

AGENDA

SPECIAL MEETING OF THE COUNCIL

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Monday, 11 July 2022 commencing at 6:00pm.

The Special Meeting is for the purpose of considering

- UP22/3992 – Review of Canning Bridge Activity Centre Plan – Initiation of Advertising

Marten Tieleman
Chief Executive Officer

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Register to attend the [Special Meeting of the Council on 11 July 2022 electronically](#)

Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

Our Mission

To provide good governance and quality services for the City of Melville community.

Our Values

Excellence

Striving for the best possible outcomes

Participation

Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



Making a Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website – [Request to make a Deputation](#)

Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website – [Public Question Time](#).

Complex questions or those related to matters on the agenda and requiring a response at the meeting are “questions on notice” and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

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Audio Recording/ Access to Recording

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio recording may be accessed at www.melvillecity.com.au/agendas.

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REPORTS FROM COMMITTEES

Nil.

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MOTIONS

With Previous Notice

Nil.

Without Previous Notice

Nil.

MATTERS FOR WHICH THE MEETING WAS CLOSED

Nil.

1 OFFICIAL OPENING

2 ATTENDANCE AND APOLOGIES

In Attendance

Apologies

On Approved Leave of Absence

3 DECLARATIONS BY MEMBERS

- 3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.**
- 3.2 Declarations by Members who have received and not read the Elected Members Bulletin.**

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the Local Government Act 1995

5.2 Disclosure of Interest That May Cause a Conflict

Under 22 Local Government (Model Code of Conduct) Regulations 2021 or a City of Melville Code of Conduct

6 PUBLIC QUESTION TIME

- 6.1 Questions Received with Notice**
- 6.2 Questions Received at the Meeting**
- 6.3 Questions Taken on Notice at Previous Meeting**

7 AWARDS AND PRESENTATIONS

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

9 NEW BUSINESS OF AN URGENT NATURE

10 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

11 REPORTS

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Category : Activity Centre Plan
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Initiation of advertising as part of the review of the Canning Bridge Activity Centre Plan (CBACP)
 Applicant : Not Applicable
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P20/3869 RFT202102 Review of Canning Bridge Activity Centre – Ordinary Meeting of Council held 18 August 2020
 Item M22/5895 – Motions Carried at The General Meeting of Electors Held 2 February 2022
 Item 16.1 CBACP Review Advertising and CRG Feedback - Ordinary Council Meeting 17 May 2022
 Responsible Officer : Gavin Ponton – Manager Strategic Urban 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 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 checked="" 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 (e.g. 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>

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Canning Bridge Activity Plan area is a significant strategically located District Centre with strong transport linkages and has been designated by the State Government to be an area of significant dwelling growth and which needs urban renewal.
- In order to respond to various concerns expressed regarding the built form outcomes of developments undertaken in accordance with the present Canning Bridge Activity Centre Plan (CBACP), Council resolved on 18 August 2020 to appoint independent consultants Hatch Roberts Day to undertake the review of the CBACP.
- The review process has been informed through investigations into the context and characteristics of the precinct and an extensive engagement program.
- Stakeholder engagement comprised Elected Member and staff briefings, community surveys, stakeholder group workshops and culminated in a three-day Place Design Forum.
- Stakeholder engagement indicated support for the existing precinct vision, however identified opportunities to improve the CBACP in areas such as certainty of outcomes, connectivity, bonus height processes, quality of public spaces, vibrancy and exemplary design.
- The draft CBACP was circulated to Elected Members in July 2021 for feedback with comments finalised in March 2022.
- The draft CBACP responds to the key issues raised by Elected Members and the broader community regarding enhanced consistency/certainty, control of building height/bulk, design quality and reform of community benefit processes.
- The next step in the process is to advertise the draft CBACP to seek feedback on the content. In accordance with Council's resolution of 17 May 2022, the draft CBACP would be advertised in conjunction with the report prepared by a local Community Reference Group.
- At the conclusion of the advertising period, Council would have opportunity to respond to submissions received and consider further modification to the document. Further advertising may be required depending on the extent of any changes. The draft CBACP is then forwarded to the Western Australian Planning Commission for determination.
- Initiation of the public advertising phase of the draft CBACP is recommended.

BACKGROUND

State Planning Policy 4.2 (SPP 4.2), originally gazetted in 2010, designates the Canning Bridge precinct as a District Centre activity centre.

Adopted in 2015, the CBACP established a foundation for the future of the area, in the form of a vision, planning controls and recommended public realm enhancements. The CBACP includes land in the vicinity of Canning Bridge train station within the City of Melville and the City of South Perth and proposes an intensive scale of development, reflective of the strategic inner suburban location of the activity centre and transport connections.

The Plan includes goals for ongoing development, guidelines for style of built form and an implementation framework for improvements to infrastructure and public spaces over time.

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Council at its meeting on 18 August 2020 resolved to initiate the review of the CBACP review through the appointment of independent consultants Hatch RobertsDay. The review was limited to the City of Melville side of the CBACP area and included a focus on building height controls, operation of bonus height provisions, impacts of increased density of development and transition between areas of different development intensity.

The review process has been informed through investigations into the context and characteristics of the precinct and an extensive engagement program. Findings of this phase of the project were outlined in the Precinct and Place Report.

[Attachment 1: Precinct and Place Report](#)

A Community Reference Group (CRG), comprising of local residents with an interest in the precinct, was formed to provide local input into the CBACP review process. The CRG prepared their own plan on proposed amendments to CBACP based on areas of interest and concern. The CRG report is planned to be advertised concurrently with the draft CBACP review as resolved by Council on 17 May 2022.

A series of draft modifications to the CBACP have been prepared as a result of the stakeholder engagement and precinct investigations. The draft CBACP was circulated to Elected Members for feedback in July 2021. Further information has been provided to Elected Members including officer comment on the draft, highlighting of proposed changes and justification, EMES presentations from the consultants, comparison and testing report on proposed compared to existing controls and yield/capacity modelling analysis.

Based on feedback received the independent consultants have now finalised the draft of the CBACP.

DETAIL

The review of the CBACP has informed a series of proposed modifications to the current document. Key changes include:

- Modifications to allocation of land use and built form zones, including the introduction of two tiers in the M15 zone.
- Introduction of limits to bonus height (3 additional storeys in M10; 5 additional storeys in M15 and 15 additional storeys in designated areas of M15) as well as associated floorspace limits for bonus area.
- Introduction of plot ratio controls throughout all zones and introduction of limits to tower floor plates.
- Additional controls and setbacks to podiums.
- Modification to the bonus height provisions including introduction of a financial contribution option for community benefits and removal of current guidelines for assessing merit of community benefits.
- Additional focus on activation of street frontages in the precinct core and enhancement of public streets and spaces.
- Additional side setback and overshadowing controls where sites adjoin land outside of the CBACP.

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

- Recognition of need for special design response to building fronting Canning Highway in view of plans by Main Roads for major infrastructure upgrades impacting on the precinct.
- Provision for developments to contribute to POS, where not previously provided through the subdivision process.
- Additional emphasis on opportunity for cash to be provided in lieu of provision of car parking spaces.
- Clarification of definition of mezzanine and that a mezzanine constitutes an additional storey.
- Introduction of a requirement for all development to achieve a five-star rating from the Green Building Council of Australia

Areas of the document subject to proposed modification and the consultant's rationalisation for the changes have been provided to Elected Members in previously circulated "track changes" versions of the draft CBACP. The final draft CBACP is attached:

[Attachment 2: Final Draft CBACP](#)

The next stage in the CBACP review involves a statutory advertising period of 42 days to seek public comment on the draft document. It is intended that the independent consultants facilitate the advertising process.

Previous Resolutions:

The following Council resolutions are noted as referencing the advertising period for the CBACP:

At the Ordinary Meeting of Council on 15 March 2022, Item M22/5895 – Motions Carried at the General Meeting of Electors held 2 February 2022:

GME Motion 3 - Officer Recommendation

That:

2. The Council

- A. Note that the upcoming advertising of the revised draft Canning Bridge Activity Centre Plan presents the preferred opportunity to receive community feedback on the future of the Kishorn Road/Moreau Mews land.*
- B. Direct the CEO to prepare additional content and detail to be available in conjunction with the advertising of the Canning Bridge Activity Centre Plan with respect to:*
 - I Concepts for a town square/urban park in the vicinity of the Kishorn Road/Moreau Mews land.*
 - li Details of mechanisms to achieve the acquisition of additional open space in Canning Bridge including enhancement of community benefit provisions and developer contribution schemes.*

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

At the Ordinary Meeting of Council meeting on 17 May 2022, Council resolved:

That the Council:

- 1. Acknowledges the report on the CBACP Review of the Community Reference Group (CRG); and directs the CEO to advertise the CRG report, contemporaneously with the full CBACP Review report prepared for the council by Hatch Roberts Day (HRD), for public comment for the statutory period of 60 days as soon as is reasonably practicable.*
- 2. If the City's-proposed two addendums to the HRD report regarding green linkages and the Canning Highway traffic proposals are not finalised and approved by Council as in order for advertising at or before the June 2022 Ordinary Meeting of Council, the CEO should proceed to advertise the HRD Report without such addendums, together with the CRG report, no later than 30 June 2022.*

In reference to the first Council resolution above, the additional work to prepare concept plans for a town square/urban park in the vicinity of Moreau Mews/Kishorn Road and to further explore mechanisms to achieve acquisition of open space has not been completed. Commissioning of external resources to undertake this work through a request for quotation process has not been successful. As discussed below, progress on these tasks will now be explored as part of a wider investigation into public open space planning and opportunities.

In reference to Resolution 2 above, the City has not finalised the green linkages and Canning Highway traffic proposals addendums. A proposal for the establishment of additional green open spaces has been prepared and reviewed by the Executive in readiness for further investigation. In addition, a draft Movement and Place report has been prepared by Hatch RobertsDay and is currently under review.

The green open space proposal will now form part of a wider investigation into public open space opportunities, planning and acquisition mechanisms.

The intention is that this work will be presented to a future Elected Member Engagement Session (EMES) during the advertising period and to ultimately inform consideration of modifications in response to submissions received. Similarly, results of the Movement and Place investigations would be presented at this time.

Issues relating to open space and Canning Highway traffic proposals are identified in the draft CBACP and will feature during the advertising period.

The recommendation from consultants Hatch RobertsDay is that preliminary findings on these matters not be advertised with the draft CBACP as it may pre-empt discussion during the engagement phase. Instead, the plans are to be progressed during the advertising phase with a view to informing the consideration of submissions and subsequent modifications to the CBACP.

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The proposed modifications to the CBACP require advertising in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's LPP1.1 Planning Processes and Decision-Making Policy.

The proposed advertising program includes the following:

- Open House Information Session including invitations to all previous participants – presentation of Precinct and Place Report and overview of draft CBACP content.
- Working Session with the Community Reference Group to discuss content of their submission/report on the draft CBACP.
- Statutory advertising period – minimum of 42 days (mail out to all occupants/owners, Melville talks on-line content, social media, newspaper advertising) noting Council resolution has resolved a 60 day advertising period.
- Formation of a representative Canning Bridge stakeholder committee (to work through ideas and opportunities from all submissions).

II. OTHER AGENCIES / CONSULTANTS

The proposed modifications to the CBACP will involve engagement with State Government agencies and infrastructure servicing authorities including Department of Planning, Lands and Heritage; Main Roads WA; Department of Transport, Public Transport Authority.

STATUTORY AND LEGAL IMPLICATIONS

State Government Planning Regulations outline the approval process for modification to an Activity Centre Plan. In summary, modification to the CBACP initially requires a Council decision to commence the statutory advertising period.

At the conclusion of the advertising period the draft CBACP would be presented to Council to consider any submissions received and any further modification of the document. Significant changes to the document, and/or introduction of material not supported by investigations to date, would trigger the need for a further advertising period and further consideration of any additional submissions received. Upon finalising the modifications to the CBACP the Council is required to forward the document to the Western Australian Planning Commission (WAPC).

The WAPC may decide to approve the proposed modification, refuse the modifications, or direct the Council to make further modifications. Further modifications may require an additional advertising period.

Given that the CBACP applies to both the Cities of Melville and South Perth, the WAPC may require a comment on the proposed modifications from the South Perth Council.

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FINANCIAL IMPLICATIONS

The review of the CBACP and proposed modifications involve costs associated with staff and consultant resources. Implementation of actions within the CBACP will require budget consideration and allocation of funding.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular Priority 2 of the Corporate Business Plan:

“Improve the approach for diverse and sustainable urban development and infrastructure.”

Under Priority 2 from the Corporate Business Plan key strategies are:

1. Implement innovative, efficient and appropriate initiatives that support community centres infrastructure with integrated transport solutions.
2. Enhance amenity and vibrancy through placemaking and creating well designed and attractive public spaces.
3. Optimise the capacity and liveability of activity centres with consideration to the expectations of our community.
4. Enhance regulatory and approval frameworks to ensure sustainable building infrastructure.

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

The approach supports environmental, energy and sustainability objectives reducing travel demand, providing efficient strategically located housing and promoting compact cities. Specific CBACP content seeks to ensure excellence in sustainable buildings, enhancement of green spaces in the public realm and opportunities to supplement the amount of open spaces.

The conclusions of the CBACP review process respond to various issues identified through Council and during the preliminary engagement phases. The proposed modifications also have regard to the urban planning expectations and opportunities for this strategic centre. A key risk to the project relates to the ability to achieve modifications to the CBACP that suitably respond to concerns, issues and opportunities raised by stakeholders whilst also meeting the regional planning expectations and requirement of the decision maker (WAPC).

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Risk Statement	Level of Risk*	Risk Mitigation Strategy
The draft CBACP is not considered by Council to suitably respond to the concerns and issues raised by stakeholders and requires further modification.	Moderate consequences which are possible, resulting in a Medium level of risk.	The engagement approach will demonstrate how the draft provisions respond to matters raised during the review process and outline the scope of responses available within the planning framework. The completion of the advertising period will provide further opportunity to consider further modifications.
The modifications to CBACP are determined by the WAPC to not to be in keeping with the state planning objectives for the centre.	Major consequences which are possible, resulting in a High level of risk	The proposed draft CBACP has been prepared having regard to the findings of the preliminary investigations and engagement phases whilst having regard to the requirements of the State planning framework. The proposed engagement approach for the next stage will emphasise this level of alignment to all stakeholders including the WAPC.

POLICY IMPLICATIONS

The draft CBACP supports the implementation and objectives of a range of Council Policies and Local Planning Polices. Applicable Policies include Urban Forest and Green Space, Tree, Verge Treatments, Climate Action Plan, Local Planning Policies (LPP) including Planning Process and Decision Making, Architectural and Urban Design, Amenity, Energy Efficiency and CBACP Density and Bonus Provisions. It is noted that the ultimate adoption of a revised CBACP will require review of LPP 1.20 CBACP Density and Bonus Provisions.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

A Council decision is required to initiate the statutory advertising phase of the draft CBACP. At the conclusion of the advertising phase submissions will be examined and consideration given to the need for further modification to the CBACP. The draft CBACP has been prepared in response to a comprehensive review program and stakeholder engagement. It is recommended that this program continue through the advertising of the draft CBACP as prepared by the independent consultants.

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An alternative option would be for Council to consider modifications to the draft CBACP ahead of the public advertising period. Further modifications are conceivable where they can be demonstrated to be consistent with the findings of the review process. Changes that are not consistent with the findings of the review are likely to be problematic. The officer's recommendation is that the draft CBACP be advertised as is, and that need for further modifications be considered in response to issues raised during the engagement period. This approach is recommended in order to give the best prospect of achieving enhancements to the CBACP via the review process, and significantly to ensure that the Council is able to maintain its guiding role in that process.

If a revised CBACP document were advertised which includes modifications that are not supported by the findings of the review process to date, there is a strong possibility that this would either result in a refusal by the WAPC, or a direction from the WAPC to make substantial mandatory modifications to the plan. Either outcome would substantially increase the timeframe to achieve any enhancements to the CBACP.

Introduction of new material at this stage of the process is likely to detract from the standing of the draft document as it progresses through the assessment process. It is recognised that the draft CBACP is likely to need further modification as it progresses through the final stages of the review process. It is recommended that such changes are considered comprehensively in response to matters raised during the public advertising phase. This approach enables changes to be considered objectively, progressed and supported, based on assessment of planning evidence. Additional work can be commissioned at that stage to provide the necessary support for any identified modifications if required.

This approach will enable the Council to use the advertising period and assessment of submissions phase to comprehensively examine and consider responses to key issues such as:

- Various matters raised in the report on the draft CBACP from the Community Reference Group.
- Options for approaches to POS needs, acquisitions, alternative POS funding mechanisms, use of Council owned land.
- Strategies in response to State Government infrastructure upgrade plans for Canning Highway (Duck and Dive proposal).

CONCLUSION

It is recommended that the statutory advertising period for the draft CBACP be initiated. The draft CBACP provides a comprehensive and effective response to the key issues including building height control, mitigation of building bulk, operation of bonus height provisions, impacts of increased density of development, maintenance of amenity in transition zones and enhancement of public spaces. Feedback on these and other matters during the public advertising phase will provide further opportunity for additional consideration and refinement of responses. This comprehensive examination and assessment of further modifications following the advertising phase will ensure a sound foundation to the content of the draft CBACP as it is progressed to the WAPC for determination. As noted, the feedback and ideas raised in the community reference group report will be advertised in parallel with the draft CBACP to assist stakeholders in preparing comments on the draft CBACP.

UP22/3992 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – INITIATION OF ADVERTISING (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3992)

That the Council:

- 1. In accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to initiate amendments to the Canning Bridge Activity Centre Plan, as depicted in the draft attached to this report, for the purpose of advertising.**
- 2. Note that, in accordance with Council's Resolution on 17 May 2022, the findings of the Community Reference Group's report are to be advertised contemporaneously for comment with the draft Canning Bridge Activity Centre Plan.**

12 MOTIONS WITH PREVIOUS NOTICE

13 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

14 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

15 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

16 CLOSURE