

**PROPOSED AMENDMENTS / RESOLUTIONS AT  
COMMITTEE OR COUNCIL MEETINGS**  
(Elected Members)

Please forward this form to – [Governance@melville.wa.gov.au](mailto:Governance@melville.wa.gov.au)

**Name:** Cr Margaret Sandford

**Date of Meeting:** 20 October 2020

**Meeting of the:** Ordinary Meeting of Council

**Item No.**

**Title of Item** Modification to the south-eastern (or as described by City Officers, the south-western) boundary of the Canning Bridge Activity Centre Plan

*Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to the Elected Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstance is it to be expressed to any party that administration or any officer holds a view on this motion other than that expressed in an official written or verbal report by administration to the Committee or Council meeting considering the motion.*

**PROPOSED AMENDMENT OR REJECT AND REPLACE MOTION:**

(If an amendment is proposed, please identify the words being amended and reasons for the amendment)

Directs the CEO to:

1. Immediately take steps to commence the implementation of a modification to the south-eastern (or as described by City Officers, the south-western) boundary of the Canning Bridge Activity Centre Plan, so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with the **attached** proposed boundary plan.

**REASONS:**

1. At the Ordinary Meeting of Council on 19 May 2020 three petitions by residents seeking modification to the south eastern boundary of the CBACP were considered, noted, and strongly supported.
2. The modification requested by the Petitioners was to move this boundary so that it follows road carriageways along Helm Street, Sleat Road and Wren Street to Ullapool road, Mount Pleasant, in order to prevent the mid-block property boundaries which have arisen in View Road, Mount Pleasant, and which continue to be of great concern to residents.

3. Council passed a resolution (carried: 9/2) with overwhelming support of this request at the May 2020 OMC.
4. Notwithstanding the Petitioners' request for the boundary relocation to be implemented **immediately**, Council followed the Officers' recommendation that the request be noted with support, and that the modification be considered as part of the larger comprehensive review of the CBACP. The Council resolution provided that the CEO: "*Ensures that consultants appointed to undertake the comprehensive review commence work on the review as soon as possible and expedites the completion of the review by 15 June 2021*" (my emphasis).
5. It is now very clear that the comprehensive CBACP review will not be completed by 15 June 2021, or any time thereabouts. Consequently the residents impacted by the delay in implementation of the boundary change, and also prospective developers, are faced with great uncertainty for an indefinite and likely lengthy, further period of time. In the circumstances it is unreasonable and unacceptable for the intended time frame in Council's May 2020 decision to be frustrated and unmet by allowing this issue to remain unresolved and uncertain for such a prolonged period of time.
6. **Impact of delay in boundary change on Residents:**
  - (a) Impacted residents consider that the deferral to the comprehensive review creates a delay which will enable further development applications to be lodged within the area impacted, to be approved and to proceed. This delay supports the argument that it will too late to implement the modification 'because the horse will have already bolted'. To counter this risk, residents need the modification to be undertaken immediately.
  - (b) Alternatively, residents suggested that if the modification were held over as part of the comprehensive review, that there be a moratorium placed on development in the impacted area until the review was completed. This would have preserved the rights of everyone and would have prevented developments proceeding which, once approved and/or commenced to be built, would create a new argument against the boundary change requested by the Petitioners; however, residents were advised that a moratorium on development approvals was not possible.
  - (c) The fact that a moratorium is not possible is ample reason for the Council to now move to commence the boundary change process immediately to protect the interests of residents currently and potentially adversely impacted by the mid-block boundary. This is what the Petitioners requested, and according to the Petitioners, is what the majority of residents want.
7. **Impact of delay in boundary change on Developers:**
  - (a) At the Agenda Forum Briefing on 5 November 2019, the architect for the proposed development at 4A View Road, Mount Pleasant (Mr Giles Hardon-Jones) acknowledged the problem arising from the midblock boundary to the CBACP. In answer to a question from Cr Pazolli about



what happens to the rights of the property owner left in the R20 zone on the edge of the CBACP (namely, Ms Waldron-Hartfield): He said  
*“I think fundamentally, you’ve got to move the line. That’s it. If you move the line you solve the problem. We can have legal opinions until the cows come home and spend an awful lot of money doing it, but until you move the line it’s not going to go away.”*

8. It is in the best interests of all stakeholders and residents, and imperative, that no further delays should be allowed to continue the uncertainty arising from the inexplicable and unjustifiable placement of the CBACP boundary mid-block.
9. If the Council resolves to make the immediate modification requested, it is likely that the process, including the necessary review by the WAPC, will be completed by 15 June 2021 (See **attached** indicative Time Frame). This would meet the timeframe set by the Council at the May 2020 OMC. As the implementation process would include community consultation, there will be the opportunity for all those affected or with views on this matter, including residents and developers, to provide comment.
10. At the May 2020 OMC Council strongly supported the request for the boundary modification requested by the Petitioners and then anticipated there would be completion of the comprehensive CBACP review by 15 June 2021. As this will not be the case, it is unfair and untenable to allow peoples’ lives to remain in limbo indefinitely. Council can and should accelerate the relocation of the boundary forthwith to provide certainty for residents and developers by resolving to make this change and allowing the implementation process to commence immediately.

**SIGNATURE:** *Margaret Sandford*

**\*\* Please circulate to all Members of the Council, preferably a few days prior to the meeting, or on the night, and pass a copy of this form to the officer recording the minutes of the meeting. \*\***

***Copies of this form are available on the Elected Members Extranet under Forms.***

# Current boundary plan



# Proposed boundary plan



## Time Line if decision in October

- **Decision of Council** - **20.10.2020**
- **Community consultation**
  - Not less than 14 days not more than 28 days.
  - If 14 days – 4.11.20. If 28 days - 18.11.20.
  - **Online submissions close:**
    - earliest date 4.11.20
    - latest date **18.11.20**
- **Report to Council** (? 6-8 weeks) Allowing 8 weeks taking into account Christmas) 13.01.21
  - latest date **13.01.21**
- **Back before Council** to decide to proceed as advertised, or proceed with a modified proposal or not to proceed;
  - OMC in **February 2021** (? 19 Feb)
- If resolved to proceed **referred to WAPC to consider**
- WAPC decision – approx 4 months
  - May or **June 2021**