

MINUTES

FOR THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

WEDNESDAY, 27 OCTOBER 2021

AT 6.00PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:00pm and invited Cr Wheatland 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

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

Cr T Fitzgerald, Presiding Member Palmyra – Melville - Willagee
(Deputy Mayor)

COUNCILLORS

Cr K Wheatland
Cr N Pazolli, Cr C Ross
Cr M Woodall (*Until 6:09pm*)
Cr J Spanbroek
Cr G Barber, Cr J Edinger
Cr M Sandford, Cr K Mair

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Mr S Cope
Mr P Prendergast (*Until 8:04pm*)
Mr M Scarfone (*Until 8:04pm*)
Mr B Taylor
Ms R Davis

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

At the commencement of the meeting, there were 2 members of the public in the Council Chambers, 3 members of the public and no representatives from the Press in attendance electronically.

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

Mayor Honourable G Gear

Cr N Robins

Ms C Young

Mr M McCarthy

Mr A Ferris

Bateman – Kardinya - Murdoch

Director Community Development

Director Technical Services

Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Cr D Macphail

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. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – P21/3952. Proposed Child Care Centre Premises – No. 488 (Lot 125) Canning Highway, Attadale. Impartiality Interest.
- Cr Ross – P21/3952. Proposed Child Care Centre Premises – No. 488 (Lot 125) Canning Highway, Attadale. Impartiality Interest.
- Cr Pazolli - P21/3952. Proposed Child Care Centre Premises – No. 488 (Lot 125) Canning Highway, Attadale. Impartiality Interest.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. DEPUTATION

- Mr FitzGibbon, Melville - P21/3952 – Proposed Child Care Centre Premises – No. 488 (Lot 125) Canning Highway, Attadale.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**Disclosures of Interest

Member	Cr Ross
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	I know the person representing the developer
Request	Stay, Discuss, Vote
Decision	Not required

Member	Cr Pazolli
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	I am metro central JDAP member that will be dealing with this item on November 10.
Request	Stay, Discuss, Vote
Decision	Not require

Member	Cr Woodall
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	I am a member of the JDAP Panel that will consider this item.
Request	Leave
Decision	Not required

At 6:09pm having declared an interest, Cr Woodall left the meeting and did not return.

At 6:09pm Mr FitzGibbon entered the chamber for the purpose of presenting a deputation, on [Item P21/3952 – Proposed Child Care Centre Premises – No. 488 \(Lot 125\) Canning Highway, Attadale](#).

Procedural Motion**COUNCIL RESOLUTION**

At 6:19pm, Cr Wheatland moved, seconded Cr Sandford –

That Mr FitzGibbon be granted a further 5 minutes to speak on this matter.

At 6:19pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (9/0)

Mr FitzGibbon's deputation concluded at 6:22pm. At 6:40pm, Mr FitzGibbon left the Chamber.

At 6:40pm the Mr Prendergast, Manager Statutory Planning and Mr Scarfone, Planning Services Coordinator entered the Chamber for the purpose of presenting on Item P21/3952 – Proposed Child Care Centre Premises, which concluded at 6:47pm [3952 Officer Presentation Proposed Child Care Premises 488 Canning Highway, Attadale](#). At 7:14pm, Mr Prendergast and Mr Scarfone left the Chamber.

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

Ward	: Bicton-Attadale-Alfred Cove
Category	: Operational
Application Number	: DAP-2021-9
Property	: No. 488 (Lot 125) Canning Highway, Attadale
Proposal	: Proposed Child Care Centre Premises
Applicant	: Alan Stewart, Stewart Urban Planning
Owner	: Kintail Partners Pty Ltd
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>

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This Responsible Authority Report (RAR) is referred to the Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Sandford.
- Approval is sought for a child care centre premises at No. 488 (Lot 125) Canning Highway, Attadale. The cost of the development is \$2.275 million and the applicant has opted-in for the application to be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing development on site and the construction of a two storey Child Care Centre Premises located at 488 Canning Highway, Attadale.
- The building is proposed to be two storeys in height and will comprise of five indoor activity rooms, two outdoor play areas, other amenities associated with the delivery of child care such as a reception area, staff rooms and a kitchen.
- The Child Care Centre has been designed to accommodate 69 children and 14 staff members of the following age demographics;
 - 24 places for children aged 0-2 years;
 - 15 places for children aged 2-3 years; and
 - 30 places for children aged 3-5 years.
- Landscaping, including the retention of an existing tree on site and a new footpath along Redcourt Road is also proposed as part of the development.
- The operating hours of the centre are between 7:00 am and 6:00 pm Monday to Friday.
- 15 on-site car bays (including one ACROD bay) have been provided. Seven of these bays are reserved for staff and the remaining eight 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 Cares (LPP1.12), as well as a number of local and state planning 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 28 October 2021.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 69 individual written submissions were received – five objecting to the proposal and 64 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.

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**



Figure 1: Aerial image of the subject site

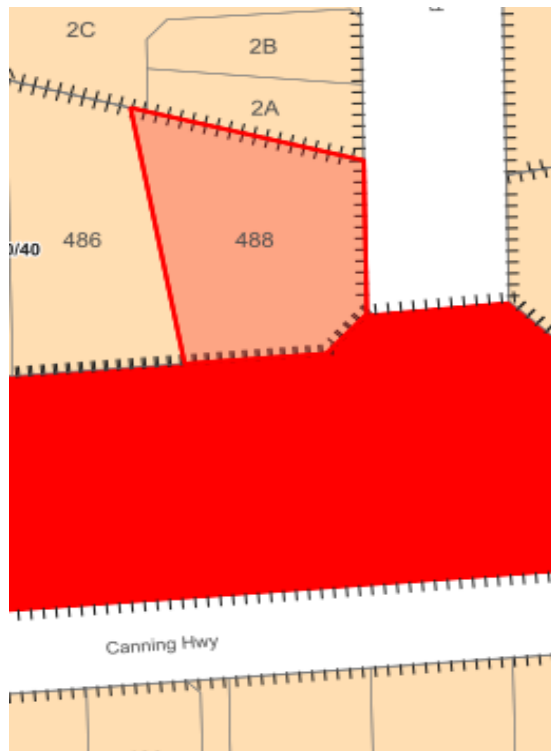


Figure 2: Zoning map of the subject site.

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
Structure Plan Zoning	:	N/A
R-Code	:	R30/R40
Use Type	:	Child Care Premises
Use Class	:	'A' Use

Site Details

Lot Area	:	1015.00sqm
Street Tree(s)	:	No
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 two-storey Child Care Centre Premises.

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

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

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.

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)****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 the 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 (3952)**APPROVAL**

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 APPROVE the application for the proposed Child Care Centre Premises at No. 488 (Lot 125) Canning Highway, Attadale.

Alternate Motion

At 7:15pm Cr Pazolli moved, seconded Cr Sandford –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville does not support the recommendation of the Responsible Authority Report to APPROVE the application for the proposed Child Care Centre Premises at No. 488 (Lot 125) Canning Highway, Attadale.

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

At 7:39pm the Presiding Member adjourned the meeting.

At 7:53pm the Presiding Member resumed the meeting.

During the adjournment, the mover and seconder consulted with officers to clarify the alternative motion and supporting reasons.

On the resumption of the meeting, during discussion and debate, the mover and seconder advised of their consent to the changes to the alternative motion.

At 8:04pm Mr Prendergast and Mr Scarfone left the meeting and did not return.

Alternate Motion**COUNCIL RESOLUTION**

At 7:15pm Cr Pazolli moved, seconded Cr Sandford –

That Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville recommends that the application for the proposed Child Care Centre Premises at No. 488 (Lot 125) Canning Highway, Attadale be REFUSED for the following reasons:

- 1. The proposal fails to meet the requirements of City of Melville Local Planning Policy 1.12 due to the proposed developments location on a Primary Distributor Road.**
- 2. The application is not in accordance with the City of Melville proposed amendment to Community Planning Scheme No. 6 which prohibits the location of childcare centres on Primary Distributor Roads.**
- 3. The application is contrary to WAPC Planning Bulletin 72/2009 which states that Child Care Centres are not suitable where access is from a local access street which may impact on the functionality and amenity of the area due to traffic and parking.**
- 4. The application is contrary to WAPC Planning Bulletin 72/2009 which states that Child Care Centres should only be approved if they will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians and road users.**
- 5. To achieve acceptable noise mitigation requires windows to be kept closed during operating hours which would compromise the air quality and ventilation in the centre.**
- 6. The Air Quality Report recommends annual monitoring of air quality which is not a condition of the proposed planning approval in the RAR.**

At 8:06pm, the Presiding Member declared the motion

CARRIED UNANIMOUSLY (9/0)

**P21/3952 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 488 (LOT 125)
CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

Motion

COUNCIL RESOLUTION

At 8:07pm Cr Sandford moved, Seconded Cr Wheatland –

That Cr Sandford and Cr Ross be deputised to represent the Council at the Metro Inner-South Joint Development Assessment Panel to explain the reasons given in the refusal.

At 8:08pm, the Presiding Member declared the motion

CARRIED UNANIMOUSLY (9/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8:08pm.