



**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
THURSDAY 5 MARCH 2015
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 THURSDAY, 5 MARCH 2015.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, Governance and Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Deputy Mayor Cr N Foxton
Cr M Reynolds
Cr R Aubrey, Cr D Macphail
Cr R Willis
Cr J Barton
Cr R Hill
Cr N Pazolli,
Cr C Schuster (from 6:47pm)

WARD

University
University
City
Bull Creek/Leeming
Bicton/Attadale
Palmyra/Melville/Willagee
Applecross/Mount Pleasant
Applecross/Mount Pleasant

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr G Ponton	Manager Strategic Urban Planning
Mr W Schaefer	Strategic Urban Planner
Mr D Cracknell	Senior Strategic Planner
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms G Healey-Burgess	Minute Secretary

At the commencement of the meeting there were 9 members of the public and nil members from the Press representing in the Public Gallery.

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

Cr Robartson – Bull Creek – Leeming Ward
Cr Taylor-Rees – Bicton – Attadale Ward
Cr Schuster – Applecross – Mount Pleasant Ward (for late arrival)
Mr Tieleman – Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Cr Phelan – Palmyra-Melville-Willagee Ward

**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**

P15/3585 – Cr Pazolli
P15/3586 – Cr Pazolli
P15/3587 – Mayor Aubrey – Proximity Interest

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

P15/3586 – Cr Willis – Code of Conduct
P15/3586 – Cr Schuster – Code of Conduct
P15/3587 – Cr Aubrey – Code of Conduct

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:38pm Cr Pazolli having declared an interest in items P15/3585 and P15/3586 left the meeting

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P15/3585
Member	Cr N Pazolli
Type of Interest	Financial Interest
Nature of Interest	On the board of Alchera Living which owns property in Willagee
Request	Leave
Decision of Council	Not Applicable

Ward	: Palmyra/Melville/Willagee
Category	: Policy
Application Number	: N/A
Property	: All properties in suburb of Willagee
Proposal	: N/A
Applicant	: City of Melville
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P13/3403 Draft Willagee Structure Plan – Approval for Advertising (June 2013); P13/3424 Final Adoption of Willagee Structure Plan (December 2013), P14/3504 Initiation of Amendment No. 71 to Community Planning Scheme No. 5 (September 2014)
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (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 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>

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Council at its meeting Tuesday, 10 December 2013 resolved to adopt the Willagee Structure Plan and consider the associated Scheme Amendment at a future meeting.
- The adopted structure plan is now operational. However, the structure plan does not automatically change the underlying zoning of the land, hence the need for proposed Scheme Amendment No. 71.
- The proposed Scheme Amendment No. 71 implements the density codes and zonings that were adopted in the Willagee Structure Plan.
- The proposed Amendment also incorporates built form design requirements in order to address recent concerns of the Council with regard to large buildings containing multiple dwellings within the precinct area.
- The proposed Scheme Amendment No. 71 was advertised for 42 days. Including three service agency comments, the City received 27 submissions in support. There were no objections to the proposed amendment.
- It is recommended that the Council adopt Amendment No. 71.



BACKGROUND

The City of Melville Community Planning Scheme No. 5 was gazetted on Tuesday, 14 December 1999. At the Ordinary Meeting of Council held on Tuesday, 10 December 2013 (Report P13/3424) it was resolved to adopt the Willagee Structure Plan and consider the necessary Scheme Amendment documents.

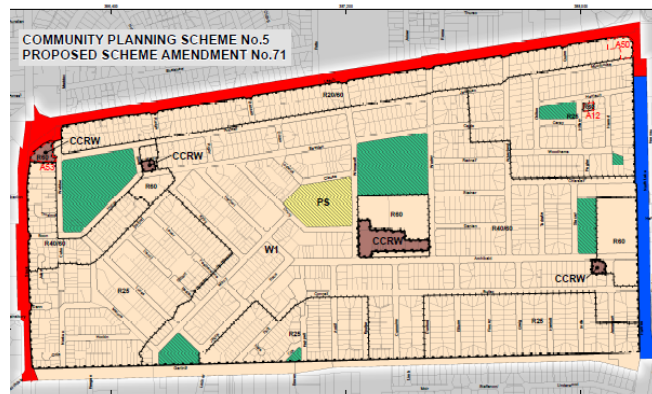
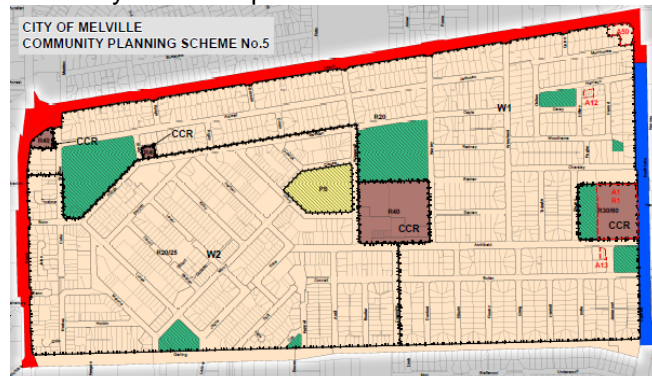
The subject Scheme Amendment would formalise the Willagee Structure Plan. The structure plan process for Willagee commenced in December 2012 and was the subject of detailed studies and a program of community engagement in 2013.

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)

DETAIL

As stated it is proposed to amend CPS5 to formalise the provisions contained under the Willagee Structure Plan. The amendments include:

- Amending Part 4.1 of the City of Melville Community Planning Scheme No. 5 by deleting the Living Area Precincts W1 - Willagee and W2 - Willagee and the Community Centre Precinct BS – Bawdan Street
- Including in Part 4.1 of the City of Melville Community Planning Scheme No. 5 the new Living Area Precinct W1 – Willagee and the precinct CCR W – Community Centre Zone
- Amending Schedule 3 of the City of Melville Community Planning Scheme No. 5 by deleting Additional Use No. 13 pertaining to 3 - 9 Archibald Street, Willagee
- Amending Schedule 4 of the City of Melville Community Planning Scheme No. 5 by deleting Restricted Use and Special Condition No.1 pertaining to Lot 300 Archibald Street, Willagee
- Amending the Scheme map by:
 - (i) Rezoning the areas shown on the Scheme Amendment No. 71 map
 - (ii) Changing the density codes as per the Scheme Amendment No. 71 map



OSRD
 - Additional Uses
 - Precinct Boundary
 - Roadline
 - Catchment
Metropolitan Regional Scheme
 - OTHER REGIONAL ROADS
 - PRIMARY REGIONAL ROADS
Scheme - Land Use
 - Living Area
 - Community Centre
 - Local Open Space
 - Public Purposes

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STAKEHOLDER ENGAGEMENT

Advertising Required: Yes

I. COMMUNITY

As discussed in the Background section of this report, extensive stakeholder engagement was undertaken through the structure plan process in mid-2013.

Scheme Amendment 71 was advertised for 42 days from Tuesday, 11 November 2014 until Tuesday, 23 December 2014 via the following methods:

- Direct contact with key stakeholders in Willagee
- Emails sent to more than 200 people on the Willagee Structure Plan email database
- An advertisement in the *Melville Times* on Tuesday, 11 November 2014
- Letters sent to all service agencies
- Information available for viewing at the Civic Centre
- Information available on the City's website.

A total of 27 submissions were received as noted below.

Category of Submission	Number of Submissions
Support for Scheme Amendment exactly as proposed	21
Support for Scheme Amendment plus specific request for increase of proposed density code from R25 to R40	3
Statements of no objection from service authorities	3
TOTAL	27

No written objections to the scheme amendment were received.

A summary of submissions as detailed in Attachment

[3585 Submissions Schedule Scheme Amendment](#)

II. OTHER AGENCIES / CONSULTANTS

Information on Amendment 71 was sent to all relevant government agencies.

Required: Yes
Reason: As per *Town Planning Regulations 1967*
Support/Object: No objections received as noted above

STATUTORY AND LEGAL IMPLICATIONS

Pursuant to Part 5 of the Planning and Development Act 2005, should the Council resolve to adopt the proposed scheme amendment following public advertising; the proposal is to be forwarded to the Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

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If/when approved by the Minister, the amendment will be officially gazetted and the zoning and textual changes will take effect.

FINANCIAL IMPLICATIONS

There are not considered to be financial implications associated with this proposed Scheme Amendment.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Environmental Management Implications

There are not considered to be environmental management implications associated with this proposed Scheme Amendment.

Risk Implications

Generally there are no risk implications with this amendment given that the structure plan is already operational. The amendment is largely an administrative exercise.

Nevertheless there have been recent concerns with large buildings of multiple dwellings (apartments) in other parts of the City. A risk assessment on this item is below:

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of excessively large buildings with multiple dwellings being approved in areas inappropriate for such development	Moderate consequences which are possible, resulting in a medium level of risk	Precinct design requirements which eliminate opportunity for excessively scaled buildings in non-policy area Willagee.

* As derived from using the Risk Assessment Matrix

Strategic Implications

Planning for Willagee became a high priority project under the City of Melville's *Plan for the Future 2008 – 2012*, which specifies 'a strong and diversified local and regional sustainable economy with a range of business and employment opportunities.'

The Willagee Structure Plan and its associated Scheme Amendment also align with most of the aspirations under the City of Melville's community plan *People, Places, Participation 2012 – 2022*. Some of the strategic objectives of the community strategy include:

- A livable and connected urban environment
- A built environment that reflects and enhances our sense of identity
- A diverse range of quality housing to meet the current and future needs of communities
- An integrated, sustainable and efficient transport system that connects our communities and our City.

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- A transport system that supports strong economic activity
- A prosperous city with access to a range of businesses and services
- Safe, attractive places where people want to live, work and participate
- Communities leading active healthy lifestyles (with urban environments designed and built to support such lifestyles)

POLICY IMPLICATIONS

There are no policy implications identified in respect of the Willagee Structure Plan Scheme Amendment.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could elect not to progress the amendment, which would prevent the density code and zoning details of the Willagee Structure Plan from being implemented. The Council could then re-examine Willagee density codes and zoning details during the process of adopting Local Planning Scheme No. 6.

The Council could elect not to progress the minor changes to the Willagee Structure Plan. Doing so would result in at least one lost opportunity to improve the area around the Archibald hub.

COMMENT

As outlined above, the proposed Amendment seeks to formalise the Willagee Structure Plan. Following final adoption of the Structure Plan by Council on Tuesday, 10 December 2013, much of the plan already has the force and effect of a Council Policy. The focus of the Scheme Amendment is to lock in place the new density codes and zonings that will give the plan statutory power.

Overall the structure plan provides detailed plans for the main elements of Willagee's urban fabric: housing, parks, economic vitality, traffic, transport, walking/cycling facilities, the Carawatha site and the Archibald Street hub.

The structure plan encourages a range of housing, including affordable living choices, through co-operation with the Department of Housing and private owners. It is expected that more efficient use of land will improve the liveability of the suburb by increasing the population within the catchments of the local centres and public transport links. Planning will also introduce more potential for mixed use development and strengthen the local commercial centres with improvements to walking and cycling environments.

Outcomes will include clarity on development opportunities, changes to residential density and more appropriate commercial zonings.

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More generally, an increase in density is likely to have positive effects on suburban amenity. Local businesses, which by virtue of their location have limited appeal to the wider region, will benefit from the larger customer base. With the strategic concentration of higher densities in policy areas and along the pedestrian infrastructure of transport corridors, an increase in walking and cycling to the local shops may be expected. Density is normally correlated with public transport uptake. Housing choices for seniors, young families and single people will be expanded. The quality of housing stock will improve. The Department of Housing will be able to dilute its assets and develop according to best practice. A higher population will better justify investment in footpaths, roads, parklets, street trees and underground power.

Preliminary analysis has indicated that density codes of R30 or R35 may not provide sufficient incentive for the type of redevelopment that would rejuvenate the suburb. Accordingly, a code of R40 is proposed for strategic locations along the street categories of Connector A and Connector B where the gradually increasing densities will have spin-off benefits for the wider suburb. The R60 density bonus has been included to encourage townhouse style development that would front the street. The implications of this bonus are such that larger sites (3,000m² or more) would be very unlikely to be developed with multiple dwellings.

The proposed scheme amendment content is intended to limit the effects of any multiple dwellings which may be built in suburban Willagee. A two-storey height limit applies to the non-policy-area of the suburb (approximately 90% of Willagee) and the intent of design requirements is to deliver high-quality buildings.

Preliminary market research indicates that demand for multiple dwellings in Willagee will be less than that for grouped dwellings/townhouses/small single dwellings. Local demand is likely to be satisfied by supply in the various policy areas (especially Carawatha), which are much more attractive as development sites. Incentives provided by the R40/R60 split coding will further encourage grouped or single dwellings over a multiple dwelling option. Conversations with the local community and developers since February 2013 also suggest that most redevelopment will be undertaken by local "mum and dad" investors who are likely to opt for the lower-risk, less capital-intensive model of townhouses/grouped dwellings and single houses.

The concept plans which have been produced for the Carawatha site and the Archibald hub represent possible solutions to the issues which face each area. The concept plans are not intended to be regulatory or prescriptive. Each will guide private redevelopment which could rejuvenate the area, attract pedestrian traffic, improve surveillance and reduce undesirable behaviour. The concept plans also inform the better use of City assets such as the Willagee Library, community centre and George Humes Park.

Community Engagement

The Willagee amendment proposes to give statutory weight to the initiatives contained within the adopted Willagee Structure Plan. Advertising of the Scheme Amendment presented an opportunity to revisit the content of the Structure Plan and re-affirm the community's position on the key elements. In this regard the advertising phase of the scheme amendment prompted stakeholder feedback on items such as development intentions, housing diversity and support for multiple dwellings in comparison to other housing forms.

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Formal feedback indicates that there are no concerns with the proposed densities and associated housing types. If anything, the three requests for extension of the R40/60 area (discussed below) suggest support for the general thrust of the Willagee Structure Plan and its associated Scheme Amendment.

Recommended minor modification of Scheme Amendment Map and Willagee Structure Plan Map

The owners of 36 and 34 Race Street, Willagee, have lodged three requests for up coding of their properties from proposed R25 to proposed R40. Details of the submissions may be found in the attached submissions summary.

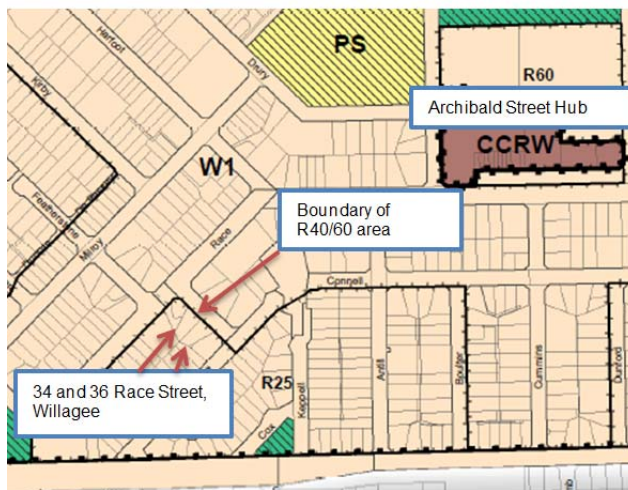


Figure 1 - 34 and 36 Race Street, Willagee, under Proposed Scheme Amendment 71 advertised Nov-Dec 2014

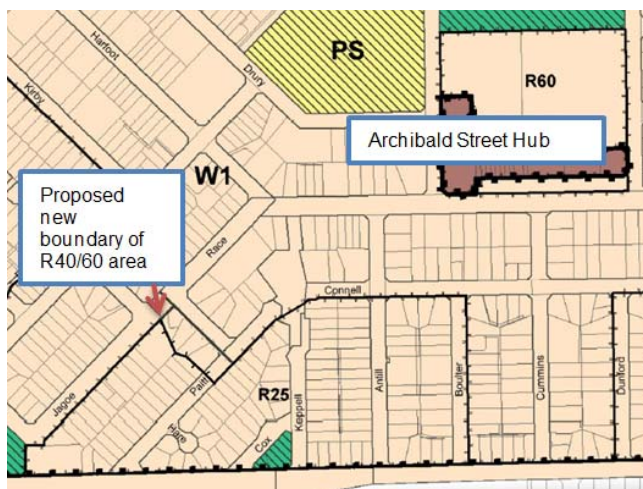


Figure 2 - 34 and 36 Race Street, Willagee, under Scheme Amendment 71 Proposed for Final Adoption February 2015

Overall the requests are considered consistent with the direction of the Willagee Structure Plan, which already sleeves the rest of Race Street with R40/60.

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Accommodating this change would involve no more than shifting the R40/60 area boundary slightly to the south-west to cover the relevant row of properties along Race Street (15 Jagoe Loop, 32, 34, 36 and 38 Race Street, and 14 Paitt Street). It is noted the sites would effectively be R40 as they would not qualify for the R60 bonus even if amalgamated.

The proposed up coding to R40 is consistent with all of the Council's planning objectives for the area and it is recommended that the up coding be supported.

Content

The first element of Willagee Structure Plan is Part 1, which provides the detailed guidance for developers. Details include land-use changes, design requirements, spatial guidelines, Crime Prevention Through Environmental Design (CPTED) strategies and the Willagee Structure Plan Map which sets out the base zonings/density codes.

Part 1 acquired the status of a policy once it was adopted by the Council on Tuesday, 10 December 2103. Policy status immediately enacted all of the Structure Plan provisions except for new density codes and zonings.

The second element of the Willagee Structure Plan is Part 2. This element elaborates on the basis for the Structure Plan but is not intended as a statutory control. Part 2 provides planning context and makes suggestions for intersection improvements, commercial strategy, water management etc. Part 2 will assist in guiding planning decisions for Willagee, particularly where there is a need for performance-based assessment or the exercise of discretion. Concept plans for the Carawatha site and the Archibald Hub are also included in Part 2.

Recent changes to Willagee Structure Plan

In September 2014 the Council adopted several changes to the Willagee Structure plan to ensure that development outside the policy areas would be of the appropriate scale. More specifically, the meaning of the two-storey height limit proposed under the Scheme Amendment been further defined as follows:

- Including Clause 3.2 which defines the meaning of a storey:

3.2 Building heights

Unless specified otherwise, building heights are measured in storeys in this structure plan. A storey is defined as follows:

The space between the floor and ceiling of a building which constitutes a floor or level for habitable uses, but does not include:

- a) Any floor of a building having 50% or more of its volume located below natural ground level; and
- b) Roof structures of a high quality design that reduce the visual impact of lift plant and other similar utility or services, not exceeding 3.0 metres in height; and

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- c) Unenclosed roof structures of a high quality design that provide weather protection to areas used for private or communal open space, not exceeding 3.0 metres in height.

Note: for the purposes of this definition, a mezzanine is considered to constitute a storey

It is expected that this control will significantly address concerns of building bulk and scale in suburban Willagee.

Zoning and Precinct Development Requirements

To give head of power to the structure plan, the current Living Area Precincts 'W1 - Willagee' and 'W2 – Willagee' in Part 4.1 of the City of Melville Community Planning Scheme No. 5 are proposed to be deleted, and a new Living Area Precinct 'W1 – Willagee' included. Living Area 'W1 – Willagee' is proposed to read as follows:

W1 – Willagee**Statement of Intent**

In accordance with Clause 6.1 General Willagee Objectives of the Willagee Structure Plan, the intent for this precinct is as follows:

- (a) To provide for a mix of housing and mixed-use development options that integrate with their suburban context, with more intensive development strategically located in defined policy areas
- (b) To ensure the nature, form and scale of development outside the defined policy areas is consistent with a suburban streetscape and character
- (c) To manage building height, bulk, and setbacks to maintain private open space and landscape features as the prevailing visual element of residential lots

Development Requirements

All residential development shall be in accordance with R Codes unless stated below

R Code In accordance with Willagee Structure Plan and split coding definitions below

**Maximum Plot Ratio
(Non-residential)** 0.4

Maximum Building Height Two-storey maximum except where otherwise indicated under the Willagee Structure Plan

**P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING
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1. Where on the Scheme Map an area is identified as having the two density codes R40/60, development (including subdivision) is to accord with the lower of the two codes unless —

- (a) The lot has a minimum lot size of 3,000 square metres with a minimum street frontage of 60 metres;
- (b) The proposed development or subdivision will result in the creation of single or grouped dwellings only;
- (c) The created lots are not of an irregular shape and have individual street frontage; and
- (d) The development or subdivision, in the opinion of the City, will not adversely impact on the amenity of neighbouring properties.

2. In the area defined as the Leach Highway Policy Area with the two density codes R20/60, development (including subdivision) is to accord with the lower of the two codes unless -

- (a) In the case of sites with frontage to Leach Highway, all vehicular access (including vehicular access in respect of existing development) is provided to a road or carriageway other than Leach Highway; and
- (b) In the case of sites which adjoin a site with frontage to Leach Highway, but which itself does not have such frontage, provision is made to the satisfaction of the Council, for vehicular access to the adjoining site so as to obviate the need for direct access to Leach Highway from that adjoining site.

Note: While amalgamation and joint development of adjoining sites is expected to be the predominant means of providing alternative access to those sited with frontage to a distributor road, alternative mechanisms such as the creation of easements or rights-of-carriageway may also be considered where direct vehicular access to Leach Highway can be avoided.

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Development outside the defined policy areas shall be consistent with the following design requirements:

- a) Development is to be of high quality and all facades and frontages shall be designed and finished with high quality materials;
- b) Building facades shall be articulated, coloured and detailed to contribute positively to the appearance of local streetscapes and adjoining properties;
- c) Building facades and frontages should highlight a vertical emphasis wherever possible to help break up the appearance of buildings. This can be achieved through the shape and placement of windows and openings and the innovative use of building materials, colours and textures;
- d) Feature elements are strongly encouraged on building facades, including (but not limited to) variations to colours and building materials, coloured or textured banding, recesses, ornamental details, gables, verandas, balconies, pillars, awnings, canopies and bay windows;
- e) Extensive blank walls, facades and featureless glazing facing streets or public spaces are not permitted; and
- f) Service areas and car parking (except on-street) are to be predominantly screened from public view.

It is also proposed to delete the redundant Community Centre Precinct 'BS - Bawdan Street' and replace it with the new Community Centre Precinct "CCR W – Community Centre Zones in Willagee". The new precinct is proposed to read as follows:

CCR W – Community Centre Zones in Willagee**Statement of Intent**

In accordance with Clause 6.1 (a) General Willagee Objectives of the Willagee Structure Plan, the intent for this precinct is to provide strategic locations for more intensive mixed use development

Development Requirements

All development in Willagee CCR zones shall be in accordance with the policy area design principles in the Willagee Structure Plan

Building height

Where not stated in the policy area design principles, maximum building height shall be 8.0m to eaves, 10.5m maximum, having regard to Council Policy.

**P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING
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Where not stated in the policy area design principles, the maximum plot ratio shall be 1.0.

Use Classes

Table 1 of this Scheme shall apply to all CCR zones in Willagee except for the Leach Highway local centre, in which new instances of the uses of Convenience Store, Corner Store, Garden Centre, Lunch Bar, Restaurant, Service Station and Shop are not permitted (x uses). Existing instances of the above uses may continue to operate in the Leach Highway local centre in accordance with Part 8 of Community Planning Scheme No. 5.

Land Use Permissibility

It is proposed that land use permissibility within the Living Area Precinct W1 (Willagee) remain the same as that provided for under the Scheme.

For the Community Centre Precinct CCR W (Community Centre Zones in Willagee) it is proposed that land use permissibility remain the same as that provided for under the normal Community Centre zoning for all centres except the Leach Highway local centre. The zoning includes the following permissible (P) uses:

- Child Minding Centre
- Recreation
- Consulting Rooms
- Convenience Store
- Corner Store
- Garden Centre
- Lunch Bar
- Office
- Restaurant
- Service Station
- Shop
- Veterinary Clinic

In accordance with the strategic vision for the Leach Highway local centre, new instances of the following uses would not be permitted (x uses).

- Convenience Store
- Corner Store
- Garden Centre
- Lunch Bar
- Restaurant
- Service Station
- Shop

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)**CONCLUSION**

The proposed Scheme Amendment is supported for the following reason:

- The Scheme Amendment is entirely consistent with the Council resolution of 10 December 2013, in which the Willagee Structure Plan was finally adopted on the understanding that an associated Scheme Amendment would follow.

For the above reason, it is recommended that Council resolve to adopt Amendment No. 71 to Community Planning Scheme No. 5, so as to give statutory effect to the density codes and zoning detail of the Willagee Structure Plan.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3585) APPROVAL

At 6:39pm Cr Hill moved, seconded Cr Willis –

A. That pursuant to Part 5 of the *Planning and Development Act 2005*, the Council resolves to adopt Amendment No. 71 to Community Planning Scheme No. 5 as follows:

- 1. Amending Part 4.1 of Community Planning Scheme No. 5 by deleting the Living Area Precincts W1 - Willagee and W2 - Willagee and the precinct BS – Bawdan Street**
- 2. Amending Part 4.1 by adding the new Living Area Precinct W1 - Willagee and associated Precinct Development Requirements:**

W1 – Willagee**Statement of Intent**

In accordance with Clause 6.1 General Willagee Objectives of the Willagee Structure Plan, the intent for this precinct is as follows:

- (a) To provide for a mix of housing and mixed-use development options that integrate with their suburban context, with more intensive development strategically located in defined policy areas**
- (b) To ensure the nature, form and scale of development outside the defined policy areas is consistent with a suburban streetscape and character**
- (c) To manage building height, bulk, and setbacks to maintain private open space and landscape features as the prevailing visual element of residential lots**

**P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING
SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)****Development Requirements**

All residential development shall be in accordance with R Codes unless stated below

R Code In accordance with Willagee Structure Plan and split coding definitions below

Maximum Plot Ratio
(Non-residential) 0.4

Maximum Building Height Two-storey maximum except where otherwise indicated under the Willagee Structure Plan

Split Coding

1. Where on the Scheme Map an area is identified as having the two density codes R40/60, development (including subdivision) is to accord with the lower of the two codes unless —

- (a) The lot has a minimum lot size of 3,000 square metres with a minimum street frontage of 60 metres;
- (b) The proposed development or subdivision will result in the creation of single or grouped dwellings only;
- (c) The created lots are not of an irregular shape and have individual street frontage; and
- (d) The development or subdivision, in the opinion of the City, will not adversely impact on the amenity of neighbouring properties.

2. In the area defined as the Leach Highway Policy Area with the two density codes R20/60, development (including subdivision) is to accord with the lower of the two codes unless —

- (a) In the case of sites with frontage to Leach Highway, all vehicular access (including vehicular access in respect of existing development) is provided to a road or carriageway other than Leach Highway; and
- (b) In the case of sites which adjoin a site with frontage to Leach Highway, but which itself does not have such frontage, provision is made to the satisfaction of the Council, for vehicular access to the adjoining site so as to obviate the need for direct access to Leach Highway from that adjoining site.

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)

Note: While amalgamation and joint development of adjoining sites is expected to be the predominant means of providing alternative access to those sited with frontage to a distributor road, alternative mechanisms such as the creation of easements or rights-of-carriageway may also be considered where direct vehicular access to Leach Highway can be avoided.

Design Requirements

Development outside the defined policy areas shall be consistent with the following design requirements:

- a) Development is to be of high quality and all facades and frontages shall be designed and finished with high quality materials;
 - b) Building facades shall be articulated, coloured and detailed to contribute positively to the appearance of local streetscapes and adjoining properties;
 - c) Building facades and frontages should highlight a vertical emphasis wherever possible to help break up the appearance of buildings. This can be achieved through the shape and placement of windows and openings and the innovative use of building materials, colours and textures;
 - d) Feature elements are strongly encouraged on building facades, including (but not limited to) variations to colours and building materials, coloured or textured banding, recesses, ornamental details, gables, verandas, balconies, pillars, awnings, canopies and bay windows;
 - e) Extensive blank walls, facades and featureless glazing facing streets or public spaces are not permitted; and
 - f) Service areas and car parking (except on-street) are to be predominantly screened from public view.
3. Amending Part 4.1 by adding the precinct CCR W – Community Centre Zones in Willagee and associated Precinct Development Requirements:

CCR W – Community Centre Zones in Willagee**Statement of Intent**

In accordance with Clause 6.1 (a) General Willagee Objectives of the Willagee Structure Plan, the intent for this precinct is to provide strategic locations for more intensive mixed use development

Development Requirements

All development in Willagee CCR zones shall be in accordance with the policy area design principles in the Willagee Structure Plan

Building height

P15/3585 - FINAL ADOPTION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 - WILLAGEE (REC) (ATTACHMENT)

Where not stated in the policy area design principles, maximum building height shall be 8.0m to eaves, 10.5m maximum, having regard to Council Policy.

Plot ratio

Where not stated in the policy area design principles, the maximum plot ratio shall be 1.0.

Use Classes

Table 1 of this Scheme shall apply to all CCR zones in Willagee except for the Leach Highway local centre, in which new instances of the uses of Convenience Store, Corner Store, Garden Centre, Lunch Bar, Restaurant, Service Station and Shop are not permitted (x uses). Existing instances of the above uses may continue to operate in the Leach Highway local centre in accordance with Part 8 of Community Planning Scheme No. 5.

4. Amending the Scheme map by:
 - a) Rezoning the areas shown on the Scheme Amendment No. 71 map
 - b) Changing the density codes as per the Scheme Amendment No. 71 map
 5. Deleting Additional Use No. 13 within Schedule 3 of Community Planning Scheme No. 5 pertaining to 3 – 9 Archibald Street, Willagee
 6. Deleting Restricted Use and Special Condition No.1 within Schedule 4 of Community Planning Scheme No. 5 pertaining to Lot 300 Archibald Street, Willagee
 7. Adding a new Restricted Use and Special Condition No. 1 to Schedule 4 of Community Planning Scheme No. 5 pertaining to the Leach Highway Local Centre, Lots 262 (No. 71), 271 (No. 73) and 274 (No. 75-77) Leach Highway, and Lots 277 (No.2), 66 (No. 2A), 268 (No. 4) and 269 (No. 6) Webber Street, Willagee, in which new instances of the uses of Convenience Store, Corner Store, Garden Centre, Lunch Bar, Restaurant, Service Station and Ship are not permitted (x uses).
- B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.
 - C. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Amendment.
 - D. That the Chief Executive Officer continues to liaise with the Department of Planning with respect to progress on the currently advertised R-Code amendment and the Council resolution relating to site area controls for multiple dwellings and any implications on the proposed content of the Willagee scheme amendment.

At 6:41pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (8/0)

Vote Result Summary	
Yes	8
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Reynolds	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P15/3586
Member	Cr N Pazolli
Type of Interest	Financial Interest
Nature of Interest	Alchera Living owns property adjacent to Riseley Centre
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3586
Member	Cr C Schuster
Type of Interest	Code of Conduct
Nature of Interest	My consulting business has a client who is preparing to lodge a DA in the Riseley Centre
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3586
Member	Cr R Willis
Type of Interest	Code of Conduct
Nature of Interest	Work for a owner of a business in Riseley Street
Decision of Council	Not Applicable

Ward	: Applecross/Mt Pleasant
Category	: Policy
Application Number	: N/A
Property	: All properties in the Structure Plan Area
Proposal	: Final adoption of Scheme Amendment 73 to implement zonings recommended by the Riseley Centre Structure Plan
Applicant	: City of Melville
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P14-3501 – Final Adoption of the Riseley Centre Structure Plan – Ordinary Meeting of the Council 17 June 2014
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

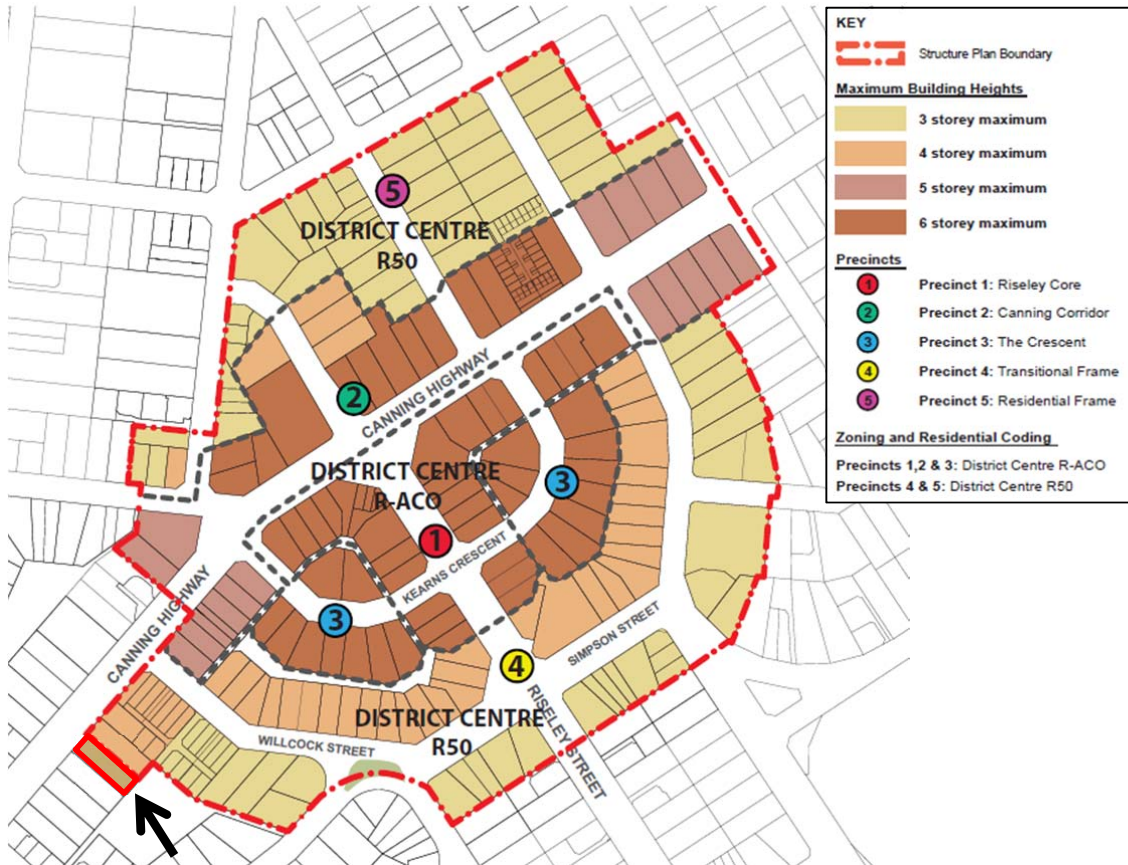
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting 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

- The Council resolved to adopt the Riseley Centre Structure Plan at its meeting held on 17 June 2014 and initiate Scheme Amendment 73 to rezone the area.
- The structure plan contains all the detailed built form and design requirements to guide future development. It is now operational following the Council's approval. However, the structure plan does not automatically change the underlying zoning of the land, hence the need for the proposed scheme amendment.
- Scheme Amendment 73 proposes to rezone the area as per the Riseley Centre Structure Plan and update the scheme text to refer to the structure plan.
- The amendment was publicly advertised for 42 days. The City received one submission in support with additional proposals and one service agency submission. There were no objections to the proposed amendment or major issues raised.
- It is recommended that the Council adopt Amendment No. 73 and that it be sent to the Western Australian Planning Commission for final approval.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

Riseley Centre Structure Plan Map



It is proposed to add 745 Canning Highway to the structure plan area in response to Submission 1. It is proposed to be in Precinct 4 with a four storey height limit

BACKGROUND

A key objective of the City's Local Planning Strategy is to concentrate population growth and development in activity centres and along transport corridors, which limits the need to change suburban residential areas. The Riseley Centre is one of the better places to promote population growth and redevelopment in the City as it is strategically located, has a mix of land uses and has existing public transport connections.

A structure plan for the centre was required for the Riseley Centre for the following reasons:

- Activity centre structure plans are required to be prepared for activity centres as per the Western Australian Planning Commission's (WAPC) *State Planning Policy 4.2: Activity Centres for Perth and Peel* (SPP 4.2);
- There had been a significant amount of planning and community engagement work undertaken for the centre. There was a need to finalise this work and adopt a plan for the future of the centre; and
- There was a need to provide certainty for developers, landowners, businesses, residents and Council regarding the future plans for the centre.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

The structure plan provides a clear vision and expectations for the future of the centre. It will help create an attractive and sustainable activity centre.

Community Feedback Received During the Structure Plan Preparation Process

There was widespread community engagement during the structure plan preparation process and a total of 64 submissions were received. There was high level of community support for the vision for the future of the centre and the structure plan requirements. Only six submissions (9% of the total submissions) objected to the structure plan. There were no objections received from landowners, businesses nor residents in the structure plan area.

The Council approved the structure plan at its Ordinary Meeting held on Tuesday, 17 June 2014. It also initiated Scheme Amendment 73 to rezone the area in accordance with the structure plan at this meeting. The WAPC was not required to give final approval to structure plan following the Council's decision in accordance with statutory requirements and advice from the WAPC.

One of the key implementation actions is to rezone all lots in the structure plan area in accordance with the recommendations of the Structure Plan and update relevant sections of Community Planning Scheme No. 5 (CPS5). The purpose of this report is to detail the proposed amendments to CPS5.

Scheme Provisions

MRS Zoning	:	Urban
CPS5 Zoning	:	District Centre R60 Commercial Centre Frame R50 Living Area R15, R20 and R25/40
R-Code	:	See above
Use Type	:	Various
Use Class	:	Various

DETAIL

Scheme Amendment 73 proposes four changes to CPS5 which are outlined and further explained below:

1. Delete the words "Riseley Frame" from Clause 4.1, section 4 of Community Planning Scheme No. 5. The Riseley Frame is no longer required as a precinct as development will be managed through the structure plan
2. Delete all words following "DC2 – Riseley Centre" in the District Centre Precincts section of Community Planning Scheme No. 5 and replace with "In accordance with the Riseley Centre Structure Plan"
3. Delete all words including "RF – Riseley Frame" in the Commercial Centre Frame Precincts section of Community Planning Scheme No. 5
4. Rezone all the lots in the structure plan area in accordance with the proposed scheme amendment map

The scheme amendment map is provided in [3586 Scheme Amendment 73 Map](#)

The scheme amendment only proposes to change the zoning of the land. It does not affect building heights or other development requirements, which are specified in the structure plan.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)**Housing in the Centre**

As previously mentioned the Riseley Centre is one of the better places to promote population growth and redevelopment in the City as it is strategically located, has a mix of land uses and has existing public transport connections.

Residential densities in the centre are proposed to be controlled through built form, height, setback and other such controls. A transition of building heights and intensities is proposed from the core of the centre to the edge of the centre. The proposed zonings would provide incentives for developers to invest in the centre rather than in suburban areas and make it easier to include a variety of dwelling sizes and types.

Precincts 1, 2 and 3 are proposed to be zoned “District Centre R-AC0”. The coding ‘R-AC0’ refers back to the structure plan for development requirements.

Precincts 4 and 5 are proposed to be coded R50. Most of the lots in Precinct 5 are already coded R50.

Transport and Access

The vast majority of the traffic moving through the Riseley Centre is regional traffic. Local traffic travelling to/from/within the Centre would constitute only a small percentage of vehicle movements through the Centre. The structure plan and scheme amendment cannot by themselves address wider regional traffic network issues.

Work has been undertaken or is currently being progressed to address regional traffic and transport issues:

- Main Roads WA (MRWA) has modeled traffic in the region to 2031 based on the City of Melville’s required goal of accommodating an additional 11,000 dwellings. The structure plan targets 300 dwellings of the 11,000 dwellings to be located at the Riseley Centre. The structure plan is consistent with the regional traffic modeling already completed.
- There are three major studies, which examine in more detail than would be possible in the structure plan, the regional road modeling and analysis (and which include data on the redevelopment of the Riseley Centre):
 - Melville City Centre Structure Plan Transport Report and Model
 - Canning Bridge Structure Plan Transport Report and Model
 - MRWA is preparing a regional model of traffic projections to 2050 for the region
- The Department of Transport (DoT) is currently investigating future roadway designs along Canning Highway including potential bus lanes.

Evidence from Australia and around the world suggests that traffic problems cannot be readily “solved” by building more roads (or road capacity) as this only induces more demand, which generally leads to roads that are just as busy as before. It is also very expensive to extend roads in urban areas and the return, as measured by improvements to travel times, is minimal in the medium term.

Town planning of previous decades tended to separate land uses (e.g. commercial from residential). The more that land uses are separated, the greater the travel required to get from point A to point B. Land use separation can exacerbate traffic issues.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

Concentrating development in activity centres and along public transport routes can reduce the need for car travel by reducing the distance between different land uses and services. This is the basis of the *Directions 2031* strategy for the future of the metropolitan area. Promoting development in places such as Riseley Centre can help reduce vehicle congestion and car parking demand. Clustering houses, businesses and services together allows local residents and visitors to access a range of goods and services in one multipurpose trip that is closer to home.

No significant issues have been raised by the DoT or MRWA. It is not considered that regional transport investigations would have a major impact on the structure plan, which principally addresses development and land use on private land. It is noted that the structure plan can be updated in future if unforeseen issues arise during ongoing or future regional transport investigations.

Additional local traffic studies can be progressed in the future following the completion of regional transport studies and in association with the proposed upgrades noted in the Melville City Centre Structure Plan for the Canning Highway / Riseley Street intersection.

Parking

Three important actions have been progressed since the adoption of the structure plan to help address perceived parking issues in the centre.

1. Council adoption of the City of Melville Car Parking Strategy
The purpose of the Strategy is to provide a strategic framework to guide decision-making on and the management of car parking across the City. Current car parking issues can broadly be categorised in terms of parking supply or parking management. Research and data indicates that parking issues and complaints in City are predominantly parking management rather than parking supply related.

It is more effective, easier and cheaper to better manage car parking rather than attempting to satisfy parking demand.
2. Updated CP-079 - Car Parking and Access and Cash In Lieu of Parking
The car parking and access policy was updated during 2014. It includes an improved approach to collecting cash in lieu of parking contributions from developers to improve parking, walking, cycling, public transport and other related upgrades.
3. Canning Bridge and Riseley Centre Parking Management Plan
The City has appointed a consultant to prepare parking management plans for these two major activity centres. The plans will be based on the objectives and principles of the City's Car Parking Strategy and best practice approaches to managing car parking. This work is expected to be completed by late 2015.

Local businesses and landowners also have an active role to play to better manage car parking on private land (which is not the City's direct responsibility).

Travelsmart programs and initiatives will also be required in the future in and around activity centres. They could potentially be funded through cash in lieu of parking contributions.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)**Benefits of the Scheme Amendment**

The proposed Scheme Amendment is a key implementation action to deliver on the objectives of the adopted structure plan. It is considered that the structure plan and scheme amendment will:

- Provide a clear vision and expectations for the future of the centre to assist the Council, City staff, landowners, businesses and residents in future decisions and actions;
- Help to create an attractive and sustainable activity centre that is a vibrant, desirable and safe place to live, work and socialise;
- Facilitate viable, enduring and high quality development with a mix of land uses;
- Enhance the character, streetscapes and public spaces in the activity centre;
- Promote a mix of housing choices;
- Encourage local employment and business opportunities; and
- Provide certainty to enable investment decisions to be made with reasonable confidence.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes

I. COMMUNITY

An extensive amount of stakeholder engagement was completed through the structure plan process.

Scheme Amendment 73 was advertised for 42 days from Tuesday, 11 November 2014 until Tuesday, 23 December 2014 via the following methods:

- Correspondence sent to all people who made submissions on the Riseley Centre Structure Plan
- Emails sent to 182 people on the Riseley Centre email database
- An advertisement in the *Melville Times* on Tuesday 11 November 2014
- Letters sent to all service agencies
- Information available for viewing at the Civic Centre
- Information available on the City's website.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

A total of two submissions were received as summarised below.

Summary of Submission	Officer's Comment
<p>1 Support with additional proposals</p> <p>a. The proposed Amendment No. 73 map should be amended to include:</p> <ul style="list-style-type: none"> i. Lot 318, 745 Canning Hwy (common landowner with adjoining lots 201, 202, , 319, 900 and Strata Lots 1 and 2 which are part of the structure plan area) should be included in the structure plan area and scheme amendment <p>b. The proposed Amendment No. 73 map and structure plan area should be amended to include:</p> <ul style="list-style-type: none"> i. Baden Powell Reserve (owned by the City of Melville) ii. The remainder of the lots on the south side of Canning Hwy between Collier St and Willcock St iii. Lots on west side of Collier Street (between Canning Hwy and McCallum Cr.) iv. Lots on the north side of McCallum Crescent (between Collier St and Willcock St) <div data-bbox="305 1186 938 1837" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">Proposed additional area to be rezoned as per Submission 1</p> </div> <p style="text-align: center;">Proposed Amendment No. 73</p>	<ul style="list-style-type: none"> a. The proposal to include No. 745 Canning Highway is supported given that there are common landowners with 747 Canning Highway and the site directly abuts the structure plan area b. These proposals would constitute significant changes to the structure plan. The proposed changes are not supported for the following reasons: <ul style="list-style-type: none"> i. The requested changes are well beyond the scope of the approved structure plan ii. The requested changes would likely attract a high level of community concern iii. No other landowners in the area proposed to be rezoned requested a change to zonings nor being part of the structure plan area iv. There has been a high level of community concern about Baden Powell Reserve. The City has said that planning for Baden Powell Reserve is currently not a high priority, but will be considered at an appropriate time in the future. Changes to the existing zoning are not required at this time

**P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO
COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)**

Summary of Submission		Officer's Comment
1	<p>Support with additional proposals - continued</p> <p>c. An alternate recommendation is that the subject site be the subject of additional use and special conditions as per Schedule 3 of CPS5 as part of Amendment No. 73.</p> <p>d. The following points are made in support of the above recommendations:</p> <ul style="list-style-type: none"> i. The redevelopment of the City's land on Baden Powell Reserve provides an opportunity for the City to add value to what is currently an under-utilised asset. ii. The City would be able to prepare supplementary planning documents to guide redevelopment of its land. iii. The proposed changes would provide confidence to landowners to devote resources in support of the redevelopment and rejuvenation of the locality. iv. The combined land area that is made up of the subject site and Council land produces a total area in order of 9,273sqm. which will provide a unique redevelopment opportunity v. The rezoning of the area is deemed to represent orderly and proper planning. vi. The proponents intend to develop a high quality aged person's complex. Such a project would assist the City in contributing towards its 11,000 new dwelling target and is of particular importance given an identified need for aged-persons accommodation for the area. 	<ul style="list-style-type: none"> c. This idea is not supported as the requested changes are well beyond the scope of the approved structure plan d. The justifications provided have been considered and are noted.
2	<p>Main Roads WA (MRWA) is currently progressing regional planning for the Canning Highway corridor. Regional transport planning and detailed intersection upgrades (e.g. Canning Hwy and Riseley St intersection) may potentially require changes to the existing Metropolitan Region Scheme reservations along Canning Highway in the future. If changes to the Metropolitan Region Scheme reservations along Canning Highway are required, Community Planning Scheme 5 (or future town planning schemes) may need to be updated to accommodate any changes to the MRS. MRWA will continue to work with the City of Melville on these matters.</p>	<ul style="list-style-type: none"> • Noted. The City will continue to work with Department of Transport, Public Transport Authority and MRWA regarding transport issues.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

No objections to the scheme amendment were received nor major issues raised.

Updates to the Structure Plan Text

The structure plan was approved by Council on 17 June 2014 and has been operational for approximately eight months. A number of relatively minor textual changes are proposed to address issues identified through discussions with applicants and assessment of development applications. The proposed changes are as follows.

Proposed Structure Plan Text Update	Comments
<p>1. Plan 1 be amended to include Lot 318, No. 745 and 745a Canning Highway to be shown as 'District Centre R50' and part of Precinct 4 with a four storey building height limit.</p>	<p>The proposal to include No. 745 Canning Highway identified in Submission 1 is supported given that there are common landowners with 747 Canning Highway and the site directly abuts the structure plan area.</p>
<p>2. Clause 9.24.3 be updated to refer to clause 9.25 rather than 9.24.</p>	<p>This corrects a typographical error.</p>
<p>3. Clause 10.5 be updated to read as follows:</p> <p>"Nil setbacks to adjoining properties are permitted to a maximum height of 5 storeys. Any level above 5 storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority".</p>	<p>Precinct 1 – Riseley Core The existing clause provides for nil setbacks to a maximum of 4 storeys and a 3 metre setback for any development above 4 storeys.</p> <p>Many of the lots in Precinct 1 are narrow and these setback requirements would constrain development of upper floors.</p> <p>Precinct 1 is intended to be an urban, mixed use precinct with high density residential. It is therefore recommended that the side setback requirements be amended to encourage development of these lots.</p>
<p>4. Clause 10.14 be updated to read as follows:</p> <p>"Nil setbacks to adjoining properties in Precinct 2 are permitted to a maximum height of 5 storeys. Any level above 5 storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority".</p>	<p>Precinct 2 – Canning Corridor The existing clause provides for nil setbacks to a maximum of 4 storeys and a 3 metre setback for any development above 4 storeys.</p> <p>Many of the lots in Precinct 2 are narrow and these setback requirements would constrain development of upper floors.</p> <p>Precinct 2 is intended to be an urban, mixed use precinct with high density residential. It is therefore recommended that the side setback requirements be amended to encourage development of these lots.</p>

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

Proposed Structure Plan Text Update	Comments
<p>5. Clause 10.24 be updated to read as follows:</p> <p>“Nil setbacks to adjoining properties in Precincts 1, 2 and 3 are permitted to a maximum height of 5 storeys. Any level above 5 storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority”.</p>	<p>Precinct 3 – The Crescent</p> <p>The existing clause provides for nil setbacks to a maximum of 4 storeys and a 3 metre setback for any development above 4 storeys.</p> <p>Many of the lots in Precinct 3 are narrow and these setback requirements would constrain development of upper floors.</p> <p>Precinct 3 is intended to be an urban, mixed use precinct with high density residential. It is therefore recommended that the side setback requirements be amended to encourage development of these lots.</p>
<p>6. Clause 10.35 be updated to add a second sentence to read as follows:</p> <p>“Any level above two storeys is to be setback in accordance with the R-Codes”.</p>	<p>The existing clause reads:</p> <p>“Nil setbacks to adjoining properties in Precincts 1, 3 or 4 are permitted to a maximum height of 2 storeys”.</p> <p>It is considered that the additional sentence would clarify the assessment of levels above 2 storeys. Note: the north side of Simpson/Willcock Streets can develop to 4 storeys and the south side can develop to 3 storeys.</p>

The proposed updates to the structure plan text are considered to align with the intent of the plan, the precinct objectives and are considered to be relatively minor. Public advertising is not considered necessary. Council can update the structure plan text by resolution given that WAPC approval of the structure plan is not required as per Table 6 of State Planning Policy 4.2: Activity Centres for Perth and Peel.

II. OTHER AGENCIES / CONSULTANTS

Required: Yes. Information on Amendment 73 was sent to all relevant government agencies.

Reason: As per *Town Planning Regulations 1967*

Support/Object: No objections received as noted above

STATUTORY AND LEGAL IMPLICATIONS

Pursuant to Part 5 of the *Planning and Development Act 2005*, should the Council resolve to adopt the proposed scheme amendment, the proposal is to be forwarded to the Minister for Planning, Culture and the Arts, Environment and Youth for determination.

If/when approved by the Minister, the amendment will be officially gazetted and the zoning and textual changes will take effect.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications in respect of this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONSEnvironmental Management Implications

There are no environmental management implications with this amendment.

Risk Implications

There are no risk implications with this amendment given that the structure plan is already operational. The amendment is largely an administrative exercise.

Strategic Implications

The structure plan and the scheme amendment align with the aspirations under the City's Community Plan People, Places, Participation 2012 – 2022. Some of the strategic objectives of the Community Plan include:

- A liveable and connected urban environment
- A diverse range of quality housing to meet the current and future needs of communities
- A prosperous city with access to a range of businesses and services
- Safe, attractive places where people want to live, work and participate
- Communities leading active healthy lifestyles (with urban environments designed and built to support such lifestyles)

POLICY IMPLICATIONS

The Council adopted Scheme Amendment 67 to CPS5 at its meeting held on Tuesday, 20 August 2013. This amendment proposed to introduce structure plan provisions in to CPS5 and would provide for the Council to officially approve structure plans under the scheme. The amendment was referred to WAPC in September 2013 and has been awaiting final approval since this time.

The proposed amendment text has been discussed with officers of the Department of Planning on numerous occasions. The text of the amendment is now based on the wording used in the draft Local Planning Scheme Regulations 2014, which both parties find acceptable.

It is understood that a report will be presented soon to WAPC to adopt the amendment, which would then go to the Minister for final approval and gazettal.

The Council adopted the Riseley Centre Structure Plan as a local planning policy under Section 9.6 of CPS5 (as no structure plan provisions were in CPS5). There is now a need to clarify that the Council has adopted the plan as a structure plan under the proposed Part 10 of CPS5 (as per Amendment 67).

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

Upon the expectation that the Amendment 67 will be finalised soon, it is recommended that Council officially adopt the Riseley Centre Structure Plan under the proposed Part 10 of CPS5.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could decide not to adopt the scheme amendment, which would mean that the existing zonings would remain in place. The main impact this would have would be to constrain the redevelopment potential of the lots currently zoned Living Area R15, R20 or R25/40. All other lots can already be developed in accordance with the structure plan.

CONCLUSION

Scheme Amendment No. 73 implements the zonings that were recommended by the approved Riseley Centre Structure Plan. The Structure Plan contains detailed built form and design requirements to guide future development. However, it does not automatically change the underlying zoning of the land, hence the need for the proposed Scheme Amendment.

The scheme amendment proposes to:

1. Remove the existing text in the Riseley Centre Precinct in CPS5 and replace it with:

“In accordance with the Riseley Centre Structure Plan”. The structure plan provides the detailed development requirements, which means that the existing text is no longer required.
2. Rezone lots in the structure plan area as follows:

From (Existing)	To (as proposed in Structure Plan)
District Centre R60	District Centre R-AC0
Commercial Centre Frame R50	District Centre R-50
Living Area R15, R20 and R25/40	

Residential dwellings are strongly encouraged in the Riseley Centre. Residential development will be controlled through built form, height, setback and other controls in the Structure Plan. This will encourage developers to provide residential dwellings and make it easier to include a variety of dwelling sizes and types.

The proposed amendment was publicly advertised for 42 days via a range of methods. The City received one submission in support of the amendment with additional proposed changes and one service agency submission. The proposed changes in Submission 1 have been reviewed and are not supported as they would involve significant changes to the adopted structure plan. The inclusion of No. 745 Canning Highway in the structure plan area and in the scheme amendment is supported given the common landowners and as it directly abuts the structure plan area.

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

A number of relatively minor textual changes are proposed to address issues identified through discussions with applicants and assessment of development applications. The proposed updates to the structure plan text are considered to align with the intent of the plan, the precinct objectives and are considered to be relatively minor. Public advertising is not considered necessary. The Council can update the structure plan text by resolution given that WAPC approval of the structure plan is not required.

It is recommended that the Council adopt the proposed amendment and forward it to the WAPC for final approval and gazettal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3586) APPROVAL

At 6:42pm Cr Macphail moved, seconded Cr Foxton –

- A. That pursuant to Part 5 of the *Planning and Development Act 2005*, the Council adopt Amendment No. 73 to Community Planning Scheme No. 5 for final approval as follows:**
- 1. Delete the words “Riseley Frame” from Clause 4.1, section 4 of Community Planning Scheme No. 5.**
 - 2. Delete all words following “DC2 – Riseley Centre” in the District Centre Precincts section of Community Planning Scheme No. 5 and replace with “In accordance with the Riseley Centre Structure Plan”.**
 - 3. Delete all words including “RF – Riseley Frame” in the Commercial Centre Frame Precincts section of Community Planning Scheme No. 5.**
 - 4. Rezone all the lots in the structure plan area in accordance with the proposed scheme amendment map as shown in Attachment 1.**
- B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.**
- C. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Amendment.**
- D. That Council adopt the Riseley Centre Structure Plan under the proposed Part 10 of Community Planning Scheme No. 5 upon the gazettal of Scheme Amendment No. 67.**
- E. That the Riseley Centre Structure Plan be updated as follows:**
- 1. Plan 1 be amended to include Lot 318, No. 745 and 745a Canning Highway to be shown as ‘District Centre R50’ and part of Precinct 4 with a four storey building height limit.**
 - 2. Clause 9.24.3 be updated to refer to clause 9.25 rather than 9.24.**

P15/3586 – FINAL ADOPTION OF SCHEME AMENDMENT 73 TO COMMUNITY PLANNING SCHEME NO. 5 – RISELEY CENTRE (REC) (ATTACHMENT)

3. **Clause 10.5 be updated to read as follows:**
“Nil setbacks to adjoining properties are permitted to a maximum height of five storeys. Any level above five storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority”.

4. **Clause 10.14 be updated to read as follows:**
“Nil setbacks to adjoining properties in Precinct 2 are permitted to a maximum height of five storeys. Any level above five storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority”.

5. **Clause 10.24 be updated to read as follows:**
“Nil setbacks to adjoining properties in Precincts 1, 2 and 3 are permitted to a maximum height of five storeys. Any level above five storeys is required to be setback at least 1.5 metres unless otherwise approved by the responsible authority”.

6. **Clause 10.35 be updated to add a second sentence to read as follows:**
“Any level above two storeys is to be setback in accordance with the R-Codes”.

At 6:44pm Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (8/0)

Vote Result Summary	
Yes	8
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Reynolds	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

At 6:45pm Cr Pazolli returned to the meeting.

At 6:45pm Mayor Aubrey, having declared an interest in item P15/3587 left the meeting and Deputy Mayor Cr Foxton assumed the Chair

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P15/3587
Member	Mayor Aubrey
Type of Interest	Proximity Interest
Nature of Interest	The Mayor owns a property adjacent
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P15/3587
Member	Cr Aubrey
Type of Interest	Code of Conduct
Nature of Interest	Parents own a property adjacent
Decision of Council	Not Applicable

Ward	: Applecross/Mt Pleasant, City
Category	: Policy
Application Number	: N/A
Property	: All properties in the Structure Plan Area
Proposal	: Final adoption of Scheme Amendment 76 to implement zonings recommended by the Melville City Centre Structure Plan
Applicant	: City of Melville
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P14-3547 – Initiation of Amendment 76 to Community Planning Scheme No. 5 – Special Meeting of the Council 22 September 2014 P13-3449 – Final Adoption of the Melville City Centre Structure Plan – 9 December 2013
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

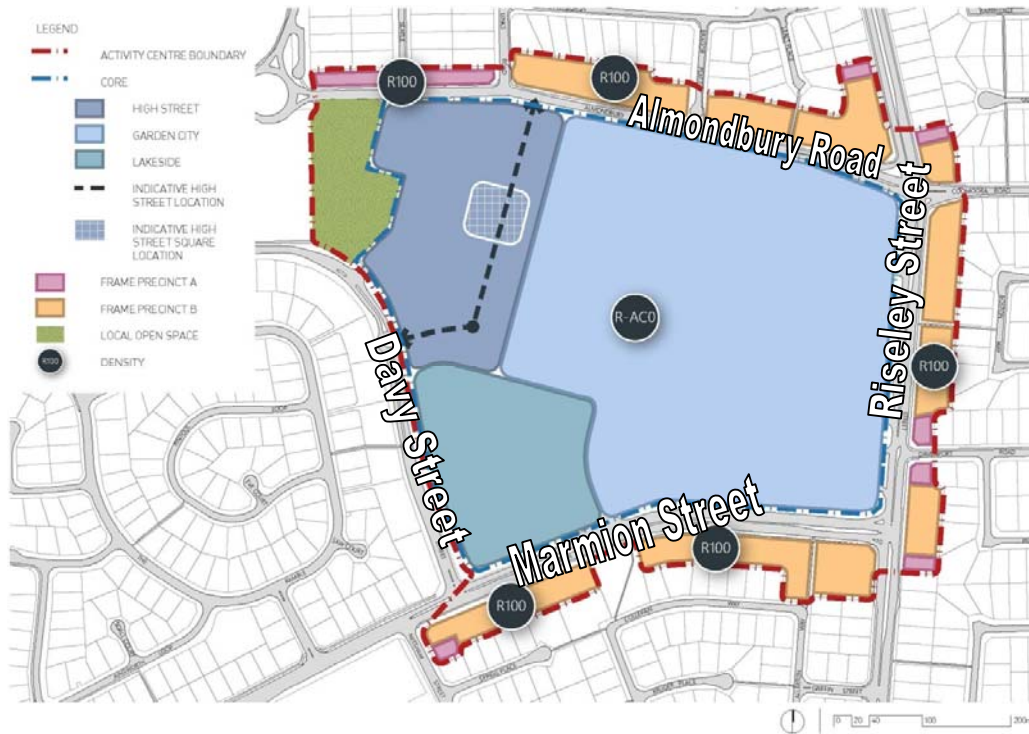
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting 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

- The Council adopted the Melville City Centre Structure Plan at its meeting held on 9 December 2013 and initiated Scheme Amendment 76 at its meeting held on 22 September 2014.
- Scheme Amendment No. 76 seeks to implement the zonings and density codes that were adopted in the structure plan.
- The structure plan contains detailed built form and design requirements to guide future development. It is operational following the Western Australian Planning Commission's approval on 22 April 2014. However, the structure plan does not automatically change the underlying zoning of the land, hence the need for the proposed scheme amendment.
- Scheme Amendment No. 76 was publicly advertised for 42 days. The City received two submissions in support and three service agency submissions provided comments. There were no objections or issues raised with the proposed amendment.
- It is recommended that the Council adopt Amendment No. 76.
- There are also some suggested textual updates to improve the Melville City Centre Structure Plan.

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

Melville City Centre Structure Plan Map



P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)**BACKGROUND**

A structure plan for the Melville City Centre was required for the following reasons:

- Activity centre structure plans are required to be prepared for major centres, such as Booragoon, as per State Planning Policy 4.2: Activity Centre for Perth and Peel (SPP 4.2);
- The owner of the Garden City Shopping Centre, AMP Capital Investors, was proposing to expand the shopping centre. Activity centre structure plans are to be endorsed prior to a major development (such as the proposed shopping centre expansion) being approved as per SPP 4.2;
- The previously prepared 2007 Centre Plan had not been significantly progressed and required updating; and
- There was a need to provide certainty for developers, landowners, businesses, residents and Council regarding the future plans for the centre.

Community Feedback Received During the Structure Plan Preparation Process

There was widespread community engagement during the structure plan preparation process and a total of 107 submissions were received.

The concerns of residents just outside the structure plan area along Colleran Way and Sprigg Place, Booragoon was the biggest issue raised by the community with the draft structure plan. This area is adjacent to the Marmion Street section of the Frame precinct.

Apart from this issue, there was high level of overall community support for the vision for the future of the centre and the Structure Plan. The City is engaging with residents on future zonings for Colleran Way, Sprigg Place and other streets south of Marmion Street through the draft Local Planning Scheme 6 public advertising process.

The Statutory Planning Committee of the Western Australian Planning Commission (WAPC) granted final approval of the Melville City Centre Structure Plan at its meeting held on Tuesday, 22 April 2014. The WAPC required that the City Centre Frame along Marmion Street be amended from 'City Centre Frame R50' to 'City Centre Frame R100'.

One of the key implementation actions is to rezone all lots in the structure plan area in accordance with the recommendations of the Structure Plan and update relevant sections of Community Planning Scheme No. 5 (CPS5).

The Council initiated Scheme Amendment 76 at its Special Meeting held on Monday, 22 September 2014. The purpose of this report is to detail the proposed amendments to CPS5 and the public advertising process.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	City Centre City Centre Frame R50 Living Area R20 and R25/40
R-Code	:	See above
Use Type	:	Various
Use Class	:	Various

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)**DETAIL**

Scheme Amendment 76 in essence proposes two main changes to CPS5 which are outlined and further explained below:

Change 1 – Update CPS5 Text and Zoning as per Melville City Centre Structure Plan

The Structure Plan is now operational following the WAPC's approval on Tuesday, 22 April 2014. The Structure Plan provides requirements for the height, form and appearance of buildings, land uses, staging movement and access. The Structure Plan requirements have been developed in conjunction with landowners and the community and provide specific requirements that have been tailored for the City Centre environment envisaged.

However, the Structure Plan does not automatically change the underlying zoning of the land, hence the need for the proposed Scheme Amendment.

The following three modifications are proposed to ensure that CPS5 is updated in accordance with the structure plan.

1. Delete all words following "CITY CENTRE PRECINCT (CC)" in Part 2 of the Precincts section of CPS 5 and replace with "In accordance with the Melville City Centre Structure Plan".
2. Delete all words following "CCF – "CITY CENTRE FRAME" in the Commercial Centre Frame Precincts section of CPS5 and replace with "In accordance with the Melville City Centre Structure Plan".
3. Rezone all the lots in the structure plan area in accordance with the proposed Scheme Amendment Map. Please refer to attachment [3587 Scheme Amendment 76 Map](#)

Housing

The Structure Plan has no specified maximum residential densities for the Garden City, High Street and Lakeside precincts, which is consistent with the existing CPS5 density provisions for the 'City Centre' Precinct.

A key objective is to create a city centre environment with a range of housing choices. Residential dwellings are strongly encouraged in the city centre. Residential development will be controlled through built form, height, setbacks and other controls in the structure plan. This will encourage developers to provide residential dwellings in the city centre and make it easier to include a variety of dwelling sizes and types.

The City Centre Frame precinct is proposed to have a residential density of R100, which is considered appropriate as it directly abuts the City Centre Zone. It also clearly articulates that it is intended to be part of an intensive, mixed use city centre. The R100 zoning for the Frame precinct was a specific requirement of the WAPC.

It is expected that the structure plan will help deliver high quality residential and mixed use development in accordance with the objectives of the Local Planning Strategy.

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)**Transport and Access**

A detailed Movement (or Transport) Strategy was submitted to support the structure plan.

Changes to land use patterns (such as promoting the City Centre) can help reduce the need to travel long distances in the first place and allow people to drive less. This could be progressed by allowing a greater mix of land uses in appropriate locations and concentrating development around activity centres. Both of these ideas are underlying drivers of the structure plan.

The Movement Strategy was assessed by the City's Technical Services and relevant agencies including Main Roads Western Australia (MRWA), Department of Transport (DoT) and Public Transport Authority (PTA). MRWA is generally supportive of the structure plan and has provided its support for the scheme amendment.

While more work is required to be undertaken through the detailed design stages of future redevelopments, it is considered that the broad transport issues have been appropriately addressed at this point. Further liaison will be required in future with MRWA, DoT and PTA through detailed planning and implementation stages.

Change 2 – Removal of Retail Floorspace Caps

CPS5 is an example of a local planning scheme prepared under the former Statement of Planning Policy No. 9 – *Metropolitan Centres Policy for the Perth Metropolitan Region*, which contained specific caps on the size of shopping centres.

The introduction of *Directions 2031 and Beyond* and SPP 4.2 changed the focus of retail-centric planning under the former Metropolitan Centres Policy to a more holistic understanding of activity centres as places for a range of activities and types of transactions. Employment, residential density, transport networks, urban form quality and amenity, activity centre maturation, and the overall hierarchy in which the centres sit, now need to be considered alongside the economic viability of a centre in order to contribute to a metropolitan area planned for future sustainability.

This Scheme Amendment proposes to remove retail floorspace caps from CPS5. The proposed removal of retail floorspace caps is supported by the following:

- Retail floorspace caps were effectively removed by the gazettal of SPP 4.2, which does not contain explicit nor implicit retail floorspace caps. SPP 4.2 instead contains performance measures to guide the development of mixed use activity centres in accordance with the strategic direction provided by *Directions 2031 and Beyond*;
- The City's Local Planning Strategy encourages the development of mixed use activity centres, which are not defined by single land uses (such as retail shopping centres);
- The City's Local Commercial and Activity Centres Strategy (LCACS) sets out the expectations for future development within activity centres. The LCACS does not have retail floorspace caps; and
- Council and the WAPC approved the potential expansion of the Garden City Shopping Centre and effectively removed the current floorspace cap in adopting the structure plan. CPS 5 currently has a 'cap' of 65,000m² retail floorspace. CPS5 therefore requires updating to be consistent with the adopted structure plan and SPP 4.2.

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

The following seven modifications are proposed to update CPS5 to remove retail floorspace caps:

1. Amend Clause 5.17 of Community Planning Scheme No. 5 by deleting “control retail” and inserting “guide commercial” following “To”.
2. Amend Clause 5.17 (a) of Community Planning Scheme No. 5 by deleting “Metropolitan Centres Policy guiding the retail capacity of centres within the Scheme area” and inserting “requirements” following “Commission’s”.
3. Amend Clause 5.17 (b) of Community Planning Scheme No. 5 by deleting “retail” and replacing with “commercial” following the words “development of”
4. Delete Clauses 5.17 (c) and 5.17 (d) of Community Planning Scheme No. 5
5. Insert a new Clause 5.17 (c) as follows:
 - 5.17 (c) Any application for major development on land in the ‘City Centre Precinct’ or ‘District Centres Precincts’ which is wholly or partly within an activity centre shall not be approved unless an activity centre structure plan has been prepared and adopted in accordance with State Planning Policy No. 4.2 - Activity Centres for Perth and Peel.
6. Insert a new Clause 5.17 (d) in Community Planning Scheme No. 5 as follows:
 - 5.17 (d) Notwithstanding clause 5.17 (c) above, Council may approve an application for major development before an activity centre structure plan has been prepared and adopted provided that the application for major development satisfies the provisions of State Planning Policy No. 4.2 - Activity Centres for Perth and Peel.
7. Delete the specified retail floor space caps in Community Planning Scheme No. 5 by removing the paragraph titled “Retail Floor Space” from:
 - A. CITY CENTRE PRECINCT (CC)
 - B. DC1 – CANNING BRIDGE CENTRE
 - C. DC2 – RISELEY CENTRE
 - D. DC3 – MELVILLE CENTRE
 - E. DC4 – PETRA CENTRE
 - F. DC5 – KARDINYA CENTRE
 - G. DC6 – BULL CREEK CENTRE
 - H. COMMUNITY CENTRE PRECINCTS (CCR)

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)**Benefits of the Structure Plan and Scheme Amendment**

A key objective of the City's Local Planning Strategy is to concentrate population growth and development in activity centres and along transport corridors, which limits the need to change suburban residential areas. The Melville City Centre is one of the better places to promote population growth and redevelopment in the City as it is strategically located, has a mix of land uses and has existing public transport connections.

The proposed Scheme Amendment is a key implementation action to deliver on the objectives of the adopted structure plan.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes

I. COMMUNITY

An extensive amount of stakeholder engagement was completed through the structure plan process.

Scheme Amendment 76 was advertised for 42 days from Tuesday, 11 November 2014 until Tuesday, 23 December 2014 via the following methods:

- Correspondence sent to all people who made submissions on the Melville City Centre Structure Plan
- Emails sent to 181 people on the Melville City Centre email database
- An advertisement in the *Melville Times* on Tuesday, 11 November 2014
- Letters sent to all service agencies
- Information available for viewing at the Civic Centre
- Information available on the City's website.

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

A total of five submissions were received as noted below.

No.	Summary of Submission	Support / Objection	Officer's Comment
1.	We are writing to you to express our support for the planned new zonings and wish you good luck.	Support	Noted
2.	We are ok with the proposal	Support	Noted
3.	Department of Water has no comments	Comments	Noted
4.	Western Power should be provided with information prior to subdivision or development in the centre	Comments	Noted – this would happen through the development application or subdivision process
5.	Main Roads WA supports the amendment and commends the City and Aurecon on their proactive approach. It anticipates that this approach will continue as the centre is redeveloped.	Support	Noted. The City, AMP and Aurecon (AMP's transport consultant) are continuing to work with Main Roads on transport and intersection upgrades

No objections to the scheme amendment were received nor major issues raised.

Updates to Structure Plan Text

A number of textual changes are proposed to address issues identified through discussions with applicants and assessment of development applications. The proposed changes are as follows.

Proposed Structure Plan Text Update	Comments
7. Clause 10.4.4.3 be updated to refer to an overall height of 9 metres above natural ground level rather than 8 metres.	<p>This update is proposed to align the height in metres with the default standard height in the R-Codes as specified in Category B of Table 3. This is the common height standard used across most of suburban Perth.</p> <p>The intent of the “stepping down” building height controls in the City Centre Frame is to carefully manage the transition between development in the Frame and that outside the Frame.</p> <p>Development outside the Frame can currently build to 10.5 metres as per CPS 5.</p> <p>It is therefore considered reasonable to amend the overall height permitted from 2 storeys or 8 metres to 2 storeys or 9 metres (which is still 1.5 metres below the total height possible outside the structure plan area).</p>

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

Proposed Structure Plan Text Update	Comments
<p>8. Clause 10.4.5 be updated to read as follows: “The roof areas of any building are not to be used as accessible open space areas, viewing platforms, or the like unless: 10.4.5.1 It is not within 12 metres of any property outside of the Structure Plan area; and 10.4.5.2 It complies with the visual privacy requirements specified in Section 10.4.16 and 10.4.17. Note: this provision does not apply to dwelling balconies”.</p>	<p>The existing wording of this provision is confusing as it includes dwelling balconies and could affect otherwise acceptable development.</p> <p>Balconies should not have been included in this clause.</p> <p>The “roof” of the third storey may provide an opportunity for large balconies or open space areas, which would benefit residents and provide for more on-site landscaping and greenery. These areas are to be well setback from the rear boundary (proposed to be a 12 metre setback) and will need to comply with visual privacy requirements.</p> <p>This change would improve built form and lifestyle outcomes whilst also protecting the amenity of adjoining residential lots.</p>
<p>9. Clause 10.4.6 be updated to delete the words “balconies, verandahs,”</p>	<p>This change is related to the changes above for Clause 10.4.5. Balconies and verandahs should not have been included in these clauses.</p>
<p>10. Clause 10.4.7 be updated to read as: “Any floor of a building having 50% or more of its volume located below natural ground level is not included in the calculation of the number of storeys, but is included in the calculation of building height in metres”.</p>	<p>This change would align the treatment of basement levels with the definition in the Riseley Centre Structure Plan.</p> <p>This would not affect the overall height of buildings as measured in metres and therefore would not change the built form outcomes.</p>
<p>11. Clause 10.4.8 be updated to read as follows: “Street setbacks may be nil and side building setbacks in accordance with the R-100 provisions contained in the Residential Design Codes.”</p>	<p>There has been some confusion as the existing clause refers to street setbacks in accordance with the R-100 provisions, which is 2 metres.</p> <p>However the intent of the structure plan is to create an urban city centre and therefore commercial uses in particular should be encouraged to be built to the street. It is therefore considered appropriate to allow nil setbacks to the street boundary. Side boundary setbacks are proposed to remain the same.</p>

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

Proposed Structure Plan Text Update	Comments
<p>12. Clause 10.4.10 be updated to read as follows: “Rear building setbacks (to lots outside the structure plan area) are to be in accordance with the R50 provisions in the Residential Design Codes, with a minimum setback of three (3) metres. Notwithstanding the above, single storey buildings within the three metre setback area are to be assessed in accordance with R50 Lot Boundary Setback requirements of the Residential Design Codes. Otherwise rear building setbacks to other lots within the structure plan area are to be in accordance with the Residential Design Codes”.</p>	<p>This change allows single storey minor developments such as garages, parking areas, storage, bin enclosures, plant or the like to be built within the 3 metre setback area in accordance with R-Codes requirements. This would usually be permitted in the R-Codes and is not considered to be a major change.</p>
<p>13. Clause 10.3.1 be updated to read as: “Building heights are to be generally in accordance with the Building Height Plan (Plan 3), unless otherwise approved by the City. If additional building height is proposed above that provided for in the Building Height Plan, the applicant must provide community benefit for the users of the city centre in proportion to the additional development being proposed by achieving one or more of the following:</p> <p>10.3.1.1 New, improved or expanded high quality public spaces within the city centre</p> <p>10.3.1.2 Upgrades to streetscapes, street trees or landscaping in the city centre (or within the vicinity if appropriate)</p> <p>10.3.1.3 Upgrades to footpaths, other pedestrian-related infrastructure, cycle paths or other cycling-related infrastructure in the city centre (or within the vicinity if appropriate)</p>	<p>The existing clause 10.3.1 is: “Buildings heights are to be generally in accordance with the Building Height Plan (Plan 3), unless otherwise approved by the City.”</p> <p>The clause provides for the City to consider and approve additional building height.</p> <p>The proposed updates to the clause would provide greater information and clarity to applicants, decision makers and the community on the circumstances in which the City would consider additional building height.</p> <p>It would also require applicants to provide additional community benefits if additional height is proposed.</p> <p>This approach is also proposed in the Canning Bridge Structure Plan.</p> <p>This clause only relates to building heights in the City Centre Core and does not relate to building heights in the City Centre Frame.</p>

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)

Proposed Structure Plan Text Update		Comments
(Continued)		See above.
10.3.1.4	Placemaking initiatives or public art (beyond that required in the City's policy on Provision of Public Art Policy)	
10.3.1.5	Provision of public facilities such as toilets, showers or sheltered bike storage	
10.3.1.6	Affordable housing provided as part of an affordable housing scheme and ceded to the Department of Housing or relevant not-for-profit organisation	
10.3.1.7	Exemplary environmental design or sustainability outcomes	
10.3.1.8	Any other community benefit contribution that furthers the objectives of the structure plan in the opinion of the City"	

The proposed updates to the structure plan text are considered to align with the intent of the plan and the precinct objectives. Public advertising is not considered necessary. The Council can update the structure plan text by resolution and can refer to the WAPC for noting (if WAPC concurs that the changes are relatively minor) or approval (should it wish to officially adopt the updates).

II. OTHER AGENCIES / CONSULTANTS

Required: Yes. Information on Amendment 76 was sent to all relevant government agencies.
Reason: As per *Town Planning Regulations 1967*
Support/Object: No objections received as noted above

STATUTORY AND LEGAL IMPLICATIONS

Pursuant to Part 5 of the *Planning and Development Act 2005*, should the Council resolve to adopt the proposed scheme amendment, the proposal is to be forwarded to the Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

If/when approved by the Minister, the amendment will be officially gazetted and the zoning and textual changes will take effect.

P15/3587 – FINAL ADOPTION OF SCHEME AMENDMENT 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications in respect of this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONSEnvironmental Management Implications

There are no environmental management implications with this amendment.

Risk Implications

There are no risk implications with this amendment given that the structure plan is already operational. The amendment is largely an administrative exercise.

Strategic Implications

The structure plan and this associated Scheme Amendment align with the aspirations under the City's Community Plan People, Places, Participation 2012-2022. Some of the strategic objectives of the Community Plan include:

- A liveable and connected urban environment
- A diverse range of quality housing to meet the current and future needs of communities
- A prosperous city with access to a range of businesses and services
- Safe, attractive places where people want to live, work and participate
- Communities leading active healthy lifestyles (with urban environments designed and built to support such lifestyles)

POLICY IMPLICATIONS

The Council adopted Scheme Amendment 67 to CPS 5 at its meeting held on 20 August 2013. This amendment proposed to introduce structure plan provisions in to CPS 5 and would provide for the Council to officially approve structure plans under the scheme. The amendment was referred to WAPC in September 2013 and has been awaiting final approval since this time.

The proposed amendment text has been discussed with officers of the Department of Planning on numerous occasions. The text of the amendment is now based on the wording used in the draft Local Planning Scheme Regulations 2014, which both parties find acceptable.

It is understood that a report will be presented soon to WAPC to adopt the amendment, which would then go to the Minister for final approval and gazettal.

The Council adopted the Melville City Centre Structure Plan as a local planning policy under Section 9.6 of CPS5 (as no structure plan provisions were in CPS5). There is now a need to clarify that the Council has adopted the plan as a structure plan under the proposed Part 10 of CPS5 (as per Amendment 67).

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Upon the expectation that the Amendment 67 will be finalised soon, it is recommended that Council officially adopt the Melville City Centre Structure Plan under the proposed Part 10 of CPS5.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could decide not to adopt the scheme amendment, which would mean that the existing zonings and retail floorspace caps would remain in place. The main impact this would have would be to constrain the redevelopment potential of the lots currently zoned R20 along Marmion Street and Almondbury Road. All other lots can already be developed in accordance with the structure plan.

It is noted that WAPC would be likely to approve the scheme amendment in accordance with the adopted structure plan, unless there was a substantial new issue(s) to consider that was not considered in the structure plan process.

CONCLUSION

The proposed Scheme Amendment No. 76 implements the zonings that were required by the WAPC in its approval of the Melville City Centre Structure Plan.

The proposed amendment was publicly advertised for 42 days via a range of methods. The City received two submissions in support of the amendment and three service agency submissions provided comments. There were no objections to the proposal nor issues raised.

The adopted Structure Plan contains detailed built form and design requirements to guide future development. However, the structure plan does not automatically change the underlying zoning of the land, hence the need for the proposed Scheme Amendment.

The major changes in the proposed scheme amendment are to:

1. Remove the existing text in CPS5 in the City Centre and City Centre Frame Precincts. The adopted structure plan provides the detailed development requirements, which means that the existing scheme text is no longer required.
2. Rezone lots in the structure plan area as follows:

From (Existing)	To (as proposed in Structure Plan)
City Centre	City Centre – R-AC0
City Centre Frame R50	City Centre Frame R100
Living Area R25/40	City Centre Frame R100
Living Area R20	City Centre Frame R100

3. Update CPS5 in accordance with Directions 2031, SPP 4.2 and the City’s Local Planning Strategy by removing retail floorspace caps.

It is recommended that the Council adopt the proposed amendment and forward it to the WAPC for final approval and gazettal.

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A number of textual changes to the Melville City Centre Structure Plan are proposed to address issues identified through discussions with applicants and assessment of development applications. The proposed updates to the structure plan text are considered to align with the intent of the plan and the precinct objectives. Public advertising is not considered necessary. The Council can update the structure plan text by resolution and can refer to the WAPC for noting (if WAPC concurs that the changes are relatively minor) or approval (should it wish to officially adopt the updates).

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3587) APPROVAL

At 6:47pm Cr Macphail moved, seconded Cr Aubrey –

A. That pursuant to Part 5 of the *Planning and Development Act 2005*, the Council adopt Amendment No. 76 to Community Planning Scheme No. 5 for final approval as follows:

- 1. Delete all words following “CITY CENTRE PRECINCT (CC)” in Part 2 of the Precincts section of Community Planning Scheme No. 5 and replace with “In accordance with the Melville City Centre Structure Plan”.**
- 2. Delete all words following “CCF – “CITY CENTRE FRAME” in the Commercial Centre Frame Precincts section of Community Planning Scheme No. 5 and replace with “In accordance with the Melville City Centre Structure Plan”.**
- 3. Rezone all the lots in the structure plan area in accordance with the proposed scheme amendment map as shown in Attachment 1.**
- 4. Amend Clause 5.17 of Community Planning Scheme No. 5 by deleting “control retail” and inserting “guide commercial” following “To”.**
- 5. Amend Clause 5.17 (a) of Community Planning Scheme No. 5 by deleting “Metropolitan Centres Policy guiding the retail capacity of centres within the Scheme area” and inserting “requirements” following “Commission’s”.**
- 6. Amend Clause 5.17 (b) of Community Planning Scheme No. 5 by deleting “retail” and replacing with “commercial” following the words “development of”.**
- 7. Delete Clauses 5.17 (c) and 5.17 (d) of Community Planning Scheme No. 5.**
- 8. Insert a new Clause 5.17 (c) as follows:**
 - 5.17 (c) Any application for major development on land in the ‘City Centre Precinct’ or ‘District Centres Precincts’ which is wholly or partly within an activity centre shall not be approved unless an activity centre structure plan has been prepared and adopted in accordance with State Planning Policy No. 4.2 - Activity Centres for Perth and Peel.**

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9. Insert a new Clause 5.17 (d) in Community Planning Scheme No. 5 as follows:

5.17 (d) Notwithstanding clause 5.17 (c) above, Council may approve an application for major development before an activity centre structure plan has been prepared and adopted provided that the application for major development satisfies the provisions of State Planning Policy No. 4.2 - Activity Centres for Perth and Peel.

10. Delete the specified retail floorspace caps in Community Planning Scheme No. 5 by removing the paragraph titled “Retail Floor Space” from:

- a. CITY CENTRE PRECINCT (CC)
- b. DC1 – CANNING BRIDGE CENTRE
- c. DC2 – RISELEY CENTRE
- d. DC3 – MELVILLE CENTRE
- e. DC4 – PETRA CENTRE
- f. DC5 – KARDINYA CENTRE
- g. DC6 – BULL CREEK CENTRE
- h. COMMUNITY CENTRE PRECINCTS (CCR)

- B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.

- C. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Amendment.

- D. That the Council adopt the Melville City Centre Structure Plan under the proposed Part 10 of Community Planning Scheme No. 5 upon the gazettal of Scheme Amendment No. 67.

- E. That the Melville City Centre Structure Plan be updated as follows:

1. Clause 10.4.4.3 be updated to refer to an overall height of 9 metres above natural ground level rather than 8 metres.

2. Clause 10.4.5 be updated to read as follows:

“The roof areas of any building are not to be used as accessible open space areas, viewing platforms, or the like unless:

10.4.5.1 It is not within 12 metres of any property outside of the Structure Plan area; and

10.4.5.2 It complies with the visual privacy requirements specified in Section 10.4.16 and 10.4.17.

Note: this provision does not apply to dwelling balconies”.

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3. Clause 10.4.6 be updated to delete the words “balconies, verandahs”
 4. Clause 10.4.7 be updated to read as:
“Any floor of a building having 50% or more of its volume located below natural ground level is not included in the calculation of the number of storeys, but is included in the calculation of building height in metres”.
 5. Clause 10.4.8 be updated to read as follows:
“Street setbacks may be nil and side building setbacks in accordance with the R-100 provisions contained in the Residential Design Codes.”
 6. Clause 10.4.10 be updated to read as follows:
“Rear building setbacks (to lots outside the structure plan area) are to be in accordance with the R-50 provisions in the Residential Design Codes, with a minimum setback of three (3) metres. Notwithstanding the above, single storey buildings within the three metre setback area are to be assessed in accordance with R50 Lot Boundary Setback requirements of the Residential Design Codes. Otherwise rear building setbacks to other lots within the structure plan area are to be in accordance with the Residential Design Codes”.
 7. Clause 10.3.1 be updated to read as:
“Building heights are to be generally in accordance with the Building Height Plan (Plan 3), unless otherwise approved by the City. If additional building height is proposed above that provided for in the Building Height Plan, the applicant must provide community benefit for the users of the city centre area in proportion to the additional development being proposed by achieving one or more of the following:
 - 10.3.1.1 New, improved or expanded high quality public spaces within the city centre
 - 10.3.1.2 Upgrades to streetscapes, street trees or landscaping in the city centre (or within the vicinity if appropriate)
 - 10.3.1.3 Upgrades to footpaths, other pedestrian-related infrastructure, cycle paths or other cycling-related infrastructure in the city centre (or within the vicinity if appropriate)
 - 10.3.1.4 Placemaking initiatives or public art (beyond that required in the City’s policy on Provision of Public Art Policy)
 - 10.3.1.5 Provision of public facilities such as toilets, showers or sheltered bike storage
 - 10.3.1.6 Affordable housing provided as part of an affordable housing scheme and ceded to the Department of Housing or relevant not-for-profit organisation
 - 10.3.1.7 Exemplary environmental design or sustainability outcomes
 - 10.3.1.8 Any other community benefit contribution that furthers the objectives of the structure plan in the opinion of the City”
- F. That the Melville City Centre Structure Plan updates be referred to the Western Australian Planning Commission.

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

CARRIED UNANIMOUSLY (9/0)

Vote Result Summary	
Yes	9
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Reynolds	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

13. CLOSURE

There being no further business to discuss the Deputy Mayor declared the meeting closed at 6:59pm.