

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

6.30PM THURSDAY, 18 June 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 and physical distancing only a limited number of the public are able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners of the land on which the City stands today and pays its respect to the Whadjuk people, and Elders both past and present.

DISCLAIMER

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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.

DISTRIBUTED: 19 June 2020

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and invited Cr Karen Wheatland to read the Acknowledgment of Country.

“The City of Melville acknowledges the Bibbulmun people as the Traditional Owners of the land on which the City stands today and pays its respect to the Whadjuk people, and Elders both past and present.”

Purpose of the Meeting:

To consider Item P20/3861- Development Assessment Panel Application - Multiple Dwelling Development At 4 Colleran Way, Booragoon.

The Presiding Member requested Mr L Hitchcock, Manager Governance and Legal Services to read aloud the Disclaimer and the Purpose of the Agenda Briefing Forum and then the Mayor advised that the meeting was being recorded for minute taking purposes and 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 advised that Cr J Barton, Cr Macphail and Cr Fitzgerald were in attendance electronically with his approval, in accordance with Clause 14C of the *Local Government (Administration) Regulations 1996*.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr S Kepert
Cr D Macphail (*from 6:33pm*)
Cr M Woodall (*until 6:37pm*)
Cr J Barton
Cr K Mair, Cr M Sandford
Cr T Fitzgerald
Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr P Prendergast	Manager Statutory Planning
Ms C Newman	Governance Coordinator

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

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

Cr N Pazolli (Deputy Mayor)	Applecross – Mount Pleasant
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr C Robartson	Bull Creek – Leeming

4.2 APPROVED LEAVE OF ABSENCE

Cr N Robins	Bateman – Kardinya - Murdoch
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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. DEPUTATIONS

Nil.

8. DECLARATIONS OF INTEREST**8.1 FINANCIAL INTERESTS**

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – P20/3861- Development Assessment Panel Application - Multiple Dwelling Development at 4 Colleran Way, Booragoon. Interest Under the Code of Conduct.

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 Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of JDAP Panel that will consider this application.
Request	Leave
Decision	Leave

At 6:37pm having declared an interest in the matter, Cr Woodall left the meeting and did not return.

At 6:38pm the Manager Statutory Planning provided a presentation on the matter, which concluded at 6:50pm. [DAP Presentation](#)

P20/3861- DEVELOPMENT ASSESSMENT PANEL APPLICATION - MULTIPLE DWELLING DEVELOPMENT AT 4 COLLERAN WAY, BOORAGOON (REC) (ATTACHMENT)

Ward	:	Central Ward
Category	:	Operational
Application Number	:	DAP-2019-11
Property	:	No. 4 (Lot 176) Colleran Way, Booragoon
Proposal	:	5 Storey Multiple Dwelling Development
Applicant	:	Urbanista Town Planning
Owner	:	Ms E M Hutchings
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

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>

P20/3861 DEVELOPMENT ASSESSMENT PANEL APPLICATION- MULTIPLE DWELLING DEVELOPMENT AT 4 COLLERAN WAY, BOORAGOON (REC) (ATTACHMENT)

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 4 Colleran Way, Booragoon. The development includes;
 - 10 multiple dwellings,
 - 18 undercroft car parking spaces.
- The application is an optional JDAP application which was submitted to the City on 20 December 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 19 June 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 30th June 2020.



Figure 1: Aerial Map of Subject Site

P20/3861- DEVELOPMENT ASSESSMENT PANEL APPLICATION- MULTIPLE DWELLING DEVELOPMENT AT 4 COLLERAN WAY, BOORAGOON (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential R80
Strategy Policy	:	State Planning Policy 7.3 – Residential Design Codes (Volume 2 – Apartments)
Use Type	:	Residential (Multiple Dwellings)
Use Class	:	Permitted Use

Site Details

Lot Area	:	735m ²
Street Tree(s)	:	None
Street Furniture (drainage pits etc)	:	Crossovers
Site Details	:	See aerial photo above

DETAIL

Approval is sought for a multiple dwelling development comprising of 10 dwellings made up of 7 three bedroom and 3 single bedroom dwellings at No. 4 Colleran Way, Booragoon. The development includes an undercroft parking level with 16 resident and 2 visitor parking bays, a bin store and storerooms for the dwellings. The undercroft level is partially located below natural ground level and is defined as a storey in this assessment. Four storeys of apartments are provided above the parking level.

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

- [3861 4 Colleran Way DAP RAR](#)
- [3861 Colleran Way Landscape Plans](#)
- [3861 Traffic Report](#)
- [3861 Appendix 1](#)
- [3861 Appendix 2](#)
- [3861 Waste Management Plan](#)
- [3861 Plan and Perspective](#)
- [3861 Design Review Panel Notes](#)

P20/3861 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- MULTIPLE DWELLING DEVELOPMENT AT 4 COLLERAN WAY, BOORAGOON (REC) (ATTACHMENT)**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.

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.

P20/3861- DEVELOPMENT ASSESSMENT PANEL APPLICATION- MULTIPLE DWELLING DEVELOPMENT AT 4 COLLERAN WAY, BOORAGOON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3861)

APPROVAL

At 6:38pm Cr Mair moved, seconded Cr Wheatland –

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 4 Colleran Way, Booragoon, subject to conditions.

At 7:30pm the Mayor declared the motion

LOST (5/4)

NOTE: Due to an equality of votes at the Council Meeting, the Presiding Member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).

Vote Result Summary	
Yes	4
No	4

Vote	
Cr Fitzgerald	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Wheatland	Yes
Cr Barton	No
Cr Kepert	No
Cr Sandford	No
Mayor Gear	No

Reasons for the Decision

1. Plot ration isn't compliant at 1.5 and needs to be reduced to 1.
2. The side and rear setbacks do not comply.
3. Building height should be 4 storeys, is 5 storeys.
4. Inadequate screening by vegetation in planter boxes is not a long term reliable solution, especially on balconies.
5. Street parking concerns were not addressed.
6. The effect of shadowing to the east and west boundaries has not be addressed or mitigated.
7. The proposed development not being the in the Melville City Centre Activity Centre Plan, approval will encourage boundary creep.
8. The excessive bulk and scale by the application of setbacks adversely effects current street character of the area.

At 7:31pm Cr Wheatland left the meeting and returned at 7:32pm.
At 7:39pm Cr Barton left the meeting and returned at 7:40pm.

12. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Barton, Cr Macphail and Cr Fitzgerald were still in attendance electronically and declared the meeting closed at 7:41pm.