

**MINUTES
OF THE
SPECIAL MEETING OF COUNCIL
HELD ON
TUESDAY, 13 AUGUST 2013
AT 5.00PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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.

DISTRIBUTED: 14 August 2013

CONTENTS PAGE

Item Description		Page Number
URBAN PLANNING		
P13/3418	Joint Development Assessment Panel Application – 3 Storey Residential Development - 12 MacLeod Road Applecross.	5



MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 5.00PM ON TUESDAY, 13 AUGUST 2013.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 5.00pm. Mr J Clark, Governance & Compliance Program Manager read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, 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 Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr A Nicholson
Cr C Robartson, Cr R Willis
Cr R Hill
Cr N Pazolli, Cr P Reidy

WARD

City
Bull Creek/Leeming
Palmyra/Melville/Willagee
Applecross/Mount Pleasant

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Ms J Wardell-Johnson	Senior Planning Officer
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms D Beilby	Minute Secretary
Ms K Thornton	Corporate Administration Officer

At the commencement of the meeting there were four members of the public and no members from the Press in the Public Gallery.

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

Cr S Taylor-Rees – Bicton/Attadale Ward
Cr N Foxton – University Ward
Cr M Reynolds – University Ward
Cr R Kinnell – Palmyra/Melville/Willagee Ward

4.2 APPROVED LEAVE OF ABSENCE

Deputy Mayor Cr D Macphail – City Ward
Cr J Barton – Bicton/Attadale 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

Mayor R Aubrey – Interest under the Code of Conduct

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. DEPUTATIONS

- P13/3418 – Mr A Ross and Mr B Scanlan on behalf of owners of adjoining properties

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 5.08pm Cr Nicholson moved, seconded Cr Willis -

That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once and that Standing Orders Local Law 2003 Clause 9.1 second sentence “When invited, Members are to address the Council through the Presiding Member”, be set aside.

At 5.08pm the Mayor submitted the motion, which was declared

CARRIED (7/0)

From 5.09pm to 5.19pm Mr A Ross and Mr B Scanlan presented a Deputation on behalf of the adjoining property owners.

At 5.19pm, following questions from Elected Members, Mr Ross and Mr Scanlan returned to the public gallery.

From 5.20pm to 5.48pm Ms J Wardell-Johnson, Senior Planning Officer, presented the Officer presentation.

At 5.49pm Cr Willis moved, seconded Cr Robartson -

That Standing Orders be resumed.

At 5.50pm the Mayor submitted the motion, which was declared

CARRIED (7/0)

P13/3418 DEVELOPMENT ASSESSMENT PANEL APPLICATION – THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 1 (NO. 12) MACLEOD ROAD, APPLECROSS (REC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

Item No.	P13/3418
Elected Member/Officer	Mayor R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Son lives opposite the proposed site
Request	Stay, Discuss, Vote
Decision of Council	Not Required

Ward	: Applecross/Mt Pleasant
Category	: Operational
Application Number	: Da-2013-404
Property	: Lot 1 (No. 12) MacLeod Road, Applecross
Proposal	: Three Storey Residential Development
Applicant	: G E Lock
Owner	: G E Lock
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	: Steve Cope Director Urban 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 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>

**P13/3418 DEVELOPMENT ASSESSMENT PANEL APPLICATION – THREE STOREY
RESIDENTIAL DEVELOPMENT AT LOT 1 (NO. 12) MACLEOD ROAD, APPLECROSS
(REC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a three storey residential development at 12 MacLeod Road, Applecross.
- The application by virtue of its cost of development is an optional JDAP application which was submitted to the City on 10 April 2013.
- 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 16 August 2013.
- Prior to the consideration of the application by the JDAP, the RAR is referred to Council for its consideration and endorsement.
- The recommendation of the RAR is that the JDAP approve the application subject to conditions.
- A copy of the minutes of the Special Meeting of Council will be forwarded to the JDAP together with the RAR.



**P13/3418 DEVELOPMENT ASSESSMENT PANEL APPLICATION – THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 1 (NO. 12) MACLEOD ROAD, APPLECROSS
(REC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial Centre Frame
R-Code	: R40
Use Type	: Residential
Use Class	: 'D' - discretionary

Site Details

Lot Area	: 1234m ²
Street Tree(s)	: Yes, retained
Street Furniture (drainage pits etc)	: None applicable
Site Details	: See aerial photo above

[3418 Amenity Impact Statement](#)[3418 Elevation Plan](#)[3418 Perspective 1-ps-1](#)[3418 Perspective 2-ps-1](#)[3418 Perspective 3-ps-1](#)[3418 Traffic Impact Statement](#)[3418 DRAFT RAR](#)**DETAIL**

Development approval is sought for a three storey residential development, consisting of 15 multiple dwellings. The proposed building is designed as follows:

Ground Floor

One, two-bedroom unit, 20 car parking bays and four visitor bays. Other ancillary structures are also located at this level including store rooms, bin storage area and a lobby. Vehicle access is to be provided from a single crossover accessed via MacLeod Road. The four visitor bays are provided external to the building in the northwest corner of the site.

First Floor

Two single bedroom dwellings, four, two bedroom dwellings and one, three bedroom dwelling are proposed.

Second Floor

Two single bedroom dwellings, four, two bedroom dwellings and one, three bedroom dwelling are proposed.

PUBLIC CONSULTATION/COMMUNICATION

Detailed in the RAR attached.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Detailed in the RAR attached.

**P13/3418 DEVELOPMENT ASSESSMENT PANEL APPLICATION – THREE STOREY
RESIDENTIAL DEVELOPMENT AT LOT 1 (NO. 12) MACLEOD ROAD, APPLECROSS
(REC) (CONFIDENTIAL ATTACHMENT)****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 a responsible authority to which a DAP application is made, to give a report to the Development Assessment Panel.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

As outlined within the RAR, the proposal satisfies all of the relevant provisions contained within Council Policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application subject to conditions.

Council may resolve to not 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 Council resolution, a nominated person on behalf of the Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation lies with the Presiding Member of the JDAP.

CONCLUSION

Notwithstanding the variations sought, the development as proposed will, subject to the imposition of planning conditions, deliver an acceptable built form outcome for the Applecross Village Commercial Centre Frame and the surrounding locality. The proposed multiple dwelling development is consistent with the proper and orderly planning of the area and provides further diversity of accommodation types available in the area. The use of materials and architectural features are considered to both enhance the development and mitigate its impacts. Consequently, it is considered that the development complements the existing streetscape.

As such, it is recommended that Council resolve to endorse the RAR.

**P13/3418 DEVELOPMENT ASSESSMENT PANEL APPLICATION – THREE STOREY
RESIDENTIAL DEVELOPMENT AT LOT 1 (NO. 12) MACLEOD ROAD, APPECROSS
(REC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3418)
(RECOMMEND APPROVAL)**

At 5.51pm Cr Robartson moved, seconded Cr Willis -

That the Council advise the Metro Central Joint Development Assessment Panel that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed three storey residential development at Lot 1 (12) MacLeod Road, Applecross subject to conditions detailed in the Responsible Authority Report.

At 5.55pm the Mayor submitted the motion, which was declared

CARRIED (5/2)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 5.55pm.