

**MINUTES**

**OF THE**

**SPECIAL MEETING OF COUNCIL**

**HELD ON**

**MONDAY 24 FEBRUARY 2014**

**AT 6.30PM 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 6.30PM ON MONDAY, 24 FEBRUARY 2014.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, Governance and 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, Russell Aubrey

**COUNCILLORS**

Cr M Reynolds (Deputy Mayor)  
Cr D Macphail, Cr R Aubrey  
Cr C Robartson  
Cr N Pazolli, Cr C Schuster (from 6.55pm)  
Cr S Taylor-Rees  
Cr R Hill, Cr P Phelan

**WARD**

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

### **3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mrs A Templeton	Planning Services Coordinator
Mr L Hitchcock	Executive Manager Legal Services
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 60 members of the public and no member from the Press in the Public Gallery.

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

#### **4.1 APOLOGIES**

Cr N Foxtton – University Ward  
Cr R Willis - Bull Creek/ Leeming Ward  
Cr C Schuster - Applecross/Mount Pleasant – For Late arrival

#### **4.2 APPROVED LEAVE OF ABSENCE**

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.**

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**

At 6.55pm Cr Schuster entered the meeting.

### **6. QUESTION TIME**

#### **6.1 – Ms Hefron – Alfred Cove**

Question

*The road counter placed on Kitchener road, what was that for? Noticed it was school holidays – 3 schools less in count?*

Response

The Chief Executive Officer advised that traffic counts were being conducted throughout the City and the traffic count in Kitchener Road was not relevant to the application.

**6.2 – Ms Walsh - Myaree**Question

*As a neighbouring resident of the proposed development can I (and others) be involved in decision making? RE: the types of trees/plants to be planted behind the building? These will be used to screen the building for privacy issues*

Response

The Director Urban Planning responded that whilst this could not be guaranteed and was dependent on the outcome of the development application, this would be considered and if possible would be arranged.

**6.3 – Mr Cowell – Alfred Cove**Question 1

*Aside from the Council's codes on developments being breached, how could the Council accept the impact of the development in this area to the residents near and far? I would assume such a development would take more than one year, residents should expect traffic congestion daily?*

Response

The Director Urban Planning responded that subject to the outcome of the development application, if planning approval was granted a likely condition of approval would be a requirement for a construction management plan intended to manage the construction impacts of the development.

Question 2

*How can the Council not refuse this development (re) application when it has again breached the building codes in its height and plot ratios?*

Response

The Director Urban Planning responded that the Metro Joint Central Development Assessment Panel (JDAP), not Council, is the decision maker for this development application and that the Community Planning Scheme No. 5 contains provisions which together with the Residential Design Codes enable discretionary approval to be granted.

Question 3

*At the Council meeting, following the Special Electors meeting, the developers representative stated that it was "the developers intention to supply affordable housing to the public" then stated that the average cost of an apartment would be about \$400,000 making the development worth about \$36,000,000. How can the developer maintain this approach with the extra cost of building an Undercroft and five less apartments?*

Response

The Director Urban Planning responded that this is not a planning consideration under current planning legislation as it is not within the R-codes or other planning policies.

**6.4 – Mr Pearson – Myaree**Question1

*The sinking of the Carpark will cause damage to the roots of a large cape lilac tree in our neighbours back yard, as it is right on the fenceline. This may well cause the tree to become unstable, even to die. What right do developers have to destroy the trees on other people's property, if any?*

Response

The Chief Executive Officer advised that owners of the property have the right to trim and remove trees/plants that are on their property

Question2

*Given that this is the third proposal that is affectively on R100 density proposal, how many more times is the Council prepared to allow the developer to submit such grossly non-compliant proposals for this site, thereby dragging us through the process again and wasting publicly-funded Council resources. Can they do this indefinitely, and if so why?*

Response

The Chief Executive Officer advised that Council must accept all proposals that are put forward – multiple proposals can be lodged and must be considered. The proposals must meet all requirements and relevant fees must be paid.

Question 3

*Do the councillors who are not in City Ward perceive this development proposal as potentially sitting as unwelcome precedent for grossly non-compliant developments to be proposed in their own words?*

Response

The Mayor advised that this matter will be determined during the course of the evening.

**6.5 – Ms Carroll – Myaree**Question

*An automatic traffic counter was placed at either end of Kitchener Road just before Christmas 2013 for traffic using Kitchener Road between North Lake Road and Rome Road. Can you please tell us, was this placed by Melville Council or was it placed by another company/interested party? Why was this traffic counting carried out during school holidays and not a "normal" busy period? Will an automatic traffic counter be used to count traffic flow along Cottrill St, Mullings Way and Stammers Place as these roads will be affected by this proposed developments? Was permission given by Melville Council or the Planning Department for the traffic flow counts to be installed? If the information gathered from the traffic flow counting is used by the developer to support their case, can we reject that information has to be gathered in a normal "traffic flow" period which does not include school or any other type of holiday period?*

Response

His Worship the Mayor responded by saying that traffic counters were not placed there by the City of Melville. They could possibly have be placed there by the developer.

**6.6 – Ms Hansen – Myaree**Question 1

*In the context that the proposed Striker site development is proposed to be constructed in five stages meaning significant and long term impacts from construction vehicles (such as on-street and verge parking and safety issues around traffic flow) to local residents, could the Council please advise what strategies it proposes to minimise any impact to local residents including pedestrians?*

Response

The Director Urban Planning responded that subject to the outcome of the development application, where approval is given a construction management plan would likely be required to be provided by the applicant.

Question 2

*Given the developer has submitted a proposal to subdivide the subject site into five green titles lots could the Council please advise how the construction of the basement Carpark will be undertaken if the development is built in five separate modules/stages?*

Response

The Director Urban Planning responded that it may be feasible to stage construction over a number of stages.

Question 3

*Given the developer has submitted a proposal to subdivide the subject site into five green titles lots could the Council please advise if there will be a time limit on when these five modules will be required to be constructed?*

Response

The Director Urban Planning responded that Community Planning Scheme No. 5 states that planning approval can be granted for a two year period or a longer period if approved and that development is considered to be substantially commenced if at least 25% of its cost has been expended.

Question 4

*Please advise on what grounds the applicant has sought planning approval be granted for the proposed development for a period of four years instead of the usual two year period?*

Response

The Director Urban Planning responded that CPS 5 refers to the granting of sufficient time to give effect to an approval.

Question 5

*Could Council please advise why the RAR continues to reference vegetation on neighbouring properties as a source of screening/privacy when the design of development should be responsible for this? With significant earthworks required to complete an underground basement carpark it is highly likely boundary trees on the southern boundary properties will not survive.*

Response

The Director Urban Planning responded that the R Codes Design Principles refers to vegetation as one method of screening.

Question 6

*The latest RAR states that the landscaping along the southern and eastern boundaries would also be the subject of a legal agreement between the City and the Applicant to ensure that the vegetation is retained perpetuity.*

*Could Council please advise what detail this agreement is likely to include and if it contains any penalties for non-compliance? How does the council monitor this agreement once the development is constructed and the building inhabited?*

Response

The Executive Manager Legal Services responded that any such legal agreement would likely be required to be prepared as a deed of agreement and registered on title and would be capable of being legally enforced.

**6.7 – Mr Phipps – Myaree**Question

*Having been there already with this firm, how is it possible to submit more or less the same plans as before that break all the shire building code and traffic data? I am hoping for a rejection by the Council once again I feel they are trying to wear the Council into submission.*

Response

The Mayor noted that this question had been responded to already in response to the query from Mr Pearson

**6.8 – Ms Currier-Jones – Myaree**Question

*My property at 11 Mullings way, backs on to the proposed development at 94 Kitchener Road, on which is a very large cape lilac tree providing wonderful shade in the hot summer months. With the excavation of a car park close to this tree causing the roots and branches being damaged, will the developer accept full liability for all damage to the neighbouring properties if this tree dies or falls due to the development making it unstable?*

Response

The Mayor responded by noting that this question had been responded to already in response to the query from Mr Pearson.

**7. DECLARATIONS OF INTEREST****7.1 FINANCIAL INTERESTS**

P14/3466 – Cr Schuster – Financial interest in Accordance with the Act.

**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**

Nil

**11. DEPUTATIONS**

P14/3466 – Mr G Pearson and Ms M Hansen on behalf of the Striker Balance Community Action Group.

**12. PETITIONS**

Nil

Suspension of Standing Orders

At 6.57pm Cr Schuster moved, seconded Cr Phelan–

**That the Meeting Move to "Suspend Standing Orders Section 9.5" in accordance with Section 17.1 of the Standing Orders.**

**The Purpose is to allow for an Officer presentation on the report before the Council and Elected Members to ask questions relevant to the report.**

At 6.57pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

From 6.58pm to 7.28pm a deputation was heard from Mr Pearson and Ms Hansen on behalf of the Striker Balance Community Action Group.

At 6.58pm The Chief Executive Officer left the meeting and returned at 7.01pm

At 7.28pm Cr Reynolds left the meeting and returned at 7.30pm.

At 7.28pm Cr Aubrey left the meeting and returned at 7.31pm

Resumption of Standing Orders

At 7.50pm Cr Macphail moved, seconded Cr Aubrey –

**That the Meeting to Move to "Resume Standing Orders" in accordance with Section 17.1 of the Standing Orders.**

At 7.50pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (10/0)**

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (ATTACHMENT)**

Ward	:	City
Category	:	Operational
Application Number	:	DA-2013-149
Property	:	Lot 10 (No. 94) Kitchener Road, Alfred Cove
Proposal	:	Three Storey Residential Development
Applicant	:	Tuscom & Associated Pty Ltd
Owner	:	TTO Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P11/3277 – Ordinary Meeting of Council – 20 December 2011 P12/3305 – Ordinary Meeting of Council – 15 May 2012 Special Meeting of Electors – 5 August 2013 P13/3423 – Development Assessment Panel Application – Four Storey Residential Development at Lot 10 (No. 94) Kitchener Road, Alfred Cove – Special Meeting of Council 28 August 2013
Responsible Officer	:	Steve Cope Director Urban Planning

Disclosure of Interest

Item No.	P14/3466
Elected Member/Officer	Cr C Schuster
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Councillor advised that a client of his business was a contractor to the developer.
Request	Stay, Discuss and vote
Decision of Council	Not Applicable

At 7.51pm Cr Schuster having declared an interest in the item left the meeting whilst the Council voted on his request to stay, discuss and vote.

At 7.51pm Cr Reynolds moved, seconded Cr Aubrey –

**That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Schuster be allowed to stay, discuss and vote.**

At 7.51pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (9/0)**

At 7.52pm Cr Schuster returned to the meeting.

## **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>

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- At the Special Meeting of Council on 28 August 2013, Council resolved to endorse the recommendation of the Responsible Authority Report (RAR) to refuse the proposed four storey residential development of 94 Kitchener Road, Alfred Cove.
- The Joint Metro Central Development Assessment Panel (JDAP) subsequently refused to grant planning approval for the development on 9 September 2013.
- The Applicant appealed the JDAP decision to the State Administrative Tribunal (SAT). Since this time the SAT has conducted mediation sessions between representatives of the Applicant, JDAP and the City.
- As a result of the mediation sessions, the Applicant has prepared revised plans and SAT have now ordered the JDAP to reconsider its previous decision pursuant to s31 of the *State Administrative Tribunal Act 2004*. To enable the JDAP to consider the revised application, the City has been ordered to produce a new RAR.
- The revised proposal is now for a three storey residential building (with basement) comprising 84 multiple dwellings.
- Variations to the provisions of Community Planning Scheme No. 5 (CPS5) are still proposed in relation to plot ratio and building height.
- The recommendation of the RAR is that the JDAP refuse the application.
- Prior to the consideration of the application by the JDAP, the RAR is referred to Council for its consideration and endorsement.
- A copy of the minutes of the Special Meeting of Council will be forwarded to the JDAP together with the RAR.



**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE  
(REC) (ATTACHMENT)**

**BACKGROUND**

The City received an application in March 2011 to amend Community Planning Scheme No. 5 (CPS5) to change the R-Coding applicable to 94 Kitchener Road from 'Living Area R20' to 'Living Area R60/80'.

The surrounding properties are all zoned 'Living Area R20'.

Following discussions between the Applicant and the City, the Scheme Amendment proposal was initially modified to propose a 'Living Area R40/60' coding and then subsequently further amended to 'Living Area R40'.

Council, in December 2011 resolved to initiate the Amendment for 'Living Area R40'. The Amendment was advertised for a period of 42 days and no submissions were received.

An indicative only concept for development of the site with 2 and 3 storey grouped dwellings was submitted with the application for the Amendment and was included in the advertising of the proposed Amendment.

In May 2012, Council resolved to support the Amendment for the following reasons:

- The site is developed with an existing non-residential use (indoor recreation centre) which could have lawfully continued to lawfully operate
- Amending the R-coding the rezoning would encourage the redevelopment of the site for residential purposes that is preferred given the residential character that currently prevails within the immediate area.
- The proposed medium density coding was considered to be consistent with the principles of the state government planning strategy Directions 2031 and Beyond and other state government policies.
- The site has good access to major public transport routes, activity centres (local and regional shopping), educational institutions and public open space.
- The development of the site for medium density residential use is particularly appropriate given the state government objective of accommodating additional dwelling numbers on Brownfield sites within existing urban areas
- No objections were received during advertising of the proposed Scheme Amendment

The Minister for Planning subsequently approved the Amendment in October 2012.

It is noted that in August 2011 Council resolved to adopt for the purpose of public advertising a new draft Local Planning Scheme 6 (LPS 6) and a draft Local Planning Strategy and resolved to seek the consent of the WA Planning Commission (WAPC) for public advertising. WAPC approval for advertising has not yet been granted.

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (ATTACHMENT)**

On 9 September 2013, the Metro Central JDAP resolved to refuse planning approval for the construction of a four storey residential development (comprising 87 multiple dwellings) on the subject site. The JDAP reasons for refusal were:

- a) *The proposed development is not considered to fully satisfy the requirements of Clause 4.2 (d) (i) and 4.2 (d) (ii) and is not considered to satisfy the requirements of Clause 7.8 of the Community Planning Scheme No.5;*
- b) *The proposed development is not considered to satisfy the Design Principles of Clause 6.1.1 and is not considered to fully satisfy the Design Principles of Clause 6.1.2 of the Residential design Codes.*

In addition to the above, the RAR report which recommended the application be refused by the JDAP, identified 11 points in the conclusion that were not considered to be effectively addressed by the proposal at the time. These points were:

1. *As proposed, the height of the development as it presents to Kitchener Road is considered to be out of context with the future character of the surrounding R20 area and it is considered does not present a human scale for pedestrians as required by R-Codes Design Principle 6.1.2 and requires further mitigation.. An appropriate method to achieve this mitigation would be for the floor above two storey to be set back within a height plane approximating line of sight from the footpath in front of the building.*
2. *Likewise, the Cotrill Street elevation is considered to require similar modification especially as the setback to Cotrill Street is reduced and the elevation less detailed.*
3. *Further information as to the proposed external materials, colours and finishes should be provided in order to improve the elevation treatments, better delineate floors and reduce the perceived height.*
4. *The long blank ground floor level frontage along Cotrill Street requires improvement to incorporate openings and future articulation and landscaped to break up the bulk of this wall.*
5. *The parking bay located closest to Cotrill Street along the southern boundary should be deleted to enable landscape screening to the parking area.*
6. *The middle units on the first and second floor levels facing Cotrill Street are considered unsatisfactory as the studies have less access to daylight and the units compromise the ability to achieve a courtyard as per the other blocks. These units should be deleted and the other two units on each floor along Cotrill Street enlarged to three bedroom units instead.*
7. *Given that setbacks are related to the amount of open space and Clause 5.2 of CPS5 allow the Council to require setbacks to be compatible with existing residential development, and in light of the Context Analysis undertaken, front, setbacks may warrant further consideration.*
8. *Given the importance of open space in the street setback areas in contributing to the streetscape, detail should be provided with the development application to enable the City to assess its suitability. Detail of proposed landscaping treatment of the internal landscaped courtyards should also be given attention as this is considered important for apartment resident; more planting and less hard surface may effectively minimise potentially adverse acoustic conditions and provide some visual relief.*

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (ATTACHMENT)**

9. *Alternatives to the use of obscure glass for windows in bedrooms and living rooms could be considered, such as projecting blades on the exterior of the building to prevent line-of-sight in particular directions where this can be demonstrated to be feasible or effective.*
10. *Where rooms that have no external outlook and appear to be proposed with highlight windows and could experience poor amenity as a result this is considered to warrant further consideration.*
11. *Bicycle parking in accordance with R Codes requirements should be indicated on the plans in addition to the private stores shown on the plans.*

Following the JDAP decision the Applicant appealed the decision to the State Administrative Tribunal (SAT). Mediation sessions between representatives of the Metro Central JDAP, the City of Melville and the Applicant have since been held at the SAT.

As a result of these mediation sessions, revised plans have been submitted by the Applicant. On this basis, the SAT has now ordered that the JDAP reconsider its previous decision, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*. Prior to the JDAP reconsidering its decision, the City of Melville has been ordered to submit a new RAR report to the JDAP on the basis of the revised plans.

On 21 January 2014, the City received a referral from the Western Australian Planning Commission (WAPC) seeking the City of Melville's comment on a proposal to subdivide the subject site into five green title lots. The boundaries of the five proposed lots reflect the five modules the proposed development is divided into. It is understood that the subdivision is to enable the development to be staged. The City has responded to the WAPC in support of the proposed subdivision as it satisfies all of the applicable requirements of the R-Codes.

### **Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R40
Use Type	:	Residential
Use Class	:	Permitted

### **Site Details**

Lot Area	:	6,142m <sup>2</sup>
Street Tree(s)	:	Yes, one proposed to be removed
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	See aerial photo above

[3466 Amenity Impact Statement](#)

[3466 Development Plans](#)

[3466 Landscaping Plan](#)

[3466 Minutes Special Meeting of Electors 5 August 2013](#)

[3466 Minutes Special Meeting Council 28 August 2013](#)

[3466 Special Electors Meeting Presentation Striker Balance 5 Aug 2013](#)

[3466 Transport Impact Statement](#)

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(REC) (ATTACHMENT)**

**DETAIL**

The JDAP is now being requested to reconsider its previous decision on the basis of the revised plans that have been submitted.

The revised plans now depict a three storey residential development with basement level, consisting of 84 multiple dwellings broken up into five separate modules. The proposed building is designed as follows:

*Undercroft*

169 Resident/ Visitor Car parking Bays  
Store rooms and bin store areas.  
Vehicular access is limited to one crossover off Cotrill Street

*Ground Floor*

Nine, single bedroom dwellings  
Nine, two bedroom dwellings  
Eleven, three bedroom dwellings  
Landscaped internal courtyards  
14 on-street parallel embayed parking bays  
10 new street trees  
Store rooms

*First Floor*

Eight, single bedroom dwellings  
Two, two bedroom dwellings  
Nineteen, three bedroom dwellings  
Store Rooms

*Second Floor*

Twenty-four single bedroom dwellings  
Two, three bedroom dwellings  
Storm Rooms

**PUBLIC CONSULTATION/COMMUNICATION**

Detailed in the RAR attached.

[3466 RAR Report](#)

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Detailed in the RAR attached.

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (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 JDAP.

**FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Detailed in the RAR.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

The 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**

The previous RAR identified a number of modifications to the design of the proposed development which were considered necessary before it could be considered to achieve an appropriate standard of amenity for potential future occupants and to maintain the amenity of the locality. The modifications which have been made to the proposed design are considered to have significantly improved the design of the proposal.

**P14/3466 - STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF DEVELOPMENT ASSESSMENT PANEL APPLICATION DP/13/00143: THREE STOREY RESIDENTIAL DEVELOPMENT AT LOT 10 (NO. 94) KITCHENER ROAD, ALFRED COVE (REC) (ATTACHMENT)**

Variations to plot ratio and height can be considered where all potential amenity impacts are adequately mitigated under CPS5 and the Design Principles of the R-Codes. As outlined within the report, the design measures proposed are considered to mitigate a number of potential amenity impacts, in relation to the streetscapes of Kitchener Road and Cotrill Street, and also upon the adjoining residential properties. It is considered that the height proposed contributes to an amenity impact on the surrounding locality and it is considered that the overall effect of the discretion sought on height together with the discretion sought on plot ratio would be a building scale which is out of character with the surrounding locality.

On this basis, the proposed development is recommended for refusal.

**OFFICER RECOMMENDATION (3466)**

**ENDORSE**

At 7.58pm Cr Macphail moved, seconded Cr Aubrey

**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 refuse the application for the proposed three storey residential development at Lot 10 (94) Kitchener Road, Alfred Cove.**

At 7.58pm the Mayor submitted the motion with was declared

**CARRIED UNANIMOUSLY (10/0)**

**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 7.58pm.