

**MINUTES**

**OF THE**

**SPECIAL MEETING OF COUNCIL**

**HELD ON**

**MONDAY, 22 APRIL 2013**

**AT 7.00PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 7.00PM ON MONDAY, 22 APRIL 2013.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 7.00pm. 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 R Willis, Cr C Robartson  
Cr N Pazolli  
Cr J Barton  
Cr R Hill  
Cr M Reynolds

**WARD**

City  
Bull Creek/Leeming  
Applecross/Mount Pleasant  
Bicton/Attadale  
Palmyra/Melville/Willagee  
University

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Ms A Templeton	A/Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were two members of the public and one member from the Press in the Public Gallery.

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

Cr S Taylor-Rees – Bicton/Attadale Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Deputy Mayor Cr D Macphail

**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**

Nil.

**8. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil.

**9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**10. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

The Presiding Member advised Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice and requires the application of the relevant facts to the appropriate statutory regime.

**P13/3388 - DEVELOPMENT ASSESSMENT PANEL APPLICATION - EDUCATIONAL FACILITY - NEW SCIENCE BLOCK AND MINOR WORKS TO THE BOARDERS' DINING HALL AT SANTA MARIA COLLEGE, 12-38 MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Bicton/Attadale  
 Category : Operational  
 Application Number : DA2013-242  
 Property : Santa Maria College, Lot 1 (12-38) Moreing Road, Attadale  
 Proposal : Educational Facility – New Science Block and Minor Works to the Boarders' Dining Hall  
 Applicant : EIW Architects  
 Owner : Sisters of Mercy Perth Amalgamated Inc  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : P07/3015 – Secondary Learning Centre (Stage 1) OCM 17 July 2007.  
 Responsible Officer : Amanda Templeton  
 Acting 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 &amp; 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 checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

**P13/3388 - DEVELOPMENT ASSESSMENT PANEL APPLICATION - EDUCATIONAL FACILITY - NEW SCIENCE BLOCK AND MINOR WORKS TO THE BOARDERS' DINING HALL AT SANTA MARIA COLLEGE, 12-38 MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought from the Joint Metro Central Development Assessment Panel (JDAP) to undertake additions at Santa Maria College comprising of a new science building and minor works to the existing boarders' dining hall.
- The proposal satisfies all of the relevant provisions contained within City of Melville Community Planning Scheme No. 5 (CPS5) and Council Policy with the exception of building height. The maximum height of the proposed science building is 15.7m in lieu of the CPS5 and Council Policy requirement of 9.0m.
- The proposed height variation is supported as the proposed building is of lower height than other buildings already existing on the school grounds, the building is located within the centre of the site, it is considered that approval of the height variation will not have significant impact upon the amenity of the locality and the height will facilitate disabled access through the school grounds. As such, it is recommended to the JDAP in the Responsible Authority Report (RAR) that conditional approval of the application be granted by JDAP.
- The application by virtue of its estimated cost of development is a mandatory JDAP application which was submitted to the City on 1 March 2013. The JDAP is due to consider the application on 29 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 23 April 2013.
- Prior to the determination of the application by the JDAP, the RAR is referred to Council for its consideration and endorsement.
- As Cl. 4.2 (d) of CPS 5 requires an Absolute Majority decision in relation to the proposed height variation it is recommended that Council endorsement of the RAR be by a vote of Absolute Majority.
- A copy of the minutes of the Special Meeting of Council will be forwarded to the JDAP along with the RAR.

**P13/3388 - DEVELOPMENT ASSESSMENT PANEL APPLICATION - EDUCATIONAL FACILITY - NEW SCIENCE BLOCK AND MINOR WORKS TO THE BOARDERS' DINING HALL AT SANTA MARIA COLLEGE, 12-38 MOREING ROAD, ATTADALE (AMREC) (CONFIDENTIAL ATTACHMENT)**



**BACKGROUND**

In recent years, the City has approved a number of applications for development at Santa Maria College, including additions and alterations to the Mercy building in July 2007, and additions and alterations to McDonald Hall in October 2009. These works were completed in 2010 and 2011 respectively.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: River Foreshore (RFS) – Living Area Precinct
R-Code	: R12.5
Use Type	: Educational Establishment
Use Permissibility	: 'S' – discretionary use subject to advertising in accordance with clause 7.5(d)



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**Site Details**

Lot Area	:	67,432 square metres
Street Tree(s)	:	Various
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

**DETAIL**

Planning approval is sought from the Joint Metro Central Development Assessment Panel (JDAP) to undertake additions at Santa Maria College including a new three storey (with basement level) Science building to the southeast of the existing Mercy building and minor works to the existing boarders' dining hall.

The proposed Science building is to replace the existing maintenance building and is to contain:

- Change facilities, parking and plant within the basement level.
- The ground floor level contains a general purpose learning area.
- Studio and laboratory facilities on the first floor.
- Six classrooms within the second floor.

The upper two floors of the proposed science building are to be attached to the Mercy building to allow access between the two. This will also facilitate disabled access between the Boarders' precinct and the main school.

The external appearance and materials proposed to be utilised are to be consistent and complement the existing buildings on site, including the recently completed Mercy Building and McDonald Hall.

Minor works are also proposed within the Boarders' precinct as part of the current application. These works include a deck addition to the existing dining hall and an ensuite addition to the existing doctor's office.

Eleven additional car parking bays are proposed as part of the current application.

The proposed construction does not directly impact upon pupil numbers, however at the commencement of the 2015 school year; an additional 110 students will attend the school. This increase in pupil numbers result from the current Year 11 class (which is 50% of the usual class size) leaving school at the end of 2014 and a full class intake entering the following year. The maximum number of pupils will be 1,270.

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Upon construction of the proposed Science building, it is understood that a number of existing demountable classrooms currently located adjacent to the swimming pool will be removed from the school grounds. This will enable the construction of a future development stage which is to include hard courts and car parking.

The application by virtue of its estimated cost of development is a mandatory JDAP application which was submitted to the City on 1 March 2013. The JDAP is due to consider the application on 29 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 23 April 2013. This RAR is attached to this report.

The attached RAR details the proposed development, the assessment against the CPS5 and Council Policy provisions and the assessment of the height variation proposed.

Prior to the determination of the application by the JDAP, the RAR is referred to Council for its endorsement. Following consideration by Council, a copy of the minutes of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

**Development Requirements**

The proposal satisfies all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5) and Council Policy with the exception of those matters listed below:

<b>Development Requirement</b>	<b>Required</b>	<b>Proposed</b>
Maximum building height	Flat Roof - 9m maximum	<u>Science building</u> Flat roof - 15.7m

**PUBLIC CONSULTATION/COMMUNICATION**

Clause 7.5 of CPS5 requires that 'S' uses be advertised, however where a use is already approved and established on the subject site and is considered unlikely to have significant amenity impact, Clause 2 of CP-054 allows for additions or extensions to existing uses not to be the subject of additional advertising as outlined below:

*"Where a use already exists on site and the proposed development is a minor or insignificant extension or alteration to the existing development and unlikely to affect the amenity of any adjoining or adjacent landowner or occupant (as determined by the Manager Planning and Development Services), the new Planning Application will not require advertising in accordance with Clause 7.5 (f) of CPS 5 (as provided for under Clause 4.2 (c) of CPS5)."*

Clause 4.2 (c) of CPS 5 provides for advertising of an application for planning approval, where variation sought, where in the opinion of Council the variation is likely to affect any owners or occupiers in the general locality or adjoining the site

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The proposed science building is located within the centre of the school grounds, well away from all of the site boundaries and surrounded by existing buildings and mature landscaping,

On receipt of the development application, consideration was given to the potential impact that the proposed development may have upon the residential amenity of owners and occupiers of properties that flank the College site, particularly those on the southern (upslope) side. The site of the proposed new building is approximately 100+ metres away from the nearest residential properties, and there is a marked change in natural ground levels of some 10m between the site of the proposed new Science Building, and the residences to the south. In addition, an existing (arts) building on the school site is located immediately south of the proposed new building and existing mature trees are located along the southern frontage of the site to Cawston Road between the hard courts and the southern pedestrian access into the site, as well as further along Cawston Road nearer to the intersection with Roberts Road,

Taking all of the above into account the proposed development was considered unlikely to significantly affect the amenity of any adjoining or adjacent landowner or occupant. Consequently, the application was not the subject of public consultation.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

There are no referrals required as part of this development application.

**STATUTORY AND LEGAL IMPLICATIONS**

Pursuant to Clause 4.2(iii) of CPS5, the proposed height variation can be approved only by an Absolute Majority decision of Council.

**FINANCIAL IMPLICATIONS**

There are no financial implications applicable for Council as a result of this application.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications.

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions contained within Council Policy with the exception of Council Policy-066: Height of Buildings Policy. This is addressed within the RAR.

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**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application requires an Absolute Majority decision relating the proposed height variation.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for their consideration. If Council votes not to endorse the RAR recommendation, reasons should be provided by Council in the usual manner to inform the JDAP members of the reasons the Council does not support the recommendation.

In addition, 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.

**COMMENT**

As outlined above, the proposed development satisfies all of the relevant provisions contained within CPS5 and Council Policy with the exception of the height of the proposed Science building. The proposed height of the building is supported for the following reasons:

- The proposed building is to be located adjacent to the existing Mercy building which is 2.3m higher than the proposed building.
- The building will be located within the centre of the school grounds (70 metres away from the closest boundary) and surrounded by existing buildings.
- The proposed building will not have a significant impact upon views obtained from surrounding properties. In particular, it is considered that views from the properties located opposite the school grounds on Cawston Road toward the river and Perth City will not be significantly affected, as these properties have a ground level which is approximately 10m higher than the natural ground level at the site of the proposed building.
- The height as proposed, allows the upper two levels to be connected to the existing Mercy building to aid disabled access through the school.

Traffic

A Transport Impact Assessment has been submitted with the application. This assessment concludes that the increase in vehicular trips generated by the additional 110 students will not adversely affect the surrounding road network, as the increase in traffic volume will be comfortably accommodated into the practical road capacity of the surrounding road network.

The proposal also satisfies the City of Melville on-site car parking requirements.

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Master Plan

The Applicant has submitted a proposed Master Plan (refer Attachment 3) with the application which details the future works proposed for the school site. This Master Plan has not been adopted by Council to date, and therefore should be afforded no status in the decision making process, however, does provide insight into the future redevelopment plans for the overall site and, in particular, the provision of adequate parking.

The current application for a new science block and minor boarders' works is Stage 3 of 4 as detailed in the Master Plan.

**CONCLUSION**

Subject to the imposition of planning conditions, it is concluded that the proposed development will provide a satisfactory built form outcome for the subject site and will complement the existing buildings. Furthermore, the proposed development, notwithstanding the proposed variation to building height, is not anticipated to adversely impact upon the streetscape or adjoining neighbours.

As such, it is recommended that Council recommend by a vote of Absolute Majority that the Metro Central Joint Development Assessment Panel conditionally approve the application as proposed.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3388)  
ABSOLUTE MAJORITY APPROVAL**

At 7.04pm Cr Robartson moved, seconded Cr Barton -

**That the Council advise the Joint Metro Central Development Assessment Panel that by a vote of Absolute Majority Council of the City of Melville endorses the recommendation of the Responsible Authority Report in support of the proposed Educational Facility – New Science Block and Minor Works to the Boarders' Dining Hall at Santa Maria College, Lot 1 (12-38) Moreing Road, Attadale subject to the following conditions:**

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Director Urban Planning. The Public Art shall be provided in accordance with the draft City of Melville Provision of Art in Development Proposals policy to the satisfaction of the Director Urban Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu at the same rate, made prior to the commencement of the development.**

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**Advice Note**

- 1. This development constitutes a "Public Building" as per Section 173 of the Health Act 1911 and therefore shall comply with the provisions of the Health (Public Building) Regulations 1992. Please liaise with the City's Health Services in this regard.**

At 7.10pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (8/0)**

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

**13. CLOSURE**

There being no further business to discuss the Presiding Member declared the meeting closed at 7.10pm.