



**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
TUESDAY 26 JUNE 2018
AT 7.30PM 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 7.30PM ON TUESDAY 26 JUNE 2018.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 7:30pm. 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 (*until 7:34pm*)

COUNCILLORS

Cr M Woodall (Presiding Member)
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins (*until 7:34pm*)
Cr G Wieland, Cr J Barton
Cr K Mair, Cr D Macphail
Cr P Phelan, Cr K Wheatland

WARD

Bull Creek - Leeming
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 L Reid	A/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 J Hobbs	Planning Officer
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator
Ms J Head	Governance Officer

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**

Ms C Young – Director Community Development

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. DECLARATIONS OF INTEREST**6.1 FINANCIAL INTERESTS**

Nil.

6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P18/3788 Mayor Aubrey
- P18/3788 Cr Foxtton, Bateman – Kardinya – Murdoch Ward
- P18/3788 Cr Barling, Bateman – Kardinya – Murdoch Ward
- P18/3788 Cr Phelan, Palmyra – Melville – Willagee Ward

At 7:34pm Mayor Aubrey having declared an interest in this item, left the meeting and did not return.

At 7:34pm Cr Robins having declared an interest in this item, left the meeting and did not return.

At 7:34pm Cr Barling having declared an interest in this item, left the meeting and did not return.

At 7.34pm Deputy Mayor, Councillor Woodall, assumed the chair

7. QUESTION TIME

7.1 Ms L Booth, Applecross

Question 1

I am a resident and ratepayer who lives in First Avenue Applecross and I have never received any information from the developer or the City on the proposed development at 20-22 Kintail Road, before I made an inquiry yesterday. I now understand that the Council has negotiated with the developers to provide a drug and alcohol clinic within the development at 20-22 Kintail Road in exchange for supporting an increase in height limit from 10 storeys to 16 storeys, is this correct?

Response

No, that is incorrect. The possibility that one of the community benefit spaces be used for Youth Focus is a possibility, but this is not finalised. Youth Focus is an organisation which delivers innovative and accessible mental health services and programs across WA to help at-risk-young people aged 12 to 25 lead full and healthy lives. At this point in the development assessment process, conditions of planning approval are proposed to be included in any approval granted, and these conditions are designed to be generic in terms of the end users of the community spaces provided.

Question 2

I am a doctor and I am aware that these clinics will be attended by large numbers of drug and alcohol affected persons. I also understand that the development will include public toilet and shower facilities. These facilities are also likely to attract the homeless and provide an area where drugs could be sold and used. Also, the gathering of these people who due to their illness may be unable to control themselves increases the risk of opportunistic theft and other unwelcome behaviour. Given the enormity of the potential impact upon the existing residential community, why has the City of Melville not insisted on a widespread community consultation and awareness process before bringing this matter before Council to support the application to JDAP?

Response

The proposed development was the subject of community consultation in accordance with the City of Melville Local Planning Policy LPP1.1 "Planning Process and Decision Making" This consultation did not reference an end user for the community benefit spaces as this decision is not finalised. It is noted however that the proposed occupation of one of the community benefit spaces by Youth Focus for counselling and advice purposes would be a permitted use in the Canning Bridge Activity Centre Plan area, for which no additional planning approval would be required. In which case there would be no such additional formal consultation should the tenancy arise.

7.1 – Question Time continued, Ms L Booth

Question 3

Will the City now stop and insist on there being a proper widespread consultation with residents before deciding whether to support this application?

Response

Refer to response to previous question.

Question 4

Will the planning approval require the developer to advise potential purchasers of the strata properties in the development that there will be a drug and alcohol clinic in the building?

Response

No. This would not be a matter for the planning approval.

Question 5

As the community benefit of a drug clinic is arguable, how does the City of Melville justify allowing an extra 6 storeys for the provision of such a benefit/detriment?

Response

Given the work undertaken by Youth Focus, there are clear community benefits that would accrue from their presence in the area. Consideration and approval of the bonus height sought by the development in this case is dependent upon the extent to which the development proposal responds to the requirements of Elements 21 and 22 of the Canning Bridge Activity Centre Plan, consideration of which includes assessment of the community benefits being provided. The provision of two community benefit spaces within the proposed development represents a portion of the overall community benefits that are provided by the developer in this case. These are outlined in full in the Responsible Authority Report to the JDAP which is appended to the report to the Council as part of the agenda for this evenings Special Meeting of Council.

7.2 Ms C Rowe, ApplecrossQuestion 1

How has the City determined what is a community benefit and who made the decision that a drug and alcohol centre is a community benefit which should give the development at 22 Kintail Road an additional 6 storeys above the 10 storey limit?

Response:

The definition of and a range of specific community benefits, all of which meet the requirements of the Canning Bridge Activity Centre Plan, are listed within Element 22 of the Plan document. There is no hard and fast proposal for a Drug and Alcohol Centre to be provided within one of the proposed Community Benefit spaces. The potential tenancy of one of the benefit spaces by Youth Focus has been mooted, this being an organisation with a focus on counselling and advice related to mental health issues in the young.

Question 2

Has the City considered the impacts on the community and the residents of the building of having a drug and alcohol clinic plus public toilets and showers included as planning requirement in the approval of the development at 22 Kintail Road?

Response

The City does not share these concerns. The Canning Bridge area is not immune from the need for such services for its community, and there is no reason in land use terms why the area should not serve as a base for this and other similar services should the opportunity arise. Any of the public facilities offered in this development will be managed by the associated Strata Company, and there is no reason for the City to question the standard of this management at this stage.

Question 3

Why has the City not required the developer to widely advertise and have a formal community consultation process on the proposed drug and alcohol clinic at 22 Kintail Road to residents and ratepayers so that the community is informed and can make informed comment if so desired?

Response

As per the response to Question 2 of the questions posed in the previous set of questions the proposed development was the subject of community consultation in accordance with the City of Melville Local Planning Policy LPP1.1 "Planning Process and Decision Making" This consultation did not reference an end user for the community benefit spaces as this decision is not finalised. It is noted however that the proposed occupation of one of the community benefit spaces by Youth Focus for counselling and advice purposes would be a permitted use in the Canning Bridge Activity Centre Plan area, for which no additional planning approval would be required. In which case there would be no such additional formal consultation should the tenancy arise.

7.2 – Question Time continued, Ms C Rowe

Question 4

In light of Deputy Mayor Woodall's public announcement that the variations above recommended height limits are causing community concern, how does this subjective view of a drug and alcohol clinic as a community benefit qualify as justifying an extra 6 storeys?

Response

As per the response to Question 5 of the questions posed in the previous set of questions consideration and approval of the bonus height sought by the development in this case is dependent upon the extent to which the development proposal responds to the requirements of Elements 21 and 22 of the Canning Bridge Activity Centre Plan, consideration of which includes assessment of the community benefits being provided. The provision of two community benefit spaces within the proposed development represents a portion of the overall community benefits that are provided by the developer in this case. These are outlined in full in the Responsible Authority Report to the JDAP which is appended to the report to the Council as part of the agenda for this evenings Special Meeting of Council.

Question 5

Will the Council defer there decision on this proposal until there is a period and process for community consultation on the proposal?

Response:

No such deferral is possible as the timetable for the consideration and determination of this planning application is managed by the JDAP as decision maker. It is noted that in the case of such planning applications the City of Melville does not make the final decision. The City did undertake to provide community consultation on the substantive development application, but this did not include specific reference to the inclusion of a Drug and Alcohol Centre as no such proposal to use the community benefit spaces for that purpose exists.

Question 6

Will the City of Melville announce an immediate review into the Canning Bridge Precinct plan to establish maximum height limits with no decision to increase such limits?

Response

The City's Administration will respond to the matters raised by the Resolution of Council (April 2018 OCM) in due course. In the meantime, any planning applications lodged for development approval will continue to be assessed against the framework of planning policy that applies, including the current Canning Bridge Activity Centre Plan.

8. DEPUTATIONS

Nil.

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosure of Interest

Item No.	P18/3788
Elected Member/Officer	Mayor R Aubrey
Type of Interest	Proximity Interest pursuant to Section 5.60B
Nature of Interest	Owns property opposite 20 Kintail Road, Applecross
Request	Leave
Decision of Council	Leave

Disclosure of Interest

Item No.	P18/3788
Elected Member/Officer	Cr Robins
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Joint Development Assessment Panel which will assess the application.
Request	Leave
Decision of Council	Leave

Disclosure of Interest

Item No.	P18/3788
Elected Member/Officer	Cr Barling
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Joint Development Assessment Panel which will assess the application.
Request	Leave
Decision of Council	Leave

Disclosure of Interest

Item No.	P18/3788
Elected Member/Officer	Cr Phelan
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Proxy for Joint Development Assessment Panel Members
Request	Stay and Observe
Decision of Council	Stay and Observe

At 7:46pm Mr S Cope, Director Urban Planning, Mr Prendergast, Manager Statutory Planning and Mr J Hobbs, Planning Officer provided a presentation to the meeting
[3788 SMC Presentation 20-22 Kintail Road Applecross](#)

At 7:59pm Cr Wheatland left the meeting and did not return.

At 7:59pm Mr McCarthy left the meeting and returned at 8:00pm.

At 8:00pm Mr Tieleman left the meeting and returned at 8:05pm.

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DAP-2017-1348
 Property : Lots 1060 (20) and 1061 (22) Kintail Road, Applecross
 Proposal : 16 Storey Mixed Use Residential Development with 91 Apartments and 5 non-residential tenancies
 Applicant : Hillam Architects
 Owner : 22 Kintail Road Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil.
 Responsible Officer : Peter Prendergast
 Manager Planning Services

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"/>	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>

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies at No.20 and No.22 Kintail Road, Applecross.
- The application by virtue of its cost of development is a mandatory JDAP application which was submitted to the City on 8 December 2017.
- 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 27 June 2018.
- The RAR is the subject of a call up to a meeting of the Council, it being called up as such by Cr Pazolli in accordance with the provisions of Local Planning Policy LPP1.1 “Planning process and Decision Making”.
- 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.

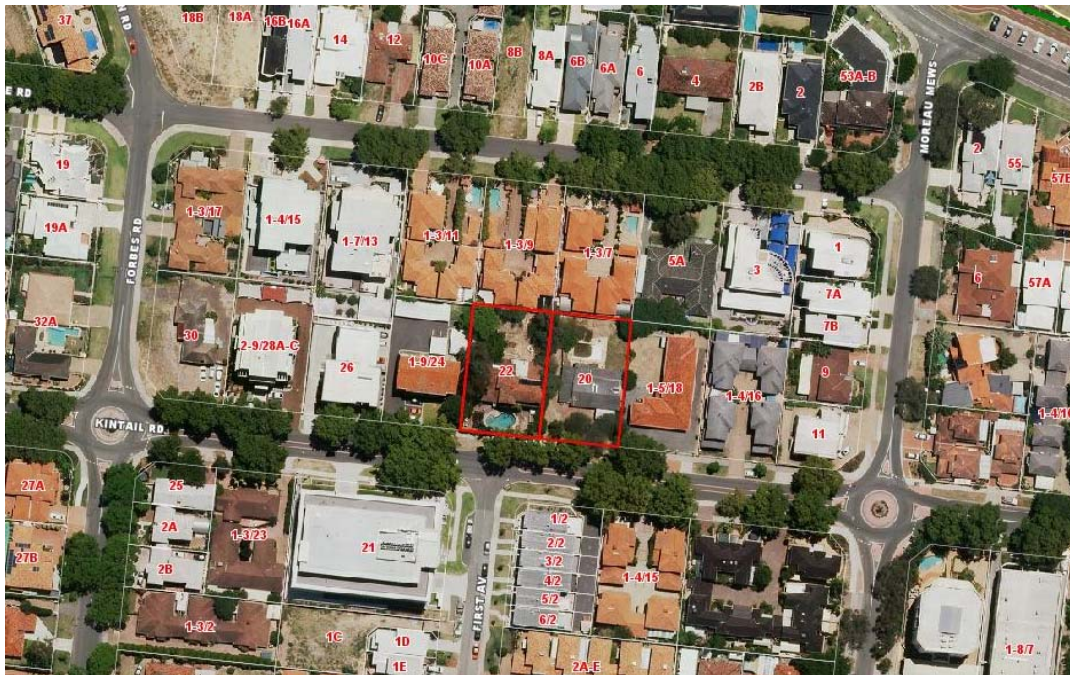


Figure 1: Aerial Map of Subject Site

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

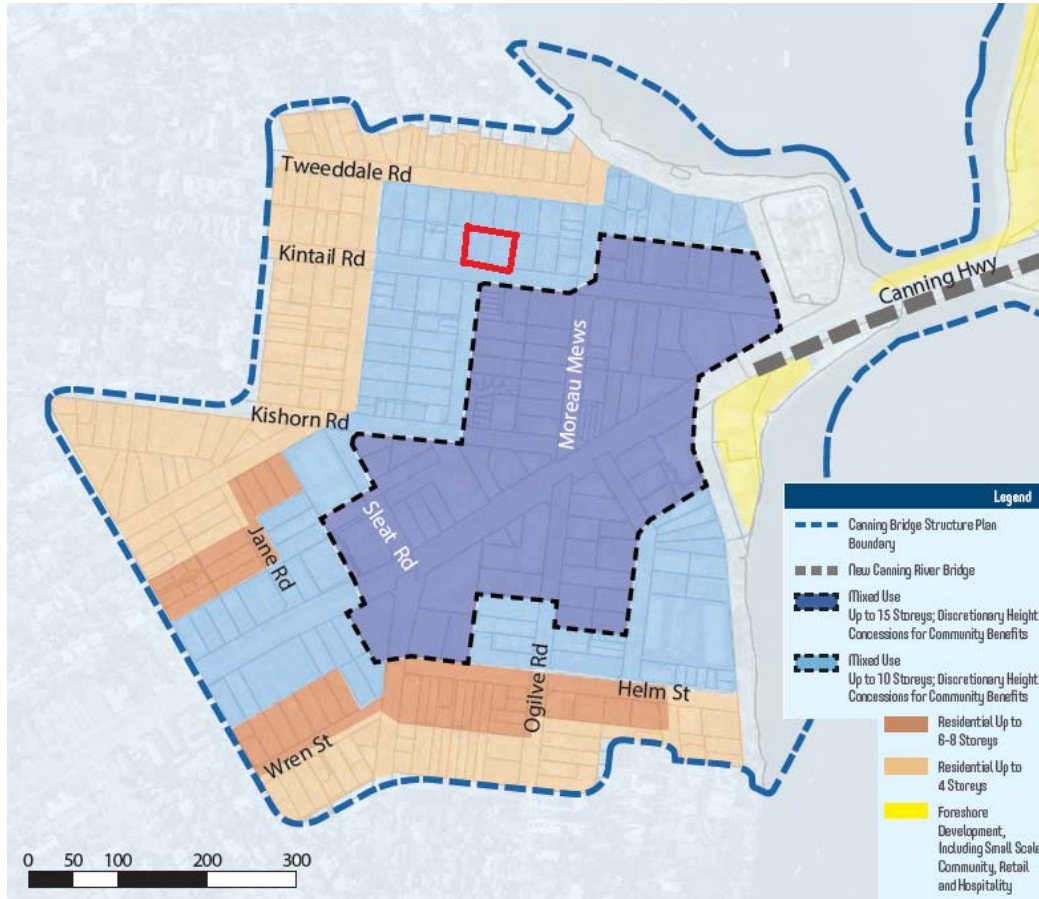


Figure 2. Subject site located within the Canning Bridge Activity Centre Plan

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	District Centre – Canning Bridge Activity Centre
CBACP Zoning	:	M10
Use Type	:	Mixed Use, Residential
Use Class	:	Preferred

Site Details

Lot Area	:	2,021m ²
Street Tree(s)	:	Yes - 3
Street Furniture (drainage pits etc)	:	Footpath (to remain/upgraded) Crossovers (to removed)
Site Details	:	See aerial photo above

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)**DETAIL**

Development approval is sought from the Metro Central JDAP for a 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies.

Refer to the attached RAR for details of the development proposed by this application.
[3788 RAR](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

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 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 strategic, risk or environmental management implications with this application.

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 the Council to endorse the recommendation in the RAR for the JDAP to approve the application.

The 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.

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Where the 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 (3788)

RECOMMEND APPROVAL

At 8:35pm Cr Macphail moved, seconded Cr Wieland –

That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report as attached [3788 RAR](#) to approve the application for the proposed 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies at Lots 1060 (20) and 1061 (22) Kintail Road, Applecross, subject to conditions.

At 8.42pm the Presiding Member granted Councillor Pazolli an additional five minutes to speak on the matter.

During discussion and debate, the Council indicated a desire to amend the officer recommendation and the Presiding Member proposed a short adjournment to allow officers to assist with this process.

At 8:55pm the Presiding Member adjourned the meeting.

P18/3788 - DEVELOPMENT ASSESSMENT PANEL APPLICATION – SIXTEEN STOREY MIXED USE DEVELOPMENT AT LOTS 1060 (20) KINTAIL ROAD AND 1061 (22) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

At 9:07pm the meeting resumed.

Reject and Replace

COUNCIL RESOLUTION (3788)

At 9:08pm Cr Robartson moved, seconded Cr Barton-

1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville rejects the recommendation of the Responsible Authority Report as attached [3788_RAR](#) to approve the application for the proposed 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies at Lots 1060 (20) and 1061 (22) Kintail Road, Applecross, subject to conditions.
2. That the Council may be prepared to support a development proposal which similarly satisfies the requirements of the Canning Bridge Activity Centre Plan, including similar design and community benefits up to 14 Storeys and appoints Cr Pazolli and Cr Kepert to make a deputation to the Metro Central Joint Development Assessment Panel on behalf of the Council.
3. That the Council directs the Chief Executive Officer to advise the Metro Central Joint Development Assessment Panel of this resolution.

At 9:34pm the Mayor submitted the amendment which was declared

CARRIED (5/3)

Vote Result Summary	
Yes	5
No	3

Vote Result Detailed	
Cr Barton	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Woodall	Yes
Cr Kepert	No
Cr Macphail	No
Cr Wieland	No

Reasons for Reject and Replace

The Council expressed concern that the proposed development at 16 storeys height was excessive for the particular location in the Canning Bridge Activity Centre Plan.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. CLOSURE

There being no further business to discuss, the Presiding Member the Deputy Mayor declared the meeting closed at 9:35pm.