

Advice Note

Responsible Officer: Gavin Ponton, Manager Strategic Urban Planning

Date of Meeting: 19 May 2020

Meeting of the: Council

Item: **P20/3851 – PETITIONS SEEKING MODIFICATION TO THE SOUTH WESTERN BOUNDARY OF THE CANNING BRIDGE ACTIVITY CENTRE PLAN**

DETAIL

A series of questions were raised at the Agenda Briefing Forum held 5 May 2020 with respect this item. The following additional information is provided in response to the matters raised.

CBACP BOUNDARY HISTORY:

At the ABF, discussion included comment on the history of the Canning Bridge Activity Centre Boundary (CBACP) from the Canning Bridge Precinct Vision Phase through to the present plan and a comment that the precinct boundary was originally at Helm Street. Review of the precinct boundary depicted in the draft Canning Bridge Precinct Vision (2010), Canning Bridge Precinct Vision (2011), Canning Bridge Structure Plan (2013) and CBACP (2016) indicate that for the south western corner of the precinct that the boundary has remained largely unchanged since 2010, with minor changes only. The mid street block boundaries in the vicinity of View and Ogilvie Roads remains consistent across the plans.

Draft Canning Bridge Precinct Vision (2010):

The draft Canning Bridge Vision (2010) highlights future built form for the vision area. The boundary of the precinct identifies the mid street block boundaries in the vicinity of View Road and Ogilvie Road.



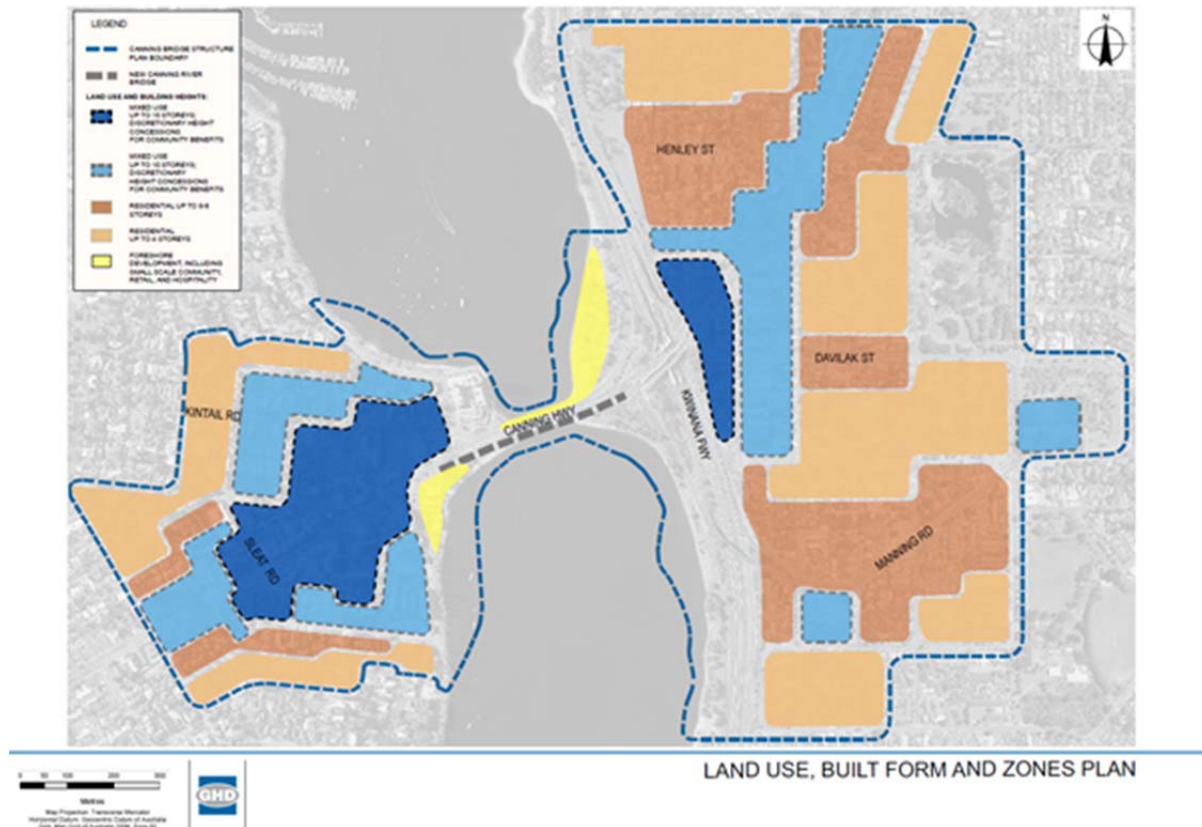
Canning Bridge Precinct Vision (2011):

The adopted CBPV maintained the highlighted built form depicting the mid street block boundaries reflected in the current CBACP. The CBPV did expand the study area for the precinct depicting the area between Kavanagh and Helm Streets as “Further investigation of proposed height and density required”.



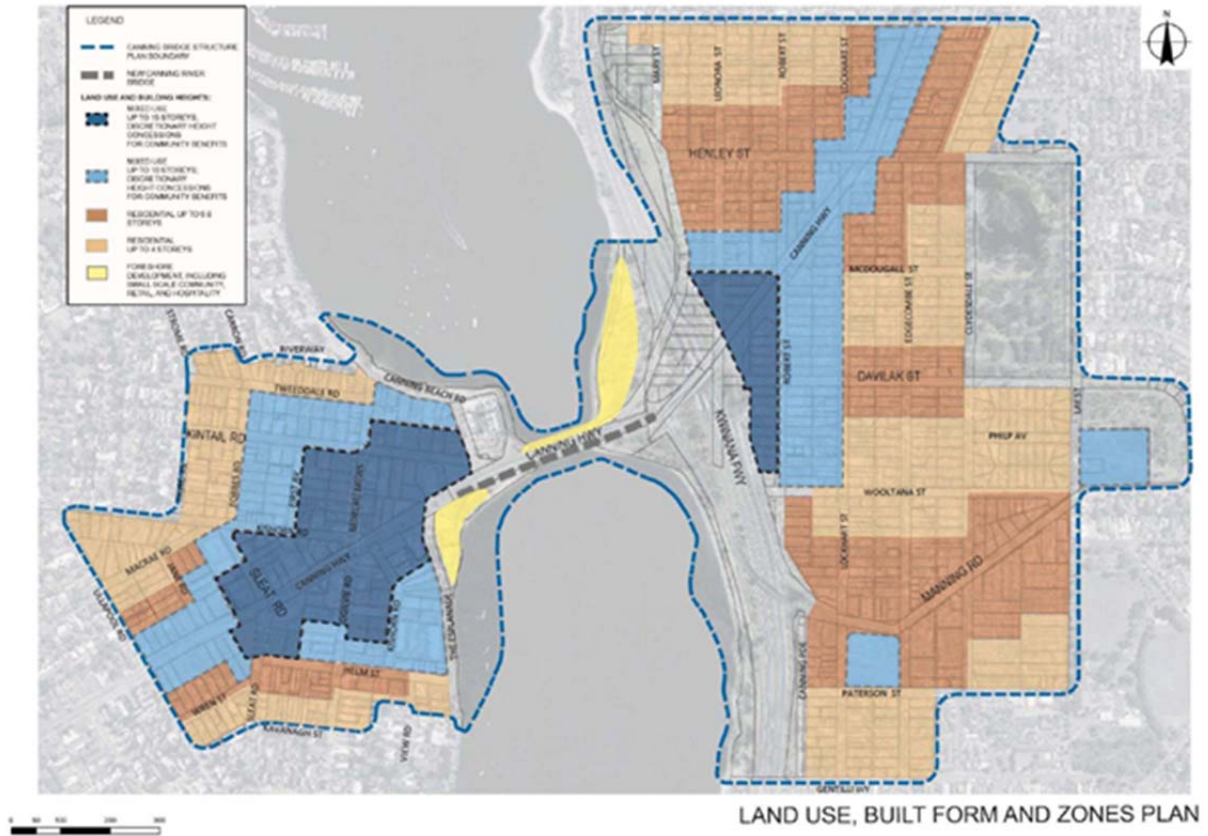
Canning Bridge Structure Plan (2013):

The CBSP aligns the boundary to the highlighted built form shown in the Canning Bridge Vision document. With completion of preparation of the CBSP, the area for “further investigation” is removed. The highlighted built form reflects the mid street block boundary in the current CBACP.



Canning Bridge Activity Centre Plan (2016):

The CBACP includes no changes to the boundary depicted in the CBSP.



OPTIONS TO PROGRESS CBACP BOUNDARY CHANGE:

Officer Recommendation:

The Officer recommendation on the item is supportive of finding a solution to the concerns raised in the petitions received. The officer's recommendation is to explore these solutions as part of the comprehensive review of the CBACP. Consideration of the boundary change to the CBACP as part of the comprehensive review is recommended as the requested change has wider implications which may require consideration of other changes to the CBACP or Local Planning Scheme 6. In particular, the manner in which the built form steps down from the core of the precinct to the new edge of the precinct is likely to require modification. Zoning of the land no longer within the CBACP as a result of the proposed boundary change also requires examination. Other options such as exploring more stringent development controls at the boundary interface warrant consideration.

In summary the officers recommendation is based on the conclusion that it is more likely that a solution to the issues raised by the petitioners will be achieved (i.e. supported by the relevant decision makers – WAPC and Minister) if it is progressed as part of a comprehensive investigation, as opposed to being progressed in independence.

Approval Process Should Council Wish to proceed with CBACP Boundary Change:

As described in the agenda report an adjustment to the CBACP boundary (independent of the comprehensive review of CBACP) would trigger commencement of two separate requests for amendment:

- An amendment to the CBACP boundary; and
- An amendment to LPS6 to provide a workable zoning to the land no longer within the CBACP

The planning process will require the two amendments to proceed concurrently. That is an amendment to either the CBACP or the LPS6 would not be finalised until such time as necessary adjustments are actionable concurrently in each document.

A summary of the steps to progress the two amendments are outlined at the end of this Advice Note. It is noted that each process has common elements such as advertising, Council consideration, WAPC consideration. It would be preferable for these phases and decision making points to occur concurrently. The WAPC in particular may require that their consideration of the two amendment processes be aligned.

The following points are noted with respect to the amendment processes:

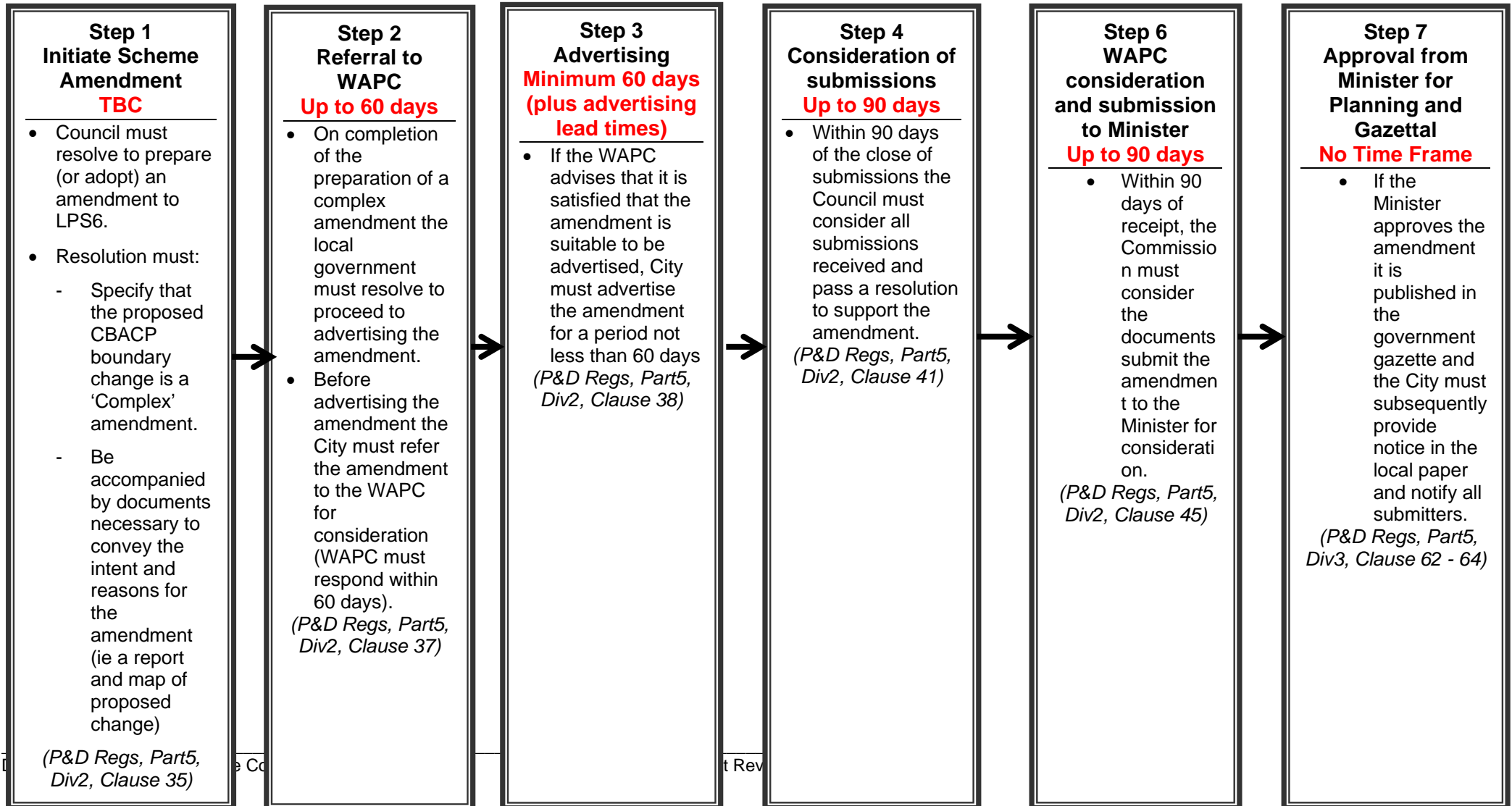
- Should Council wish to initiate amendments to the CBACP and LPS 6 then details such as the location of the proposed CBACP boundary, details of proposed zoning for land no longer within the CBACP (e.g. R code) and reasons in support of the amendments would be required.

- The required LPS amendment is determined to be a complex amendment under the Planning and Development (Local Planning Schemes) Regulations as by definition it is not consistent with the City's Local Planning Strategy and is not consistent with an approved activity centre plan.
- Following initiation, the LPS 6 amendment will require referral to the WAPC for consideration prior to advertising. There is a possibility that WAPC may decide at this stage that the amendment is not suitable to proceed to advertising.
- The Scheme amendment processes provide opportunity for the Minister to intervene in circumstances where the Minister is of the view that the local government has failed to initiate or adopt a scheme amendment which should have been progressed. The intervention is of no assistance where the local government is supportive of progressing the amendment. The intervention also does not set aside the requirement to complete the standard administrative processes. There is no further appeal/review right with respect to the scheme amendment process. In the case of an Activity Centre Plan an appeal right would exist in response to a decision by the WAPC.
- An option for a moratorium on planning approvals in areas subject to proposed amendments is not provided by planning legislation.
- Planning Control Areas (PCA) can be declared by the WAPC in areas where it is necessary to ensure that no development occurs which may prejudice its purpose or its potential reservation under the Metropolitan Region Scheme. In a PCA, development applications are determined by the WAPC. Potential adjustments to the boundary of the CBACP is not considered to meet the requirements for the declaration of a PCA.
- Completion of a scheme amendment would typically take 9 to 12 months. An activity centre plan amendment would generally involve 6 to 9 months. As outlined above finalisation of the CBACP amendment would need to await completion of the corresponding LPS 6 amendment.

An overview of the process for an amendment to the LPS and CBACP are outlined on the next page:

Scheme and Activity Centre Amendment Process

CBACP Boundary Change. 'Complex' Scheme Amendment Process



CBACP Boundary Change. Activity Centre Plan Amendment Process

