 members of the public in the Council Chambers, 15 members of the public and no representatives from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. QUESTION TIME

Nil.

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

- Cr Mair – Item P22/3968 DAP Call Up – Proposed Eight Storey Development Comprising 49 Apartments – No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant. Financial Interest.
- Cr Ross – Item P22/3969 Three Storey Single House – Lot 2 (No.4) Dee Road Applecross WA 6153. Proximity Interest.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:05pm, the Mayor brought forward Item P22/3969 Three Storey Single House – Lot 2 (No. 4) Dee Road, Applecross WA 6153 for the convenience of those making a deputation.

At 6:05pm, Mrs J Ross the Chamber for the purpose of making a deputation which concluded at 6:15pm. Mrs Ross tabled documents as part of her deputation [Submission to Council – Summary of Objections](#). At 6:21pm, Mrs Ross left the Chamber. [Deputation to Item P22/3969 – Mrs Ross](#)

At 6:22pm, Mr M Larner entered the Chamber for the purpose of making a deputation which concluded at 6:24pm. Mr Larner tabled documents as part of his deputation [Formscape Planning Submission](#). At 6:27pm, Mr Larner left the Chamber. [Deputation to Item P22/3969 - Mr Larner](#)

At 6:28pm, Mr S Gliosca from Urbane Projects entered the Chamber to make a deputation to the Council which concluded at 6:34pm. At 6:37pm, Mr Gliosca left the Chamber.

Disclosure of Interest

Member	Cr Clive Ross
Type of Interest	Proximity Interest
Nature of Interest	I reside in the same street as the subject property.
Request	Leave
Decision Leave	Leave

P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS WA 6153 (REC) (ATTACHMENT)

Ward	: Applecross - Mount Pleasant Ward
Category	: Operational
Application Number	: DA-2021-1275
Property	: Lot 2 (No.4) Dee Road APPLECROSS WA 6153
Proposal	: Single House
Applicant	: Urbane Projects
Owner	: Ms S M Bennett
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	: Not applicable

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (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 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 (e.g. 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 for a proposed three storey single house at Lot 2 (No.4) Dee Road, Applecross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) and relevant local planning and council policies.
- In accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making, the proposed development was advertised to the adjoining owners and occupiers.
- Two submissions were received which objected to the front setback, rear boundary setback, building height, driveway gradient and permeability of retaining walls,
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- The application was referred to the Development Advisory Unit (DAU) on 25 January 2022. The DAU determined that the application be recommended for approval subject to conditions.
- Following the DAU meeting, the development application was called up to Council by Cr Pazolli for determination in accordance with the procedures outlined in the Local Planning Policy 1.1.
- Notwithstanding the objection received, it is recommended that the Council approve the application subject to conditions.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS6 Zoning	:	Residential
R-Code	:	R12.5
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	994m ²
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes to be retained
Street Furniture (drainage, pits, etc.)	:	Not applicable
Site Details	:	Refer photo above – Figure 1

DETAIL

In November 2021 a development application was lodged for a three storey single house at Lot 2 (No.4) Dee Road; Applecross.

[3969 Applicants Copy DA 2021 1275 Two Storey Single Dwelling with Undercroft 4 Dee Road Applecross](#)

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 Residential Design Codes Vol. 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 Lot Boundary Setbacks	6 metres - Rear Setback	Minimum 2 metres on the ground floor and 3.6 metres on the first floor.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.3.7 Site Works	Fill and retaining walls to not exceed 0.5 metres within 1 metre of the lot boundary; and site works to not exceed 0.5m within front setback area	Cut approximately 2-3 metres on the western side	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 1 Part C2.1(iii)	Building setbacks in R12.5 3.75 metre minimum 7.5 metre average	Ground floor Minimum 1.3 metres Average 4.6 metres First Floor Minimum 5.1 metres Average 7.36 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 4 Fences and Street Walls	Walls located within the front setback area are to be visually permeable above 1.2 metres	Portions of the fencing exceed the 1.8 metre maximum height requirement	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comments Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: 2 objections were received

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

A summary of the objection received and a response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Encroachment of the development into the rear setback area will create a bulk impact to the dwelling under construction	Refer to the comments section of this report.	Not Uphold
Rear setback is not compliant	Refer to the comments section of this report.	Not Uphold
Height of the building is not compliant	The height of the development is compliant with the City's LPP 1.9 Height of Buildings.	Not Uphold
The front setback is not compliant	The proposal is considered to satisfy the design principles contained within C 5.1.2 <i>Street Setbacks</i>	Not Uphold
The terraced area does not have any balustrading which will cause a safety hazard. Any future balustrading will increase the size of the wall	In lieu of balustrading, the applicant has proposed a large amount of landscaping to act as a buffer between the entertaining space and the edge. Any future balustrading will be required to meet with the requirements of the BCA and the visual permeability requirements of the R Codes.	Not Uphold
The retaining walls within the front setback effectively comprise the front fence of the property and all exceed the height limits and permeability requirements.	Refer to the comments section of this report.	Not Uphold
The eastern driveway comprises a ramp which utilises the Council's front verge and the Council would have the responsibility of maintaining the ramp and any dangers caused by said ramp. This ramp will hinder the Council's ability to change the footpath	The applicant is not proposing to modify the existing levels of the verge as part of this application. The proposed ramp begins within the subject site and the gradient meets the relevant standards. In addition sufficient vehicle sightlines are provided.	Not Uphold

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they 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

There are no policy implications for the City relating to this proposal.

COMMENTRear (western) Boundary setback

4 Dee Road, Applecross is zoned Residential with a density coding of R12.5 under the provisions of Local Planning Scheme No. 6. As per Clause 5.1.3 Lot Boundary Setbacks and Table 1 of the R-Codes, a 6.0 metre rear setback is required to meet the deemed-to-comply provisions.

The proposed development provides a minimum rear setback of 2.0 metres with an average of 4.6 metres to the ground floor, and a setback minimum of 3.9 metres and an average of 6.5 metres to the first floor (Figure 2 and 3). Therefore the development requires assessment against the relevant design principles of the R-Codes.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

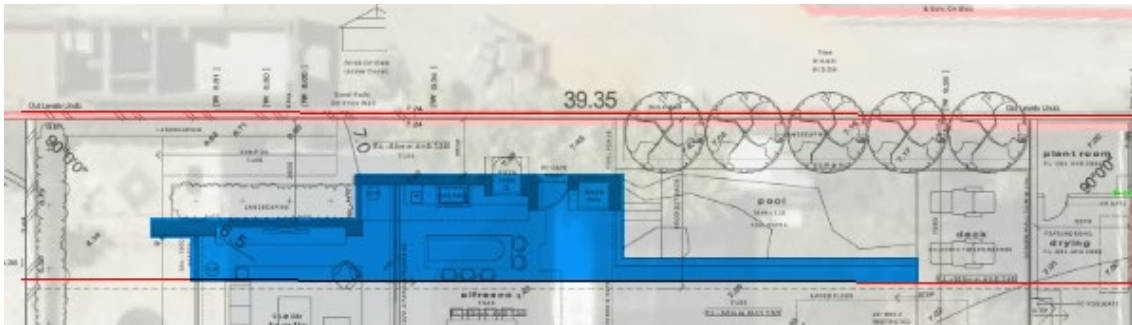


Figure 2: Portions of the ground within the setback area are highlighted in blue

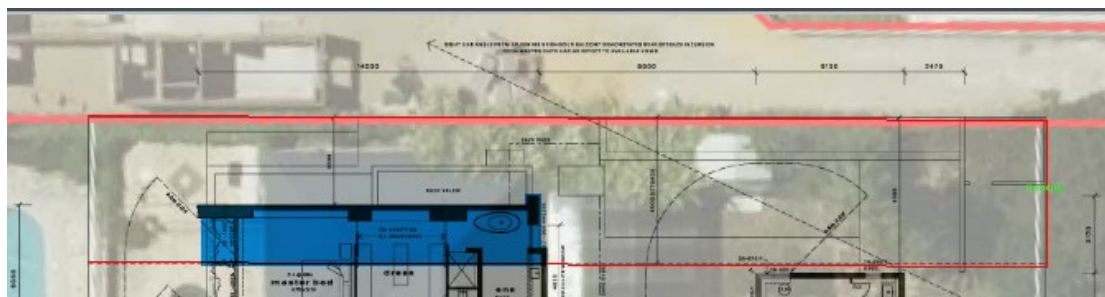


Figure 3: Portions of the first floor within the setback area are highlighted in blue

The objective of the 6 metre rear setback is to maintain a low density character for areas zoned R15 and below, by increasing the separation between dwellings which in turn reduces building bulk, ensures access to sunlight and ventilation and reduces overlooking between properties. This separation is considered particularly beneficial where dwellings have a rear to rear relationship as the setback provisions create a minimum of 12 metres between buildings. The subdivision pattern in this part of Applecross means that the subject site and surrounding neighbours have side to side or side to front relationships meaning that consistent setbacks between are not exhibited.

P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS WA 6153 (REC) (ATTACHMENT)

For example the dwellings at the rear of the subject site have been approved with 1-1.5 metre side setbacks, resulting in minimal separation (Figure 4).



Figure 5: Aerial Snapshot of the immediate locality

The dwelling under construction at 40B Fraser Road has been designed in a manner to ensure that the primary outdoor and indoor spaces are orientated westward, optimising the view towards the Swan River. The secondary views from this property are in an easterly direction towards and along the driveway. The development will be visible from the ground floor study and a first floor bedroom, noting that the orientation of the window ensures this view is oblique in nature, reducing the bulk impact of these walls (Figure 5).

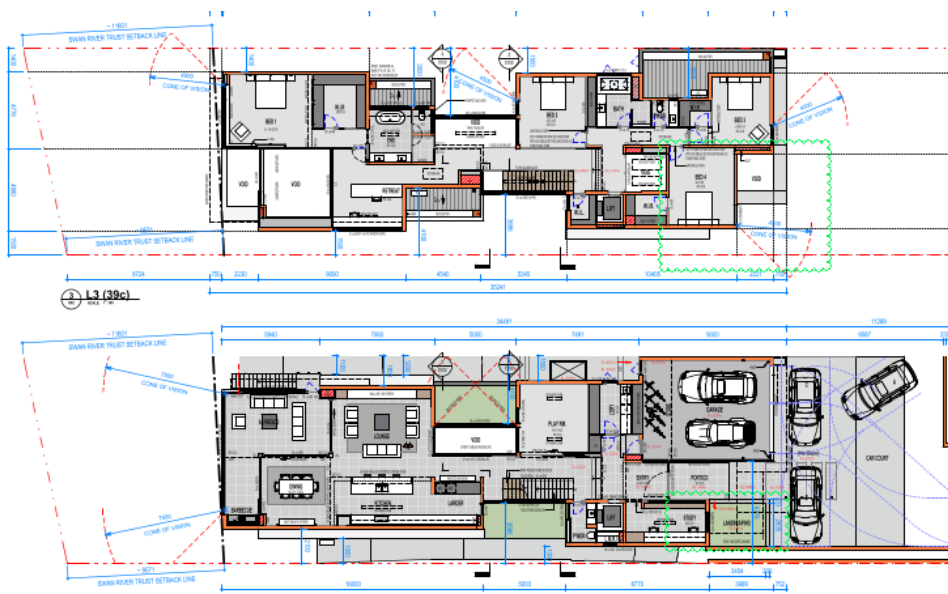


Figure 5: Ground floor and first floor of the approved development at 40B Fraser. Areas highlighted in green will have a view of the proposed development

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

The subject site is located on the southern boundary of the neighbouring property and is compliant in regards to visual privacy. As such there are no adverse impacts in respect of visual privacy or solar access.

Site Works, Retaining and Front Fences

The deemed to comply provisions of the R-Codes allow for site works including retaining walls, fill and excavation between the street boundary, and street setback and lot boundaries to be a height of 0.5 metres above or below the natural ground level, except where it is necessary to provide for pedestrian universal and/or vehicular access, drainage or access of natural light to a dwelling.

The proposed fill in front of the dwelling associated with the pedestrian entrance meets the deemed-to-comply requirements; however the proposed excavation works on the western portion of the site and within the verge requires a performance assessment against the relevant design principles.

The proposed excavation is considered to meet the design principles for the following reasons:

- The excavation restores a natural fall towards the river.
- The excavation results in increased setbacks to the street compared to the existing dwelling.
- This front setback area will be developed with a substantial amount of landscaping both in front of and on top of the retaining wall, which softens the impact on the street.
- The textured finish of the retaining wall, which allows for it to blend into the development;
- The applicant has indicated that balustrading will not be required on top of the raised outdoor area due to the extent of landscaping provided however this detail will be finalised at the building permit stage. In order to ensure that any required balustrading does not have a bulk impact on the street, a condition has been applied requiring this to be a clear material such as glass.

As noted above the fill associated with the proposed pedestrian entrance meets the relevant deemed to comply provisions. Despite this, the height of the balustrade exceeds the deemed to comply provisions for fence height in LPP 3.1. This policy states that fence height is measured from the natural ground level at the verge and includes the height of retaining walls. The proposed balustrade is one metre high and constructed of clear glass. This is considered to meet the relevant design principle which requires street fencing to be low in height to permit surveillance of the street. In addition to the above, the landscaping is proposed in front of the retaining wall, reducing its visual bulk and enhancing the streetscape interface, consistent with the design principle.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**



Figure 6: Render of the proposed development displaying the raised podium on the western boundary and the pedestrian entrance to the centre



Figure 7: View of the middle portion of the existing home as viewed from Dee Rd

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**



Figure 8: Existing driveway serving the above ground garage on the eastern boundary



Figure 9: Area of retaining and fill which is to be removed within the verge and front setback on the western boundary

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**



Figure 10: Access leg servicing the rear neighbour at 40B Fraser Rd. This access leg will alleviate the bulk impact from the proposed development

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to refuse to grant approval for the proposed development and provide a reason for doing so. If the Council chooses to refuse the application, the applicant may exercise a right of review to the State Administrative Tribunal.

CONCLUSION

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the development be granted, subject to conditions.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3969)****APPROVAL**

At 6:37pm Cr Fitzgerald moved, seconded Cr Edinger –

That Council approve DA-2021-1275 for the three storey single house at Lot 2 (No.4) Dee Road, Applecross, subject to the following conditions:

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 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 approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

4. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in *State Planning Policy 7.3 Residential Design Codes Volume 1*, 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. All balustrading located within the front setback area is to be constructed of a clear material to the satisfaction of the City.
7. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
9. 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.

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

10. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
11. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
 - 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 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.

At 7:01pm, Cr Robins left the meeting and did not return.

Procedural Motion**COUNCIL RESOLUTION**

At 6:54pm Cr Pazolli moved, seconded Cr Macphail –

That the Motion be deferred for up to four weeks to allow for the applicant and affected landowners to negotiate resolution of their concerns.

At 7:02pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Disclosure of Interest

Member Cr Mair
 Type of Interest Financial Interest
 Nature of Interest I am the Director of a company that owns land next door to this property
 Request Leave
 Decision Leave Leave

At 7:02pm having declared an interest, Cr Mair left the meeting and did not return.

P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN STREET, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant Ward
 Category : Operational
 Application Number : DAP-2021-14
 Property : No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant
 Proposal : Proposed Eight Storey Development Comprising 49 Apartments
 Applicant : John Woon, Developwise 3 Pty Ltd
 Owner : Developwise 3 Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 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 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Nicholas Pazolli.
- The development application proposes the demolition of two existing dwellings and the construction of an eight storey apartment development at Lot 141 (No. 9) and Lot 13 (No. 11) Wren Street, Mount Pleasant (the subject site). The proposed development comprises forty-nine apartments, with a range of differing apartment sizes, car parking at ground level and in the basement, a communal roof terrace and extensive landscaping on site and in the adjacent verge.
- Each of the residential apartment levels contain seven apartments (levels 1-7), ranging between 1 bedroom/1 bathroom apartments to 4 bedroom/3 bathroom apartments;
- 80 onsite parking bays have been provided in the ground and basement level car park.
- The proposed development has been assessed against the provisions of the *Canning Bridge Activity Centre Structure Plan* (CBACP), as well as a number of local and state planning policies.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 13 individual written submissions were received, two in support of the development and 11 expressing concerns.
- The recommendation of the RAR is that the JDAP approve the proposal subject to planning conditions outlined in the attached RAR report to the JDAP.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the *Planning and Development (Development Assessment Panel) Regulations 2011* by midday 10 February 2022.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.
- The cost of the development is \$20 million and therefore, it is mandatory for the application to be determined by the Metro Inner South Joint Development Assessment Panel.

P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN STREET, MOUNT PLEASANT (REC) (ATTACHMENT)



Figure 1: Aerial photo of subject lot

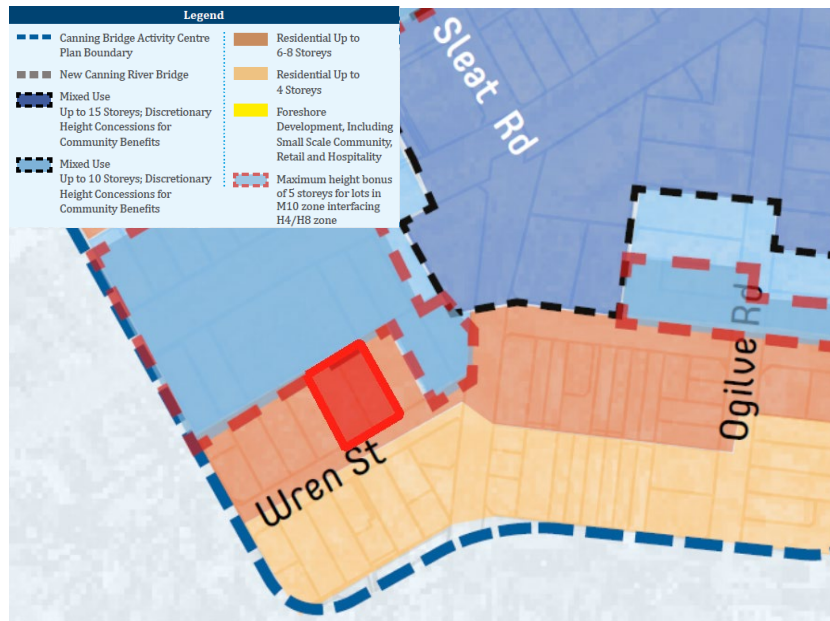


Figure 2: Subject lot within the CBACP

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential 'RAC-0'
Structure Plan Zoning	:	Canning Bridge Activity Centre Plan H8 Residential Zone
R-Code	:	N/A
Use Type	:	Residential
Use Class	:	Permitted

Site Details

Lot Area	:	2028sqm
Street Tree(s)	:	One verge tree, to be retained
Street Furniture (drainage pits etc)	:	Footpath
Site Details	:	Refer to Figure 1 above

DETAIL

Development approval is sought from the Metro Inner-South JDAP for an eight storey development comprising 49 apartments.

Refer to the attached RAR for details of the development proposed by this application.

[3968 Responsible Authority Report - 9 - 11 Wren Street Mount Pleasant](#)

[3968 Attachment 1 - Design Report](#)

[3968 Attachment 2 - Development Plans and Perspectives](#)

[3968 Attachment 3 - Landscaping Plans and Report](#)

[3968 Attachment 4 - Design Review Reports](#)

[3968 Attachment 5 - Traffic Impact Statement](#)

[3968 Attachment 6 - Waste Management Plan](#)

[3968 Attachment 7 - Acoustic Report \(Building Design\)](#)

[3968 Attachment 8 - Acoustic Report \(SPP 5.4 Noise Management\)](#)

[3968 Attachment 9 - Sustainable Design Strategy](#)

**P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT
COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN
STREET, MOUNT PLEASANT (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The cost of the development requires that it be determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Policy implications are outlined within the RAR attached to this report.

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 Ordinary 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 in support of a resolution, a nominated Elected Member 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.

P22/3968 – DAP CALL UP – PROPOSED EIGHT STOREY DEVELOPMENT COMPRISING 49 APARTMENTS – NO. 9 (LOT 141) AND NO. 11 (LOT 13) WREN STREET, MOUNT PLEASANT (REC) (ATTACHMENT)

At 7:02pm the Mayor adjourned the meeting.

At 7:03pm Cr Ross entered the meeting.

At 7:04pm the Mayor resumed the meeting.

At 7:05pm Cr Barber left the meeting and returned at 7:06pm.

At 7:06pm Cr Macphail returned to the meeting.

OFFICER RECOMMENDATION (3968)

APPROVAL

At 7:05pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve, subject to conditions, the application for the proposed eight storey development at No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant.

At 7:35pm, the Mayor declared the motion

LOST(3/8)

Yes	3	Cr Macphail, Mayor Gear, Cr Wheatland
No	8	Cr Barber, Cr Edinger, Cr Pazolli, Cr Fitzgerald, Cr Ross, Cr Sandford, Cr Spanbroek, Cr Woodall

Reasons for the Officer Recommendation being lost as provided by the Council:

- Lack of Apartment Diversity
- Height of the Building
- Sustainability
- Failure to comply with setback requirements contributing to excessive bulk
- Garage placed on boundary
- Traffic and Parking
- Lack of Privacy and overlooking
- Lack of sunlight to the Northern neighbours

At 7:38pm, Cr Edinger left the meeting and returned at 7:39pm.

COUNCIL RESOLUTION

At 7:39pm Cr Barber moved, seconded Cr Ross –

That the Council nominate Cr Fitzgerald to present to the Joint Development Assessment Panel on the application for the proposed eight storey development at No. 9 (Lot 141) and No. 11 (Lot 13) Wren Street, Mount Pleasant.

At 7:40pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

**P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPLECROSS
WA 6153 (REC) (ATTACHMENT)**

Item brought forward
See Page 4.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

14. CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Wheatland, Cr Sandford, Cr Woodall and Cr Spanbroek were still in attendance electronically and declared the meeting closed at 7:41pm.