



**MINUTES**

**OF THE**

**SPECIAL MEETING OF COUNCIL**

**HELD ON**

**TUESDAY, 23 JULY 2013**

**AT 5.20PM 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 5.20PM ON TUESDAY, 23 JULY 2013.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 5.20pm. Mr N Fimmano, A/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**

Deputy Mayor Cr D Macphail  
Cr A Nicholson  
Cr C Robartson (from 5.21pm)  
Cr J Barton  
Cr R Hill  
Cr M Reynolds (from 5.28pm)  
Cr N Pazolli, Cr P Reidy

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr J Christie	Director Technical Services
Mr G Ponton	A/Director Urban Planning
Mr B Taylor	A/Director Corporate Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast (from 5.46pm to 6.17pm)	Manager Statutory Planning
Ms A Templeton (from 5.46pm to 6.17pm)	Planning Services Coordinator
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary
Ms K Thornton	Corporate Administration Officer

At the commencement of the meeting there were five 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 C Robartson for late arrival at 5.21pm – Bull Creek/Leeming Ward  
Cr M Reynolds for late arrival at 5.28pm – University Ward  
Cr S Taylor-Rees – Bicton/Attadale Ward  
Cr R Kinnell – Palmyra/Melville/Willagee Ward  
Cr N Foxtton – University Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Cr R Willis – Bull Creek/Leeming 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**

Nil.

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

Nil.

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

Nil.

**10. DEPUTATIONS**

- P13/3414 – Mr E Denholm, Planning Consultant, Planning Solutions on behalf of the Applicant  
Accompanied by  
Mr P Kotsoglo, Managing Director, Planning Solutions  
Mr B Norton and Mr J Chandler, Caltex

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

Nil.

**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2013-667  
 Property : Lot 22 (918) Canning Highway, Applecross  
 Proposal : Redevelopment of an Existing Service Station  
 Applicant : Planning Solutions  
 Owner : Caltex Australia Petroleum Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : None 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 checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<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 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>

**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to redevelop the existing Caltex Service Station at 918 Canning Highway, Applecross.
- The application by virtue of its cost of development is an optional JDAP application which was submitted to the City on 4 June 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 July 2013, however the DAP has informally extended the timeframe to submit the report until 25 July 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.



**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)****BACKGROUND**

The subject site has been operated as a Service Station and Convenience Store since around 1955.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: District Centre – Canning Bridge
R-Code	: Not applicable
Use Type	: Service Station and Convenience Store
Use Class	: Both ‘P’ uses - Permitted

**Site Details**

Lot Area	: 1539m <sup>2</sup>
Street Tree(s)	: None applicable
Street Furniture (drainage pits etc)	: None applicable
Site Details	: See aerial photo above

**[3414 DAP Redevelopment of an Existing Service Station at Lot 22 \(918\) Canning Highway Applecross](#)****[3414 RAR 918 Canning Highway Applecross](#)****DETAIL**

Planning approval is sought to redevelop the existing Caltex Service Station at 918 Canning Highway, Applecross.

The proposed redevelopment includes demolition of the existing convenience store and construction of a new store to be located within the eastern portion of the site.

The five existing fuel bowsers are to be replaced with four new bowsers.

In addition, it is proposed to upgrade the existing underground infrastructure and install a new canopy. Ancillary to these works is the construction of new car parking bays, modifications to the existing vehicle access and exit points, landscaping and signage.

**PUBLIC CONSULTATION/COMMUNICATION**

Detailed in the RAR attached

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Detailed in the RAR attached



**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT  
OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY,  
APPLECROSS (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

As the City is not the determining authority for the application, there are no statutory or legal implications for the City as a result of the proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS***Canning Bridge*

The site is located within the Canning Bridge District Centre which contains a mixture of land uses including both commercial and residential.

The Canning Bridge Vision, which has been adopted by both Council and the Department of Planning, notes that the subject site, including the broader area is planned for redevelopment in the future.

The subject site is a landmark location within the Canning Bridge Vision area, and whilst it is recognised that the redevelopment proposed by the subject application has limited regard to the long term development potential of the site, it is accepted that the redevelopment and upgrade of the site in the manner proposed, is appropriate in planning terms, in the interim, notwithstanding that as the Canning Bridge strategic vision progresses, the opportunity for further development of this site will become a realistic and desirable option.

The Applicant has stated that the objective behind the redevelopment of the subject site at this time is due to the underground tanks reaching the end of their life cycle and therefore requiring replacement. The Applicant also notes that the landowner, Caltex Australia, is primarily in the business of selling fuel products and has done so from the site since 1955. However, the Applicant has added that they would be willing to discuss this further with Council.

**POLICY IMPLICATIONS**

As outlined within the RAR, the proposal satisfies all of the relevant provisions contained within Council Policy with the exception of the City's draft Outdoor Advertisements and Signage Policy.

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**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)****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.

It is noted that Council may wish to resolve not to endorse the RAR recommendation on the basis that the redevelopment has limited regard to the long term development potential of the site. This course of action is not recommended, as it would be problematic to oppose the continuation of the existing uses on the site on planning grounds, particularly as the subject uses continue to be 'P' - permitted uses within the District Centre precinct and as the development is generally consistent with the CPS5 and Council Policy requirements.

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**

The Canning Bridge Vision notes that the subject site, including the broader area is planned for redevelopment in the future. The subject site is a landmark location within the Canning Bridge Vision area, and whilst it is recognised that the redevelopment proposed by the subject application has limited regard to the long term development potential of the site, it is accepted that the redevelopment and upgrade of the site in the manner proposed, is appropriate in planning terms, in the interim, notwithstanding that as the Canning Bridge strategic vision progresses, the opportunity for further development of this site will become a realistic and desirable option.

It is considered that subject to the imposition of a condition to require the provision of a living green wall of landscaping along the eastern elevation of the new retail building, that the development, as proposed can be supported in planning terms. The development will result in an upgrade to the general appearance of the site, as well as improvements to the access and egress arrangements for vehicles, including delivery tankers, to the premises. As such, it is recommended that Council resolve to endorse the RAR.

**P13/3414 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – REDEVELOPMENT OF AN EXISTING SERVICE STATION AT LOT 22 (918) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

At 5.21pm Cr Robartson entered the meeting.

At 5.23pm a verbal presentation was provided by Mr E Denholm, Planning Consultant, Planning Solutions on behalf of the applicant.

At 5.28pm Cr Reynolds entered the meeting.

At 5.29pm Cr Macphail moved, seconded Cr Reidy -

**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 5.29pm the Mayor submitted the motion, which was declared

**CARRIED (9/0)**

At 5.46pm following questions from Elected Members, Mr Denholm returned to the public gallery.

At 5.47pm Mr P Prendergast and Mrs A Templeton gave a power point presentation on behalf of the City.

At 6.17pm following questions from Elected Members Mr Prendergast and Ms Templeton returned to the public gallery.

At 6.17pm Cr Reidy moved, seconded Cr Macphail -

**That Standing Orders be resumed.**

At 6.17pm the Mayor submitted the motion, which was declared

**CARRIED (9/0)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3414)****RECOMMEND APPROVAL**

At 6.18pm Cr Robartson moved, seconded Cr Nicholson -

**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 redevelopment of the existing Service Station at Lot 22 (918) Canning Highway, Applecross subject to conditions detailed in the Responsible Authority Report.**

At 6.24pm the Mayor submitted the motion, which was declared

**CARRIED (9/0)**

**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 Mayor declared the meeting closed at 6.25pm.