

**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL**

5:00PM TUESDAY, 14 July 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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DISTRIBUTED: 17 July 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 5:00pm 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:

P20/3865 - Ten (10) Multiple Dwellings – Extension of Time - Lots 899 and 898 (No. 18A and 18B) Tweeddale Road, Applecross

The Presiding Member requested Mr L Hitchcock, Executive 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 and Cr M Woodall 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 N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail (*Arrived 5:04pm*)
Cr M Woodall (*5:01pm till 5:06pm*)
Cr C Robartson
Cr J Barton
Cr G Barber (*Arrived 5:04pm*)
Cr K Mair, Cr M Sandford
Cr T Fitzgerald

WARD

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

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr B Ashwood	Senior Planning Officer
Mr M Tye	Project Officer
Ms J Head	Governance Officer
Ms T Wright	Governance Officer

At the commencement of the meeting, there were 6 members of the public in the Council Chambers and 2 members of the public in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr K Wheatland Palmyra – Melville – Willagee

4.2 APPROVED LEAVE OF ABSENCE

Cr N Robins Bateman – Kardinya - Murdoch

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**7.1 Mr M Pudovskis of Francis Burt Chambers on behalf of Mr A Meshkin of Applecross**

Item P20/3865 – Ten (10) Multiple Dwellings – Extension of Time - Lots 899 and 898 (No. 18a and 18b) Tweeddale Road, Applecross

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

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – Item P20/3865 – Ten (10) Multiple Dwellings – Extension of Time - Lots 899 and 898 (No. 18a and 18b) Tweeddale Road, Applecross

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Refer Item 12.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER**P20/3865 TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**Disclosures of Interest

Member	Cr Woodall
Type of Interest	Relatives live and own property on Tweeddale Road
Nature of Interest	Interest Under the Code
Request	Leave
Decision	Leave

At 5:06pm having declared an interest in the matter Cr Woodall was electronically disconnected from the meeting.

At 5:06pm the Mayor invited Mr Pudovskis to commence his deputation which concluded at 5:22pm.

At 5:25pm Mr Prendergast entered the chambers to answer questions.

At 5:33pm Mr Prendergast departed the chambers.

**P20/3865 TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Approval is 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 subject proposal is for the construction a four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on L899 (18A) & L898 (18B) Tweeddale Rd, Applecross. The applicant has elected to have the development application determined by the Metro Central Joint Development Assessment Panel (JDAP).
- The subject site is zoned 'Residential' with a density coding of R-ACO under the provisions of Local Planning Scheme No.6 (LPS6). The Canning Bridge Activity Centre Plan (CBACP) approved by the WAPC in April 2016 provides the development controls for this site. The subject site is located within the Kintail Quarter (Q1) of the CBACP and is zoned Residential H4. The adjoining properties to the north are outside the CBACP and are zoned R30.
- The Canning Bridge Activity Centre Plan underwent a review of the H4 provisions of the CBACP which includes building height, mezzanine levels, relaxation of controls for single dwellings, introducing privacy controls, building bulk and overshadowing and the relationship between lot sizes and building height. This review was Gazetted 19 August 2019 and the amended provisions are now considerations for the subject 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 17 July 2020.
- The proposed Extension of Time was the subject of public consultation in accordance with LPP 1.1: *Planning Process and Decision Making* as the proposal is seeking discretion under the Canning Bridge Activity Centre Plan (as amended).
- During the advertising period 36 written submissions were received - 34 comments of support and 2 comments of objection (1 of the written objections was undertaken on behalf of the owners of 4 properties).
- The recommendation of the RAR is that the JDAP refuse to agree to an extension of time being issued.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

P20/3865 TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (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 ²
Street Tree(s)	:	no
Street Furniture (drainage pits etc)	:	no
Site Details	:	See aerial photo above

P20/3865 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.

[3865 1 DA 2017 1238 Determination](#)

[3865 2 DA 2017 1238 A Amended Approval](#)

[3865 3 Applicant Justification](#)

[3865 4 Amendments to CBACP Gazetted 19 August 2019](#)

[3865 RAR 18A & B Tweeddale 17 June 2020](#)

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.

P20/3865 TEN (10) MULTIPLE DWELLINGS – EXTENSION OF TIME - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**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 to agree to the extension of time request.

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 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 AND COUNCIL RESOLUTION (3865) RECOMMEND REFUSAL

At 5:33pm Cr Kepert moved, seconded Cr Mair-

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.

At 5:33pm the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

12. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 5:34pm Cr Macphail moved, seconded Cr Kepert –

That the application for a new leave of absence submitted by Cr Barber on 14 July 2020 be granted.

At 5:35pm the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

13. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Barton was still in attendance electronically and declared the meeting closed at 5:35pm.