

**AGENDA**

**FOR THE**

**SPECIAL MEETING OF THE COUNCIL**

**TO BE HELD ON**

**WEDNESDAY, 4 NOVEMBER 2020**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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 will publically broadcast to the community and the minutes and the 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) and (ii) of the *Local Government (Administration) Regulations 1996*

Use this link to attend electronically, [Register for the Special Meeting of Council 4 November 2020](#)

Public questions and deputations may be submitted electronically to this meeting please see information at [Council Meetings and Forums during COVID 19](#)

**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**

**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/agendas](http://www.melvillecity.com.au/agendas) in accordance with the provisions of the Policy.

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## NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that a Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon, commencing at 6.30pm on **Wednesday, 4 November 2020**.

The business paper for the Meeting is scheduled below and your attendance is requested.

**Marten Tieleman**  
Chief Executive Officer

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## AGENDA

### 1. OFFICIAL OPENING

The Presiding Member will cause the Disclaimer that is on the front page of this Agenda to be read aloud by the Manager Governance and Property.

The Presiding Member will cause the Acknowledgement of Country to be read aloud by an Elected Member.

Purpose of the Meeting:

- P20/3885 DAP-2017-1238/B Section 31 Reconsideration for Extension of Time Request 18A (Lot 899) and 18B (Lot 898). Tweeddale Road, Applecross.
- P20/3886 DAP-2020-5 – 35 Multiple Dwellings 114 Matheson Road, Applecross.

The Presiding Member will cause the following Affirmation of Civic Duty and Responsibility to be read aloud by an Elected Member.

### 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 Procedure Local Law to ensure the efficient, effective and orderly decision making within this forum.**

### 2. PRESENT

### 3. IN ATTENDANCE

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES****4.2 APPROVED LEAVE OF ABSENCE****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.****5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.****6. QUESTION TIME****7. DEPUTATIONS****8. DECLARATIONS OF INTEREST**

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

**8.1 FINANCIAL INTERESTS**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

**8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Councillors and staff are required, in addition to declaring any financial interest, to declare any interest arising from the City of Melville Code of Conduct that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making processes.

**9. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

**10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**



**P20/3885 - TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Approval was sought for an amendment to the development approval DAP/17/01320 (DA-2017-1238 & DA-2017-1238/A) determined by the Metro Central JDAP at its meeting held 8 March 2018, to extend the period within which the approved development is substantially commenced for an additional 3 years.
- The Special Meeting of Council held 14 July 2020 resolved the following; *“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 refuse the application for the Extension Of Time for the proposed four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on L899 (18A) & L898 (18B) Tweeddale Rd, Applecross, subject to conditions.”*
- The application was considered by the Metro Inner-South JDAP at its meeting held on 3 August 2020, where in accordance with the provisions of the City of Melville Local Planning Scheme No.6, it was resolved to refuse the Extension of Time Request.
- Subsequently, an application was made to the State Administrative Tribunal for review of the decision of the JDAP. The associated SAT mediation was held on 21 September 2020 requiring the submission of additional information by the applicant and the JDAP being invited to reconsider its decision on 17 November 2020.
- The additional information submitted by the applicant includes the recognition of the introduction of Covid – 19 exemptions; a timeline of the applicant’s efforts to progress the planning approval; and details of costs associated with progressing the development proposal.
- Council officers have completed the Responsible Authority Report (RAR) which is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 5 November 2020.
- The recommendation of the RAR is that the JDAP affirm its decision of 3 August 2020 and refuse the extension of time request.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

**P20/3885 - TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPECROSS (REC) (ATTACHMENT)**



**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential – Canning Bridge Activity Centre - H4
R-Code	:	R-AC0
Use Type	:	Multiple Dwelling
Use Class	:	Preferred uses

**Site Details**

Lot Area	:	1157m <sup>2</sup>
Street Tree(s)	:	no
Street Furniture (drainage pits etc)	:	no
Site Details	:	See aerial photo above

**P20/3885 - TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)****DETAIL**

Development approval is sought from the Metro Central JDAP for a four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings.

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

[3885 18 Tweeddale RAR SAT Reconsideration](#)

[3885 Applicant Additional Information](#)

[3885 Determination No. 18A \(Lot 899\) and No. 18B \(Lot 898\) Tweeddale Road, Applecross](#)

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant has elected to have this development application 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 no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

These are outlined in full within the RAR as attached to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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.

**P20/3885 - TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPECROSS (REC) (ATTACHMENT)**

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 in support of a resolution, 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 (3885)****RECOMMEND REFUSAL**

**That the Council directs the Chief Executive Officer to advise the Metro Central Joint Development Assessment Panel that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to affirm the previous decision to refuse the application for the Extension Of Time for the proposed four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on L899 (18A) & L898 (18B) Tweeddale Road, Applecross, subject to conditions.**

**P20/3886 – THIRTY FIVE (35) MULTIPLE DWELLINGS – LOTS 883 (NO. 114)  
MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DAP-2020-5  
 Property : No. 114 (Lot 883) Matheson Road, Applecross  
 Proposal : Thirty Five (35) Multiple Dwellings  
 Applicant : Ms L Wong – Tuscom Subdivision Consultants Pty Ltd  
 Owner : SB & Sons Property 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 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 checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<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 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>

**P20/3886 – THIRTY FIVE (35) MULTIPLE DWELLINGS – LOTS 883 (NO. 114)  
MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Approval is sought for thirty-five multiple dwellings at 114 Matheson Road, Applecross. The cost of the development is \$8,500,000 and therefore, applicant has elected to have the development application determined by the JDAP.
- The subject site is zoned 'Residential' with a density coding of R40 under the provisions of Local Planning Scheme No.6 (LPS6). State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes) approved by the WAPC in May 2018 provides the key development controls for this site. The adjoining properties to the north, south and east are zoned Residential R40 whilst the properties west of Matheson Road are zoned Residential R12.5.
- 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 on 12 November 2020.
- The proposal was the subject of public consultation in accordance with LPP 1.1: *Planning Process and Decision Making* as the proposal is classified as a Major Development.
- During the advertising period 226 written submissions were received – one submission of support and 225 comments of objection.
- The recommendation of the RAR is that the JDAP refuse the proposal for several reasons pertaining to the City's Height of Buildings Local Planning Policy and several element objectives of the R-Codes.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.



**P20/3886 – THIRTY FIVE (35) MULTIPLE DWELLINGS – LOTS 883 (NO. 114)  
MATHESON ROAD, APPECROSS (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R40
Use Type	:	Multiple Dwelling
Use Class	:	Preferred uses

**Site Details**

Lot Area	:	2072m <sup>2</sup>
Street Tree(s)	:	Yes, proposed to be removed
Street Furniture (drainage pits etc)	:	No
Site Details	:	See aerial photo above

**DETAIL**

Development approval is sought from the Metro Inner-South JDAP for a four storey (with undercroft parking and roof terrace) building comprising of 35 multiple dwellings.

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

[3886 Responsible Authority Report](#)

[3886 Attachment 1 - Development Plans](#)

[3886 Attachment 2 - Transport Impact Statement](#)

[3886 Attachment 3 - Design Review Panel Report](#)

[3886 Attachment 4 - Waste Management Plan](#)

[3886 Attachment 5 - Arboricultural Impact Assessment](#)

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant has elected to have this development application 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.

**P20/3886 – THIRTY FIVE (35) MULTIPLE DWELLINGS – LOTS 883 (NO. 114)  
MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications with this application.

**POLICY IMPLICATIONS**

These are outlined in full within the RAR as 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 refuse 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 the Council wishes to provide a deputation to the JDAP in support of a resolution, 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 (3886)****RECOMMEND REFUSAL**

**That the Council directs the Chief Executive Officer to advise the Metro Inner-South Joint Development Assessment Panel that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to refuse the application for the proposed four storey (with undercroft parking and roof terrace) building comprising of 35 multiple dwellings located on Lot 883 (No. 114) Matheson Road, Applecross, subject to reasons.**

**12. CLOSURE**