

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

TUESDAY 27 JULY 2021

AT 6.00PM 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 were 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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CONTENTS PAGE

	Item Description	Page Number
URBAN PLANNING		
P21/3941	DAP Call Up – Proposed Child Care Centre Premises – No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee	4



MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6:00PM ON TUESDAY 27 JULY 2021.

AGENDA

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:00pm and advised the meeting was being held for the purpose of considering:

- Item P21/3941 – DAP Call Up – Proposed Child Care Centre Premises – No. 79 (lot 6) and No. 81 (lot 7) Leach Highway, Willagee

And those present of the Disclaimer that is on the front page of these Minutes, the Affirmation of Civic Duty and Responsibility and advised that this meeting is being recorded and invited Cr Glynis Barber to read the Acknowledgement of Country.

“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.”

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Deputy Mayor Cr J Barton
Cr G Barber
Cr M Woodall (until 6:06pm)
Cr C Robertson
Cr N Pazolli
Cr Wheatland

WARD

Bicton – Attadale – Alfred Cove
Bicton – Attadale – Alfred Cove
Bull Creek-Leeming Ward
Bull Creek-Leeming Ward
Applecross – Mount Pleasant
Palmyra – Melville – Willagee

3. IN ATTENDANCE

Mr M Tieleman
Mr S Cope
Mr M McCarthy
Mr P Prendergast
Mr B Taylor
Ms C Newman

Chief Executive Officer
Director Urban Planning
Director Technical Services
Manager Statutory Planning
Manager Governance and Property
Governance Coordinator

At the commencement of the meeting, there were three members of the public in the Public Gallery, one member of the public in attendance electronically and no representatives from the Press.

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

Cr Robins	Bateman-Kardinya-Murdoch
Mr A Ferris	Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Cr K Mair	Central Ward
Cr M Sandford	Central Ward
Cr D Macphail	Bateman-Kardinya-Murdoch Ward

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. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – Item P21/3941 – DAP Call Up - Proposed Child Care Centre Premises – No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee
- Cr Wheatland – Item P21/3941 – DAP Call Up – Proposed Child Care Centre Premises – No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. REPORTS OF THE CHIEF EXECUTIVE OFFICERDisclosure of Interest

Member	Cr Wheatland
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Live on Leach Highway
Request	Stay, discuss and vote
Decision Leave	Stay, discuss and vote

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

At 6:06pm having declared an interest, Cr Woodall left the meeting and did not return.

At 6:06pm the Mayor, in accordance with section 5.5 of the City of Melville Meeting Procedures Local Law declared the meeting suspended due to a lack of quorum.

P21/3941 – DAP CALL UP – PROPOSED CHILD CARE CENTRE PREMISES – NO. 79 (LOT 6) AND NO. 81 (LOT 7) LEACH HIGHWAY, WILLAGEE (REC) (ATTACHMENT)

Ward : Palmyra – Melville – Willagee Ward
 Category : Operational
 Application Number : DAP-2021-4
 Property : No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee
 Proposal : Child Care Centre Premises
 Applicant : Planning Solutions (Aust) Pty Ltd
 Owner : Mr J K S Leung and Ms C C Yau and Ms M Hadinoto
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 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 (e.g. 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>

P21/3941 – DAP CALL UP – PROPOSED CHILD CARE CENTRE PREMISES – NO. 79 (LOT 6) AND NO. 81 (LOT 7) LEACH HIGHWAY, WILLAGEE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Responsible Authority Report (RAR) is referred to Council for information in accordance with *Local Planning Policy 1.1 – Planning Process and Decision Making (LPP1.1)*, having been called up by Cr Wheatland;
- Approval is sought for a child care centre premises at No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee. The cost of the development is \$2.05 million and therefore, 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 buildings on site and the construction of a single storey Child Care Centre located at 79 and 81 Leach Highway, Willagee. The key aspects of the proposal are summarised as follows:
 - Vehicle access is from Webber Street, with car parking, landscaping and a bin store in the front setback. A consolidated play area is provided adjacent to Leach Highway, screened by a 2.4 metre high boundary fence. Due to the topography of the site the building is approximately 1.2 metres below the Leach Highway verge level in some areas.
 - The building will be single storey in height and comprise of five indoor activity rooms and two outdoor play areas, and facilities and amenities associated with the Child Care Centre use;
 - The Child Care Centre has been designed to accommodate 86 children and 14 staff members of the following age demographics;
 - 12 places for children aged 0-2 years;
 - 30 places for children aged 2-3 years; and
 - 44 places for children aged 3-5 years.
 - The operating hours of the centre are between 6:30 am and 6:30 pm Monday to Friday, with no outdoor play before 7:00 am and not operating on weekends; and
 - 17 on-site car bays (including one ACROD bay) have been provided. Seven of these bays are reserved for staff and the remaining 10 for visitors;
- 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 Care (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 30 July 2021;
- The proposal was the subject of public consultation in accordance with LPP 1.1;
- During the advertising period 14 individual written submissions were received – 11 objecting to the proposal and 3 submissions in support and providing general commentary on the development;
- The recommendation of the RAR is that the JDAP refuse the proposal subject to several reasons for refusal outlined in the attached RAR report to the JDAP;
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

P21/3941 – DAP CALL UP – PROPOSED CHILD CARE CENTRE PREMISES – NO. 79 (LOT 6) AND NO. 81 (LOT 7) LEACH HIGHWAY, WILLAGEE (REC) (ATTACHMENT)



Figure 1 - Aerial photograph of subject site.

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R20/R60
Use Type	:	Child Care Premises
Use Class	:	A

Site Details

Lot Area	:	1801sqm
Street Tree(s)	:	No verge trees
Street Furniture (drainage pits etc)	:	Footpath
Site Details	:	Refer to Figure 1 above

DETAIL

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

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

P21/3941 – DAP CALL UP – PROPOSED CHILD CARE CENTRE PREMISES – NO. 79 (LOT 6) AND NO. 81 (LOT 7) LEACH HIGHWAY, WILLAGEE (REC) (ATTACHMENT)

[Responsible Authority Report 79 & 81 Leach Highway, Willagee](#)

[Attachment 1 – Town Planning Report \(April 2021\)](#)

[Attachment 2 – Applicant Response to Further Information Request \(June 2021\)](#)

[Attachment 3 – Development Plans \(June 2021\)](#)

[Attachment 4 – Acoustic Noise Assessment \(April 2021\)](#)

[Attachment 5 – Revised Acoustic Technical Assessment \(June 2021\)](#)

[Attachment 6 – Waste Management Plan \(June 2021\)](#)

[Attachment 7 – Main Roads WA Correspondence \(May 2021\)](#)

[Attachment 8 – Traffic Impact Statement \(April 2021\)](#)

[Attachment 9 - Notice of Motion LPP1.12 \(April 2021\)](#)

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.

P21/3941 – DAP CALL UP – PROPOSED CHILD CARE CENTRE PREMISES – NO. 79 (LOT 6) AND NO. 81 (LOT 7) LEACH HIGHWAY, WILLAGEE (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 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 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.

OFFICER RECOMMENDATION (3939)**REFUSAL**

That the Metro Inner-South 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 proposed Child Care Centre Premises at No. 79 (Lot 6) and No. 81 (Lot 7) Leach Highway, Willagee.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. CLOSURE

At 6:21pm the Mayor advised that the meeting did not have a quorum and declared the meeting closed at 6:21pm.

The CEO advised that the matter was time-sensitive, and as a Call-Up Item, the officer recommendation would stand and the matter would be dealt with administratively.