



**MINUTES  
OF THE  
SPECIAL MEETING OF COUNCIL  
HELD ON  
WEDNESDAY, 27 NOVEMBER 2019  
AT 6.30PM IN THE COUNCIL CHAMBERS  
MELVILLE CIVIC CENTRE**

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**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6:30PM ON WEDNESDAY 27 NOVEMBER 2019.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:33pm. Mr L Hitchcock, Executive Manager Governance and Legal Services, read aloud the Disclaimer that is on the front page of these Minutes and the following Affirmation of Civic Duty and Responsibility.

**2. PRESENT**

His Worship the Mayor G Gear

**COUNCILLORS**

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

**WARD**

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

**3. IN ATTENDANCE**

Mr M Tieleman  
Ms C Young  
Mr S Cope  
Mr M McCarthy  
Mr L Hitchcock

Mr P Prendergast  
Mr B Ashford  
Ms C Newman

Chief Executive Officer  
Director Community Development  
Director Urban Planning  
Director Technical Services  
Executive Manager Governance and Legal Services  
Manager Statutory Planning  
Senior Planning Officer  
Governance Coordinator

At the commencement of the meeting there were approximately 11 members of the public and no representatives from the Press in the Public Gallery.

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

Cr S Kepert	Applecross – Mount Pleasant
Mr A Ferris	Director Corporate Services
Mr B Taylor	Manager Governance and Property

**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****6.1 Mr E Nielsen, Booragoon**Question 1

*Why is this proposed development labelled a 15 Storey one when in fact it is an 18 Storey development (attachment A, refers)?*

Response

Officers will respond to this question in the officer presentation that will be provided in response to the associated item on this evening's agenda.

Question 2

*With respect to the Waste Management Plan a number of items stand out (attachment B, refers)...*

6. *Question Time, Mr Nielsen Continued.*

Question 2.1

*There is no mention of the City's recently introduced FOGO bins or the means of collecting this organic waste. There are 3 small and insufficient Organic Waste Stores in the lower carpark. With no chutes one would have to assume the occupants would have to find their way down to the carpark to dispose of their organic waste.*

Response

The provision of organic waste stores as depicted on the plans and as highlighted by Attachment B to this question, meet with the waste storage and collection requirements of the City as confirmed by the City's Manager Resource Recovery and Waste.

Question 2.2

*The location of the residential waste collection under Tower 1, with the surrounding building structure (walls and car parking) would make it near impossible to manoeuvre any of the 660L bins out of there and bring them to the Bin Staging.*

Response

The City's Manager Resource Recovery and Waste has confirmed his acceptance of the bin manoeuvring arrangements, and is confident that the bins can be moved to facilitate waste removal.

Question 2.3

*The location of the Commercial Bin Store (being the collection point of waste from the commercial enterprises) suggests that staff would be in for an interesting walk through a labyrinth of corridors and passages to get there.*

Response

The most recent rendition of the Ground Floor Plan (revision e) depicts the introduction of an additional access from the commercial premises into the waste storage area. This provides a more direct route for the deposit of waste from those commercial premises.

Question 2.4

*The enormous number of 660L bins being moved around in the carpark and up and down the ramp to the Bin Staging and interacting with vehicular traffic could have disastrous consequences. These activities are incompatible for both health and safety reasons.*

6. *Question Time, Mr Nielsen Continued.*

Response

The onus to provide bins ready for waste collection rests with the Strata Management group.

Question 2.5

*Considering these issues, have the City officers examined this waste management plan appropriately and if so are they satisfied with this as a satisfactory solution?*

Response

The City is therefore confident that the development as proposed meets with all waste associated requirements.

Question 3

*With reference to the letter from the Swan River Trust dated 21 November 2019, has the City and the Applicant resolved the points raised by the Swan River Trust?*

Response

All recommendations made by the Swan River Trust have been accounted for by the RAR including the specific recommended conditions of approval.

Question 4

*With reference to the Services Infrastructure (CBACP item 7.3, refers) what interaction has the City had with Western Power and the Water Corporation to ensure these organisations can sufficiently support this project and any others in the future...*

1. *If so what was the outcome of such interaction?*
2. *If not, when is the City going to engage in a dialogue with these organisations to establish their ability to support this level of infill taking place?*

Response

The City has engaged with Water Corporation and this is referred to in the RAR. Any requirements for additional Western Power infrastructure will be highlighted and required at the Building Permit stage of the development process.

## **7. DEPUTATIONS**

### **7.1 Mr M Burns of Applecross**

Item P19/3832 - Development Assessment Panel Application – 15 Storey Mixed-Use Development at No. 55-61A Canning Beach Road & No. 2-6 Moreau Mews, Applecross

At 6:43pm Mr Burns entered the Chambers for the purpose of making a deputation on Item P19/3832 – Development Assessment Panel Application – 15 Storey Mixed-Use Development at No. 55-61A Canning Beach Road & No. 2-6 Moreau Mews, Applecross.

## **COUNCIL RESOLUTION**

At 6:55pm Cr Wheatland moved, seconded Cr Pazolli –

**That Mr Burns be granted a further 10 minutes to speak on this matter.**

At 6:55pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

Mr Burns' presentation concluded at 7:07pm. [Mr Burns Presentation](#)

At 7:22pm Mr Burns departed the Chambers.

## **8. DECLARATIONS OF INTEREST**

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

### **8.1 FINANCIAL INTERESTS**

- Cr Mair, Item P19/3831 – Amendment to Canning Bridge Activity Centre Plan: Limit to Bonus Height – Results of Engagement.

### **8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

- Cr Pazolli, Item P19/3832 – Development Assessment Panel Application – 15 Storey Mixed-Use Development at No. 55-61A Canning Bridge Road & No. 2-6 Moreau Mews, Applecross.
- Cr Barton, Item P19/3831 – Amendment to Canning Bridge Activity Centre Plan: Limit to Bonus Height – Results of Engagement.

## **9. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 7:22pm Cr Barton moved, seconded Cr Mair –

**That the application for a new leave of absence submitted by Mayor Honourable G Gear on 27 November 2019 be granted.**

At 7:22pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

## **10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

At 7:24pm Mr Prendergast, Manager Statutory Planning and Mr Ashford, Senior Planning Officer entered the Chambers for the purpose of making a presentation with Mr Cope, Director Urban Planning on Item P19/3832 – Development Assessment Panel Application – 15 Storey Mixed-Use Development at No. 55-61A Canning Beach Road & No. 2-6 Moreau Mews, Applecross. The Officer presentation concluded at 7:41pm. [Officer Presentation](#)

*At 8:09pm Cr Woodall left the meeting and returned at 8:13pm.*

*At 8:11pm Cr Wheatland left the meeting and returned at 8:14pm.*

At 8:33pm Mr Prendergast and Mr Ashford departed the Chambers.

## **11. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

### Disclosures of Interest

Member	Cr Pazolli
Type of Interest	Interest Under the Code of Conduct
Nature of Interest	Member of the Metro Central JDAP that will decide this Development Application
Request	Stay, Discuss and Vote
Decision	Stay, Discuss and Vote

### **P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPLECROSS (REC) (ATTACHMENT)**

Ward	: Applecross/Mt Pleasant
Category	: Operational
Application Number	: DAP-2019-4
Property	: Nos. 55, 57, 57A, 57B, 59, 61 & 61A (Lots 522, 1, 2, 13, 3 & 1) Canning Beach Road and Nos. 2 & 6 (Lots 521 & 12) Moreau Mews, Applecross
Proposal	: 15 Storey Mixed-Use Development comprising 224 Multiple Dwellings, 12 Non-Residential Tenancies and Adjacent Foreshore Upgrades
Applicant	: Edge Visionary Living
Owner	: Edge Holdings Pty Ltd et al.
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil.
Responsible Officer	: Peter Prendergast Manager Planning Services

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPECROSS (REC) (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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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**

- Development approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a 15 storey mixed-use development comprising the following uses at No. 55-61A Canning Beach Road & No. 2-6 Moreau Mews, Applecross;
  - 224 Multiple Dwellings,
  - 4 Restaurant/Café Tenancies,
  - Three Community Spaces (Community Resource Centre, Makers Studio and Community Workshop),
  - Medical Consulting Rooms,
  - Ageing in Place Centre,
  - Small Bar,
  - Bike/Kayak Hire,
  - Day Spa (Shop),
  - End of Trip Facilities,
  - Public Parking, and
  - Swan River Foreshore Upgrades
- The application by virtue of its cost of development is a mandatory JDAP application which was submitted to the City on 26 July 2019.
- Council officers are finalising the Responsible Authority Report (RAR) which is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 29 November 2019.
- The RAR is the subject of a call up to a meeting of the Council, in accordance with the provisions of Local Planning Policy LPP1.1 "Planning Process and Decision Making".
- The recommendation of the RAR is that the JDAP approve the application.
- A copy of the resolution of the Special Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.
- The application is due to be considered by the JDAP on the 11 December 2019.

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPLECROSS (REC) (ATTACHMENT)**



Figure 1: Aerial Map of Subject Site

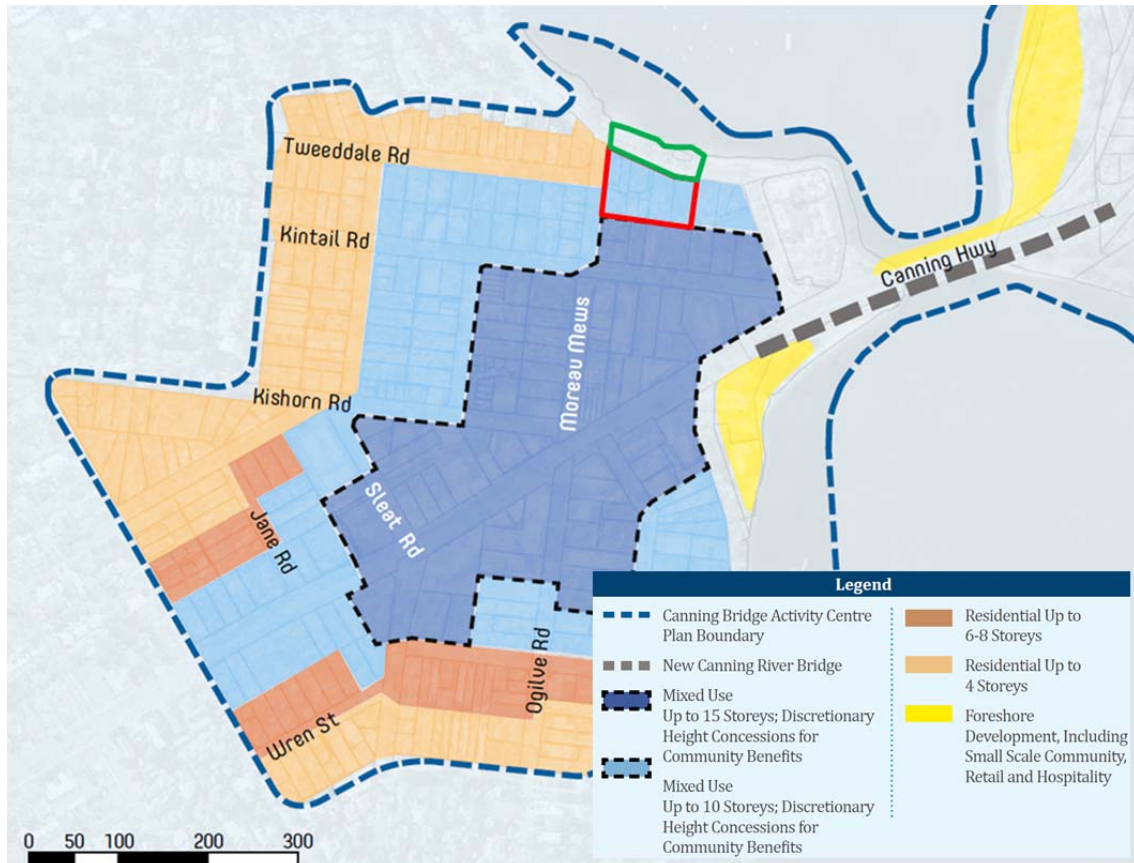


Figure 2: Subject site located within the Canning Bridge Activity Centre Plan

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPECROSS (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	District Centre – Canning Bridge Activity Centre
CBACP Zoning	:	M10- Mixed Use Zone
Use Type	:	Residential (Multiple Dwellings), Restaurant, Shop Office, Consulting Room, Small Bar, Civic Use, Use Not Listed- Community Uses
Use Class	:	Preferred – Residential (Multiple Dwellings), Restaurant, Shop, Office, Small Bar, Civic Use Uses Not Listed– Community Uses Non-Preferred- Consulting Room

**Site Details**

Lot Area	:	6341m <sup>2</sup>
Street Tree(s)	:	Yes - 3
Street Furniture (drainage pits etc)	:	Crossovers (to removed)
Site Details	:	See aerial photo above

**DETAIL**

Development approval is sought from the Metro Central JDAP for a 15 storey mixed-use development comprising;

- 224 Multiple Dwellings,
- 4 Restaurant/Café Tenancies,
- Three Community Spaces (Community Resource Centre, Makers Studio and Community Workshop),
- Medical Consulting Rooms,
- Ageing in Place Centre,
- Small Bar,
- Bike/Kayak Hire,
- Day Spa (Shop),
- End of Trip Facilities,
- Public Parking, and
- Swan River Foreshore Upgrades

Full details of the proposed development are outlined in the attached [3832 Responsible Authority Report](#).

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPECROSS (REC) (ATTACHMENT)****DAP-2019-4 RAR Report**

Subject to the approval of the development by the Joint Metropolitan Development Assessment Panel, it is noted that in order to deliver the improvements to the river foreshore which are proposed as a community benefit in this case, that the City would be required to lodge an application under Part 7 of the Swan Canning River Management Regulations 2007 to the Department of Biodiversity Conservation and Attractions (DBCA) for the approval of the works.

If the City as effective landowner chose not to agree to the lodgement of such an application, then the ability for the applicant to meet the terms of their development approval will be prejudiced.

In such a scenario, the applicant may choose to lodge a subsequent DA to the JDAP to remove reference to the foreshore works in the conditions of approval, on the basis that the condition(s) as previously applied were not capable of being met. If the JDAP failed to approve such a DA, then an appeal right to the State Administrative Tribunal could be triggered.

In the event of such an appeal to the SAT, the development could proceed without the benefit of the foreshore improvement works.

Alternatively, the applicant could choose to provide increased setbacks in accordance with the requirements of the DBCA Corporate Policy Statement No 48, *'Planning for Development Setback Requirements affecting the Swan Canning Development Control Area'* (CPS48)

If this were the case, then the nexus for the provision of the foreshore improvement works, which are proposed to be provided at the applicants full cost, with no financial burden passed onto the City, would be lost. It is noted that the foreshore improvement works are a pre-requisite for the support of the current development proposal by the DBCA. If the building setbacks are brought into line with the expectations set by CPS48, the proposal would be capable of support by the DBCA without the benefit of the added foreshore improvements.

**STAKEHOLDER ENGAGEMENT**

The engagement process will be outlined in the RAR in further detail.

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-  
USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU  
MEWS, APPECROSS (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The City is not the determining authority for the application. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide a report to the Development Assessment Panel. The timeframe associated with the determination of a DAP application is not controlled by the City, it being imposed under the DAP Regulations. It is a minimum requirement that the Responsible Authority provide the DAP secretariat with a copy of the Responsible Authority Report a minimum of 12 days from the date of the JDAP meeting. In this case the meeting is scheduled to take place on 11 December 2019, in which case the City is to provide its completed RAR to the JDAP by close of business on 29 November 2019. It is noted that the statutory period for determination of an advertised DAP application is 90 days from lodgement to decision. A variation to this time frame may only be sought by the applicant, not the Responsible Authority.

**FINANCIAL IMPLICATIONS**

There are not considered to be additional financial implications associated with this application.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are not considered to be strategic, risk or environmental management implications associated with this application.

**POLICY IMPLICATIONS**

Any policy implications are outlined in full within the RAR.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. This request should be received in writing by the DAP secretariat a minimum of 48 hours before the scheduled JDAP meeting time. The authority to grant a request to make a deputation rests with the Presiding Member of the JDAP.

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPECROSS (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (3832)**

**APPROVAL**

At 8:34pm Cr Robartson moved, seconded Cr Robins –

**That the Council:**

1. directs the Chief Executive Officer to advise the Metro Central Joint Development Assessment Panel that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 15 Storey Mixed-Use Development comprising 224 Multiple Dwellings, 12 Non-Residential Tenancies and Adjacent Foreshore Upgrades Nos. Lots 522, 1, 2, 13, 3 & 1 (No. 55, 57, 57A, 57B, 59, 61 & 61A) Canning Beach Road and Lots 521 & 12 (No. 2 & 6) Moreau Mews, Applecross, subject to conditions.
2. notes that this endorsement of the recommendation is subject to a decision by the Council at a future meeting, to determine whether or not the City is to lodge an application under Part 7 of the Swan Canning River Management Regulations 2007 for the Foreshore Improvement Works the subject of a condition of this development.

At 9:07pm the Mayor submitted the motion, which was declared

**LOST (4/8)**

<b>Vote Result Summary</b>	
Yes	4
No	8

<b>Vote Result Detailed</b>	
Cr Robartson	Yes
Cr Robins	Yes
Cr Macphail	Yes
Cr Wheatland	Yes
Cr Barber	No
Cr Barton	No
Cr Mair	No
Cr Fitzgerald	No
Cr Pazolli	No
Cr Sandford	No
Cr Woodall	No
Mayor	No

*At 8:35pm Mr Tieleman left the meeting and returned at 8:37pm.*

**P19/3832 - DEVELOPMENT ASSESSMENT PANEL APPLICATION- 15 STOREY MIXED-USE DEVELOPMENT AT NOS. 55-61A CANNING BEACH ROAD & NOS. 2-6 MOREAU MEWS, APPECROSS (REC) (ATTACHMENT)****Reasons for the Decision**

1. The community benefits offered are not proportionate to the height bonus given
2. The proposed development doesn't fit the Canning Bridge Activity Centre hierarchy plan.
3. The total negative impact (environmental, bulk and traffic) of the development, of the development on the foreshore area and Canning Beach Road.
4. Insufficient mitigation of the impact to the residents south of the development, including solar access and overshadowing.
5. The interpretation is that the development is 16 stories not 15 stories.
6. The widening of the grass foreshore is a condition of the Swan River Trust and not a community benefit as defined in the structure plan.
7. The narrowing of the road reduces the availability of the on street parking on Canning Beach road by 11 bays. The nett increase in parking is only 9 bays.

*At 9:10pm Cr Barton left the meeting and returned at 9:13pm.*

*At 9:10pm Cr Barber left the meeting and returned at 9:13pm.*

*At 9:10pm Cr Robins left the meeting and returned at 9:12pm.*

*At 9:11pm Cr Macphail left the meeting and returned at 9:13pm.*

*At 9:12pm Cr Robartson left the meeting and returned at 9:15pm.*

*At 9:13pm Cr Wheatland left the meeting and returned at 9:15pm.*

*At 9:13pm Cr Fitzgerald left the meeting and returned at 9:15pm.*

**ATTACHMENTS**

- [1 3832 Architectural Plans and Perspectives](#)
- [2 3832 Landscaping Report](#)
- [3 3832 DA Summary Report](#)
- [4 3832 Community Needs Analysis](#)
- [5 3832 Place Strategy Report & Multi Age Precinct Report](#)
- [6 3832 Design Review Process Summary](#)
- [7 3832 Design Review Panel Minutes](#)
- [8 3832 Transport Impact Assessment](#)
- [9 3832 Waste Management Plan](#)
- [10 3832 Acoustic Report](#)
- [11 3832 Hydraulic Stormwater Summary](#)
- [12 3832 Pedestrian Wind Environment Statement](#)
- [13 3832 Sustainable Design Report](#)
- [14 3832 Supplementary Planning Assessment](#)
- [15 3832 Swan River Trust Referral Response](#)

Disclosures of Interest

Member	Cr Barton
Type of Interest	Interest Under the Code of Conduct
Nature of Interest	A relative owns a property in Forbes Road, Applecross
Request	Stay, Discuss and Vote
Decision	Stay, Discuss and Vote
Member	Cr Mair
Type of Interest	Impartiality
Nature of Interest	Will possibly become a director of a company that owns property in the Canning Bridge Activity Centre Plan area.
Request	Leave
Decision	Leave

At 9:17pm having declared an Interest in the matter, Cr Mair left the meeting and did not return.

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Various
Proposal	: Amendment to Canning Bridge Activity Centre Plan to introduce limits to bonus height
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 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 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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council at its meeting held 20-27 August 2019 endorsed a series of actions to commence review of the Canning Bridge Activity Centre Plan (CBACP).
- The first action associated with the review of the CBACP review was the initiation of an amendment to the CBACP to limit the amount of bonus height able to be awarded in the M10 and M15 zones to five (5) storeys.
- This first step would seek response the Western Australian Planning Commission (WAPC) on the achievability of heights caps in the CBACP. A WAPC decision on this first step would then inform the extent of additional work required in a review of the CBACP. Item 19/3817 outlined a staged approach to a review that could be rolled out, having regard to the WAPC decision on this first step.
- Advertising of the proposed amendment limiting bonus height in M10 and M15 zones to five (5) storeys concluded on 16 October 2019 with a total of 482 submissions received. In summary 81 per cent of submissions suggested that the proposed height limit was too generous. Ten (10) per cent supported the height cap, with nine (9) per cent commenting that it was too restrictive.
- The feedback in submissions regarding building height is noted. In considering planning decisions relating to the CBACP regard also needs to be had to the City's planning framework and the role of strategic centres such as Canning Bridge in a metropolitan context.
- The proposed five (5) storey limit to bonus height in the M10 zone is considered to reflect the objectives of the CBACP and present a suitable urban planning response to the strategic significance of the centre. Without further investigations, a five (5) storey limit to bonus height in the M15 zone may be potentially too restrictive.
- It is recommended that the portion of the amendment proposing a five (5) storey limit in the M10 zone be forwarded to the WAPC with a recommendation of approval. It is recommended that references to a similar control in the M15 zone not be included in the amendment. Instead, it is recommended that height limits in the M15 zone be further examined in the comprehensive review of the CBACP.
- In view of the results of the submission period, should Council wish to consider alternative options, a number of different approaches to dealing with the amendment are provided.

**BACKGROUND**

In August 2019 Council endorsed a series of actions for the review of the CBACP. The first of these actions was the initiation of an amendment to the CBACP to limit the amount of bonus height to be awarded in the M10 and M15 zones to five (5) storeys. A five storey limit to bonus height in the M10 zone was recommended by Officers as it was considered to reflect the height hierarchy envisaged by the CBACP. Council ultimately proposed to initiate the amendment with a five (5) storey limit to bonus also applying to the M15 zone.

Any amendment to the CBACP requires the approval of the WAPC. The initiation of the CBACP amendment seeking to limit bonus height would seek response the WAPC, in exploring the achievability of height caps in the CBACP. A WAPC decision on this first step would then inform the extent of additional work required and/or achievable in a review of the CBACP. Item 19/3817 outlined a staged approach to a review that could be implemented, having regard to the WAPC decision on the first step.

Details of the planned actions for review of the CBACP and Council's resolution regarding next steps is outlined in report P19/3817.

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)****DETAIL**

The initiated amendment to CBACP involved the following:

*Modification to paragraph one of the pre-requisites to the Bonus Provisions associated with Elements 21 and 22 of the CBACP 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”*

The amendment was advertised for public comment from 18 September 2019 to 16 October 2019. Letters inviting comment were sent to landowners and occupiers within and adjoining the CBACP area and notices placed in the Melville Gazette. Submissions were invited via the City’s web page and Melville Talks.

A total of 482 submissions were received as a result of the advertising period. The bulk of the submissions were lodged via the Melville talks engagement web page, with a further seven submissions received outside of this platform.

In summary 81 per cent of submissions suggested that the proposed height limit was too generous. Ten (10) per cent supported the height caps, with nine (9) per cent commenting that they were too restrictive. In particular, the engagement process highlighted that:

- Many in the community had interpreted the base heights of 10 and 15 storeys in the M10 and M15 zones respectively as being maximum heights rather than heights that could be exceeded based on performance.
- The bonus height system, the process whereby additional storeys may be awarded where exemplary design and community benefits were achieved, was viewed by many stakeholders as being complex and in particular proportionality between elements provided by applicants and additional height granted was often not clear.

A more detailed overview of the submissions received via Melville Talks and analysis of these responses is provided in a separate report:

**[3831 Canning Bridge – Heights Amendment – Data Analysis and Report](#)**

The submissions received outside of Melville Talks are also attached:

**[3831 Additional Submissions not received via Melville Talks](#)**

Concern regarding height of buildings generally, and the extent of potential bonus floors available in the CBACP make up the bulk of issues raised in the submissions. Concerns regarding the proposed amendment relate to matters such as:

- change to the skyline in the precinct
- a relationship between additional building height and items such as traffic, congestion, parking.
- impacts on privacy, overshadowing
- insufficient certainty regarding potential building heights
- insufficient certainty regarding the translation of “bonus” items into additional height
- an expectation that heights would be limited to 10 storeys in M10 and 15 storeys in M15

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

Submissions received in favour of the proposed amendment and/or commenting that the limit to bonuses was too restrictive include content such as:

- limit on bonuses provides certainty to building height
- the strategic location of the precinct is suited to taller buildings
- intensity of development at Canning Bridge provides vibrancy, housing choice/diversity and the option to live close to amenities and transport.
- building height is not indicative of building impact and that in fact taller, more slender building may have less impacts such as overshadowing and restricting height may result in more overshadowing/bulk impacts
- restriction in height will reduce potential to receive community benefits and exemplary design
- height restriction should be assessed on a performance/impact basis rather than a blanket limit

*Five storey limit to bonus height in M10:*

Draft Local Planning Policy LPP 1.18 (not proceeding) identified 15 storeys in the M10 zone as the magnitude of maximum building height envisaged by the CBACP in this zone. Whilst a limit of 15 storeys is currently not specifically identified as a maximum height in the M10 zone (within City of Melville portion of the plan), the CBACP does describe a desired scale and built form. The desired scale and built form is defined via a hierarchy of building heights across the H4, H8, M10 and M15 zones. Desired Outcome 3 also describes a height hierarchy and the need to ensure interfaces between these different zones are appropriately managed. A five storey limit to the awarding of bonus height in the M10 zone is also already applicable in the portions of the CBACP within the City of South Perth.

Adoption of a five (5) storey limit to bonus height in the M10 zone is recommended. The approach ensures building heights are restricted to levels envisaged by the CBACP. The limit provides certainty to stakeholders and reduces impacts of taller buildings. The availability of up to five (5) bonus storeys also maintains a workable incentive to the achievement of exemplary design and provision of substantial community benefit. Establishment of an upper limit enables meaningful measurement of the merit of bonus items (design and community benefit) and the proportional translation of the merit of bonus items into additional floorspace. The value in identifying an upper limit in planning controls where development incentives for community benefit are prepared has recently been highlighted in the Residential Design Codes for Apartments, effective May 2019.

*Five storey limit to bonus height in M15:*

Introduction of a five (5) storey limit to the awarding of bonus height in the M15 zone will also achieve benefits of providing building height certainty to stakeholders and minimise potential impacts of taller buildings. There are however questions as to whether limiting buildings in the M15 zone to a maximum of 20 storeys is appropriate without further investigation of the desired built form outcomes for the core area of the precinct. Being more centrally located, the M15 zone has greater capacity for building height without adversely impacting lower rise areas around the perimeter of the centre. A limit to bonus height in M15 zone is supported however the actual height limit chosen should reflect the height hierarchy envisaged by the CBACP. An overly restrictive limit to bonus height in the M15 zone may also diminish the effectiveness of the bonus provisions in achieving exemplary design and the provision of substantial community benefits.

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

It is recommended that a five (5) storey limit to bonus height in the M15 zone not be proceeded with at this stage but that limits to bonus height in M15 be examined as part of the comprehensive review of the CBACP.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

A summary of community engagement and results is provided above and in the separate engagement report.

**II. OTHER AGENCIES / CONSULTANTS**

The CBACP is an Activity Centre Plan common to both City of Melville and City of South Perth. Amendments to the CBACP require endorsement from the City of South Perth. Amendments to Activity Centre Plans also require referral to infrastructure agencies such as Department of Transport, Main Roads WA, Water Corporation and Western Power. Details of the proposed amendment have been forwarded to these agencies. No responses have been received from these agencies.

**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.

The next steps for the current amendment require a Council decision as to whether to recommend to the WAPC to:

- proceed with the amendment
- proceed with the amendment with modification
- not approve the amendment.

The amendment is required to be forwarded to the WAPC for a decision. If the amendment is to be modified, the WAPC may direct that it be readvertised if modifications are deemed to be “major”.

Items to be included when forwarding the amendment to the WAPC include:

- list of submissions received and any comments by the local government
- assessment of the proposal based on appropriate planning principles
- a recommendation by the local government on whether the proposed plan should be approved by the Commission including recommendation on any proposed modification.

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

There is not considered to be direct financial implications associated with this proposal.

**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.

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Preparation of separate amendments to CBACP provisions outside of a comprehensive review may contribute to uncertainty.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	The review of the CBACP is intended to respond to various concerns regarding the plan in a comprehensive manner. The initial targeted amendment has the benefit of potentially introducing height limits in a shorter timeframe without awaiting the results of a comprehensive review.

**POLICY IMPLICATIONS**

There is not considered to be policy implications associated with this proposal.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

In considering the advertised amendment to the CBACP Council can consider the following decisions:

- Proceed with the amendment as advertised (and forward to WAPC for determination)
- Modify the amendment – e.g. more restrictive limit to bonus height (and forward to WAPC for determination)
- Recommend to the WAPC that the amendment not be approved (amendment is still required to be forwarded to the WAPC for a decision).

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

The officer's advice is to recommend to the WAPC to support a modified amendment to the CBACP whereby the 5 storey limit to bonuses in M10 zone is supported, while the proposed 5 storey limit in the M15 zone is removed from the current amendment. Under this approach, determining a limit to the awarding of bonus height in the M15 zone would then be examined as part of the review of the CBACP. This approach would ensure:

- Regard to the objectives and goals of the CBACP and the wider regional and strategic responsibilities for the centre.
- Early engagement and response from the WAPC on its position regarding height limits, initially just in the M10 zone
- Ability to use WAPC position on achievability of height limits to inform the scope of the wider CBACP review and to inform stakeholder expectations
- If approved, additional certainty and control in the M10 zone without the need to await the outcome of a comprehensive review.

Alternate options and their implications are discussed below:

*Proceed with five (5) storey limit to bonus height in both M10 and M15 (and forward to WAPC) – the amendment as advertised:*

- Option would provide certainty to stakeholders in relation to building height expectations.
- Option would respond to concerns regarding potential adverse impacts associated with taller buildings in the precinct.
- A five (5) storey limit to bonus height in M10 would be in keeping with the height hierarchy described in the CBACP. The CBACP intention for building height in the M15 zone is not as clearly defined. Without further built form investigation, a 5 storey limit to bonus height in M15 may be determined to not be in keeping with the objectives/goals of the CBACP and the strategic objectives for the centre
- WAPC position on introduction of height restrictions in CBACP is not known.

*Modify the amendment e.g. more restrictive limit to bonus height (and forward to WAPC)*

A variety of alternative restrictions on bonus height could be considered for the M10 and M15 zone. Restrictions could be based on number of storeys or a percentage limitation above the 10 and 15 storey base height (for example 20%) The limit could be the same for M10 and M15 or different approaches for the two zones could be considered.

- The bulk of submission received during advertising of the amendment sought more restrictive height controls in the CBACP. A modification proposing more restrictive controls would respond to these concerns.
- Overall height limits in the M10 and M15 zones would provide additional certainty to stakeholders. Addition of upper limits to the awarding of bonus height would also assist in calibrating proportionality between community benefits provided and the amount of bonus height awarded (as noted in Design WA documentation).
- If the amendments are substantial, the Council may choose to undertake further advertising of a modification to the amendment.
- More restrictive limits to bonus height may be determined to be not in keeping with the objectives and goals of the CBACP and the strategic objectives for the centre.

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

- WAPC position on introduction of more restrictive height limits in CBACP is not known.
- WAPC may require readvertising of a modified amendment if, “the Commission considers that major modifications have been made ... since it was advertised”

*Modify the amendment to limit height in M10 and M15 zones to 10 storeys and 15 storeys respectively – no bonus height*

- The bulk of submission received during advertising of the amendment sought more restrictive height controls in the CBACP. Many of the submissions sought maximum heights of 10 storeys in M10 and 15 storeys in M15. A modification proposing no additional height above the 10 and 15 storey base heights would response to these suggestions.
- Clarity on the height limits in the M10 and M15 zones would provide additional certainty to stakeholders. The modification however effectively removes the operation of the bonus provisions from the CBACP. This would require wider modification to the provisions of the CBACP. A further option would be to amend the CBACP to continue to require achievement of the items in Elements 21 and 22 (exemplary design and community benefits) at the lower height limits. This would require substantial amendment to the CBACP.
- If the amendments are substantial, the Council may choose to undertake further advertising of a modification to the amendment.
- More restrictive limits to bonus height may be determined to be not in keeping with the objectives and goals of the CBACP and the strategic objectives for the centre.
- WAPC position on introduction of more restrictive height limits in CBACP is not known.
- WAPC may require readvertising of a modified amendment if, “the Commission considers that major modifications have been made ... since it was advertised”

*Recommend to the WAPC that the proposed amendment not be proceeded with (and proceed to comprehensive review):*

Having regard to the results of the public advertising, Council may decide to recommend to the WAPC that the amendment not be supported, with a view to moving directly to the comprehensive review of the CBACP. A wider review of the CBACP would not necessarily be constrained by the objectives of the current CBACP and may provide an opportunity to revisit the wider regional responsibilities of the centre. The approach enables a response to the majority of submissions received during advertising which sought more restrictive height controls in the CBACP. The major implications with this approach include:

- Likely delay to introduction or consideration of limits to bonus height by incorporating these options into the wider review of the CBACP. That is the opportunity to quickly introduce limits in the M10 and/or M15 zone is delayed whilst the review takes place.
- The opportunity to engage the WAPC and achieve direction on the likelihood of the Commission supporting height limits is potentially lost or delayed.
- The scope of the review is not informed by direction from the decision maker resulting in potential inefficiencies, redundant work and disparity of stakeholder expectations.
- The WAPC in any event may decide to proceed with the amendment in its current or modified form.

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)****CONCLUSION**

The CBACP, in the M10 and M15 zones, currently has no upper limit to building height. The proposed amendment to the CBACP, to introduce limits to the amount of bonus height able to be awarded, responds to this level of uncertainty. The majority of submissions received during the public advertising period also note the need for more certainty on height controls. The majority of submissions however, seek a much more restrictive approach to building heights. These concerns are acknowledged. The challenge is to balance these concerns having regard to the objectives and goals of the CBACP and the strategic role of the centre in its metropolitan context. A limit to the amount of bonus height available in the M10 zone of five (5) storeys is recommended accordingly. The limit to bonus height in M10 reflects the height hierarchy envisaged by the CBACP, provides certainty to stakeholders and maintains sufficient opportunity to encourage exemplary design and the provision of community benefit. Proceeding with the height limit amendment for the M10 zone also provides prompt introduction of a height control, avoiding the delay of investigating the issues as a part of a wider review. Introduction of a limit to bonus height in the M15 zone would be consistent with State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments gazetted in May 2019 and is supported. It is considered however that the actual bonus height limit proposed should be informed by more detailed built form investigations, including consideration of the potential for the centre to realise its regional, strategic role. It is recommended that the consideration of a suitable height limit in the M15 zone be not included in the current amendment and that its consideration be incorporated into the wider review of the CBACP.

The officers recommendation considers the results of the advertising period as well as a technical consideration of the goals and objectives of the CBACP and the built form expectations of the Canning Bridge precinct having regard to its highly strategic positioning and metropolitan planning context. It would be open for the Council to have additional regard to the levels of community concern relating to building height as expressed in the submissions. Alternative options and their implications are outlined in the report.

**OFFICER RECOMMENDATION (3831)****APPROVAL**

At 9:17pm Cr Fitzgerald moved, seconded Cr Macphail –

**That the Council:**

- 1. Notes the submissions received as a result of the public advertising period for the proposed amendments to introduce a five storey limit to bonus heights in the M10 and M15 zones.**
- 2. Resolves to modify the proposed amendment to introduce a five storey limit to bonus heights in the M10 zone only as follows:**

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

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

3. Forwards the proposed amendment to the Canning Bridge Activity Centre Plan, inclusive of the above modifications, along with details of submissions received, to the Western Australian Planning Commission with a recommendation that the amendment be approved.
4. Directs the Chief Executive Officer to include an examination of limits to the awarding of bonus height in the M15 zone in the wider review of the Canning Bridge Activity Centre Plan

**Amendment**

**COUNCIL RESOLUTION**

At 9:18pm Cr Woodall moved, seconded Cr Pazolli –

**That the Council amends Officer Recommendation 3831 as follows:**

- 1) **Delete paragraph 2. and replace with:**

**‘2. Resolves to modify the proposed amendment to introduce a limit on bonus heights equal to 1/3<sup>rd</sup> of base heights in the M10 and M15 zones as follows:**

**Modification to paragraph one of the pre-requisites to the Bonus Provisions 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 1/3<sup>rd</sup> of the applicable heights permitted in Element 3.”**

- 2) **Delete paragraph 4.**

At 9:31pm the Mayor submitted the motion, which was declared

**CARRIED (9/2)**

<b>Vote Result Summary</b>	
Yes	9
No	2

<b>Vote Result Detailed</b>	
Cr Robartson	Yes
Cr Barber	Yes
Cr Barton	Yes
Cr Wheatland	Yes
Cr Sandford	Yes
C Woodall	Yes
Cr Pazolli	Yes
Cr Fitzgerald	Yes
Mayor	Yes
Cr Macphail	No
Cr Robins	No

**P19/3831 – AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

**Substantive Motion as Amended**

At 9:18pm Cr Woodall moved, seconded Cr Pazolli –

**That the Council:**

1. Notes the submissions received as a result of the public advertising period for the proposed amendments to introduce a five storey limit to bonus heights in the M10 and M15 zones.
2. Resolves to modify the proposed amendment to introduce a limit on bonus heights equal to 1/3<sup>rd</sup> of base heights in the M10 and M15 zones as follows:

*Modification to paragraph one of the pre-requisites to the Bonus Provisions 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 1/3<sup>rd</sup> of the applicable heights permitted in Element 3.”*

3. Forwards the proposed amendment to the Canning Bridge Activity Centre Plan, inclusive of the above modifications, along with details of submissions received, to the Western Australian Planning Commission with a recommendation that the amendment be approved.

**Amendment**

At 9:32pm Cr Sandford moved, seconded Cr Barber -

**That all references to 1/3 in the substantive motion be changed to 1/5.**

At 9:35pm the Mayor submitted the motion, which was declared

**LOST (4/7)**

<b>Vote Result Summary</b>	
Yes	4
No	7

<b>Vote Result Detailed</b>	
Cr Barber	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Cr Fitzgerald	No
Cr Macphail	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No
Cr Woodall	No
Mayor	No

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)****Substantive Motion as Amended****COUNCIL RESOLUTION****That the Council:**

1. **Notes the submissions received as a result of the public advertising period for the proposed amendments to introduce a five storey limit to bonus heights in the M10 and M15 zones.**
2. **Resolves to modify the proposed amendment to introduce a limit on bonus heights equal to 1/3<sup>rd</sup> of base heights in the M10 and M15 zones as follows:**  
  
***Modification to paragraph one of the pre-requisites to the Bonus Provisions 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 1/3<sup>rd</sup> of the applicable heights permitted in Element 3.”***
3. **Forwards the proposed amendment to the Canning Bridge Activity Centre Plan, inclusive of the above modifications, along with details of submissions received, to the Western Australian Planning Commission with a recommendation that the amendment be approved.**

At 9:37pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

**Reasons for the Amendment as provided by Cr Woodall**

1. An amendment to the CBACP was initiated by the previous Council in an attempt to moderate excessive heights in the CBACP whilst a full review of the plan was undertaken. A 5 storey cap on bonus heights was proposed as this would align with the 5 storey cap on the City of South Perth side of Canning Bridge, and it was considered that this would strike the right balance between minimising amenity impacts and controlling development on the one hand, and encouraging attractive, high quality developments that provide recreational and entertainment options for residents on the other.
2. The public consultation for this item has demonstrated that a majority of the community believe that a 5 storey bonus height cap is still too generous. A significant number of submissions called for no bonus heights at all – which appears to be based on the view that many of the ‘community benefits’ (which are said to justify bonus storeys) are not real benefits at all.
3. There is no doubt that issues such as the community benefit criteria, and the nexus between those criteria and the number of bonus storeys, will need to be dealt with as part of the full review of the CBACP. However, it is not feasible to deal with these matters in the current amendment as they require more detailed investigation and consultation.

**P19/3831 –AMENDMENT TO CANNING BRIDGE ACTIVITY CENTRE PLAN: LIMIT TO BONUS HEIGHT– RESULTS OF ENGAGEMENT (REC) (ATTACHMENT)**

4. In attempting to satisfy the wishes of the community, we must also consider the practical realities of the planning framework. Melville Council does not control the CBACP. We do not have the power to unilaterally impose height caps or prevent developments in the CBACP. Ultimate power and decision-making rests with the WA Planning Commission (WAPC), not the Council.
5. We have seen the power of the WAPC at play in other local government areas, such as the City of Nedlands, Subiaco and South Perth. In Nedlands, the council did not co-operate with the WAPC's requests for increased density, resulting in the Minister for Planning imposing a local planning scheme. This meant that the Council had little or no involvement in choosing where and how density targets would be achieved. In South Perth, council attempts to limit building heights in the Mill Point area have been refused by the WAPC, and the Minister for Planning has stepped in to take control over the approvals process for the Civic Heart development (approximately 40 storeys).
6. This amendment seeks to strike a balance between the wishes of the local community and the views of the WAPC, whose approval is required for height caps to be introduced. I believe a 1/3<sup>rd</sup> bonus height limit is logical and will address community concerns about excessive heights, particularly in the M10 area which is located closer to residential areas of Applecross and Mt Pleasant. Importantly I believe it also has a reasonable prospect of receiving WAPC support, which is critical to this whole process.

**12. CLOSURE**

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 9:37pm.