

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A Notice of Rescission Motion containing 1/3 of the number of offices of members of the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, was received from Cr A Ceniviva. The members who signed the notice were Cr D Macphail, Cr M Reynolds, Cr P Phelan, Cr A Ceniviva and Cr C Halton.

PROPOSED MOTION

- 1. That the resolution of the Council on 15 September 2009, Item P09/3092 – Initiation Amendment No. 56 to Community Planning Scheme No. 5 – Lot 24 (527) Canning Highway – additional uses of “Medical Centre” and “Office” be rescinded.**
- 2. That the Council resolves not to support an application to amend the Community Planning Scheme No. 5 for the purposes of providing additional uses of “Medical Centre” and “Office” at Lot 24 (527) Canning Highway, Melville.**

Reason for Motion to Rescind

Information on this report is now available that was not brought forward or available for consideration at the Council meeting where the decision was made.

COMMENTAppeal to SAT

Part 5 of the Planning and Development Act 2005 provides for the Council to initiate amendments to Town Planning Schemes. Once initiated, the Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning for determination.

Section 252 and Section 253 of the Planning and Development Act 2005 make reference to applications for review to the State Administrative Tribunal (SAT), however applications for review of decisions on Scheme Amendments are not contemplated. Therefore there is no right of appeal to the State Administrative Tribunal arising from a decision by the Council not to initiate a Scheme Amendment, nor is there any right of appeal any determination made in the course of the Scheme Amendment process.

If the Scheme Amendment is not initiated there is no need for advertising and referral to the Western Australian Planning Commission (WAPC) and Environment Protection Authority (EPA) is not required. No further action is required.

Review of CPS No. 5

The City of Melville Community Planning Scheme No. 5 is currently under review. If initiation of the Scheme Amendment is not supported by the Council, it is likely that the applicant would make a submission on the proposal as part of the Scheme Review process. This would allow consideration of the proposal by the Minister for Planning and could reduce the Council's ability to maintain control over the amendment process and could impact on the Council's capacity to negotiate desirable design outcomes.

Local Planning Strategy (LPS)

As part of the Network City considerations, 'Activities Centres' (such as Canning Bridge, Melville and Petra District Centres) would be interconnected by 'Activity Corridors' and 'Transport Corridors'.

Canning Highway is considered to be an activity corridor connecting the above activities centres and also a transport corridor providing an excellent opportunity for high frequency of public transport and opportunity to introduce express bus lanes, to connect with the train station located at Canning Bridge.

Under the current Scheme CPS No. 5 approximately 31% of the length of Canning Highway is coded R50 and R60 (District Centres and its Frames); 40% is under the CH precinct with a coding R25/40; 9% is coded R50 and R25/50 (Hislop CCR and its Frame); and 20% is coded R 17.5 and R20.

Taking into account the above, under the Local Planning Strategy it is proposed that higher densities be contemplated along Canning Highway, however detailed redevelopment/improvement plans are yet to be prepared.

Other similar approvals

It should be noted that historically, the Council has approved fifteen (15) properties with additional uses, medical and/or office within residential areas precincts only, similar to the subject amendment. They are:

Medical and Office use	5
Medical use only	8
Office use only	2
Total	15

The five (5) medical and office use approved are located at the following addresses:

7 Robson Way, Murdoch; 568 Canning Highway, Attadale; 37-39 Reynolds Road, Mount Pleasant; 67 Cranford Avenue, Brentwood; 485 Marmion Street, Myaree; 109-111 North Lake Road, Willagee.