

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

WEDNESDAY, 6 MARCH 2019

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

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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. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then the Deputy Mayor, Councillor Barling, 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.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr T Barling (Deputy Mayor)
Cr N Robins
Cr M Woodall Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Ms K Johnson
Mr L Hitchcock

Mr J Rae
Mr P Prendergast
Mr T Cappellucci (*until 8:09pm*)
Ms M Rea
Ms J Arbel
Mr J Clark
Ms C Newman
Ms J Head

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
A/Director Corporate Services
Executive Manager Governance and Legal Services
Strategic Land and Property Executive
Manager Statutory Planning
Senior Planning Officer
Planning Officer
Strategic Communications Advisor
Governance and Compliance Advisor
Governance Coordinator
Governance Officer

At the commencement of the meeting there were approximately 35 members of the public and one representative from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr G Wieland

Bicton – Attadale – Alfred Cove

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

6.1 Mr E Nielsen, Booragoon

P19/3807 - Development Assessment Panel Application – 20 Storey Mixed-Use Development At Lots 311, 800 & 801 (10, 12 & 14) Forbes Road And 802, 803 & 804 (40a, 40b & 40c) Kishorn Road, Applecross

Question 1

The City states in its Responsible Authority Report (Background, page 9, 6th paragraph, refers) that “the development is considered to be consistent with the objectives, goals, guidelines and vision statement contained in the CBACP. The development proposes exemplary design, high levels of sustainability and proposes a high level of community benefit. By incorporating these features into the design, the building is considered worthy of support having regard to the relevant development controls contained in Elements 1-22 of the CBACP and as such is recommended for approval.”

Question 1A

Can the City please explain which specific element numbers have been used to justify giving the proposed project these development bonuses and;

Response

The Canning Bridge Activity Centre Plan sets out the requirements against which additional building height in the M10 and M15 zones may be considered. The preamble to Element 21 and Element 22 of the Activity Centre Plan headed ‘Bonus Provisions’ states as follows:

*“For properties within the M15 or M10 Zone consideration of greater height than permitted in Element 3 (Building Heights) may be approved where the relevant Desired Outcomes of all Elements are met or exceeded **and** where exemplary design is proposed in the opinion of the Design Advisory Group **and** where the development includes the provision of a significant benefit to the community.”*

Question 1B

Detail the justification for using them? and;

Response

Please refer to the Responsible Authority Report of the City to the JDAP for this information.

Question 1C

The formula used for justifying each additional floor level above the 10th floor?

Response

Where additional building height is proposed, the development as a whole is considered against the requirements of Elements 21 and 22 of the CBACP. These requirements are set out in detail by Elements 21 and 22.

6. Question Time continued – Mr E Nielsen

Question 2

With reference to my submission to the City on the 7 January (copy attached) I see in the proponent's Attachment 9 (Applicants Response to Objections) that only the items dealing with 'Prevailing Winds and Storms', 'Basement Carpark' and 'Waste Management Plan' rate a brief mention. The responses are concerning and not at all satisfactorily so...

Question 2A

With respect to the item on 'Prevailing Winds and Storms' is the City content with the fact that the recommended wind tunnel testing has not been carried out, considering the configuration of the building and elements attached to it?

Response

Wind analysis is a consideration for the Design Review Panel, which raised no concerns in that respect with reference to this proposed development. Wind tunnel testing is not a prerequisite for development in the CBAC area. The Wind Analysis Report submitted in support of the application clearly states that suitable wind conditions can be achieved through all trafficable areas within and around the site subject to the implementation of the treatments recommended. It is proposed that an additional condition of planning approval be imposed to ensure compliance with the requirements of the Wind Analysis Report. This will be provided to the JDAP at the meeting proposed to be held on 7 March 2019.

Question 2B

With reference to the item 'Basement Carpark' raising concerns over adequate ventilation I fail to see how three small Wind Scoop shafts in different locations with internal walls and ramps obstructing 'natural wind flows' can be sufficient to support adequate mechanical ventilation required to expel vehicle fumes and the like and I wonder if the City has examined this further?

Response

Such issues will be addressed in detail at the Building Licence stage, and specifically through the information provided at that stage by a Mechanical Engineer.

Question 2C

Considering that there are no mechanical details (drawings) available showing ventilation ducts and the exits for the fumes from these 3 levels of 'Basement Carparks' and that the proposed building is right on the boundary (north and east) up to at least level 2, with a variety of occupancy at these two levels, does the City know where the fume exits are located so as to ensure the neighbours (north and east) are not at risk of prolonged exposure from fumes and /or noise?

Response

Such issues will be addressed in detail; at the Building Licence stage, and specifically through the information provided at that stage by a Mechanical Engineer and Acoustic Specialist.

6. *Question Time continued – Mr E Nielsen*

Question 2D

On the subject of 'Waste Management Plan' the City is in the process of introducing the 3 bin system (adding one more bin) so why do we only see one single waste chute in the centre of the building when ideally there should be 3 perhaps, one for each category of waste?

Response

The Southern Metropolitan Regional Council (SMRC) is currently conducting assessments and waste audits for FOGO (3 bin system) for high density multiple dwelling developments such as this one. The results will inform the question as to whether the FOGO system will be rolled out across multiple dwelling developments such as this.

Question 2E

In the Residential Bin Store we see the single 600mm diameter waste chute all of sudden having two spouts at the end of the chute, one leading into the Refuse Bin and the other into Recycling so I am wondering if the City could explain the 'mechanics' of the separation process of the waste as it falls down the chute heading for the bins?

Response

This question identifies a potential discrepancy which can be addressed via the submission of a revised Waste Management Strategy. A reworded condition of planning approval will be provided to the JDAP in respect of this prior to any final decision being taken.

Question 2F

With a total of fourteen 600 litre bins (Refuse & Recycle only) proposed to be emptied 3 times a week (8 bins a day over 5 days) does the City consider it appropriate from a health and safety point of view that the waste trucks should be manoeuvring around on a shared vehicle ramp, navigating backwards into the Loading Bay leaving the noisy engine running (required to lift the bins) in a confined space inside the building?

Response

Turning circles provided in the TIS show that trucks can reverse swing into the loading bay in a safe manner.

Question 2G

Considering the City is rolling out the 3-Bin FOGO system from July 2019 what steps has the City taken to ensure this will be incorporated because there is no evidence at the moment showing this new 3 bin concept having been considered?

6. *Question Time continued – Mr E Nielsen*

Response

Refer to previous response to Q 2D and 2E. As it stands the building has not been designed to incorporate the FOGO system of waste collection, but this can be future proofed into the building via the approval of a revised Waste Management Plan. A condition to that effect will be applied. In addition a condition of approval is recommended to ensure the development complies with the City's Waste Management Guideline for New Developments.

Question 3

With reference to the NOTES from the Design Review Panel Meeting's (1 August 2018, 6 December 2019 (sic) and 6 February 2019) a number of 'weaknesses of the proposal' have been identified, have these been resolved and if so which ones?

Response

All have been resolved including the one change required from the 6 February 2019 notes regarding the balconies on Level 3 which resulted in amended plans being received on 21 February 2019.

Question 4A

On the subject of 'Skygardens/Landscaping' raising concerns over the risk of developing 'concrete cancer' and the risk of tools and equipment used during maintenance accidentally falling and injuring people below is met with total silence so could the City please explain why this seemingly disinterest?

Response

The risks identified are noted but would not comprise a material planning consideration. The issues identified are a matter for the strata management company which will ultimately assume responsibility for landscape maintenance.

Question 4B

Similarly to a) above why is there no mention about the Service Infrastructure (water, waste water and power) that as we know were identified in the CBACP Feb 2016 as being at the 'end of the line' and in need of substantial upgrade or is the City hoping it will go away letting it be somebody else's problem?

Response

The CBACP including Clause 21.4.4 requires development proposals to include provision of infrastructure which supports area wide resource efficiency. Individual development proposals need to demonstrate how the requirements of Element 21.4.4 are met, and this occurs in this case via a number of benefits including a greywater reuse system for maintenance within landscaped areas, and the installation of photo voltaic cells which reduce reliance on the existing power network.

6. *Question Time continued – Mr E Nielsen*

Question 4C

And similarly, why are the 'Traffic' issues I raised treated in the same way, just ignored?

Response

Traffic issues have not been ignored. A Traffic Impact Statement (TIS) has been provided in support of the proposed development, and this has been reviewed as part of the detailed assessment undertaken by the City. The TIS demonstrates that the surrounding road network can accommodate the additional 97 dwellings, 15 short stay accommodation units and the proposed commercial tenancies, without compromise to traffic flows and/or traffic safety.

At 6:41pm Cr Mair left the meeting and returned at 6:43pm.

7. DEPUTATIONS

7.1 Mr D Kenny, Mr C Ross and Mr L Rowe

Item P19/3807 - Development Assessment Panel Application – 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross.

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

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Mayor Aubrey, Interest under the Code, Item P19/3807 - Development Assessment Panel Application - 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross.
- Cr Barton, Interest under the Code, Item P19/3807 - Development Assessment Panel Application - 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross.
- Cr Mair, Interest under the Code, Item P19/3807 - Development Assessment Panel Application - 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross.
- Cr Barling, Impartiality Interest, Item P19/3807 - Development Assessment Panel Application - 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross.

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

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Interest under the Code
Nature of Interest	Owens a property in Kintail Road
Request	Stay, discuss and vote
Decision	Not Applicable
Member	Cr K Mair
Type of Interest	Interest under the Code
Nature of Interest	Relative owns a property in the Canning Bridge Activity Centre
Request	Stay, discuss and vote
Decision	Not applicable
Member	Cr J Barton
Type of Interest	Interest under the Code
Nature of Interest	Daughter owns property in Forbes Road.
Request	Stay, discuss and vote
Decision	Not Applicable
Member	Cr T Barling
Type of Interest	Impartiality Interest
Nature of Interest	Member of the Metro Central JDAP which will determine the application.
Request	Leave
Decision	Not Applicable

At 6:50pm having declared an interest in the matter Cr Barling left the meeting.

At 6:51pm the Mayor brought forward Item P19/3807 - Development Assessment Panel Application – 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, for the convenience of the public gallery.

At 6:51pm Mr D Kenny, Mr C Ross and Mr L Rowe entered the Chambers for the purpose of making a deputation in relation to Item P19/3807 - Development Assessment Panel Application – 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross (*presentation*).

COUNCIL RESOLUTION

At 6:51pm moved Cr Kepert, seconded Cr Pazolli -

That all members of the Deputation be granted permission to speak and that the deputation be granted an extension of five minutes to speak, collectively a total of 15 minutes.

At 6:51pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

At 17:17pm Mr Prendergast left the meeting and returned at 7:18pm.

At 7:18pm the deputation by Mr D Kenny, Mr C Ross and Mr L Rowe concluded and they left the Council Chambers.

At 7:19pm Mr S Cope, Mr T Cappellucci and Mr P Prendergast provided an officer presentation on Item P19/3807 - Development Assessment Panel Application – 20 Storey Mixed-Use Development at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross (*presentation*). The officer presentation concluded at 8:09pm.

At 7:47pm Mr Rae left the meeting and returned at 7:54pm.

At 7:51pm Ms Rea left the meeting and returned at 7:54pm.

At 7:54pm Cr Phelan left the meeting and returned at 7:56pm.

At 8:00pm Cr Woodall left the meeting and returned at 8:03pm.

At 8:09pm Mr Cappellucci left the meeting and did not return.

At 8:09pm The Mayor adjourned the meeting.

At 8:24pm The Mayor resumed the meeting.

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DAP-2018-9
 Property : Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and Lots 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross
 Proposal : 20 Storey Mixed-Use Development Comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential Tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
 Applicant : McDonald Jones Architects
 Owner : Applecross Land Holdings 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

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>

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 5 non-residential tenancies at 10, 12 & 14 Forbes Road and 40A, 40B & 40C Kishorn Road, Applecross.
- The application by virtue of its cost of development is a mandatory JDAP application which was submitted to the City on 22 November 2018.
- Council officers have completed the Responsible Authority Report (RAR) which was required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 26 February 2019.
- 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 7 March 2019.



Figure 1: Aerial Map of Subject Site

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

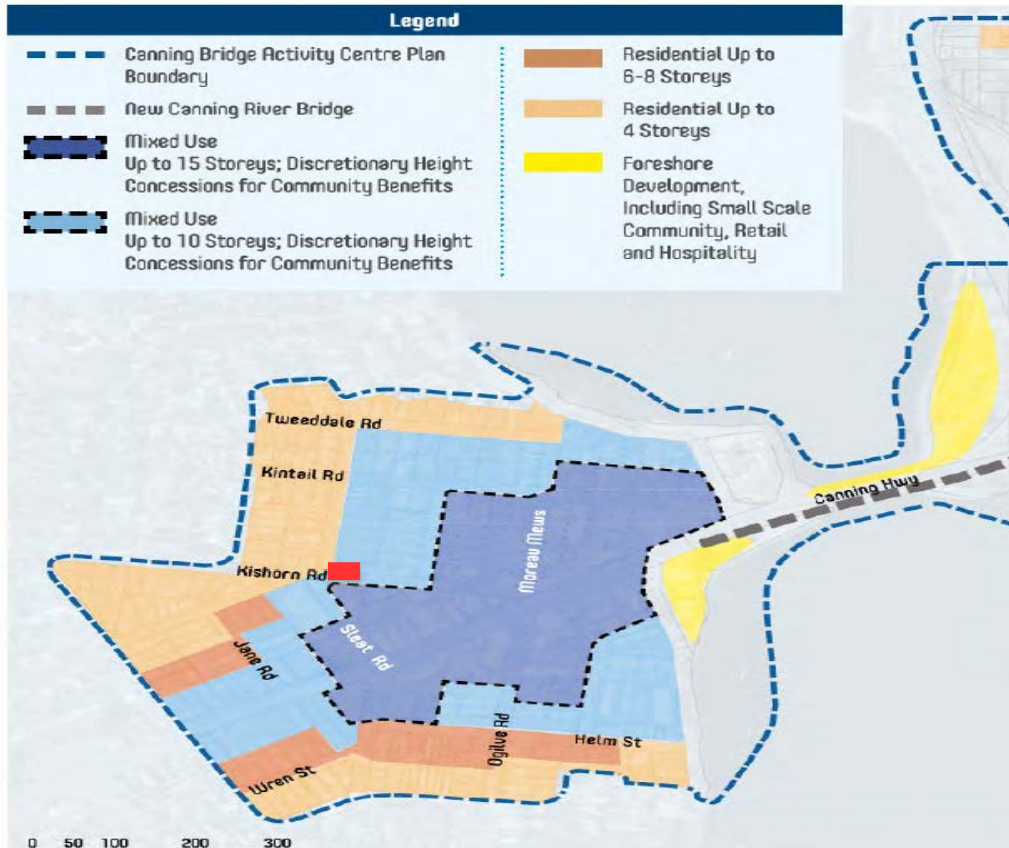


Figure 2: Subject site located within the Canning Bridge Activity Centre Plan

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	District Centre – Canning Bridge Activity Centre
CBACP Zoning	:	M10- Mixed Use Zone
Use Type	:	Residential (Multiple Dwellings), Restaurant, Shop, Office & Short Stay Accommodation
Use Class	:	Preferred – Residential (Multiple Dwellings), Restaurant, Shop and Office Unlisted – Short Stay Accommodation

Site Details

Lot Area	:	2023m ²
Street Tree(s)	:	Yes - 6
Street Furniture (drainage pits etc)	:	Footpaths (to remain/upgraded) Crossovers (to removed)
Site Details	:	See aerial photo above

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

DETAIL

Development approval is sought from the Metro Central JDAP for a 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 5 non-residential tenancies (office, restaurant, shop and 2 co-working spaces).

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

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the determining 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 a report 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 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 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.

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

The minutes of the Special Meeting of Council will be attached as a late item 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 (3807)

APPROVAL

1. 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 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 5 non-residential tenancies (office, restaurant, shop and 2 co-working spaces) at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, subject to conditions.

[3807 RAR Final Edited](#)

[3807 Attachments And Index](#)

Reject and Replace

At 8:24pm Cr Pazolli moved, seconded Cr Kepert

1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville rejects the recommendation of the Responsible Authority Report to approve the application for the proposed 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 5 non-residential tenancies (office, restaurant, shop and 2 co-working spaces) at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, subject to conditions.
2. That the Council directs the Chief Executive Officer to advise the Metro Central Joint Development Assessment Panel of this resolution and the reasons.
3. That Councillor Pazolli be the authorised person to represent the Council in providing the deputation to the Joint Development Assessment Panel of the Council's view in respect to this proposed development.

[3807 RAR Final Edited](#)

[3807 Attachments And Index](#)

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

Amendment

At 8:35pm Cr Robins moved, seconded Cr Robartson –

That point 3 of the reject and replace motion be deleted.

At 8:55pm the Mayor submitted the motion, which was declared

LOST (3/8)

Vote Result Summary	
Yes	3
No	8

Vote Result Detailed	
Cr Macphail	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Phelan	No
Cr Wheatland	No
Cr Woodall	No
Mayor	No

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPECROSS (REC) (ATTACHMENT)

Reject and Replace

At 8:24pm Cr Pazolli moved, seconded Cr Kepert -

1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville rejects the recommendation of the Responsible Authority Report to approve the application for the proposed 20 storey mixed-use development comprising 97 multiple dwellings, 15 short stay accommodation units and 5 non-residential tenancies (office, restaurant, shop and 2 co-working spaces) at Lots 311, 800 & 801 (10, 12 & 14) Forbes Road and 802, 803 & 804 (40A, 40B & 40C) Kishorn Road, Applecross, subject to conditions.
2. That the Council directs the Chief Executive Officer to advise the Metro Central Joint Development Assessment Panel of this resolution and the reasons.
3. That Councillor Pazolli be the authorised person to represent the Council in providing the deputation to the Joint Development Assessment Panel of the Council's view in respect to this proposed development.

[3807 RAR Final Edited](#)

[3807 Attachments And Index](#)

At 9:18pm the Mayor submitted the motion, which was declared

CARRIED (10/1)

Vote Result Summary	
Yes	10
No	1

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Macphail	No

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPLECROSS (REC) (ATTACHMENT)

Reasons

1. The proposed development is inconsistent with the hierarchical structure envisaged in the Canning Bridge Activity Centre Plan.
2. The bonus height benefits sought are considered to be disproportionately large for the community benefits offered.
3. Proposed development is on the border of the H4 zone, the increase from 4 stories to 20 stories, not a gradual transition from lower to higher density and has a direct impact on the abutting residents.
4. Impact of over shadowing caused by the additional height in areas outside the Canning Bridge Activity Centre Plan.
5. Growing community concerns about the application of bonus heights.

At 9:00pm Mr Clark left the meeting and returned at 9:01pm.

At 9:02pm Mr Prendergast left the meeting and returned at 9:05pm.

At 9:24 Mr Clark left the meeting and returned at 9:25pm.
 At 9:24 Mr Hitchcock left the meeting and returned at 9:26pm.
 At 9:25pm Cr Barling returned to the meeting.
 At 9:25pm Cr Wheatland left the meeting and returned at 9:27pm.
 At 9:26pm Mr Tieleman left the meeting and returned at 9:28pm.

P19/3803-LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

Ward : Palmyra-Melville-Willagee
 Category : Policy
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Local Planning Policy LPP4.5 Carawatha Development Design Guidelines
 Applicant : Not Applicable
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P18/3797 Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site) (December 2018)
 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 checked="" 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>

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The proposed subdivision referral from the Western Australian Planning Commission in respect of Lot 300 (No. 10) Archibald Street, Willagee was recommended by the Council for subdivision approval subject to conditions in December 2018.
- The recommended subdivision conditions note that design guidelines will be prepared for the residential subdivision, covering matters such as building height, setbacks and the form of buildings.
- LPP4.5 is proposed to comprise the statutory 'design guidelines' for the precinct. It details the approval process, design requirements including building height, setbacks, built form, landscaping, lighting and public art and will become the primary development control for development on Lot 300 (No.10) Archibald Street.
- It is proposed that Local Planning Policy 4.5 Carawatha Development Design Guidelines (LPP4.5) be adopted in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations).
- It is recommended that the Council endorses LPP4.5 for advertising as required by the regulations.

BACKGROUND

The proposed referral from the Western Australian Planning Commission in respect of Lot 300 (No.10) Archibald Street, Willagee was recommended by the Council for subdivision approval subject to conditions in December 2018. The proposed subdivision which is a joint venture project between the City of Melville and Satterley Property Group recognises that detailed design guidelines are required to guide future development and ensure high quality design outcomes are achieved. The LPP4.5 will form the statutory 'design guidelines' for the site.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential/Public Open Space
R-Code	: R60
Use Type	: Not Applicable
Use Class	: Not Applicable

P19/3803 - LOCAL PLANNING POLICY 4.5 CARAWATHA DEVELOPMENT DESIGN GUIDELINES (REC) (ATTACHMENT)

DETAIL

The development controls contained in proposed LPP4.5 'Carawatha Development Design Guidelines' will guide the quality of development within the site. It will ensure the site is developed to an appropriate density and design in accordance with the objectives of the Willagee Structure Plan.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015. Under the provisions of the Regulations the City of Melville must advertise the proposed policy in the local newspaper for a minimum of 21 days.

In this case the Draft Design Guidelines will also be published on the City's website.

II. OTHER AGENCIES / CONSULTANTS

It is not proposed to consult directly with other agencies/consultants in relation to this Local Planning Policy.

STATUTORY AND LEGAL IMPLICATIONS

The City will follow the requirements of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Subject to this, there are no other statutory or legal implications in relation to this Design Guidelines the subject of this report.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The subdivision of this land for the purposes of residential development is an established and accepted objective of the City. The detailed implications of the subdivision proposal were the subject of consideration by Council at the Special Council Meeting held 18 December 2018 at Item P18/3797: Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site). This consideration included reference to applicable State planning policies, LPS6, the R Codes and applicable Local planning and Council Policies and had regard to issues of subdivision design, site works, movement network, and tree retention and landscaping. That report to Council also referenced the need for the Design Guidelines the subject of this report, and detailed how such guidelines would be deployed to ensure the satisfactory design and build of the development, aligned to the City's objectives for the site.

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Accordingly, the adoption of the subject Design Guidelines is intended to ensure that the broader development of the site does not pose any strategic risk or environmental management implications for the City, as the development of the site will be suitably controlled once the Design Guidelines are operative and applied at the implementation stages of the development.

POLICY IMPLICATIONS

LPP4.5 will provide the primary development controls to guide development within the former Carawatha Primary School site. They will ensure that the area develops to a suitable density and that the design of the development as a whole will reflect the aspirations and objectives of the Willagee Structure plan.

COMMENT

LPP4.5 provides detailed guidance with regard to the future built form of the former Carawatha Primary School site, and provides an overview of the project including development objectives, the design requirements, and site specific controls.

LPP4.5 sets out the approval process for development within the precinct. The design guidelines outline mandatory development requirements which, when met and endorsed by the estate architect, remove the need for development approval from the City for single lots. Where variations to the mandatory requirements are proposed the proposal is required to be endorsed by the estate architect and will also require development approval to be granted by the City. Where a statutory Development Approval is required to be obtained under the City of Melville Local Planning Scheme No.6, the City will assess the Development Application in accordance with the design guidelines and all other relevant statutory planning documents. If there is inconsistency between the Design Guidelines and any other relevant planning document, such as the Willagee Structure Plan, other local Planning Policy or the R-Codes, the design guidelines will prevail.

Development of the proposed Apartment lots will be the subject of Development Approval, and this will involve referral to the City's Design Review Panel in accordance with Local Planning Policy LPP1.2 Architectural and Urban Design Advisory Panel.

In terms of built form, LPP4.5 envisages three precincts (refer to Figure 1) providing a diversity of residential types for different household sizes and demographics.

- Precinct A: Street lots (wider frontage lots)
These lots are located on the western side of the north-south entry road and on both sides of the central east-west street, with all lots having a second frontage to Carawatha Park or the 'greenways' which run through the development. The lots typically have a width of 10m and will accommodate houses with a minimum of two storeys with vehicle access being provided from the street.
- Precinct B: Mews lots (narrow frontage lots)
These lots are located between the 'greenways' and the Mews Street. These houses will be orientated towards the 'greenways' with vehicle access from the rear off of the Mews Street. The lots are typically 6m wide and will have a terraced building form.

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- Precinct C: Apartment Lots
 These lots are located adjacent to North Lake Road and Archibald Street with access being via the Mews Street. The apartment buildings are intended to be between three and four storeys in height. Car parking is to be contained on the ground floor and screened from public view via sleeving apartments, communal spaces, decorative screens and landscape.

LPP4.5 sets out a minimum standard and intensity for development within the Carawatha Development. In line with the objectives of the Willagee Structure Plan, LPP4.5 offers a diversity of housing types including large family homes, terraces and apartments with a high standard of built form. LPP4.5 ensures that development will appropriately respond to the site with outlooks to streets and open spaces encouraging neighbourliness and a sense of safety for people in those spaces.

[3803 Carawatha Design Guidelines DRAFT V6 14.01.19](#)



Figure 1: Precincts

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ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternative options are outlined in this report. In the event the Council chooses not to endorse the proposed LPP4.5 for advertising, the subdivision clearance would be unable to be issued as the design guidelines form a condition as per the recommendation of Council (P18/3797 Subdivision Referral – 10 Archibald Street, Willagee (Former Carawatha Primary School Site) (December 2018)). Further to this, a void in development controls would exist, inhibiting future development.

CONCLUSION

It is recommended that Local Planning Policy 4.5 be endorsed by the Council for advertising. The proposed LPP4.5 is a detailed document designed to ensure built form in the Carawatha Development is consistent with the vision for the area and appropriate for this location.

OFFICER RECOMMENDATION (3803)

APPROVAL

At 10:14pm Cr Phelan moved, seconded Cr Robins–
(as at the 19 February 2019 Ordinary Meeting of Council)

That the Council:

- 1. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP4.5 Carawatha Development Design Guidelines for the purposes of public consultation for a period of not less than 21 calendar days.**
- 2. Directs that, where no submissions in objection are received in response to the consultation undertaken, the final adoption of Local Planning Policy LPP4.5 Carawatha Development Design Guidelines shall be authorised by the Chief Executive Officer.**

Amendment

At 10:20pm Cr Pazolli moved, seconded Cr Kepert–
(as at the 19 February 2019 Ordinary Meeting of Council)

That the resolution be amended by:

- **Including a new number 1 as follows:**
 - **“Requesting the CEO to incorporate in the local planning policy process to ensure there is a right of appeal to assessments of the Carawatha Estate Architects decisions and to ensure that there is a Council planning officer oversight of planning compliance for every lot that is developed.**
 - **Renumber the following clauses accordingly.**

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At the Ordinary Meeting of Council held 19 February 2019 Item P19/3803 - Local Planning Policy 4.5 Carawatha Development Design Guidelines was deferred for consideration at a future Special Meeting of Council. At the time of deferral and pursuant to Clause 13.5 of the *City of Melville Meeting Procedures Local Law 2017* it is noted that:

- Cr Phelan moved and spoke for the Officer Recommendation
- Cr Robins seconded and spoke for the Officer Recommendation

- Cr Pazolli moved and spoke for the Amendment
- Cr Kepert seconded the Amendment.

At 9:27pm debate on this matter was resumed in accordance with Clause 9.12 of the City of Melville Meeting Procedures Local Law 2017.

Amendment

At 10:20pm (on 19/02/2019) Cr Pazolli moved, seconded Cr Kepert–

That the resolution be amended by:

- **Including a new number 1 as follows:**
“requesting the CEO to incorporate in the local planning policy process to ensure there is a right of appeal to assessments of the Carawatha Estate Architects decisions and to ensure that there is a Council planning officer oversight of planning compliance for every lot that is developed.

- **Renumber the following clauses accordingly.**

At 9:46pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robins	No
Cr Wheatland	No
Cr Woodall	No
Mayor	No

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OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

APPROVAL

At 10:14pm Cr Phelan moved, seconded Cr Robins—
(*matter adjourned from 19 February 2019 Ordinary Meeting of Council*)

That the Council:

- 1. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP4.5 Carawatha Development Design Guidelines for the purposes of public consultation for a period of not less than 21 calendar days.**
- 2. Directs that, where no submissions in objection are received in response to the consultation undertaken, the final adoption of Local Planning Policy LPP4.5 Carawatha Development Design Guidelines shall be authorised by the Chief Executive Officer.**

At 9:49pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

P19/3807 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – 20 STOREY MIXED-USE DEVELOPMENT AT LOTS 311, 800 & 801 (10, 12 & 14) FORBES ROAD AND 802, 803 & 804 (40A, 40B & 40C) KISHORN ROAD, APPLECROSS (REC) (ATTACHMENT)

Item brought forward
See page 10

12. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9:50pm.