

**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
TUESDAY 23 JANUARY 2018
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 TUESDAY 23 JANUARY 2018.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:32pm. Mr J Clark, Governance and Compliance Advisor, 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 Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr M Woodall (Deputy Mayor)
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr G Wieland, Cr J Barton
Cr D Macphail,
Cr P Phelan, Cr K Wheatland

WARD

Bull Creek - Leeming
Applecross – Mount Pleasant
Bateman – Kardinya - Murdoch
Bicton – Attadale – Alfred Cove
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr M Spencer	Senior Strategic UrbanPlanner
Ms B Foster	Planning Officer
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator

At the commencement of the meeting there were 10 members of the public and one representative from the Press in the Public Gallery.

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

Cr K Mair	Central Ward
Cr C Robartson	Bull Creek – Leeming Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil.

**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. DEPUTATIONS

Item P18/3773 - Ten (10) Multiple Dwelling Development at Lots 899 and 898 (No. 18a and 18b) Tweeddale Road, Applecross

Presentation by Mr Amir Meshkin, Mr John Young and Mr Robert Mazegga.

8. DECLARATIONS OF INTEREST**8.1 FINANCIAL INTERESTS**

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Item P18/3773 Cr M Woodall, Deputy Mayor Conflict of Interest
- Item P18/3773 Cr N Robins Conflict of Interest

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.37pm Cr Robins moved, seconded Cr Wheatland

That the applications for new leaves of absence submitted by Cr Woodall and Cr Robartson on 23 January 2018 be granted.

At 6.37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICERDisclosure of Interest

Item No.	P18/3773
Member	Cr M Woodall, Deputy Mayor
Type of Interest	Conflict of Interest
Nature of Interest	Member of the JDAP that will assess the application
Request	To leave the meeting
Decision of Council	Not applicable

Disclosure of Interest

Item No.	P18/3773
Member	Cr N Robins
Type of Interest	Conflict of Interest
Nature of Interest	Member of the JDAP that will assess the application
Request	To leave the meeting
Decision of Council	Not applicable

At 6.37pm Cr Woodall left the meeting and did not return.

At 6.37pm Cr Robins left the meeting and did not return.

From 6.38pm to 7:09pm Mr A Meshkin, Mr J Young and Mr R Mazegga entered the meeting for the purpose of providing a deputation to the meeting on the item below. The attached information was tabled at the meeting [3773 Documents Tabled as Part of the Deputation](#).

From 7:10pm until 8:00pm Mr P Prendergast, Manager Statutory Planning, and Ms B Foster, Planning Officer, entered the meeting for the purpose of providing a presentation to the meeting on the item below.

**P18/3773 - TEN (10) MULTIPLE DWELLING DEVELOPMENT AT LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DA-2017-1238
Property	:	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross
Proposal	:	Ten (10) Multiple Dwellings
Applicant	:	Tuscom Development Consultants
Owner	:	Tjhing Kiauw The, Phoebe Moi Ping The, John Anthony and Lory Anne Farac
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P12/3308 – Three Storey Dwelling at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 15 May 2012 P12/3329 – Confidential Item – Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 18 September 2012 P12/3347 – Late and Confidential Item – Reconsideration of Three Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 16 October 2012 P14/3454 – Amendment to Approved Plans for a Three Storey (With Undercroft) Multiple Dwelling Development at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 18 February 2014 P15/3599 – Three Storey (With Undercroft) Multiple Dwelling Development (Three Units) at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 17 February 2015 P15/3636 – Three Storey (With Undercroft) Multiple Dwelling Development (Three Units) at Lot 899 (18A) Tweeddale Road, Applecross Ordinary Meeting of Council 12 May 2015
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P18/3773 - TEN (10) MULTIPLE DWELLING DEVELOPMENT AT LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

AUTHORITY / DISCRETION

DEFINITION

<input checked="" 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 & 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>

**P18/3773 - TEN (10) MULTIPLE DWELLING DEVELOPMENT AT LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on L899 (18A) & L898 (18B) Tweeddale Rd, Applecross.
- The development is located on the corner of Tweeddale and Carron Roads and is designed with 5 multiple dwellings on each lot with a shared boundary wall. There is no shared access between the two lots.
- The application is an optional JDAP application which was submitted to the City on 14 November 2017.
- City 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 30 January 2018.
- The proposed development was the subject of informal notification in accordance with LPP 1.1: *Planning Process and Decision Making* as the proposal is not seeking discretion under the Canning Bridge Activity Centre Plan.
- Subsequently, two (2) written submissions in opposition to the proposal have been received and prior to the consideration of the application by the JDAP, the details of the RAR including its recommendation to the JDAP is referred to Council for its information, consideration and endorsement.
- The recommendation of the RAR is that the JDAP approve the application.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.



**P18/3773 - TEN (10) MULTIPLE DWELLING DEVELOPMENT AT LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential AC-0 – Canning Bridge Activity Centre Plan
R-Code	:	Residential AC-0
Use Type	:	Multiple Dwelling
Use Class	:	Preferred uses

Site Details

Combined Lot Area	:	1,157m ²
Street Tree(s)	:	No
Street Furniture (drainage pits etc.)	:	No
Site Details	:	See aerial photo above

DETAIL

Development approval is sought from the Metro Central JDAP for a four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings.

Refer to the attached RAR for details of the development proposed by this application.

[3773 RAR and Plans](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the determining authority for the application by virtue of the option for a JDAP determination being made by the applicant. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide a report to the Development Assessment Panel.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P18/3773 - TEN (10) MULTIPLE DWELLING DEVELOPMENT AT LOTS 899 AND 898
(NO. 18A AND 18B) TWEEDDALE ROAD, APPECROSS (REC) (ATTACHMENT)**

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

Council may resolve not to 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 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 rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3773) APPROVAL

At 8:01pm Cr Wieland moved, seconded Cr Macphail –

That the Council directs the Chief Executive Officer to 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 four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on L899 (18A) & L898 (18B) Tweeddale Rd, Applecross, subject to conditions.

At 8:17pm the Mayor submitted the motion, which was declared

LOST (3/6)

Vote Result Summary	
Yes	3
No	6

Vote Result Summary	
Mayor Aubrey	Yes
Cr Macphail	Yes
Cr Wieland	Yes
Cr Barling	No
Cr Pazolli	No
Cr Kepert	No
Cr Wheatland	No
Cr Barton	No
Cr Phelan	No

Reasons for the Council Decision

Elected Members advised for the record that the following reasons for rejecting the officer recommendation:

- Legal Advice provided by Mr Peter Ward and tabled by Mr Amir Meshkin, Mr John Young and Mr Robert Mazegga, that provided the opinion that the development could not legally be approved.
- The lack of dwelling diversity, the development does not provide any single bedroom or affordable dwellings.
- Conjecture about the natural ground level associated with the development and the lack of a specific definition associated with natural ground level in the Canning Bridge Activity Centre Structure Plan.
- The amenity issues associated with the development, that the separate dwellings are not in fact separate, which requires a level of discretion. If the development was compliant, this level of discretion would not be required to gain approval.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 8:24pm.