

**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
MONDAY, 4 MAY 2020
AT 5:30PM**

**To be held electronically in accordance with Regulation
14D(2)(a) of the Local Government (Administration)
Regulations 1996.**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

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DISTRIBUTED: 7 MAY 2020

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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 5:30PM ON MONDAY 4 MAY 2020.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 5:30pm. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then Mayor, Honourable George Gear, 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.

Mayor Honourable George Gear conducted a roll call at the commencement of the meeting and confirmed the following Elected Members were in attendance for the electronic meeting.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr N Pazolli (Deputy Mayor)
Cr S Kepert,
Cr D Macphail, Cr N Robins
Cr C Robertson, Cr M Woodall
Cr G Barber, Cr J Barton
Cr K Mair (*until 5.36pm*)
Cr M Sandford
Cr T Fitzgerald (*from 5.33pm*)
Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Mr S Cope
Mr M McCarthy
Mr L Hitchcock

Mr G Ponton
Mr P Prendergast
Mr B Taylor
Ms C Newman

Chief Executive Officer
Director Urban Planning
Director Technical Services
Executive Manager Governance and Legal Services
Manager Strategic Urban Planning
Manager Statutory Planning
Manager Governance and Property
Governance Coordinator

At 5.33pm Cr Fitzgerald entered the meeting electronically.

At the commencement of the meeting, there were 7 members of the public and one representative from the Press in attendance electronically.

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

Ms C Young Director Community Development
Mr A Ferris Director Corporate Services

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. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

- Cr K Mair – P20/3852 - Review of Canning Bridge Activity Centre Plan – Finalise Project Scope
- Cr K Mair – P20/3853 – Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Barton – P20/3852 – Review of Canning Bridge Activity Centre Plan – Finalise Project Scope. Interest Under the Code of Conduct.
- Cr Barton – P20/3853 – Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height. Interest Under the Code of Conduct.

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

Disclosures of Interest

Member	Cr Barton
Type of Interest	Interest Under the Code of Conduct
Nature of Interest	Close relative owns property in Forbes Rd, Applecross
Request	Stay, Discuss & Vote
Decision	Stay, Discuss & Vote

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Will be a shareholder of a company that owns land in the CBACP area
Request	Leave
Decision	Leave

At 5:36pm having declared an interest in the matter, Cr Mair left the meeting and did not return.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: Applecross- Mt Pleasant
Category	: Policy
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Project Scope 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	: P19/3817 – Review of Canning Bridge Activity Centre Plan – Project Scope, Ordinary Meeting of Council 20 and 27 August 2019.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

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 checked="" 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>

KEY ISSUES / SUMMARY

- At its meeting on 27 August 2019 the Council provided direction on the review of the CBACP. The first Part of the Council resolution was to prepare a height cap amendment for consideration by WAPC. The second Part of the Council resolution was to consider the scope for the next stages of the review of the CBACP having regard to the WAPC decision on the amendment.
- A Motion With Notice relating to the review of the CBACP was supported by the Council on 19 November 2019. The Motion With Notice provided additional clarity with respect to defining the scope of the review and established a completion target of 31 October 2020 for preparation of a draft amended CBACP.
- Following the November 2019 Motion With Notice an external consultant was appointed to assist the Council in refining the scope for the review of the CBACP. This work established that achievement of the October 2020 target for the review process would require removing lower priority elements from the project scope. Workshopping of the matter resulted in the preparation of a trimmed back project scope (Option 1).
- Feedback on the Option 1 project scope has flagged concerns that whilst it responds to the timeframe target, the reduced scope results in less community engagement and may lack the thoroughness required to demonstrate the merit of alternative built form outcomes.
- The WA Planning Commission (WAPC) has since made a determination on the height cap amendment. This determination also highlights that any proposal to modify built outcomes at the CBACP will require to be supported by a comprehensive review process.
- In this circumstance it is considered that the original comprehensive project scope for the review of the CBACP (Option 2) is most likely to deliver the required outcomes for the precinct. The wider scope is expected to require additional time and involve greater expenditure but is considered appropriate to support any recommendations to the WAPC regarding potential modifications to built form outcomes.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

At its meeting on 27 August 2019 the Council considered a report outlining different approaches and alternative project scopes to achieve a review of the CBACP. In summary the report outlined advantages and disadvantages for three different options which could be used in combination to achieve the desired review of the CBACP:

Option A - Targeted approach:

Would enable the City to clearly state its expectation regarding building height control and to seek a timely response from the WAPC on whether these expectations can be achieved.

Option B - Clarify the Building Height and Bonus Height Provisions – but maintain the existing CBACP Vision:

Would enable additional clarity and control over the process of awarding bonus height but would not deviate from the existing vision for the CBACP.

Option C – Comprehensive Review of Built Form Vision and Corresponding Development Controls:

1. Would enable the desired built form for the CBACP to be revisited and for corresponding development controls to be explored.

At the 27 August 2019 meeting the Council provided direction on the review of the CBACP via the following resolution:

That the Council:

1. *in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Council resolves to accept and initiate the following amendment to the Canning Bridge Activity Centre Plan for the purposes of advertising:*

Modification to paragraph one of the pre-requisites to the Bonus Provision associated with Elements 21 and 22 of the Canning Bridge Activity Centre Plan by adding an additional sentence, “In the M10 and M15 quarters of Kintail and Ogilvie (those quarters within the City of Melville), the maximum bonus height is 5 additional storeys.”

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

2. *directs the Chief Executive Officer to progress the following actions in relation to the Canning Bridge Activity Centre Plan:*
 - a) *a review, including scope items as outlined in Option B “Review/Clarification of Existing CBACP Building Height and Bonus Provisions” (3817_Scope_Summary_Option_B) be progressed having regard to the outcomes of stage one.*
 - b) *a review of the remaining scope items under Option C “Comprehensive Review of Building Height and Bonus Provisions” (3817_Scope_Summary_Option_C) particularly in relation to re-defining optimal built form and preparation of related planning controls, not be commenced until there is sufficient certainty that such measures are achievable.*
 - c) *investigations to support completion of scope items under Options B and C being outsourced.*
 - d) *to fund the completion of scope items under Options B and C (if applicable) through the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.*

3. *notes that a further report will be presented to Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission.*

Part 1 of the resolution has been acted on. In progressing Part 1 above, at its meeting on 27 November 2019, the Council considered the results of advertising of the draft amendment and resolved to modify the draft amendment to provide for a 13 storey height cap in M10 and a 20 storey height cap in M15. The modified amendment was subsequently forwarded to the WAPC with a recommendation for approval. The Statutory Planning Committee (SPC) of the WAPC determined the amendment proposal on 7 April 2020. The SPC required modifications to the amendment, which in summary provide for a height cap of 15 storeys applicable to parts of the M10 zone which interface with lower H8 or H4 zoned sites. The SPC decision also included advice on the wider review of the CBACP:

That the Statutory Planning Committee resolves to:

1. *In accordance with clause 38 (1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, require the City of Melville to:*
 - a) *modify the Canning Bridge Activity Centre Plan in accordance with the attached Schedule of Modifications, appended as Attachment 8; and*
 - b) *resubmit the modified plan to the Western Australian Planning Commission for approval.*

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

- 2 (a) *advise the City of Melville that a comprehensive review of all elements of the Canning Bridge Activity Centre Plan should be undertaken as a priority. In relation to the built form elements of the ACP, this should include, but not be limited to, consideration of the following;*
- *A built form study examining the need for, or otherwise, amendments to height limits.*
 - *The application of height bonuses to provide a range of incentives, including to achieve exemplary design*
 - *Community needs assessment and review of community benefit provisions to provide a clearer nexus between bonus height and community benefits as well as the type and quantity of community benefits required, as determined through a community needs assessment.*
 - *Analysis of transition between zones within, and to land adjoining, the CBACP area.*
 - *Consideration of the merits of implementing the R-Codes.*
- 2 (b) *expects that the City of Melville's full review of the Canning Bridge Activity Centre Plan will be undertaken in liaison with the City of South Perth to achieve the united vision of the plan.*

The minutes of the meeting of the Statutory Planning Committee of the WAPC are available via the following link

[3582 Statutory Planning Committee Minutes 7 April 2020](#)

Part 2 of the Council's August 2019 resolution requires consideration of progressing the review of the CBACP beyond "Option A" (into Options B or C) to have regard to the outcomes of Option A (the targeted height cap amendment). On 19 November 2019, the Council provided further direction on the review of the CBACP and the scoping of the project through a Motion With Notice:

MOTION WITH NOTICE:

That the Council directs the Chief Executive Officer to immediately commence and, as quickly as possible, expedite the completion of the full review of the Canning Bridge Activity Plan Including:

1. *Commissioning of outsourced planning expertise to assist Council in scoping and timetabling the review with the objective of completing the review by October 31, 2020, assisting the Chief Executive Officer (and City Planning Officers) to undertake the review, present monthly review project updates to Council and assist the Chief Executive Officer to document the reviewed Canning Bridge Activity Centre Plan in a form suitable for submission to the West Australian Planning Commission for approval and adoption.*
2. *Undertake stakeholder and community consultation as determined in the scoping of the review in Item 1 above, including incorporation of stakeholder/community reference groups that the Council may require.*
3. *The funding of the review of the Canning Bridge Activity Plan by the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.*

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**REASONS:**

- 1. It is clear from recent CBACP development applications and Design WA R Code changes that there are a number of issues, inconsistencies and errors in the current Canning Bridge Activity Centre Plan (CBACP). Further, it is clear that the current interpretations of aspects of the CBACP are not consistent with the expectations of the City of Melville citizens and the Council.*
- 2. Following the overwhelming positive result of the recent Local Government elections, I believe the Council now has a strong mandate to proceed to expedite changes to the CBACP and to ensure that the full review of the CBACP is progressed as rapidly as possible. This motion requires that the CEO proceeds with the full review immediately and as quickly as possible with the ambitious target date of having a revised CBACP ready for submission to the WAPC by October 31, 2020 (or hopefully even earlier!).*
- 3. To achieve this ambitious deadline it is expected that it will require the City to commission external resources to assist the Planning Officers and Council to undertake the full review.*
- 4. Whilst the full review is progressed it is anticipated that Council may also proceed in parallel with passing a range of Local Planning Policies and amendments to the existing CBACP to give effect to correcting issues with the existing CBACP*

In response to the Notice of Motion an external project manager was appointed to progress initial scoping and timetabling work for the CBACP review. The starting point for this work was an original “comprehensive” project brief prepared by City officers. Central to progressing the project scoping process was a facilitated workshop with Elected Members held on 12 February 2020. The workshop focused on exploring the implication (in terms of timing, cost and outcomes) of including or not including certain elements within the review of process. The intention of the workshop was to inform the finalising of the project brief for the review of the CBACP, which would then be used to procure assistance to undertake the remainder of the review.

A report on the workshop was circulated to Elected Members with comment invited until 6 March 2020. The workshop outcomes report noted that to achieve completion of the review of the CBACP by 31 October 2020 that certain elements of the project scope would need to be excluded. In these circumstances the workshop identified focus/priority areas to be responded to by the review. The workshop identified other scope items with lesser priority which potentially could be excluded from the project to enable the desired timeframe to be achieved.

3852 Confidential Attachment 1 Workshop Outcomes

A draft project scope was subsequently prepared and circulated to Elected Members for comment. The draft project scope identified the items for potential exclusion from the project included limiting the extent of stakeholder engagement, no additional traffic investigations, no separate community needs investigation (reliance on work previously completed) and no additional retail/commercial investigations. Elected Members were invited to provide feedback on the draft project scope until 21 April 2020. Feedback provided included requests to reinstate elements back into the draft scope including:

- comprehensive community engagement
- additional traffic impact studies
- further community needs investigations

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

Additional comments included emphasis on need for the project scope to include:

- review of building height controls involving no bonus options
- consideration of community benefits funds/developer contributions schemes

DETAIL

Part 1 of the Council resolution of August 2019 (amendment to CBACP seeking height caps) has been undertaken. Part 2 of the resolution is to progress the review of the CBACP having regard to the implications of the WAPC determination on the height caps amendment. These considerations are also informed by work on project scope undertaken in response to the November 2019 Ordinary Council Meeting Motion With Notice.

Implications of WAPC decision on height caps amendment

The WAPC decision highlights a number of key points with respect to the project scope for the review of the CBACP:

- Comprehensive built form studies are required to support height controls such as a 1/3 cap in the M10 and M15
- There is a need for additional certainty with respect to the assessment of building height in the CBACP
- Interface between different height zones, in particular between M10 and H8/H4 presents particularly challenging issues for consideration
- The WAPC favours a comprehensive review of the CBACP including investigation of built form, nexus between bonus height, community benefits and community needs, transition zones, incorporation of the R-Codes and liaison with City of South Perth

Project Scope Investigations Following Notice of Motion:

An external consultant has prepared a draft project scope for the review of the CBACP. The work was based on the original draft project scope for a comprehensive review and was informed through a workshop process held in February 2020. With regard to the terminology from the August 2019 Council item (Options A, B and C) the project scope prepared represented an Option C (comprehensive) approach, given that it still proposed to re-visit the built form vision for the precinct. The key difference with the draft project scope prepared was that it proposed to remove lower priority elements from the project scope to enable a desired October 2020 completion date to be achievable. This “trimmed back” comprehensive project scope is attached:

3852 Confidential Attachment 2 - Reduced Comprehensive Project Scope (Option 1)*Assessment:*

The scope prepared for the review of the CBACP demonstrates a preference to undertake a “comprehensive” approach (Option C). The scope of this type of review allows for a revisiting of the vision for the CBACP, reviewing the desired urban/built form and then establishing development control mechanisms to achieve that vision.

The trimmed back comprehensive project scope was prepared in response to Elected Member feedback with an objective to maximise the potential for a draft reviewed CBACP to be in a form ready for forwarding to the WAPC by the end of October 2020. It is considered that a more traditional scope for the CBACP review would not be able to achieve this target.

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Following the WAPC decision on the height cap amendment in April 2020 it has become clearer that a review process that potentially recommends a lower intensity of built form will require a very thorough level of justification. The SPC decision itself outlines the need for a built form focused review across all elements of the CBACP. Although the trimmed back project scope is more likely to achieve a quick turnaround it is considered that it would be unlikely to contain the required rigor to validate a different approach to built form. Preliminary Elected Member feedback on this scope has also demonstrated a preference to re-introduce elements such as additional community engagement, traffic studies, community needs evaluation and the consideration of options such as developer contributions.

The original summarised draft comprehensive project scope outlined in the August 2019 Council item has been updated for the Council's consideration. The widened scope reflects a more traditional activity centre review process but maintains a scope focus on defining a desired urban form vision and then translating that vision into appropriate development controls. The approach features extensive stakeholder engagement, additional traffic/movement studies, evaluation of multiple building height/building intensity controls and extensive investigation of the value and need for community benefits. Elements previously identified for investigation including boundary adjustments, treatment of transition between zones, focus on Forbes Road interface and merit of developer contributions/value capture/community benefit funds are incorporated into the project scope.

3852 Confidential Attachment 3 Wider Comprehensive Project Scope (Option2)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

An engagement plan will form part of the project plan for the review of the CBACP. Each of the approaches (Option 1 – comprehensive, short timeframe and Option 2 – comprehensive, longer timeframe) will include a 28 day maximum statutory advertising period upon completion of a draft. Option 1 involves basic level of community engagement, stakeholder reference group and will be informed by previous findings. Option 2 provides more thorough stakeholder engagement, stakeholder reference group and multiple opportunities for engagement on emerging ideas.

II. OTHER AGENCIES / CONSULTANTS

The review of the CBACP will include ongoing liaison with representatives from the City of South Perth and the Department of Planning Land and Heritage. Amendments to Activity Centre Plans also require referral to infrastructure agencies such as Department of Transport, Water Corporation and Western Power. As noted by the WAPC, there is an expectation that the review will include extensive involvement of the City of South Perth to ensure that concepts for the centre are developed in a unified manner.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The process for amendment to an Activity Centre Plan is provided for in Schedule 2, Part 6, clause 45 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations establish the circumstances in which the WAPC will consider a proposed amendment, the required content of the amendment and the requirements for public advertising.

FINANCIAL IMPLICATIONS

The bulk of the supporting investigations for the review of the CBACP are to be outsourced. Completion of scope of works will involve commissioning of specialists across a range of disciplines and costs could be substantial. Costs of works are likely to exceed \$250,000 and accordingly are likely to be required to be subject to public tender. Re-allocation of Strategic Urban Planning project funds and proposed budget allocations have been identified to fund this work.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

“Urban development creates changes in amenity (positive and negative) which are not well understood”.

Under Priority 3 from the Corporate Business Plan key strategies are:

1. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
2. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

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.

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Risk Statement	Level of Risk*	Risk Mitigation Strategy
Perceived lack of clarity experienced by various stakeholders (Elected Members, community, landowners, developers) as to how provisions of CBACP should be interpreted	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters.
Preparation of amendment to CBACP provisions creates uncertainty and results in a loss of confidence for development industry with consequential reduced interest in development	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters. A specific key outcome of the review is to provide certainty with respect to built form and clarity of the processes relating to awarding of additional height.
Stakeholder expectations regarding desired built form for the centre differ to those related to the regional objectives for the centre.	Moderate consequences which are possible, resulting in a Medium level of risk	The options aim to build evidence to ensure the importance of stakeholder's expectations is suitably represented. The comprehensive approach to the review process seeks to move toward alignment and understanding between local and regional objectives relating to built form.

POLICY IMPLICATIONS

The outcomes of the review of the CBACP will establish the urban planning direction for the precinct. The Council is also considering a draft Local Planning Policy (LPP) relating to Bonus Building Height Provisions. If a new LPP is adopted it would continue to operate during the review of the CBACP. Dependent upon the direction of the review, future modification of the LPP is likely to be required.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This report seeks direction on the extent of the project scope for the CBACP review. Option 1 responded to priority to have a review process completed quickly. To achieve this objective the approach excluded lesser priority elements from the project scope. Further direction from the WAPC suggests that movement to a potentially lower intensity form of development in the CBACP is likely to require extensive justification.

Option 1 may not deliver this required level of justification. Option 2, although likely to require a timeframe in the order of twelve months, is supported by wider stakeholder engagement and investigations of options across a wider number of CBACP issues.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

In the event that the Council chooses not to proceed with a review of the CBACP then the existing provision will continue to apply. The LPP relating to bonus building height if adopted would support the operation of the CBACP through provision of additional clarity and guidance.

CONCLUSION

Progress on the review of CBACP has progressed in accordance with the August 2019 Council resolution and the subsequent Notice of Motion of November 2019. Part 1 of the August 2019, seeking WAPC decision on height caps in M10 and M15 has been undertaken. The results of that process including the advice from the WAPC inform the next steps.

It is clear that the Council seeks a comprehensive review (Option C) of the CBACP whereby the desired built form for the centre is re-visited and suitable development controls are prepared to achieve the revised vision. Initially the Council explored options to examine the scope of the review project. The February workshop focused on exploring the implication (in terms of timing, cost and outcomes) of including or not including certain elements within the review of process. The workshop established that to complete a review of the CBACP by end of October 2020 it would necessary to remove lower priority elements from the project scope. An example of this trimmed back scope was circulated to elected members (Option 1). Feedback on this draft scope flagged concerns that the reduced scope, although enhancing the prospect of a timely preparing of a revised CBACP, may not deliver the required outcome.

The recent WAPC decision on the height cap amendment also highlights the need for a thorough review process to support potential changes to built form in the centre. Specific advice from the WAPC noted the need for a comprehensive review covering all elements of the CBACP.

In these circumstances it is recommended that the Council endorse a more comprehensive project scope for the review of CBACP (Option 2). The approach is expected to take in the order of twelve months to complete and will involve additional cost. These factors are however offset by the opportunity for greater stakeholder engagement throughout the process and for the preparation of a strong foundation to arrive at and justify potential built form changes.

Finalisation of the project scope will enable commencement of the process to procure external consultants to undertake the review of CBACP in May/June 2020.

OFFICER RECOMMENDATION (3852)**APPROVAL**

At 5:37pm Cr Kepert moved, seconded Cr Robins –

That the Council request the Chief Executive Officer to progress a review of the Canning Bridge Activity Centre Plan through the procurement of external consultants based on the project scope outlined in the confidential attachment to this report - Option 2.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

COUNCIL RESOLUTION

At 5:39pm moved Cr Barton, seconded Cr Pazolli –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, to be discussed behind closed doors.

At 5:42pm the Mayor declared the motion

CARRIED (7/5)

Vote	
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Macphail	Yes
Cr Robartson	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Barber	No
Cr Fitzgerald	No
Cr Sandford	No
Cr Robins	No
Cr Wheatland	No

COUNCIL RESOLUTION

At 5:47pm Cr Pazolli moved, seconded Cr Wheatland –

That the meeting comes out from behind closed doors.

At 5:47pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Members of the public who were attending electronically were not asked to leave during the above period and the meeting remained open.

At 5:47pm, to allow for matters to be discussed behind closed doors to be done at the end of the meeting, the Mayor brought forward Item P20/3853 – Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height.

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Will be a shareholder of a company that owns land in the CBACP area
Request	Leave
Decision	Leave
Member	Cr Barton
Type of Interest	Interest Under the Code of Conduct
Nature of Interest	Close relative owns property in Forbes Rd, Applecross
Request	Stay, Discuss & Vote
Decision	Stay, Discuss & Vote

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Progress update- preparation of a Local Planning Policy
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 17.3 Motion Without Notice: Canning Bridge Activity Centre Plan, Ordinary Council Meeting 10 December 2019 Item P19/3848 Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Ordinary, Council Meeting 21 April 2020
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)

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 (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>

KEY ISSUES / SUMMARY

- At its meeting on 21 April 2020 the Council considered an item noting progress on the preparation of a Local Planning Policy (LPP) relating to bonus heights in the CBACP. The item noted that a draft LPP was not ready to be presented to the Council in April 2020 as had been requested by the Council in a December 2019 Motion.
- The April 2020 report to the Council noted that the next steps in the preparation of the LPP involved a series of workshops with Elected Members and a stakeholder working group (SWG).
- Two workshops have since been held with Elected Members, the SWG has been formed and an initial workshop with the SWG has been conducted. Noting the initial timeframe for preparation of the LPP, the consultant's project plan identified the next steps as being preparation of the draft LPP and presentation to the Council at the revised time of May 2020.
- Attendees of the SWG workshop expressed the wish to be given more time and opportunity for that group to inform the LPP preparation process. A request for up to three SWG workshops as well as an opportunity for the SWG to provide feedback on the draft LPP was identified.
- The consultant has now reviewed the opportunity to undertake additional engagement with the SWG to inform the preparation of the LPP. A revised project approach includes a total of three workshops with the SWG as well as a briefing on the draft LPP.
- The modifications to the stakeholder engagement would add approximately three weeks to the project program with a draft LPP being ready for the Council consideration in mid-late June 2020.
- At the April 2020 Council meeting the Council resolved that the CEO advises the Council when the draft Local Planning Policy 1.18 is available and arrange a Special Meeting of the Council, if necessary.
- The revised stakeholder engagement approach is presented to Council for consideration.

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**BACKGROUND**

At the Ordinary Council Meeting held on 10 December 2019 the Council resolved to support a Motion Without Notice (Item 17.3) as follows:

That the Council requests the Chief Executive Officer:

1. To engage the services of a professional Planning Consultant from open market suppliers with expertise in local government, community engagement and public policy development by no later than 25 February 2020, to prepare a Draft Local Planning Policy relating to Bonus Building Heights in the Canning Bridge Activity Centre Plan for Council's consideration under the *Planning and Development (Local Planning Schemes) Regulations 2015*, addressing the points below:
 - a) Clarifying the information to be submitted with development applications seeking bonus height;
 - b) Defining the correlation between community benefit and bonus height for new developments in the M10 and M15 zones; and
 - c) Introducing corresponding provisions to guide the exercise of discretion when assessing and determining development applications seeking bonus Height.
2. Requires the Draft Local Planning Policy described in 1. above to be presented to the April 2020 Ordinary Council Meeting.

In accordance with the December 2019 Council resolution external consultants were invited to submit quotes on the preparation of the LPP with a closing date of 30 January 2020. Following assessment of submissions a consultant, Taylor Burrell Barnett, was engaged mid February 2020.

The preparation of the LPP involves three main stages:

- Review of previous LPP 1.18
- Preliminary Engagement with Stakeholders to Understand Key Issues
- Preparation of the LPP (including review, engagement, modification)

The extent of the engagement phase was designed to reflect the original April 2020 timeframe set for the completion of a draft LPP.

The consultants have progressed background work for the policy and commenced engagement with key stakeholders (Stages 1 and 2). Two engagement workshops have now been held with Elected Members on 14 and 20 April 2020.

A Stakeholder Working Group has also been formed to provide enhanced understanding of the issues and opportunities associated with the awarding of bonus building height from the viewpoint of a range of stakeholders. The SWG members have been selected to include representation across local residents, local landowners, business owners and the development industry. The invitation list for the membership of the SWG has previously been circulated to Elected Members.

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)

At the April 2020 Ordinary Council Meeting the Council considered Item P20/3848: Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height and resolved:

That the Council:

- 1. Notes that the preparation of a draft Local Planning Policy relating to Bonus Building Height in the Canning Bridge Activity Centre is not able to be provided to the April 2020 Council meeting as identified in the Notice of Motion adopted by Council 10 December 2019.**
- 2. Notes that revisions to the project stakeholder engagement program have been introduced, including a revised Elected Member Workshop, to respond to social distancing requirements and to enable progress on the required Local Planning Policy.**
- 3. That the CEO advises Council when the draft Local Planning Policy is available and arranges a Special Meeting of Council if necessary.**

DETAIL

Discussion at the SWG workshop has noted that there may be opportunity to better inform the preparation of the LPP with additional input from the SWG. Additional engagement with the SWG presents opportunity for all parties to gain better understanding of matters relating to the preparation of the LPP which may subsequently enhance the outcomes. The SWG also saw merit in an opportunity for the group to comment on a draft of the LPP.

The consultant has responded to this opportunity for additional engagement and has proposed a minimum of two additional SWG meetings. The proposed content of these two additional meetings is outlined below:

Stakeholder Working Group Meeting No. 2

1. Confirm the outcomes of Stakeholder Working Group (SWG) Meeting No. 1
 - Revised engagement process
 - Concerns relating to bonus height
 - Concerns relating to community benefits
2. Confirm the matters which can be considered through the LPP
 - Identifying the matters which must be dealt with through the CBACP review (e.g. caps or removal of bonus height provisions) or an amendment to the City's local planning scheme (e.g. introducing development contribution arrangements)
 - Identifying how the provisions of Element 21 can be expanded upon to ensure high quality design is achieved
 - Identifying how the provisions of Element 22 can be expanded upon to ensure the most value is able to be realised through the listed community benefits

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)

3. Respond to queries relating to the CBACP objectives, and the current and prospective yields and densities within the CBACP area
 - Overview of CBACP objectives and how the LPP will remain consistent with these
 - Explanation of the City's assessment of the current yields/densities in the area and how these are tracking against what is envisaged under the CBACP and other supporting technical documents (particularly relating to the assumptions contained in infrastructure and transport assessments)
4. Undertake an exercise relating to community benefits and proportionality
 - SWG to provide feedback on the community benefits listed under Element 22, how more guidance could be provided to achieve a greater benefit to the community, and identify whether some of the listed benefits are more or less important than others
 - Taylor Burrell Barnett to facilitate discussion and provide suggestions based on the feedback received by the City through the Community Needs engagement process undertaken between August 2019-February 2020

Stakeholder Working Group Meeting No. 3

1. Review and report on our assessment of the outcomes of SWG Meeting No. 2
 - Analyse feedback received relating to how Element 22 community benefits could be improved
 - Analyse feedback received relating to proportionality, in terms of a potential ranking of the importance/value of each of the community benefits
 -
2. Present and seek feedback on Taylor Burrell Barnett suggestions for the draft LPP structure and content
 - SWG to review and provide feedback on the structure the LPP to ensure it is clear, concise and easy to understand by all
 - SWG to review and provide feedback on the suggested content of the LPP in terms of achieving Council's stated LPP objectives (i.e. clarifying information to be submitted with applications, guiding the exercise of discretion by approval authorities, and defining a correlation between community benefits and bonus heights)

At the completion of the additional workshops the draft LPP would be finalised and progressed for officer and Elected Member consideration as to whether the policy should move to public advertising. At this stage it is also proposed that the SWG be provided with an additional briefing on the content of the draft LPP.

The modifications to the stakeholder engagement program would add approximately three weeks to the project program with a draft LPP being ready for the Council's consideration in mid-late June 2020.

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Preliminary engagement is occurring with community stakeholders. Formal advertising of a draft LPP would occur following consideration by the Council. This item seeks endorsement of an expansion to the extent of stakeholder engagement.

II. OTHER AGENCIES / CONSULTANTS

Relevant agencies, including Department of Planning, Lands and Heritage and the City of South Perth have been engaged as part of the preparation of the LPP.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme 6 (LPS6) establishes the approval process and advertising requirements for a LPP.

State Planning Regulations note the requirement for a LPP to maintain consistency with higher order legislation, with the role of an LPP being to guide and clarify the content of the higher order planning document. Accordingly, in the case of the CBACP, an LPP is not able to introduce items such as height controls or developer contribution mechanisms.

The external consultant engaged to prepare the LPP has been engaged on a contract specific to an established scope of work. Variation to the process may require variation to the terms of the contract.

FINANCIAL IMPLICATIONS

Proposed expansion of the stakeholder engagement will involve additional project costs. The cost of the current proposed additions to the engagement program is \$10,350.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

“Urban development creates changes in amenity (positive and negative) which are not well understood”.

Under Priority 3 from the Corporate Business Plan key strategies are:

3. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
4. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

P20/3853 – PROGRESS ON LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT (REC)

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.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Delay in preparation of LPP may delay the opportunity to achieve greater clarity and guidance with respect to awarding of bonus height in CBACP.	Moderate consequences which are possible, resulting in a Medium level of risk	Expected delay to LPP is not substantial given proposed solutions. Existing legislation and planning framework provides guidance and clarity.

POLICY IMPLICATIONS

There are no other policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to not support the proposed more comprehensive engagement approach. This option, whilst avoiding additional expenditure may diminish the potential contribution of the SWG in informing the preparation of the LPP. The Council may also consider a further widening the extent of work associated with the completion of the project. Further widening of project scope is likely to involve additional costs, additions to the timeframe and depending upon extent of changes may require further procurement approvals.

CONCLUSION

The expansion of the approach to engagement to enable additional participation by the SWG is supported. The original project scope included a moderate level of stakeholder engagement, reflecting the priority for a quick LPP preparation process. Additional engagement with the SWG presents opportunity for all parties to gain better understanding of matters relating to the preparation of the LPP, which may subsequently enhance the outcomes. In accordance with the Council resolution at the April 2020 Ordinary Council Meeting, the CEO will advise the Council when the draft Local Planning Policy 1.18 is available and arrange a Special Meeting of the Council, if necessary.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3853) APPROVAL

At 6:11pm Cr Pazolli moved, seconded Cr Kepert –

That the Council endorse proposed changes to the stakeholder engagement phase relating to the preparation of a draft Local Planning Policy relating to Bonus Building Height in the Canning Bridge Activity Centre to provide:

- **two additional workshops with the Stakeholder Working Group; and**
- **a separate briefing to the Stakeholder Working Group on the draft Local Planning Policy.**

At 6:30pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 6:23pm Cr Wheatland left the meeting and returned at 6:27pm.

At 6:33pm Cr Barber left the meeting and returned at 6:36pm.

Disclosures of Interest

Member Cr Barton
 Type of Interest Interest Under the Code of Conduct
 Nature of Interest Close relative owns property in Forbes Rd, Applecross
 Request Stay, Discuss & Vote
 Decision Stay, Discuss & Vote

Member Cr Mair
 Type of Interest Financial Interest
 Nature of Interest Will be a shareholder of a company that owns land in the CBACP area
 Request Leave
 Decision Leave

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross- Mt Pleasant
 Category : Policy
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Project Scope 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 : P19/3817 – Review of Canning Bridge Activity Centre Plan – Project Scope, Ordinary Meeting of Council 20 and 27 August 2019.
 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 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>

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- At its meeting on 27 August 2019 the Council provided direction on the review of the CBACP. The first Part of the Council resolution was to prepare a height cap amendment for consideration by WAPC. The second Part of the Council resolution was to consider the scope for the next stages of the review of the CBACP having regard to the WAPC decision on the amendment.
- A Motion With Notice relating to the review of the CBACP was supported by the Council on 19 November 2019. The Motion With Notice provided additional clarity with respect to defining the scope of the review and established a completion target of 31 October 2020 for preparation of a draft amended CBACP.
- Following the November 2019 Motion With Notice an external consultant was appointed to assist the Council in refining the scope for the review of the CBACP. This work established that achievement of the October 2020 target for the review process would require removing lower priority elements from the project scope. Workshopping of the matter resulted in the preparation of a trimmed back project scope (Option 1).
- Feedback on the Option 1 project scope has flagged concerns that whilst it responds to the timeframe target, the reduced scope results in less community engagement and may lack the thoroughness required to demonstrate the merit of alternative built form outcomes.
- The WA Planning Commission (WAPC) has since made a determination on the height cap amendment. This determination also highlights that any proposal to modify built outcomes at the CBACP will require to be supported by a comprehensive review process.
- In this circumstance it is considered that the original comprehensive project scope for the review of the CBACP (Option 2) is most likely to deliver the required outcomes for the precinct. The wider scope is expected to require additional time and involve greater expenditure but is considered appropriate to support any recommendations to the WAPC regarding potential modifications to built form outcomes.

BACKGROUND

At its meeting on 27 August 2019 the Council considered a report outlining different approaches and alternative project scopes to achieve a review of the CBACP. In summary the report outlined advantages and disadvantages for three different options which could be used in combination to achieve the desired review of the CBACP:

Option A - Targeted approach:

Would enable the City to clearly state its expectation regarding building height control and to seek a timely response from the WAPC on whether these expectations can be achieved.

Option B - Clarify the Building Height and Bonus Height Provisions – but maintain the existing CBACP Vision:

Would enable additional clarity and control over the process of awarding bonus height but would not deviate from the existing vision for the CBACP.

**P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE
PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**

Option C – Comprehensive Review of Built Form Vision and Corresponding Development Controls:

2. Would enable the desired built form for the CBACP to be revisited and for corresponding development controls to be explored.

At the 27 August 2019 meeting the Council provided direction on the review of the CBACP via the following resolution:

That the Council:

4. *in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Council resolves to accept and initiate the following amendment to the Canning Bridge Activity Centre Plan for the purposes of advertising:*

Modification to paragraph one of the pre-requisites to the Bonus Provision associated with Elements 21 and 22 of the Canning Bridge Activity Centre Plan by adding an additional sentence, “In the M10 and M15 quarters of Kintail and Ogilvie (those quarters within the City of Melville), the maximum bonus height is 5 additional storeys.”

5. *directs the Chief Executive Officer to progress the following actions in relation to the Canning Bridge Activity Centre Plan:*
 - e) *a review, including scope items as outlined in Option B “Review/Clarification of Existing CBACP Building Height and Bonus Provisions” (3817_Scope_Summary_Option_B) be progressed having regard to the outcomes of stage one.*
 - f) *a review of the remaining scope items under Option C “Comprehensive Review of Building Height and Bonus Provisions” (3817_Scope_Summary_Option_C) particularly in relation to re-defining optimal built form and preparation of related planning controls, not be commenced until there is sufficient certainty that such measures are achievable.*
 - g) *investigations to support completion of scope items under Options B and C being outsourced.*
 - h) *to fund the completion of scope items under Options B and C (if applicable) through the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.*
6. *notes that a further report will be presented to Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission.*

Part 1 of the resolution has been acted on. In progressing Part 1 above, at its meeting on 27 November 2019, the Council considered the results of advertising of the draft amendment and resolved to modify the draft amendment to provide for a 13 storey height cap in M10 and a 20 storey height cap in M15. The modified amendment was subsequently forwarded to the WAPC with a recommendation for approval. The Statutory Planning Committee (SPC) of the WAPC determined the amendment proposal on 7 April 2020. The SPC required modifications to the amendment, which in summary provide for a height cap of 15 storeys applicable to parts of the M10 zone which interface with lower H8 or H4 zoned sites. The SPC decision also included advice on the wider review of the CBACP:

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

That the Statutory Planning Committee resolves to:

1. *In accordance with clause 38 (1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, require the City of Melville to:*
 - c) *modify the Canning Bridge Activity Centre Plan in accordance with the attached Schedule of Modifications, appended as Attachment 8; and*
 - d) *resubmit the modified plan to the Western Australian Planning Commission for approval.*

- 2 (a) *advise the City of Melville that a comprehensive review of all elements of the Canning Bridge Activity Centre Plan should be undertaken as a priority. In relation to the built form elements of the ACP, this should include, but not be limited to, consideration of the following;*
 - *A built form study examining the need for, or otherwise, amendments to height limits.*
 - *The application of height bonuses to provide a range of incentives, including to achieve exemplary design*
 - *Community needs assessment and review of community benefit provisions to provide a clearer nexus between bonus height and community benefits as well as the type and quantity of community benefits required, as determined through a community needs assessment.*
 - *Analysis of transition between zones within, and to land adjoining, the CBACP area.*
 - *Consideration of the merits of implementing the R-Codes.*

- 2 (b) *expects that the City of Melville's full review of the Canning Bridge Activity Centre Plan will be undertaken in liaison with the City of South Perth to achieve the united vision of the plan.*

The minutes of the meeting of the Statutory Planning Committee of the WAPC are available via the following link

[3582 Statutory Planning Committee Minutes 7 April 2020](#)

Part 2 of the Council's August 2019 resolution requires consideration of progressing the review of the CBACP beyond "Option A" (into Options B or C) to have regard to the outcomes of Option A (the targeted height cap amendment). On 19 November 2019, the Council provided further direction on the review of the CBACP and the scoping of the project through a Motion With Notice:

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**MOTION WITH NOTICE:**

That the Council directs the Chief Executive Officer to immediately commence and, as quickly as possible, expedite the completion of the full review of the Canning Bridge Activity Plan including:

- 4. Commissioning of outsourced planning expertise to assist Council in scoping and timetabling the review with the objective of completing the review by October 31, 2020, assisting the Chief Executive Officer (and City Planning Officers) to undertake the review, present monthly review project updates to Council and assist the Chief Executive Officer to document the reviewed Canning Bridge Activity Centre Plan in a form suitable for submission to the West Australian Planning Commission for approval and adoption.*
- 5. Undertake stakeholder and community consultation as determined in the scoping of the review in Item 1 above, including incorporation of stakeholder/community reference groups that the Council may require.*
- 6. The funding of the review of the Canning Bridge Activity Plan by the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.*

REASONS:

- 5. It is clear from recent CBACP development applications and Design WA R Code changes that there are a number of issues, inconsistencies and errors in the current Canning Bridge Activity Centre Plan (CBACP). Further, it is clear that the current interpretations of aspects of the CBACP are not consistent with the expectations of the City of Melville citizens and the Council.*
- 6. Following the overwhelming positive result of the recent Local Government elections, I believe the Council now has a strong mandate to proceed to expedite changes to the CBACP and to ensure that the full review of the CBACP is progressed as rapidly as possible. This motion requires that the CEO proceeds with the full review immediately and as quickly as possible with the ambitious target date of having a revised CBACP ready for submission to the WAPC by October 31, 2020 (or hopefully even earlier!).*
- 7. To achieve this ambitious deadline it is expected that it will require the City to commission external resources to assist the Planning Officers and Council to undertake the full review.*
- 8. Whilst the full review is progressed it is anticipated that Council may also proceed in parallel with passing a range of Local Planning Policies and amendments to the existing CBACP to give effect to correcting issues with the existing CBACP*

In response to the Notice of Motion an external project manager was appointed to progress initial scoping and timetabling work for the CBACP review. The starting point for this work was an original “comprehensive” project brief prepared by City officers. Central to progressing the project scoping process was a facilitated workshop with Elected Members held on 12 February 2020. The workshop focused on exploring the implication (in terms of timing, cost and outcomes) of including or not including certain elements within the review of process. The intention of the workshop was to inform the finalising of the project brief for the review of the CBACP, which would then be used to procure assistance to undertake the remainder of the review.

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)

A report on the workshop was circulated to Elected Members with comment invited until 6 March 2020. The workshop outcomes report noted that to achieve completion of the review of the CBACP by 31 October 2020 that certain elements of the project scope would need to be excluded. In these circumstances the workshop identified focus/priority areas to be responded to by the review. The workshop identified other scope items with lesser priority which potentially could be excluded from the project to enable the desired timeframe to be achieved.

3852 Confidential Attachment 1 Workshop Outcomes

A draft project scope was subsequently prepared and circulated to Elected Members for comment. The draft project scope identified the items for potential exclusion from the project included limiting the extent of stakeholder engagement, no additional traffic investigations, no separate community needs investigation (reliance on work previously completed) and no additional retail/commercial investigations. Elected Members were invited to provide feedback on the draft project scope until 21 April 2020. Feedback provided included requests to reinstate elements back into the draft scope including:

- comprehensive community engagement
- additional traffic impact studies
- further community needs investigations

Additional comments included emphasis on need for the project scope to include:

- review of building height controls involving no bonus options
- consideration of community benefits funds/developer contributions schemes

DETAIL

Part 1 of the Council resolution of August 2019 (amendment to CBACP seeking height caps) has been undertaken. Part 2 of the resolution is to progress the review of the CBACP having regard to the implications of the WAPC determination on the height caps amendment. These considerations are also informed by work on project scope undertaken in response to the November 2019 Ordinary Council Meeting Motion With Notice.

Implications of WAPC decision on height caps amendment

The WAPC decision highlights a number of key points with respect to the project scope for the review of the CBACP:

- Comprehensive built form studies are required to support height controls such as a 1/3 cap in the M10 and M15
- There is a need for additional certainty with respect to the assessment of building height in the CBACP
- Interface between different height zones, in particular between M10 and H8/H4 presents particularly challenging issues for consideration
- The WAPC favours a comprehensive review of the CBACP including investigation of built form, nexus between bonus height, community benefits and community needs, transition zones, incorporation of the R-Codes and liaison with City of South Perth

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)*Project Scope Investigations Following Notice of Motion:*

An external consultant has prepared a draft project scope for the review of the CBACP. The work was based on the original draft project scope for a comprehensive review and was informed through a workshop process held in February 2020. With regard to the terminology from the August 2019 Council item (Options A, B and C) the project scope prepared represented an Option C (comprehensive) approach, given that it still proposed to re-visit the built form vision for the precinct. The key difference with the draft project scope prepared was that it proposed to remove lower priority elements from the project scope to enable a desired October 2020 completion date to be achievable. This “trimmed back” comprehensive project scope is attached:

3852 Confidential Attachment 2 - Reduced Comprehensive Project Scope (Option 1)*Assessment:*

The scope prepared for the review of the CBACP demonstrates a preference to undertake a “comprehensive” approach (Option C). The scope of this type of review allows for a revisiting of the vision for the CBACP, reviewing the desired urban/built form and then establishing development control mechanisms to achieve that vision.

The trimmed back comprehensive project scope was prepared in response to Elected Member feedback with an objective to maximise the potential for a draft reviewed CBACP to be in a form ready for forwarding to the WAPC by the end of October 2020. It is considered that a more traditional scope for the CBACP review would not be able to achieve this target.

Following the WAPC decision on the height cap amendment in April 2020 it has become clearer that a review process that potentially recommends a lower intensity of built form will require a very thorough level of justification. The SPC decision itself outlines the need for a built form focused review across all elements of the CBACP. Although the trimmed back project scope is more likely to achieve a quick turnaround it is considered that it would be unlikely to contain the required rigor to validate a different approach to built form. Preliminary Elected Member feedback on this scope has also demonstrated a preference to re-introduce elements such as additional community engagement, traffic studies, community needs evaluation and the consideration of options such as developer contributions.

The original summarised draft comprehensive project scope outlined in the August 2019 Council item has been updated for the Council’s consideration. The widened scope reflects a more traditional activity centre review process but maintains a scope focus on defining a desired urban form vision and then translating that vision into appropriate development controls. The approach features extensive stakeholder engagement, additional traffic/movement studies, evaluation of multiple building height/building intensity controls and extensive investigation of the value and need for community benefits. Elements previously identified for investigation including boundary adjustments, treatment of transition between zones, focus on Forbes Road interface and merit of developer contributions/value capture/community benefit funds are incorporated into the project scope.

3852 Confidential Attachment 3 Wider Comprehensive Project Scope (Option2)

P20/3852 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – FINALISE PROJECT SCOPE (REC) (CONFIDENTIAL ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

An engagement plan will form part of the project plan for the review of the CBACP. Each of the approaches (Option 1 – comprehensive, short timeframe and Option 2 – comprehensive, longer timeframe) will include a 28 day maximum statutory advertising period upon completion of a draft. Option 1 involves basic level of community engagement, stakeholder reference group and will be informed by previous findings. Option 2 provides more thorough stakeholder engagement, stakeholder reference group and multiple opportunities for engagement on emerging ideas.

II. OTHER AGENCIES / CONSULTANTS

The review of the CBACP will include ongoing liaison with representatives from the City of South Perth and the Department of Planning Land and Heritage. Amendments to Activity Centre Plans also require referral to infrastructure agencies such as Department of Transport, Water Corporation and Western Power. As noted by the WAPC, there is an expectation that the review will include extensive involvement of the City of South Perth to ensure that concepts for the centre are developed in a unified manner.

STATUTORY AND LEGAL IMPLICATIONS

The process for amendment to an Activity Centre Plan is provided for in Schedule 2, Part 6, clause 45 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations establish the circumstances in which the WAPC will consider a proposed amendment, the required content of the amendment and the requirements for public advertising.

FINANCIAL IMPLICATIONS

The bulk of the supporting investigations for the review of the CBACP are to be outsourced. Completion of scope of works will involve commissioning of specialists across a range of disciplines and costs could be substantial. Costs of works are likely to exceed \$250,000 and accordingly are likely to be required to be subject to public tender. Re-allocation of Strategic Urban Planning project funds and proposed budget allocations have been identified to fund this work.

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STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City’s strategic goals and responds in particular to Priority 3 of the Corporate Plan:

“Urban development creates changes in amenity (positive and negative) which are not well understood”.

Under Priority 3 from the Corporate Business Plan key strategies are:

5. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
6. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

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.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Perceived lack of clarity experienced by various stakeholders (Elected Members, community, landowners, developers) as to how provisions of CBACP should be interpreted	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters.
Preparation of amendment to CBACP provisions creates uncertainty and results in a loss of confidence for development industry with consequential reduced interest in development	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters. A specific key outcome of the review is to provide certainty with respect to built form and clarity of the processes relating to awarding of additional height.
Stakeholder expectations regarding desired built form for the centre differ to those related to the regional objectives for the centre.	Moderate consequences which are possible, resulting in a Medium level of risk	The options aim to build evidence to ensure the importance of stakeholder’s expectations is suitably represented. The comprehensive approach to the review process seeks to move toward alignment and understanding between local and regional objectives relating to built form.

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The outcomes of the review of the CBACP will establish the urban planning direction for the precinct. The Council is also considering a draft Local Planning Policy (LPP) relating to Bonus Building Height Provisions. If a new LPP is adopted it would continue to operate during the review of the CBACP. Dependent upon the direction of the review, future modification of the LPP is likely to be required.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This report seeks direction on the extent of the project scope for the CBACP review. Option 1 responded to priority to have a review process completed quickly. To achieve this objective the approach excluded lesser priority elements from the project scope. Further direction from the WAPC suggests that movement to a potentially lower intensity form of development in the CBACP is likely to require extensive justification.

Option 1 may not deliver this required level of justification. Option 2, although likely to require a timeframe in the order of twelve months, is supported by wider stakeholder engagement and investigations of options across a wider number of CBACP issues.

In the event that the Council chooses not to proceed with a review of the CBACP then the existing provision will continue to apply. The LPP relating to bonus building height if adopted would support the operation of the CBACP through provision of additional clarity and guidance.

CONCLUSION

Progress on the review of CBACP has progressed in accordance with the August 2019 Council resolution and the subsequent Notice of Motion of November 2019. Part 1 of the August 2019, seeking WAPC decision on height caps in M10 and M15 has been undertaken. The results of that process including the advice from the WAPC inform the next steps.

It is clear that the Council seeks a comprehensive review (Option C) of the CBACP whereby the desired built form for the centre is re-visited and suitable development controls are prepared to achieve the revised vision. Initially the Council explored options to examine the scope of the review project. The February workshop focused on exploring the implication (in terms of timing, cost and outcomes) of including or not including certain elements within the review of process. The workshop established that to complete a review of the CBACP by end of October 2020 it would necessary to remove lower priority elements from the project scope. An example of this trimmed back scope was circulated to elected members (Option 1). Feedback on this draft scope flagged concerns that the reduced scope, although enhancing the prospect of a timely preparing of a revised CBACP, may not deliver the required outcome.

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The recent WAPC decision on the height cap amendment also highlights the need for a thorough review process to support potential changes to built form in the centre. Specific advice from the WAPC noted the need for a comprehensive review covering all elements of the CBACP.

In these circumstances it is recommended that the Council endorse a more comprehensive project scope for the review of CBACP (Option 2). The approach is expected to take in the order of twelve months to complete and will involve additional cost. These factors are however offset by the opportunity for greater stakeholder engagement throughout the process and for the preparation of a strong foundation to arrive at and justify potential built form changes.

Finalisation of the project scope will enable commencement of the process to procure external consultants to undertake the review of CBACP in May/June 2020.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3852) APPROVAL

At 5:37pm Cr Kepert moved, seconded Cr Robins –

That the Council request the Chief Executive Officer to progress a review of the Canning Bridge Activity Centre Plan through the procurement of external consultants based on the project scope outlined in the confidential attachment to this report - Option 2.

At 6:42pm the Mayor declared the motion

CARRIED (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 6:43pm and conducted a roll call confirming the following Elected Members were still in attendance:

Mayor Honourable G Gear, Cr N Pazolli (Deputy Mayor), Cr S Kepert, Cr D Macphail, Cr N Robins, Cr C Robartson, Cr M Woodall, Cr J Barton, Cr Barber, Cr M Sandford, Cr T Fitzgerald, Cr K Wheatland.