

AGENDA

SPECIAL MEETING OF THE COUNCIL

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 7 June 2022 commencing at 6.00pm.

The Special Meeting is for the purpose of considering item P22/3987 Proposed Childcare Facility at 1 Dirk Hartog Road/ 2 Bass Road Bull Creek (DAP-2021-19)

Marten Tieleman
Chief Executive Officer

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

[Register to attend the Special Meeting of the Council on 7 June 2022 electronically](#)



City of
Melville

Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

Our Mission

To provide good governance and quality services for the City of Melville community.

Our Values

Excellence

Striving for the best possible outcomes

Participation

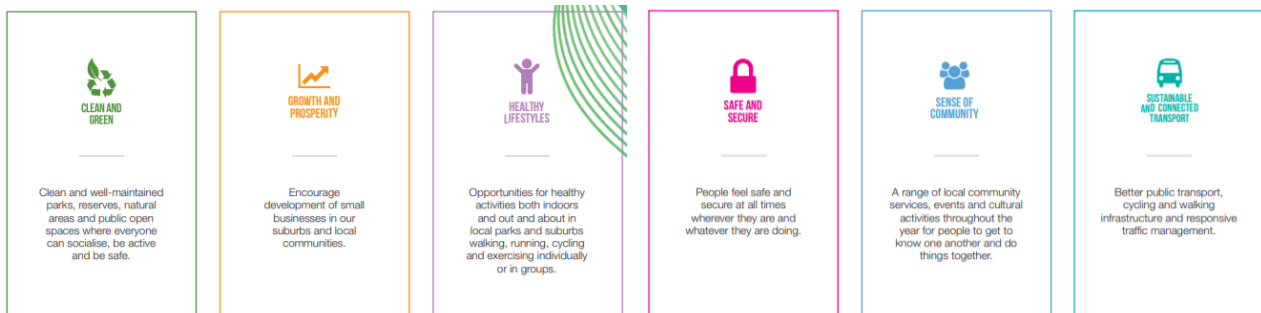
Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



MAKING A DEPUTATION

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website – [Request to make a Deputation](#)

PUBLIC QUESTION TIME

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website – [Public Question Time](#).

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

Disclaimer

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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.

Audio Recording/ access to Recording

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 may be accessed at www.melvillecity.com.au/agendas.

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Nil.

REPORTS

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MOTIONS

With Previous Notice

Nil.

Without Previous Notice

Nil.

MATTERS FOR WHICH THE MEETING WAS CLOSED

Nil.

1 OFFICIAL OPENING

2 ATTENDANCE AND APOLOGIES

In Attendance

Apologies

On Approved Leave of Absence

3 DECLARATIONS BY MEMBERS

3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.

3.2 Declarations by Members who have received and not read the Elected Members Bulletin.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the Local Government Act 1995

5.2 Disclosure of Interest That May Cause a Conflict

Under 22 Local Government (Model Code of Conduct) Regulations 2021 or a City of Melville Code of Conduct

6 PUBLIC QUESTION TIME

6.1 Questions Received with Notice

6.2 Questions Received at the Meeting

6.3 Questions Taken on Notice at Previous Meeting

7 AWARDS AND PRESENTATIONS

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

9 NEW BUSINESS OF AN URGENT NATURE

10 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

11 REPORTS

P22/3987 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 1 (LOT NO. 3) DIRK HARTOG ROAD AND NO. 2 (LOT NO. 4) BASS ROAD, BULL CREEK (REC) (ATTACHMENT)

Ward : Bull Creek - Leeming
 Category : Operational
 Application Number : DAP-2021-19
 Property : No. 1 (Lot No. 3) Dirk Hartog Road & No. 2 (Lot No. 4) Bass Road, Bull Creek
 Proposal : Proposed Child Care Centre Premises
 Applicant : Alan Stewart, Stewart Urban Planning
 Owner : Nathan John Gorman
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item 13.2 Petition – Opposition to Child Care Centre, Corner Bass/Benningfield Roads, Bull Creek - Ordinary Meeting of the Council on 15 March 2022
 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 (eg 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>

P22/3987 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 1 (LOT NO. 3) DIRK HARTOG ROAD AND NO. 2 (LOT NO. 4) BASS ROAD, BULL CREEK (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This Responsible Authority Report (RAR) is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Spanbroek.
- Approval is sought for a Child Care Centre premises at No. 1 (Lot 3) Dirk Hartog Road and No. 2 (Lot 4) Bass Road, Bull Creek. The cost of the development is \$2.3 million and the applicant has opted-in for the application to be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing development on site and the construction of a two storey Child Care Centre Premises.
- The building is proposed to be two storeys in height and will comprise of 240m² of indoor play area, 489m² of outdoor play area and other amenities associated with the delivery of child care such as a reception area, staff rooms and a kitchen.
- The Child Care Centre has been designed to accommodate 66 children and 11 staff members of the following age demographics;
 - 8 places for children aged 0-2 years;
 - 10 places for children aged 2-3 years; and
 - 48 places for children aged 3-5 years.
- Landscaping, including the retention of an existing tree on site is also proposed as part of the development.
- The operating hours of the centre are between 6:30 am and 6:30 pm Monday to Friday.
- 13 on-site car bays (including one ACROD bay) and five bicycle bays have been provided.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), Local Planning Policy 1.12 Child Minding Centres and Family Day Cares (LPP1.12), as well as a number of local and state planning policies.
- The 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 8 June 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 160 individual written submissions were received – 141 objecting to the proposal and 19 comments in support. A petition with 221 signatures objecting to the proposed development was received by the Council at its Ordinary Meeting held on 15 March 2022.
- The recommendation of the RAR is that the JDAP conditionally approve the proposed development.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

P22/3987 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 1 (LOT NO. 3) DIRK HARTOG ROAD AND NO. 2 (LOT NO. 4) BASS ROAD, BULL CREEK (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
Structure Plan Zoning	: N/A
R-Code	: R20
Use Type	: Child Care Premises
Use Class	: 'A' Use

Site Details

Lot Area	: 983.00sqm
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Footpath on Bass Road and Benningfield Road
Site Details	: Refer to Figure 1 above



Figure 1: Aerial Image of the subject site

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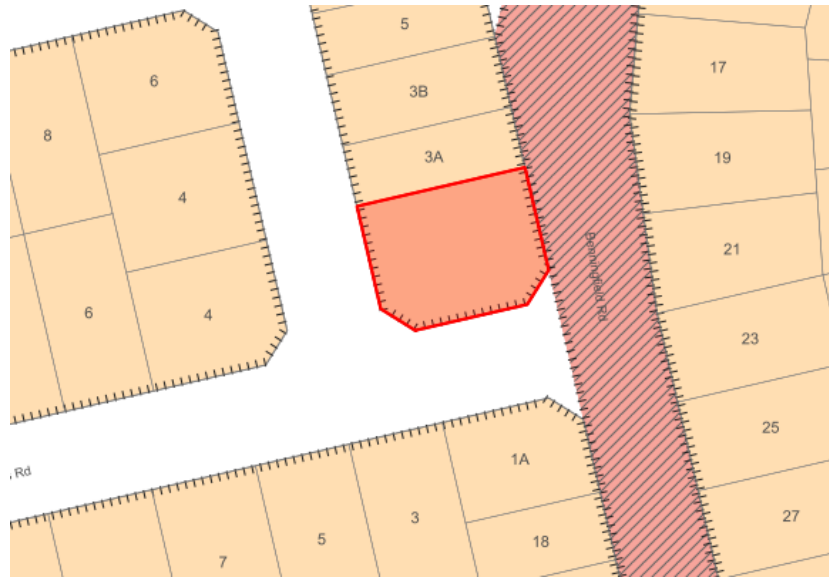


Figure 2: Zoning Map of the subject site.

DETAIL

Development approval is sought from the Metro Inner-South JDAP for a two-storey Child Care Centre Premises.

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

[DAP Responsible Authority Report Final \(RAR\)](#)

[P22/3987 Attachment 1 Town Planning Report](#)

[P22/3987 Attachment 2 Town Planning Report](#)

[P22/3987 Attachment 3 Development Plans](#)

[P22/3987 Attachment 4 Landscape Plan](#)

[P22/3987 Attachment 5 Traffic Impact Statement](#)

[P22/3987 Attachment 6 Acoustic Assessment](#)

[P22/3897 Attachment 7 Operational Management Plan](#)

[P22/3987 Attachment 8 Sustainable Design Report](#)

[P22/3987 Attachment 9 Waste Management Plan](#)

P22/3987 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 1 (LOT NO. 3) DIRK HARTOG ROAD AND NO. 2 (LOT NO. 4) BASS ROAD, BULL CREEK (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 on the basis that the proposed development will introduce a commercial land use within a residential context, and that may be of detriment to residential amenity.

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.

P22/3987 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 1 (LOT NO. 3) DIRK HARTOG ROAD AND NO. 2 (LOT NO. 4) BASS ROAD, BULL CREEK (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3987)

APPROVAL

That the Council:

- 1 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 APPROVE the application for the proposed Child Care Centre Premises at No. 1 (Lot 3) Dirk Hartog Road and No. 2 (Lot 4) Bass Road, Bull Creek.**
- 2 Direct the CEO to advise the lead petitioner of the Council decision.**

12 MOTIONS WITH PREVIOUS NOTICE

13 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

14 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

15 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

16 CLOSURE