



City of  
**Melville**

**MINUTES  
OF THE  
SPECIAL MEETING OF ELECTORS  
HELD IN THE  
CONFERENCE ROOM, MELVILLE CIVIC CENTRE  
AT 6.30PM ON  
WEDNESDAY, 29 JUNE 2011**

DISTRIBUTED: 8 July 2011

**MINUTES OF THE SPECIAL MEETING OF ELECTORS HELD IN THE CONFERENCE ROOM, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON WEDNESDAY 29 JUNE 2011.**

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**OPENING**

His Worship the Mayor, R Aubrey, welcomed those in attendance to the meeting and declared the meeting open at 6.30pm.

**1. PRESENT**

His Worship the Mayor Russell Aubrey

**COUNCILLORS**

Cr C Robartson, Cr R Subramaniam	Bull Creek/Leeming
Cr N Pazolli, Cr P Reidy	Applecross/Mount Pleasant
Cr A Nicholson	City
Cr J Barton, Cr G Wieland	Bicton/Attadale
Cr C Halton	Palmyra/Melville/Willagee
Cr B Kinnell (from 6.51pm)	Palmyra/Melville/Willagee

**2. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr J Clark	Governance & Compliance Program Manager
Mr P Prendergast	Manager Planning & Development Services
Ms D Beilby	Minute Secretary
Ms J Paparella	A/Business Support Officer

There were 54 Electors of the City of Melville and one member from the press in attendance.

**3. APOLOGIES**

Cr M Reynolds (Deputy Mayor)	University Ward
Cr N Foxton	University Ward
Cr A Ceniviva	City Ward
Cr B Kinnell for late arrival at 6.51pm)	Palmyra/Melville/Willagee Ward
Ms C Young	Director Community Development
Mr J McBain of Melville	
Ms J Adams of Attadale	

**4. LEAVE OF ABSENCE**

Nil.

**5. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS**

His Worship the Mayor, R Aubrey, introduced individual Elected Members and Senior Staff to the meeting.

**6. DECLARATIONS OF INTEREST****6.1 FINANCIAL INTERESTS**

Nil.

**6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil.

**7. BUSINESS****7.1 NOTICE OF SPECIAL MEETING OF ELECTORS**

The following Notice of Meeting was advertised in the West Australian Newspaper on Saturday, 11 June 2011 and the Melville Times Community Newspaper on Tuesday, 21 June 2011 in addition to being displayed on public notice boards at all the City of Melville libraries and the Civic Centre. The notice read:

**“Special Meeting of Electors”****Wednesday, 29 June 2011**

A Special Meeting of Electors of the City of Melville will be held in the Conference Room of the Civic Centre, 10 Almondbury Road Booragoon, commencing at 6.30pm on Wednesday, 29 June 2011 to consider a request signed by 127 electors to discuss -

- 1 The proposed development of 20 Bridges Road Melville**
- 2 Discussion of contentious development issues**
- 3 Lack of information given to citizens regarding development legislation affecting them**

Should you require further information, please contact Ms Denise Beilby on 9364 0607.

Members of the public are welcome to attend. The Council Meeting Schedule, Agendas and Minutes of all meetings are available at [www.melvillecity.com.au](http://www.melvillecity.com.au)

**Dr Shayne Silcox  
Chief Executive Officer”**

Mr J Clark, Governance & Compliance Program Manager read out the Manner of Conduct of the Meeting.

## **7.2 MANNER OF CONDUCT OF THE MEETING**

1. All present are required to sign the attendance register at the entry to the Conference Room.
2. Speakers must be Electors of the City of Melville.
3. The proceedings are being taped for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.
4. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
5. Speakers are asked to clearly give their name and address each time they speak.
6. Upon a motion being proposed, each speaker is to address the Chair.
7. All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of Members present (9.6 of Standing Orders).
8. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (8.3 of Standing Orders).

## **8. PRESENTATION**

At 6.41pm the Director of Urban Planning gave a PowerPoint presentation that included the following content –

- City of Melville Council Policy Quasi Judicial Role
- Adoption of the Multi-Unit Housing Code (MUHC) Provisions
- A brief outline of the main Multi Unit Housing Code Provisions
- Community Planning Scheme No.5 (CPS5) and links to State Planning Policy
- The current planning application for redevelopment at 20 Bridges Road, Melville

At 6.51pm Cr Kinnell entered the meeting

## **9. GENERAL BUSINESS**

His Worship the Mayor invited the Governance & Compliance Program Manager Mr Clark to read out questions that had been received in writing prior to the meeting.

### **1. Mr E Lange, Melville**

- 1.1 *How many written submissions of objection to the proposed development has Council received?*

The Director Urban Planning responded by saying that during his presentation he referred to the City's Quasi Judicial Policy and explained that commentary on the details on the application which is currently before the City cannot be made by officers or Elected Members and therefore he had addressed, in the presentation, details relating to the process around the MUHC and advised that that process would apply in respect of the current application. However, because of the Council's Quasi Judicial Policy officers are not at liberty to discuss details of the merits of the application.

- 1.2. *How does Council propose to guarantee sufficient mains water pressure to the already poor pressure currently experienced by surrounding residents?*

The Director Urban Planning responded by reiterating that officers cannot comment as the City is bound by the Quasi Judicial Policy.

The Chief Executive Officer explained that had Electors waited a period of time, officers could have answered all questions, however that was not done. The City was put in a compromising situation having been asked to hold a Special Meeting of Electors while the application was being assessed as officers cannot release information during that process. This was explained to the people who called the meeting and the City was hoping that the meeting would be deferred and officers would be able to answer the questions put forward.

The Chief Executive Officer advised that all of the questions and comments raised would be considered as part of the assessment of the application.

The Chief Executive Officer made the broad comment that in respect to the last question, and not specifically talking about the application, anything to do with water supply is the responsibility of the Water Authority not the City of Melville.

- 1.3. *How does Council propose to enforce the correct setback of 4 metres on the property front boundary for the wall hiding the 36 rubbish bins?*

The Director Urban Planning responded that the question is a detail relating to the current application and therefore officers cannot comment.

Councillor Pazolli requested that the public be made aware that all Councillors are also in the same position in that they have not been privy to the assessment of the application at this stage and that in the Quasi Judicial function they will be made aware of the assessment of the Council Officers in due course.

- 1.4. *What consultation has Council had with the Road Traffic Authority, Main Roads Department and the Road Safety Council and indeed residents on the width of Bridges Road?*

*Has a vehicle count been undertaken to record the traffic volume using Bridges Road?*

*This road is only 5.1 metres wide and only capable of two vehicles side by side in single file for the entire road length.*

*The width of an average vehicle is 2 metres. Vehicles can not pass safely when travelling at 40 kilometres per hour with only 600 millimetres (23 inches) each side.*

*Vehicles passing a stationary parked vehicle must stop for oncoming traffic, then pass at risk of other oncoming traffic suddenly appearing from a blind hill at the Money Road and Prinsep Road Tee junctions.*

*Traffic waiting to proceed in Bridges Road could be banked up the entire road length.*

*Extra vehicle traffic is already using Bridges Road as a 'shortcut' into the Prinsep Road exit from Canning Highway to Birdwood, Young, Williams, Kitchener, and other surrounding roads.*

*Include the average dwelling of two cars and visitor cars (40 cars) from the proposed 18 unit development and further safety issue must be considered.*

*How many vehicles does Council expect to park on Bridges Road if this development proceeds?*

*A road safety report would be appreciated for this problem in a Council reply.*

The Director Urban Planning responded that as pointed out by the Chief Executive Officer all of the issues and questions being raised will be considered in the assessment of the development application however, as this question relates to that assessment, officers are not at liberty to comment at this point.

- 1.5. *What plan has Council got to accommodate 36 extra rubbish bins on the street verge as well as the 161 (including at least 7 units at 8 Bridges Road development) bins already posing a problem for pedestrians, wheel chairs, goffa's, walkers, etc?*

The Chief Executive Officer advised that that type of issue would be assessed and considered in any planning application.

- 1.6. *What compensation will Council negotiate for the loss of efficiency of environmentally friendly solar power generation and hot water systems to adjoining residents due to the reduced natural sun light from the high rise development?*

The Director Urban Planning indicated that all material planning considerations raised in the questions will form part of the assessment and it may be that this particular issue is not a material planning consideration.

- 1.7. *Why and on whose authority was the notice board removed prematurely from 20 Bridges Road contravening Council's own code of notification period and the builder's declaration? At the very least the sign should be re erected and submissions for the development be open to the public for another 21 day period.*

The Director Urban Planning responded by saying that whether the advertising requirements of CPS5 have been followed is a matter that will be considered as part of the assessment.

His Worship the Mayor clarified that the sign was not removed on the City of Melville's authority.

- 1.8. *How many notices of the proposed development were sent to nearby residents?*

The Director Urban Planning responded that eighteen letters were sent to the abutting neighbours.

- 1.9. *Will this development set a precedent for the entire Melville Council area from Petra Street in East Fremantle to the Canning Bridge precinct in Como?*

The Director Urban Planning responded by saying that during his presentation he outlined the criteria of the localities within which MUHC applications can be considered and those criteria are specific and therefore do not necessarily apply across a wider area.

The Chief Executive Officer advised that each planning application that comes before the Council is assessed on its merits on a case by case basis. One application does not set a precedent for another.

His Worship the Mayor advised that the reference to the code that the Director Urban Planning referred to earlier, the MUHC, is designed to apply to multiple dwellings in areas with a density coding of R30 or greater, to dwellings within mixed used development and also for residential development with activity centres.

## **2. Mr L Hooker, Melville**

*I am led to believe that the parameters defining the proposed building are contained in Table 4 in the new R Codes (Multi Unit Housing Code) and "apply to R30 and greater and within Mixed Use Development and Activity Centres". I checked out the item on the Planning WA website but was not able to bring up a Table 4 (Don't ask me why – I don't know)*

*Further, I looked at the plans at Council's Planning Department but could not read the building dimensions. I therefore ask –*

- 2.1. *What are the dimensions of each floor of the building(s)? I cannot calculate the plot ratio without this information. I believe the block size to be 2023 square metres and that the permitted plot ratio of 0.6 could be exceeded. Is this so?"*

The Director Urban Planning advised that officers cannot discuss, under the Quasi Judicial Policy, those details of the current development application.

- 2.2. *What is the overall height of the 4 storey building? It appears to exceed the 9m which I am informed is the permitted height under Table 4. There is speculation that the height has been set at 13.5 metres. How can this be when the code stipulates 9m?*

The Director Urban Planning advised that in assessing any application the maximum height relates to the zoning in the area. In this case the maximum height is 13.5 metres in that locality.



- 2.3. *What setbacks are permitted under Table 4 and what are shown on the plans?*

The Director Urban Planning advised that officers cannot comment on the detail of the application. Table 4 of the R Codes indicates a primary street setback requirement of four metres and a secondary street setback requirement of 1.5 metres.

- 2.4. *Table 4 in the new R Codes applies to R30 and greater and within mixed use and development areas. As I have not been able to download this I ask*

- (a) *Have I quoted correctly?*  
(b) *Depending on the interpretation of the second “and”, it could be construed that the application cannot apply in this precinct. This could be a question of Grammatical semantics, legal interpretation, or both. The fact that Council is considering the proposal indicates they have placed one meaning on it. On what grounds?*

The Chief Executive Officer responded that he interpreted the legislation in the same way and that his understanding of how it is written and it would be assessed on that criteria.

- 2.5. *Is there a set proportion of different dwelling types (1 Bed/2 Bed etc) within a single complex laid down by the code? If so what is the mix and does the project comply?*

The Director Urban Planning explained the standard process that the City’s Planning team follows when assessing development applications. The process involves an assessment of the development application under the CPS5 including the R-Codes and referral of the application in certain cases, to the Development Advisory Unit. The Development Advisory Unit is a group of officers who undertake planning assessments and will make a recommendation. A detailed report prepared by the Development Advisory Unit becomes public and is posted on the City’s website as a public document. The process from there follows the Council’s Development Advisory Unit Policy and may involve possible referral to the Council for determination.

*I will submit comments relating to moral, aesthetic and practical matters at the meeting.”*

The Chief Executive Officer advised that any planning application that comes before the Council must assess the application only on planning grounds which are legislated. Moral and ethical issues unfortunately, are not included. If it is appealed at the State Administrative Tribunal (SAT) then SAT can only assess the application on planning grounds.

### **3. Mr M Fitzgibbon, Melville**

- 3.1. *Why is this proposed development at 20 Bridges Road being considered by the City of Melville when it is clearly NON COMPLIANT in the following:*  
i. *HEIGHT*  
ii. *PLOT RATIO*

His Worship the Mayor responded that the City of Melville has a legal obligation to do so.

- 3.2. *Why is the subject proposed development being considered when it will, in practical terms, cause a safety hazard in narrow Bridges Road in terms of parking congestion with vehicles parked either side of Bridges Road. Realistically, vehicles will not generally park on the premises.*

The Chief Executive Officer advised that if a planning application is put before the City of Melville it must be assessed. In the assessment, many of the questions that have been asked must be assessed and determination made whether they are appropriate. It is part of the assessment process.

- 3.3. *Why has Mayor Aubrey stated in the Melville Times of June 21, 2011 that “The City expects that the coming years will witness a growth in population, which will need to be accommodated in new and additional households.” and “The benefits that a development such as this brings to the city include a wider range of housing sizes and affordability, a central location, access to facilities and public transport.” when the City’s own Population Forecast advises “THE ADDITION OF DWELLINGS IS THE MAIN DRIVER OF POPULATION GROWTH”. This really is a case of “Build it and they will come”, not the other way around as the Mayor suggests. “*

His Worship the Mayor responded to the first part of question 3.3 and stated that -

“I did not think we can control the population growth of Western Australia by not building houses to accommodate those people that are predicted to be coming to live here. I think that the contracts have been signed for the development and the growth in the North West that will see a considerable growth in our State and indeed result in great growth within our City and we are looking at a doubling of population of this City over the next few decades. We are directed by State Government, particularly the Department of Planning, to prepare for this growth. We have been told that we have to accommodate another 11,500 residents within our City and being proactive and offering appropriate locations and styles of development to accommodate that increase in population will hopefully lessen the impact on residents. As you know I can’t make comment on this particular development but in the comment that came out of the press it was suggested that I was talking about the benefits of this type of development for this location. I clearly wasn’t. I could not do that. I am not allowed to do that. But what was commented is that these types of development in appropriate places have a benefit for our community in terms of being appropriate for housing the growth in population as predicted for this State. The fact that this was connected to this development particularly took my comment out of context. There is no relationship between those two matters. They were made in relation to different contexts. I was talking about multiple unit development generally not in relation to this particular location. I will add at the end “*This is a case of “Build it and they will come”* not really it is a question of planning for the future. The State Government have chosen to go down that path. They have planned to accommodate a large increase in population and they can force us to comply with their requirements. If we don’t then a referral can be made to SAT for developments that we reject and then can possibly be approved. We have a disjoint between the two planning processes and have a potential for a large number of developments within the City that do not meet the needs of our community.”

The Chief Executive Officer added some context on the types of issues and pressures that the City has to deal with. In a statement the Premier made to the Mayor and the Chief Executive Officer recently there is a \$100billion worth of committed works in the North West. There is \$200billion worth of works ready to start. 400,000 to 500,000 people are needed to undertake those works in the State. The only thing that we can do is to try and ensure that development occurs in a way that is sustainable and sensible long term and that is why the developments that we generally look at with higher density are around transport orientated developments which is where people don't necessarily need cars to move around. Each home that is built on the urban fringe costs every West Australian taxpayer \$100,000 for the supporting infrastructure and hence the State Government's policy of 47% of new housing has to be built in the existing metropolitan area. The City has been given some targets to work towards which we are trying to do but there are many competing problems and all sorts of pressures that we are trying to work through and we are trying to look after your welfare in the process of moving forward. We understand your concerns and all those matters will be taken into consideration as we go through the assessment process.

The Council's planning processes are only through delegations from the State. The State can take them back at any time. They only delegate the ability for us to make assessments and as you can see with the Development Assessment Panels legislation that has now been implemented you don't have to go to a Council, over a certain value you can go to a Development Assessment Panel and that sees the fact that some core decisions that local government would normally make may be taken out of our hands. We trust that you understand all these intricacies that we work with on a daily basis.

Mr Fitzgibbon's comments continued –

*"Furthermore, the City's forecast of Population growth for the suburb of Melville is a mere 0.16 percent per annum ave over the next 25 years, with 15 new dwellings forecast for 2011, reducing to 6 new dwellings per annum in 2019. hardly reason for high density housing in an inappropriate location as that being considered. Is the City giving this non-compliant application consideration because it will simply increase the Rate collection, rather than giving consideration and due regard to the welfare and amenity of the existing residents who are already customers of the City of Melville. Many of the premises immediately surrounding this proposed development are singly storey town houses and villas which would be dominated by a 4 storey building if the proposal proceeded.*

*This proposal must be rejected by the City of Melville because it is non compliant and would dominate and severely impact the welfare and amenity of existing residents surrounding the proposed structure."*

#### **4. Mr A Ceray, Melville**

*The statement of intent for the Canning Highway (CH) present, page 45 of Melville Planning Scheme No.5 (Amd.43 gg 08/03/11) is of primarily medium density residential and that activities/uses are designed in a residential style and are not developed to such an intensity that they disturb a present. It further states the residential character of Canning highway shall be preserved.*

- 4.1 *How is it that a four story building will not disturb and is in the character of a residential street occupied by single level family homes and villas and two storey infill townhouses? Please respond?*

The Director Urban Planning responded that all of the issues raised would be addressed during the assessment but made it clear that R40 is regarded as medium density.

- 4.2 *Why is the Canning Highway precent applied to a residential street, namely Bridges Road and many others, some several blocks back when this is not the intent of the CH precent? Please respond?"*

The Director Urban Planning advised that the CPS5 designation for the Canning Highway Precinct includes Bridges Road.

- 4.3 *Furthermore, under the R-code 3.1, can the Council please elaborate how the proposed development at 20 Bridges Road meets the various tenants and performance criteria of the 6b framework (multi-unit housing) as surmised below?*

- *6b1 Context -building size, height etc*
- *6b2 Streetscape -street surveillance, building appearance etc*
- *6b3 Site planning & design (parking spaces provision, design etc*
- *6b4 Building Design -visual privacy, out buildings, open space, landscaping, external fixtures etc*

*Regarding the provision for onsite parking, according to the State Planning Policy 3.1 (22/11/10), part 7, page 9, section 7.3.3, which states two differing mechanisms for calculating the minimum requirement based on distance from a train station or high frequency bus route – within or not within 250m meters (column A or B respectively).*

*The distance from the letter box at the gazetted driveway at 20 Bridges Road measures to the nearest bus route , Perth bound stop (#10304) at 390 meters, whilst the Fremantle bound bus stop (10263) is 313 meters walking distance (as calculated using the CoM Intra Maps measuring tool).*

*This means under the existing R-code, there requires as a minimum onsite parking of:*

- *1.5 per dwelling >110m<sup>2</sup> x proposed 2 units = 3 parking bays*
- *1 per dwelling <75m<sup>2</sup> x proposed 16 units = 16 parking bays*
- *Visitors parking is 0.25 x per dwellings x 18 proposed units = 4.5 or 5 (as stated rounding up to the nearest whole number)*

*All up, the minimum requirement for onsite parking is 24 parking bays designed and built to AS2890. Please respond?*

The Chief Executive Officer responded that many of the aspects raised would have to be considered in any planning application brought before the Council.

- 4.4 *Does the council propose rerouting the 106 bus down Bridges Road to allow the lesser parking requirement to be met!?!“*

The Chief Executive Officer advised that the City of Melville does not have much influence on the location of bus routes.

- 4.5 *How does the increase in on-site parking affect the performance criteria for driveway, thoroughfare, open space and landscape requirements?*

The Chief Executive Officer advised that this would form part of the assessment.

- 4.6 *In addition, the proposed development has only 19 car bays. Furthermore, under the R-code, 6 bicycle parks and 2 visitors is required (to AS 2890.3) – currently there is no provision for open and accessible bicycle parking this incorporated into this development. Please respond?*

The Director Urban Planning advised that this was one of the points that would be included in the assessment.

- 4.7 *Considering there are many flaws to this development versus the existing R-codes, the developer and/or council needs to submit and make public each point and detail how each performance criteria and design element of the R-code is met or not met. For example, privacy, open space, landscaping, setbacks, outside structures, external aerials/air conditioners; essential facilities, boundary etc? Please respond?*

The Chief Executive Officer advised that a full report, whether it is to the Development Advisory Unit or the Council, would have to be developed and it will be a public document.

- 4.8 *Finally, given the age of information technology and availability it is beyond belief that given the extreme of this development that a window of two weeks for community consultation was available via a roadside/verge sign. It is disappointing more so when no information of the 20 Bridges Road proposal was available online via the City of Melville website; this required a personal visit to council offices to view the said proposal – not an easy endeavour for full time workers etc. Please respond?*

The Director Urban Planning advised that the requirements of the Community Planning Scheme are required to be followed and that the rest remains for the officers to assess at the time of the assessment, which as has been stated, will be made public when it is completed.

- 4.9 *If the Council is so progressive in its vision what will it do about notify rate payers of these type of issues in a timely manner and secondly, development plans need to be made available online with pertinent data so residents can make unbiased and informed opinions of these developments that are outside of planning guidelines? Please respond?*

The Chief Executive Officer advised that there is a process followed that is consistent across the City which has been followed in this process.



- 4.10 *If it is intellectual property that the developers are against losing, then waivers/end-user agreements or document security should be used (no printing, pdf expiring etc) for information distributed amongst the public domain. Furthermore, the developer and/or the planning officer should submit an abridged version summarising how the development meets or does not meet R-codes and other performance criteria so as to allow decision making. Please respond?*

The Chief Executive Officer responded to the first point by saying some information can be used for alternative purposes and hence it is not made public.

In response to the second point, a full report on the matter considering issues, objections, making comment in relation to the objections, all would be detailed in that report and comments would be part of the report.

- 4.11 *Also as per other information available online why has the Council not chosen to utilise current and accepted online media formats to notify ratepayers via email or mailing lists? I believe CoM officers utilise email in their day to day business so why is this not transferred to ratepayers. Please respond?*

The Chief Executive Officer advised that there are prescribed processes that are put in place about how we go about a planning application.

At the conclusion of written questions, His Worship the Mayor invited questions from the meeting floor.

## **5. Mr M Fitzgibbon, Melville**

- 5.1 *I have been advised by a Town Planner that the COM already has enough planned and zoned land available to meet State requirements without the need for such high density in Melville. Is that correct?*

The Director Urban Planning responded by saying that under the Western Australian Planning Commission's Directions 2031 there is a dwelling target for the City of an additional 11,000 dwellings. Within the total City of Melville by 2031, based on current planning, the City is expected to be capable of meeting that target but as mentioned earlier the City has an obligation to consider current applications submitted for multi unit housing.

## **6. Ms L Lockett, Melville**

- 6.1 *Could I please ask for clarification in simple terms on the difference or the terminology in terms of R30 heights as to where the different heights are coming from for buildings and if one trumps the other etc.*

The Director Urban Planning responded by saying that in the relevant precinct under the Community Planning Scheme the maximum height is 13.5 metres. That differs from the figure that was quoted in the R-Codes but the Community Planning Scheme contains that maximum height of 13.5 metres.

6.2 *So can I clarify that the Community Planning Scheme overrides the R-Codes?*

The Director Urban Planning responded that is correct the Community Planning Scheme overrides the R-Codes.

**7. Mr L Hooker, Melville**

7.1 *Is the Community Planning Scheme a statute or a policy and is the multi unit code a statute or a policy and I will make a statement I maintain that a policy cannot override a statute because the policy would be breaking the law.*

The Director Urban Planning responded that the Community Planning Scheme has legislative force as if it were an act of Parliament. The MUHC provisions stem from a State Planning Policy of State Government which was gazetted. The City is required to have regard to it and it is linked to the Community Planning Scheme.

The Executive Manager Legal Services responded by saying that the Community Planning Scheme has been advertised, gazetted approved by Parliament because it has to be of a binding nature and it gives zonings etc. It was advertised and opened for consultation in 1999 just as a new planning scheme would be open for consultation and for comment by the public. As far as the MUHC is concerned, that is, in terms of the Planning Act, it is a policy, it has a nature of a regulation but where there is a conflict between the two they are read in conjunction with each other. What the code says is that there are certain parameters in terms of which you will assess the zonings and prescriptions in your scheme. The two are read together and not in isolation. When it comes to the MUHC the government says, in using your discretion, this is what you will consider and that is how they apply in conjunction with each other. When there is a conflict the local government will apply the Scheme in terms of its intent and that is where SAT comes in. There is normally an appeal. SAT will interpret those issues which are grey and there are not many.

**8. Mr M Fitzgibbon, Melville**

8.1 *Council policy "Height of Buildings" quotes policy objectives. Could you please explain what "the interest of residential and visual amenity" means?*

The Executive Manager Legal Services responded by saying that amenity is one of those complex descriptions which means different things to different people. Because of that, the R Codes attempt to address amenity in a round about way by looking at performance criteria. In trying to decide what amenity is, issues such as solar access, bulk, overshadowing setback requirements are issues which are considered when one discusses the amenity of a community, the amenity of neighbours and all of the relevant subtilises that you have been raising tonight in questions are considered. One can say in a short sentence, the sum total of them address amenity so they are considered as a sum total of addressing the question of what the amenity impact is. One must be careful in just saying I don't like it.

**9. Mr T Dallas, Melville**

- 9.1 *Just a clarification, in the opening presentation you commented that one of the main objectives of CPS5 was the improvement and maintenance of quality of life and yet you have been saying all the way through that you are only assessing this application on planning grounds. At what point does the improvement and maintenance of quality of life for the people of this room come into this process.*

The Chief Executive Officer advised that essentially the issue of amenity is the issue which you identify. The factor of all those points that the Executive Manager Legal Services went through is how amenity is assessed.

- 9.2 *If this process was refused developers have an appeal process to go to, if it is approved what is the appeals process for us.*

The Executive Manager Legal Services advised that unfortunately that is the way the legislation works. The only person who can appeal against a decision of the City is the applicant. There are no third party rights of appeal or veto rights. The City does have to take objections or comments into consideration and has to consider them in the application assessment process. It is legislated. The SAT will not entertain an appeal from any third party.

**10. Ms J Fierro, Melville**

- 10.1 *I am a new resident and I am confirming my understanding that a letter went out to 18 residents about the proposed development. At number 18 there are 26 villas so why only 18 letters"*

His Worship the Mayor advised that letters were sent to those homes that abut the property.

**11. Mr E Lange, Melville**

- 11.1 *Could I please clarify a question, did I hear correctly was that 10 vehicles per property"*

The Chief Executive Officer clarified it was ten vehicle movements per standard property.

- 11.2 *Could I just say that Bridges Road has 74 properties, single storey mainly retirement people, seven houses. There is, I believe, another development planned for Bridges Road and a subdivision on the corner. So if there are ten vehicles for each property do you know how many that is.*

The Chief Executive Officer clarified that it is one vehicle but we allow ten movements of that vehicle per day. So for the property with 16 units, 160 vehicle movements per day.



- 11.3 *Could I ask who in this room was notified by the Council in writing of this development. There are two. Was that following Council Policy on advertising a development.*

The Chief Executive Officer responded that the City has a list of people who were contacted.

**12. Mr L Cowell, Melville**

- 12.1 *As a adjunct or extension to the previous question I am an abutting neighbour, in fact I am the neighbour most affected by the development myself and my four adjoining neighbours. I questioned every one of them and none of us recalled or acknowledged receiving a letter. Is there anyone else here tonight who is a directly adjoining neighbour who does not recall having received a letter. Mr Cowell asked for a show of hands. Mr Cowell raised his hand.*

**13. Ms Collins, Melville**

- 13.1 *I was one of those people that sold a quarter acre block and a third of an acre because my husband of 62 years and I got to the twilight years. We looked around and when we found our unit I went to Council to make sure that there were only going to be single and double storey buildings there and I was assured that was going to happen and no high rise so we bought our unit. What happens to us now?*

The Chief Executive Officer responded by saying that all of us want some form of certainty about our decisions but understand, legislatively every eight years we have to go through a Town Planning Scheme Review. The Town Planning Scheme 6 (the next one) is due to go out for advertising very soon. In the next month or so it will go to Council, if Council agree it will go out for advertising. Then it will come back for consideration of support/objections. The Council will make a decision and then the Scheme document will go through to the Western Australian Planning Commission. That is an important document. CPS6 is very close to being advertised so if nothing else I am sure I have a group of people who are going to look at that document very closely and make comment on it which is what we want.

**14. Mr L Cowell, Melville**

- 14.1 *I have been a continuous resident of the City of Melville since 1955. Many of the points that I was going to discuss have already been brought up, most of those pertain to the amenity nature based on what we discussed and the information that we received from people in our petition feedback that we have four resolutions pertaining to the original three questions. I will read them now.*

## 10. TABLING OF MOTIONS

The Chief Executive Officer advised that the Resolutions, if passed, would be presented to the next Ordinary Meeting of Council for the Council to make a decision based on the questions that are asked.

### **Resolution 1**

At 8.10pm Mr L Cowell moved, seconded Mr M Fitzgibbon -

**That the City of Melville, and its planning department and officers, make all reasonable efforts via residents/owners published telephone listings to be assured that all directly adjoining residents /owners have received /and acknowledged Council's posted notices of proposed developments directly adjoining affected residents and that residents are sufficiently informed regarding their rights and their ability to either oppose or agree in writing and of the required format of submissions relating to any proposed development adjoining their residences/properties.**

At 8.10pm the Mayor submitted the motion which was declared **CARRIED**

### **Resolution 2**

At 8.12pm Mr L Cowell moved, seconded Mr E Lange -

**That the Melville City Council make provision on rates notices to obtain and use, with residents permission, their private email address for the purpose of contacting and maintaining applicable information to residents of any specific matter they need to be aware of which they may not be receiving from either newspapers or public notices in libraries and similar or phone calls or post such as proposed building developments and important Council policy changes.**

At 8.12pm the Mayor submitted the motion which was declared **CARRIED**

### **Resolution 3**

At 8.14pm Mr L Cowell moved, seconded Mr M Fitzgibbon -

**That the Melville City Council endeavours to contact and mediate between builders/developers and known affected adjoining residents regarding contentious design matters within the scope of Council's policies by using compromises to proposed designs in the early stages of planning, such that all parties concerned are reasonably satisfied and not unduly disadvantaged and the proposed designs still being within Council guidelines and R-CODE limits and CPS5 /6 guidelines.**

At 8.14pm the Mayor submitted the motion which was declared **CARRIED**

**Resolution 4**

At 8.15pm Mr L Cowell moved, seconded Mr E Lange -

**That the Melville City Council, its departments and officers, make every effort to resolve early real or perceived disputes between builders/and residents/owners in the early stages of proposed developments by using either new or existing Council policies and mediation to allow disputes to be settled early to the satisfaction of both the community and builders without undue financial hardship to builders nor loss of amenity and character of the locality to local residents whilst still being within R-CODE AND CPS5 guidelines.**

At 8.15pm the Mayor submitted the motion which was declared **CARRIED**

At 8.16pm Ms W Loraine of Mount Pleasant moved, seconded Mr M Fitzgibbon of Melville -

**That Mr Cowell be granted a five minute extension of time to speak.**

At 8.16pm the Mayor submitted the motion which was declared. **CARRIED**

14.2 *Mr Cowell read from the Government Gazette mentioning matters to be considered by Council in determining applications for planning and commented that these matters perhaps were not mentioned earlier in the overview.*

At 8.18pm Cr Pazolli left the meeting and returned at 8.20pm

His Worship the Mayor responded that all of the matters were covered within the Community Planning Scheme and other regulations, policy etc and that the City had to comply with all of them.

Mr Cowell then stated -

*"In summary having been a long term resident I believe many people are fearful that if one Planning Approval gets through it may come like a rolling stone and gather not just moss but old houses and before they realise it may become a second South Perth. I can understand people not wanting it to happen. But if we put our trust in the Council to do what they can within the realms of the policies they are able to work with and even though they have to remain unbiased in this nature they will do everything they can, I am sure, to create something suitable for us without adversely affecting the builder. So let's put our full trust in the Council."*

The Mayor thanked everyone and commended them for their tolerance and patience with the situation and advised that the planning report on the matter would be available in a few weeks time.

**11. CLOSURE**

There being no further business, His Worship the Mayor, R Aubrey, declared the Meeting closed at 8.22pm.