



City of
Melville

MINUTES

SPECIAL MEETING OF THE COUNCIL

6:30pm Tuesday, 1 February 2023

Held in the Council Chambers, Melville Civic Centre
10 Almondbury Road, Booragoon

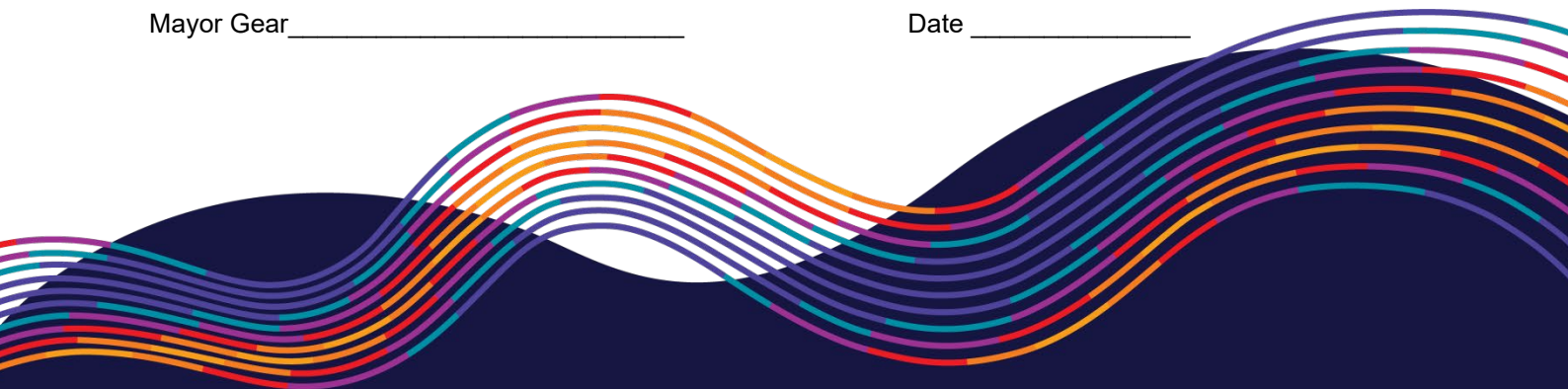
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby confirmed as true and accurate

Mayor Gear _____

Date _____



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

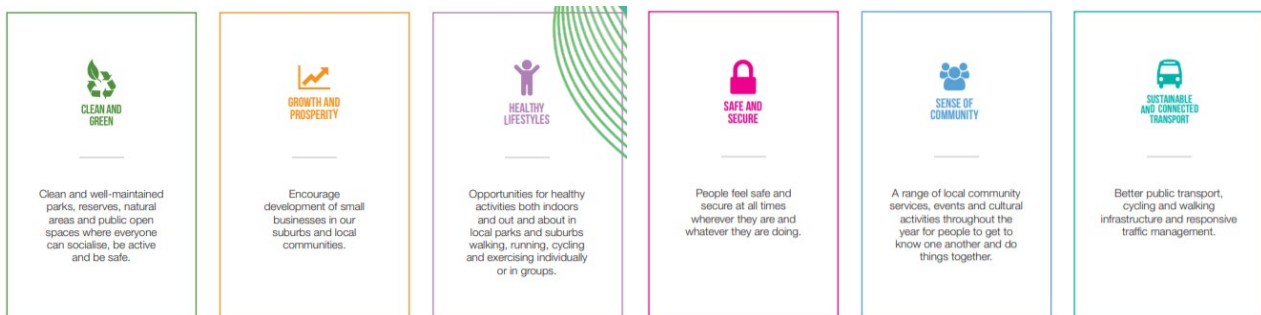
Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



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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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REPORTS FROM COMMITTEES

Nil.

REPORTS

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Corporate Services

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MOTIONS

With Previous Notice

Nil.

Without Previous Notice

Nil.

1 OFFICIAL OPENING

The Mayor welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and invited Cr Edinger to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

2 ATTENDANCE AND APOLOGIES

In Attendance

Mayor Hon. George Gear

Councillors

Cr T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr N Pazolli
Cr C Ross
Cr D Macphail
Cr N Robins
Cr G Barber
Cr J Edinger
Cr J Spanbroek (*from 6:41pm*)
Cr M Sandford
Cr K Mair

Ward

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

Officers

Mr M Tieleman	Chief Executive Officer
Mr G Ponton (<i>until 6:43pm</i>)	Acting Director Urban Planning
Mr R De Nobrega	Lead – HR Operations
Ms C Newman	Head of Governance
Ms T Hardmeier	Senior Governance Officer
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	1
Electronic	1
Press	0

Apologies

Cr M Woodall	Bull Creek – Leeming
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On Approved Leave of Absence

Nil.

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.

Nil.

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

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

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

Nil.

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)

- Cr Edinger - UP23/4014 Addition (Performing Arts Centre) to Existing Educational Establishment – Nos. 2-44 (Lot 66 & Lots 217-223) Stoneham Road, Attadale.
- Cr D Macphail – C23/5951 – Recruitment of the Director Planning.

6 PUBLIC QUESTION TIME

At 6:33pm the Mayor opened Question Time.

6.1 Questions Received with Notice

Nil.

6.2 Questions Received at the Meeting

Nil.

At 6:33pm the Mayor closed Question Time.

7 AWARDS AND PRESENTATIONS

Nil.

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:33pm Cr Fitzgerald moved, seconded Cr Barber –

That applications of new leaves of absence submitted by Cr Woodall and Cr Wheatland on 1 February 2023 be received.

At 6:34pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

9 NEW BUSINESS OF AN URGENT NATURE

Nil.

10 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

That the meeting may close to members of the public, if required, to allow for items deemed confidential in accordance with Section 5.23(c) of the *Local Government Act 1995* to be discussed behind closed doors.

- C23/5951 – Recruitment of the Director Planning

11 REPORTS

Disclosure of Interest

Member	Cr Edinger
Type of Interest	Interest under the Code of Conduct
Nature of Interest	I have two friends who are on the teaching staff at Santa Maria
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)

Ward	: Bicton – Attadale – Alfred Cove
Category	: Operational
Application Number	: DAP-2022-14
Property	: Nos. 2-44 (Lot No.66 and Lot Nos. 217-223) Stoneham Road, Attadale
Proposal	: Addition (Performing Arts Centre) to Existing Educational Establishment
Applicant	: Hatch Roberts Day
Owner	: McAuley Property Limited
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: DA-2020-1020 (Local Development Plan – Santa Maria Catholic College). Approved by Council at its Ordinary Meeting of Council on 20 April 2021
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>

**UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Edinger.
- Approval is sought for an addition (Performing Arts Centre) at Nos. 2-44 (Lot 66 & Lots 217-223) Stoneham Road, Attadale. The cost of the proposed development is \$25 million and is therefore required to be determined by the Metro Inner-South Joint Development Assessment Panel (JDAP).
- The construction of a new Cultural (Performing Arts) Centre building at Santa Maria Catholic College will result in the demolition of existing tennis hardcourts, parking and portions of the existing school building. The Cultural Centre comprises of a 650-seat auditorium, black box theatre, dance studio, staff offices, learning and service areas over ground floor, first floor and a lower ground undercroft floor.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of the Santa Maria Catholic College Local Development Plan (LDP) and relevant local planning and Council policies.
- 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* by midday 10 February 2023.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period five individual submissions were received – three objecting to the proposal and two comments in support.
- 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.

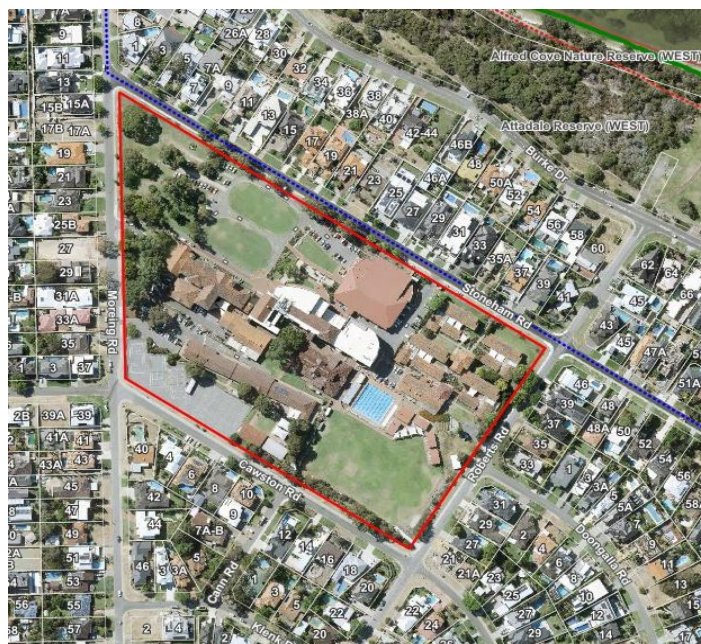


Figure 1: Aerial Image of the subject site

UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)



Figure 2: Zoning Map of the subject site.

BACKGROUND

Site Context

Santa Maria College, located at 2-44 Stoneham Road, Attadale (the subject site) is zoned 'Private Clubs, Institutions and Place of Worship' under Local Planning Scheme No. 6 (LPS6). The administration building and chapel have heritage significance and are listed on the City of Melville Municipal Heritage Inventory.

Since the school was established on this site in 1938, a number of buildings have been constructed, including most recently a new science block, a new gymnasium, and various upgrades to existing buildings on site.

The subject site is located within the residential suburb of Attadale as per Figure 1 above. It is bordered by Moreing Road, Cawston Road, Roberts Road and Stoneham Road. The character of the residential area around the site is typically of single residential style with a dominance of two storey houses. In terms of its topography, the highest point on the site is in the south west corner, falling by approximately 20 metres to the low point in the north east close to the intersection of Roberts Road and Stoneham Road.

Local Development Plan

At the Ordinary Meeting of Council held on 20 April 2021, Council approved a Local Development Plan for the site as part of DA-2020-1020.

UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)

As outlined with the Heritage Statement submitted as part of the subject application, the heritage values identified in the Statement of Significance which is drawn from the City of Melville's Local Government Inventory will remain unimpaired by the subject proposal, having no negative impact to the presentation of the Administration Building and Chapel in its immediate context. The removal of the 1986 Arts Building does provide a good opportunity to better reveal the south face of the McAuley Building and Chapel. Therefore, the subject development is an acceptable heritage outcome.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Private Clubs, Institutions and Place of Worship
R-Code	: N/A
Use Type	: NA
Use Class	: NA

Site Details

Lot Area	: 67432sqm
Street Tree(s)	: Numerous verge trees to be retained
Street Furniture (drainage pits etc.)	: NA
Site Details	: Refer to Figure 1 above

DETAIL

Development approval is sought from the Metro Inner-South JDAP for an addition (Performing Arts Centre) to Existing Educational Establishment at Santa Maria Catholic College.

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

[4014 RAR Form 1](#)

[4014 Development Plans](#)

[4014 Traffic Impact Statement](#)

[4014 Addendum to Traffic Impact Statement and Parking Management](#)

[4014 Acoustic Report](#)

[4014 Landscape Report](#)

[4014 Sustainability Report](#)

[4014 Waste Management Plan](#)

[4014 Applicants Report](#)

[4014 Heritage Statement](#)

UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)

[4014 Approved LDP](#)

[4014 September DRP](#)

[4014 November DRP](#)

[4014 Civil Development Application Report](#)

[4014 Santa Maria College Schematic Design Report](#)

STAKEHOLDER ENGAGEMENT

Information on the stakeholder engagement in relation to this matter is included in 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

There are no financial implications in relation to this report.

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, however reasons should be provided in the usual manner to inform the members of the JDAP.

UP23/4014 – ADDITION (PERFORMING ARTS CENTRE) TO EXISTING EDUCATIONAL ESTABLISHMENT – NOS. 2-44 (LOT 66 & LOTS 217-223) STONEHAM ROAD, ATTADALE (REC) (ATTACHMENT)

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 AND COUNCIL RESOLUTION (4014)

APPROVAL

At 6:35pm Cr Edinger moved, seconded Cr Ross –

That the Metro Inner-South Joint Development Assessment Panel be advised that the City of Melville Council ENDORSES the recommendation of the Responsible Authority Report to APPROVE the application for the addition (Performing Arts Centre) to Existing Educational Establishment at Nos. 2-44 (Lot 66 & Lots 217-223) Stoneham Road, Attadale.

At 6:43pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (12/0)

At 6:41pm Cr Spanbroek entered the meeting.

Disclosure of Interest

Member	Cr Macphail
Type of Interest	The preferred candidate is known to me in my capacity as an Elected Member.
Nature of Interest	Interest Under the Code of Conduct
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Procedural Motion

COUNCIL RESOLUTION

At 6:43pm Cr Mair moved, Seconded Cr Barber –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2)(c) and (e) of the *Local Government Act 1995*, to be discussed behind closed doors.

At 6:43pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C23/5951 – RECRUITMENT OF THE DIRECTOR PLANNING (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Recruitment
Customer Index	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Marten Tieleman Chief Executive Officer

C23/5951 – RECRUITMENT OF THE DIRECTOR PLANNING (REC) (CONFIDENTIAL ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- | |
|--|
| <ul style="list-style-type: none"> • The recruitment and selection process for the Director Planning has been completed. • The Council is to consider the Confidential Recruitment Report and to accept or reject the Chief Executive Officer's recommendation for the role of Director Planning. • If the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so however, the decision in relation to the appointment still remains with the CEO. |
|--|

BACKGROUND

This recruitment process was undertaken by the City's People and Culture team to fill the vacant position of Director Urban Planning.

A **Confidential Recruitment and Selection Report** was distributed to Elected Members, under confidential cover prior to the Special Meeting of Council.

C23/5951 – RECRUITMENT OF THE DIRECTOR PLANNING (REC) (CONFIDENTIAL ATTACHMENT)

DETAIL

The role of Director Planning was advertised in Seek, LinkedIn, The West Australian, Local Notice boards, City of Melville internet and intranet sites, with applications closing 20 November 2022. This recruitment was advertised in accordance with the *Local Government Act 1995 & Local Government (Administration) Regulations 1996*. The contents of the Vacancy Advertisement and the Public notice met the requirements of the Act and Regulations.

A total of 35 applications were received and shortlisted. Interviews with a Recruitment Panel were then held with five Applicants. A further second round interview was held with the preferred candidate.

The Recruitment Panel included the:

- Chief Executive Officer,
- Director Community Development,
- Manager of Marketing; and
- Communications and Lead - HR Operations.

The Recruitment Panel discussed each interviewed applicant, rated their response to each interview question, and assessed whether or not they met the applicable selection criteria.

The Panel's selection report is a confidential attachment and provides details on the recommended applicant.

As the position is a designated Senior Officer position, the *Local Government Act 1995* requires that

“the CEO is to inform the council for each proposal to employ a senior employee and that the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”

Public announcement of the Applicant will occur following finalisation of the contract.

C23/5951 – RECRUITMENT OF THE DIRECTOR PLANNING (REC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40);
- *Equal Opportunity Act 1984*;
- Council Policy CP-026 – Employee Appointments

The role of Director Planning is deemed under our Organisational Policy to be a Senior Employee under the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that:

“The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the amount advertised.

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant.	Medium level of risk	Broad advertisement of vacancy. Compliance with standard organisational recruitment processes.

C23/5951 – RECRUITMENT OF THE DIRECTOR PLANNING (REC) (CONFIDENTIAL ATTACHMENT)

POLICY IMPLICATIONS

Council Policy CP-026 – Employee Appointments.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternative options presented in relation to this report.

CONCLUSION

To finalise the recruitment process the Council must formally accept the Chief Executive Officer's recommendation for the role of Director Planning. It is again noted that the Council can reject the Chief Executive Officer's recommendation, provided reasons for rejection are detailed.

At 6:43pm Mr Ponton left the meeting and did not return.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5951)

APPROVAL

At 6:57pm Cr Wheatland moved, Seconded Cr Spanbroek –

That the Council accept the recommendation for the preferred Applicant as contained in the Confidential Attachment for appointment to the position of Director Planning, in accordance with contract conditions agreed to by the Chief Executive Officer.

That this information remain confidential until the contract documents are finalised.

At 6:57pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Procedural Motion

COUNCIL RESOLUTION

At 6:57pm Cr Fitzgerald moved, Seconded Cr Edinger –

That the meeting comes out from behind closed doors.

At 6:57pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

12 MOTIONS WITH PREVIOUS NOTICE

Nil.

13 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

Nil.

14 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

- Item C23/5951 – Recruitment of the Director Planning

15 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

At 6:58pm the Mayor advised that the matters behind closed doors related to:

- Item C23/5951 – Recruitment of the Director Planning. The Attachment in relation to Item C23/5951 Recruitment of The Director Planning was discussed and considered and the officer recommendation (see page 18) was carried unanimously.

16 CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Wheatland was still in attendance electronically and closed the meeting at 6:58pm.