



**MINUTES  
OF THE  
SPECIAL MEETING OF THE COUNCIL  
HELD ON  
MONDAY, 22 SEPTEMBER 2014  
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 MONDAY, 22 SEPTEMBER 2014.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr. N Fimmano, A/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, Russell Aubrey

**COUNCILLORS**

Cr M Reynolds (Deputy Mayor)  
Cr N Foxtton  
Cr D Macphail, Cr R Aubrey  
Cr C Robartson  
Cr N Pazolli (from 6.37pm), Cr C Schuster  
Cr S Taylor-Rees, Cr J Barton  
Cr R Hill, Cr P Phelan

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mrs A Leith	Manager Statutory Planning
Mr G Ponton	Manager Strategic Urban Planner
Mr W Schaefer	Strategic Urban Planner
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were nine members of the public and no member from the Press in the Public Gallery.

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

Cr Willis - Bull Creek/Leeming

**4.2 APPROVED LEAVE OF ABSENCE**

Nil

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**

Nil

**6. QUESTION TIME**

Nil

**7. DECLARATIONS OF INTEREST****7.1 FINANCIAL INTERESTS**

P14/3547 – Mayor Aubrey – Financial Interest  
P14/3547 – Cr Macphail – Financial Interest  
P14/3504 – Cr Pazolli – Financial Interest

**7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

P14/3547 – Cr Aubrey – Code of Conduct  
P14/3504 – Cr Hill – Code of Conduct  
P14/3561 – Cr Schuster – Code of Conduct  
P14/3504 – Cr Phelan – Code of Conduct

**8. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6.36pm Cr Schuster moved, seconded Cr Foxtton -

**That the application for new leave of absence submitted by Cr Aubrey on 22 September 2014 be granted.**

At 6.36pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (11/0)**

**9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

**10. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

Nil

At 6.37pm Cr Pazolli entered the meeting.

**SUSPENSION OF STANDING ORDERS TO ALLOW ELECTED MEMBERS TO SPEAK MORE THAN ONCE ON AN ITEM**

At 6.38pm Cr Schuster moved, seconded Cr Robartson –

**That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once.**

At 6.38pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

<b>Vote Result Summary</b>	
Yes	12
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Mayor Aubrey	Yes

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P14/3504
Member	Cr R Hill
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Chairperson at Melville Cares
Request	Not Applicable
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3504
Member	Cr P Phelan
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Resident in Willagee
Request	Not Applicable
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3504
Member	Cr N Pazolli
Type of Interest	Financial Interest
Nature of Interest	On the board of Alchera Living and owns a 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)
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The Council at its meeting on 10 December 2013 resolved to adopt the Willagee Structure Plan and consider the associated Scheme Amendment at a future meeting.
- The proposed Scheme Amendment No. 71 effectively formalises the density codes and zonings that were adopted in the Willagee Structure Plan.
- The proposed Amendment also incorporates built form design guidelines in order to address recent concerns of the Council with regard to large buildings containing multiple dwellings within the precinct area.
- Minor adjustments to the Willagee Structure Plan are also proposed with respect to an opportunity on a site adjacent to the Archibald Centre (hub).
- Progress on the amendment has also included consideration of emerging issues with respect to the control of multiple dwellings, including proposed amendments to R-Codes being considered by the Western Australian Planning Commission and a Council Notice of Motion from its meeting on 16 September 2014.
- It is noted that the advertising phase of the proposed amendment will present an opportunity to further explore these issues with the community. It is recommended the Council adopt the proposed Scheme Amendment for initiation and resolve to make the minor adjustments to the Willagee Structure Plan.



**BACKGROUND**

The City of Melville Community Planning Scheme No. 5 (CPS5) was gazetted on 14 December 1999. At the Ordinary Meeting of Council held on 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.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

During community engagement locals expressed a desire for positive change. 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 project also aligns with most of the aspirations under the City of Melville's community plan *People, Places, Participation 2012-2022*.

The Department of Housing (DoH), which has considerable assets in the area, and the (Federal) Department of Infrastructure and Transport (DIT), agreed that Willagee was in need of structure planning. Support from these agencies was such that the DIT has contributed \$30,000 to the project, and the DoH \$10,000.

The objective of the Willagee Structure Plan is to rejuvenate the suburb and its commercial areas.

Currently there are concerns that the high proportion of older homes that are not being renovated or rebuilt is reducing the amenity of the suburb. Lot size, fragmented ownership and land values may also be impeding private redevelopment. Willagee has experienced some anti-social behaviour, especially around the commercial/community hub on Archibald Street. The Scheme Amendment would formalise the plan that has been created to address these problems.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	- 'Living Area – (W1 & W2 – Willagee) Precincts - Community Centre Precincts (CCR) including BS – Bawdan Street
R-Code	:	Various
Use Type	:	Various
Use Class	:	Various

**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

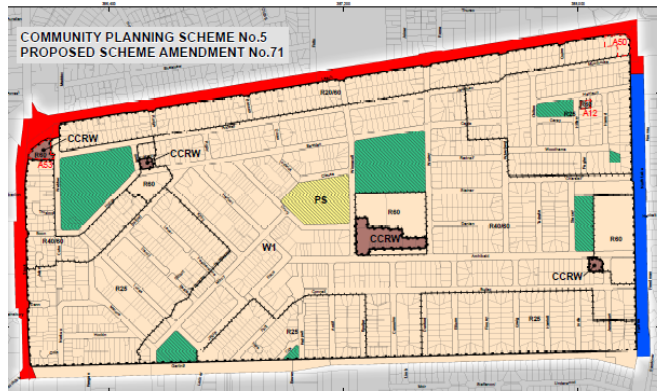
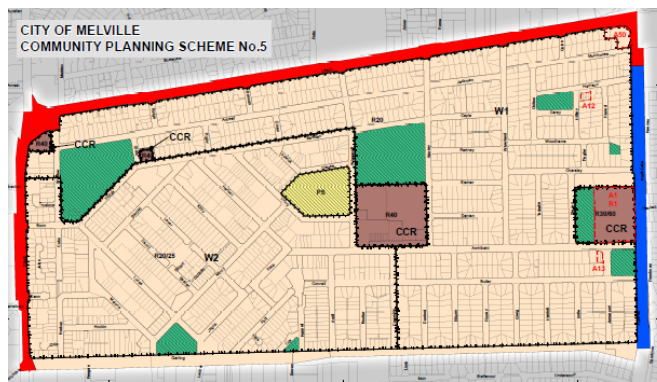
[3504 Modified Built Form Poster](#)  
[3504 Modified Structure Plan Poster](#)

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

- 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

It is also proposed to make minor adjustments to the Willagee Structure Plan. The adjustments include:

- Including Clause 3.2 which defines the meaning of a storey
- Including Clause 6.2 Special Residential Sites, under which Lots 1531 and 1532 (No. 77-79) Archibald Street, Willagee will be listed as Special Residential Sites that may be developed up to a maximum of three-storeys
- Amending the Willagee Structure Plan map to reflect a Special Residential Site on Lots 1531 and 1532 (No.77-79) Archibald Street, Willagee



**LEGEND**

Additional Uses	Metropolitan Regional Scheme	Scheme - Land Use
Practised Boundary	OTHER REGIONAL ROADS	Living Area
R Codes	PRIMARY REGIONAL ROADS	Community Centre
Centres		Local Open Space
		Public Purposes

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Should the Council resolve to initiate the Scheme Amendment, it will require formal advertising in accordance with procedures prescribed within the *Town Planning Regulations 1967*.

The minor amendments to the Structure Plan can be advertised concurrently.

**II. OTHER AGENCIES / CONSULTANTS**

There are no referrals to Government Agencies required prior to the initiation of the Scheme Amendment.

**STATUTORY AND LEGAL IMPLICATIONS**

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

The decision from the Council on whether or not to adopt the Scheme Amendment is final and no appeal rights exist.

The Council has the authority to make changes to the Willagee Structure Plan by resolution.

**FINANCIAL IMPLICATIONS**

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

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

**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

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

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
- 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.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)****ALTERNATE OPTIONS & 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 Street 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 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 Structure 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.

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, parks, street trees and underground power.

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(ATTACHMENT)**

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 intent of this bonus is that larger sites (3,000m<sup>2</sup> or more) are 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 detailed design guidelines 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 the old Carawatha Primary School site), 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 locals 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 old Carawatha Primary School site and the Archibald Street 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.

*Department of Planning Review of Multiple Dwellings in Areas Coded R30 and R35:*

On 26 August 2014 the Western Australian Planning Commission gave permission to the Department of Planning (DoP) to advertise some controls for multiple dwellings in areas with the above coding. The proposed changes would extend the multiple dwelling controls currently applicable to areas up to R25 and apply open space and minimum site area requirements to multiple dwellings in areas coded R30 and R35.

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The potential implications of this proposed R-Code amendment have been considered in the context of the scheme amendment for Willagee. Specifically the merit of considering the introduction of an R35/R60 code instead of proceeding with the proposed R40/R60 code has been examined. As outlined above, the structure plan process established that an R40 coding was important for parts of Willagee to achieve an appropriate level of built form renewal, to support the community centres and to appropriately reflect the strategic value of the suburb. The issue of managing the number of multiple dwellings within the R40 areas of Willagee has been addressed through the planning response proposed. As outlined above, these safeguards in Willagee include a two storey height control, incentives to encourage grouped or single housing types and design guidelines to maintain a Willagee character. A reduction in the proposed Residential base code from R40 to R35 to provide additional management of multiple dwellings (should the State Government's amendment be approved), would result in a loss of grouped dwelling development potential from three grouped dwellings to two grouped dwellings on a typical Willagee lot. This is likely to detract from implementation of the Willagee Structure Plan objectives.

*Council Resolution – Site Area Controls for Multiple Dwellings in Areas Coded R40 and Below:*

At the Ordinary Meeting of the Council held on 16 September 2014 the Council resolved –

***That the CEO arrange for the investigation and preparation of a report to Council, to be presented as soon as possible, on the potential re-introduction, via a Scheme Amendment, of a minimum area of site per unit for multi unit developments on residential lots, coded R40 and below, outside Activity Centres and High Frequency Transport corridors.***

The investigations requested by Council are subject to a future report to Council. With respect to the proposed Willagee amendment, re-introduction of site area controls for multiple dwellings in areas coded R40 or below, would be expected to further reduce the likelihood of multiple dwelling developments in the proposed R40 areas. Impacts on matters such as diversity of housing types and achievement of structure plan objectives will be examined as part of the investigations proposed in response to the Notice of Motion. As outlined above the safeguards and incentives proposed as part of the Willagee amendment are expected to manage the occurrences of multiple dwellings by encouraging other forms of residential development and specifically controlling the appearance and height where multiple dwellings are proposed.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

*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 presents 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 will seek to prompt stakeholder feedback on items such as development intentions, housing diversity and support for multiple dwellings in comparison to other housing forms. This feedback will also inform wider consideration of matters such as residential density and multiple dwellings being investigated as part of the abovementioned R-Code amendment and the Council resolution relating to site area controls for multiple dwellings as well as the imminent advertising phase of Local Planning Scheme 6. It is further proposed that City Officers will continue to liaise with the Department of Planning with respect to implications of the R-Codes amendment on the City's approaches to strategic planning and the Council resolution relating to site area controls for multiple dwellings. Updates on any implications of the R-Code amendment and the Council resolution on site area controls for multiple dwellings for the Willagee Scheme amendment would be presented to Council as part of the reporting of the results of the scheme amendment advertising.

Content

The first element of Willagee Structure Plan is Part 1, which provides the detailed guidance for developers. Details include land-use changes, design guidelines, 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 Council on 10 December 2013. 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 old Carawatha Primary School site and the Archibald Hub are also included in Part 2.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)**Proposed changes to Willagee Structure Plan

To ensure that development outside the policy areas is of the appropriate scale, it is advisable to further define the meaning of the two-storey height limit proposed under the Scheme Amendment. This will be done by clarifying the definition of “storey” in Part 1 of the Willagee Structure Plan 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
- 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

One other change, broken into two parts, is considered advisable. There is significant interest in redeveloping the Anglican Church site at the intersection of Archibald and Cummins Streets. A new three-storey building comprising a church and residential apartments here would function as a high-quality landmark and provide much needed surveillance of the shops, park and library over the road. The three-storey built form would in time be complimented by four-storey development in the shopping centre in the way that commercial centre frames act like steps between residential and business areas. In this case it is not necessary to alter the range of permissible land uses so there is no need to rezone the site. The Council could achieve some important strategic objectives for the Archibald hub by simply designating the premises as a Special Residential Site as follows:

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AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)**

- Including in Part 1 Clause 6.2 Special Residential Sites, under which Lots 1531 and 1532 (No. 77-79) Archibald Street, Willagee will be listed as Special Residential Sites that may be developed up to a maximum of three storeys.
- Amending the Willagee Structure Plan Map to reflect a Special Residential Site on Lots 1531 and 1532 (No.77-79) Archibald Street, Willagee.

In essence the site would be the same as all the other non-policy area sites except a three storey building would be permitted. To limit the impact of a three-storey building on nearby properties, officers would ensure the third storey is situated close to Archibald Street.

In future if other opportunities to achieve the City's strategic goals for various policy areas arose, they could be presented to the Council for consideration as Special Residential Sites which would be added to the Willagee Structure Plan. In the meantime demand for such sites is likely to be low as the circumstances relating to the Anglican Church property are unlikely to be repeated.

**Zoning and Precinct Development Requirements**

To give head 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

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)**

**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.

*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.*

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)****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.

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.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)****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.

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

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)****CONCLUSION**

The proposed changes to the Willagee Structure Plan will ensure a two-storey maximum throughout non-policy-area Willagee with the exception of Lots 1531 and 1532 (No. 77-79) Archibald Street, which would be listed as a Special Residential Site that may be developed up to a maximum of three storeys.

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 initiate 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.

**REINSTATEMENT OF STANDING ORDERS AFTER DISCUSSION**

At 6.52pm Cr Robartson moved, seconded Cr Hill –

**That Standing Orders be reinstated.**

At 6.52pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

At 6.53pm Cr Pazolli having declared an interest in the item left the meeting.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3504)****APPROVAL**

At 6.54pm Cr Phelan moved, seconded Cr Hill -

**That the Council:**

**A. Pursuant to Part 5 of the Planning and Development Act 2005, resolve to initiate 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**

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)****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

**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

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF  
AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC)  
(ATTACHMENT)**

- (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.*

**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.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

- 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**

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**

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

- 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 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. Authorise His Worship the Mayor and the Chief Executive Officer to endorse the Amendment document.**
- C. Directs that the City of Melville forward a copy of the Amendment documentation to:**
  - 1. The Environmental Protection Authority in accordance with *Section 81 of the Planning and Development Act 2005*; and,**
  - 2. The Western Australian Planning Commission for information.**
- D. On receipt of advice from the Environmental Protection Authority under *Section 48A of the Environmental Protection Act 1986* indicating that the amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.**
- E. Amends the Willagee Structure Plan as follows:**
  - 1. 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**
- (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**

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

- 2. Including Clause 6.2 Special Residential Sites, under which Lots 1531 and 1532 (No. 77-79) Archibald Street, Willagee will be listed as Special Residential Sites that may be developed up to a maximum of three storeys**
  - 3. Amending the Willagee Structure Plan Map to reflect a Special Residential Site on Lots 1531 and 1532 (No.77-79) Archibald Street, Willagee**
- F. Requests the Chief Executive Officer to continue 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. Further information on any such implications would be presented to Council as part of the report on the results of the scheme amendment advertising.**

At 7.01pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

<b>Vote Result Summary</b>	
Yes	11
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Mayor Aubrey	Yes

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

At 7.04pm Cr Pazolli returned to the meeting.

At 7.04pm His Worship the Mayor, having declared an interest in the item, left the meeting.

In his absence the Deputy Mayor, Cr Reynolds, assumed the chair as Presiding Member.

At 7.04pm, having declared an interest in this item, Cr Macphail left the meeting whilst the Council voted on his request to stay, discuss and vote.

At 7.05pm Cr Robartson moved, seconded Cr Phelan –

**That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Macphail be allowed to stay, discuss and vote.**

At 7.05pm the Deputy Mayor submitted the motion, which was declared

**CARRIED (9/1)**

<b>Vote Result Summary</b>	
Yes	9
No	1

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Deputy Mayor Reynolds	Yes
Cr Barton	No

At 7.06pm Cr Macphail returned to the meeting.

**P14/3504 - CHANGES TO WILLAGEE STRUCTURE PLAN AND INITIATION OF AMENDMENT NO. 71 TO COMMUNITY PLANNING SCHEME NO. 5 (REC) (ATTACHMENT)**

**SUSPENSION OF STANDING ORDERS TO ALLOW ELECTED MEMBERS TO SPEAK MORE THAN ONCE ON AN ITEM**

At 7.06pm Cr Aubrey moved, seconded Cr Foxtan –

**That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once.**

At 7.06 pm the Deputy Mayor submitted the motion, which was declared **CARRIED UNANIMOUSLY (11/0)**

<b>Vote Result Summary</b>	
Yes	11
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Deputy Mayor Reynolds	Yes

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

Disclosure of Interest

Item No.	P14/3547
Member	His Worship the Mayor
Type of Interest	Financial Interest
Nature of Interest	Owens Property in the area
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3547
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Brother and Father own a property in the area
Request	Not Applicable
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3547
Member	Cr D Macphail
Type of Interest	Financial Interest
Nature of Interest	AMP has taken over AXA Super
Request	Stay, discuss and vote
Decision of Council	Approved

Ward	: Applecross/Mt Pleasant, City
Category	: Policy
Application Number	: N/A
Property	: All properties in the Structure Plan area
Proposal	: Initiation of Amendment 76 to implement the 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	: P13-3449 – Final Adoption of the Melville City Centre Structure Plan – Special Meeting of Council - 9 December 2014 P13-3417 - Public Advertising of the Draft Melville City Centre Structure Plan – Ordinary Meeting of Council - 17 September 2013
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

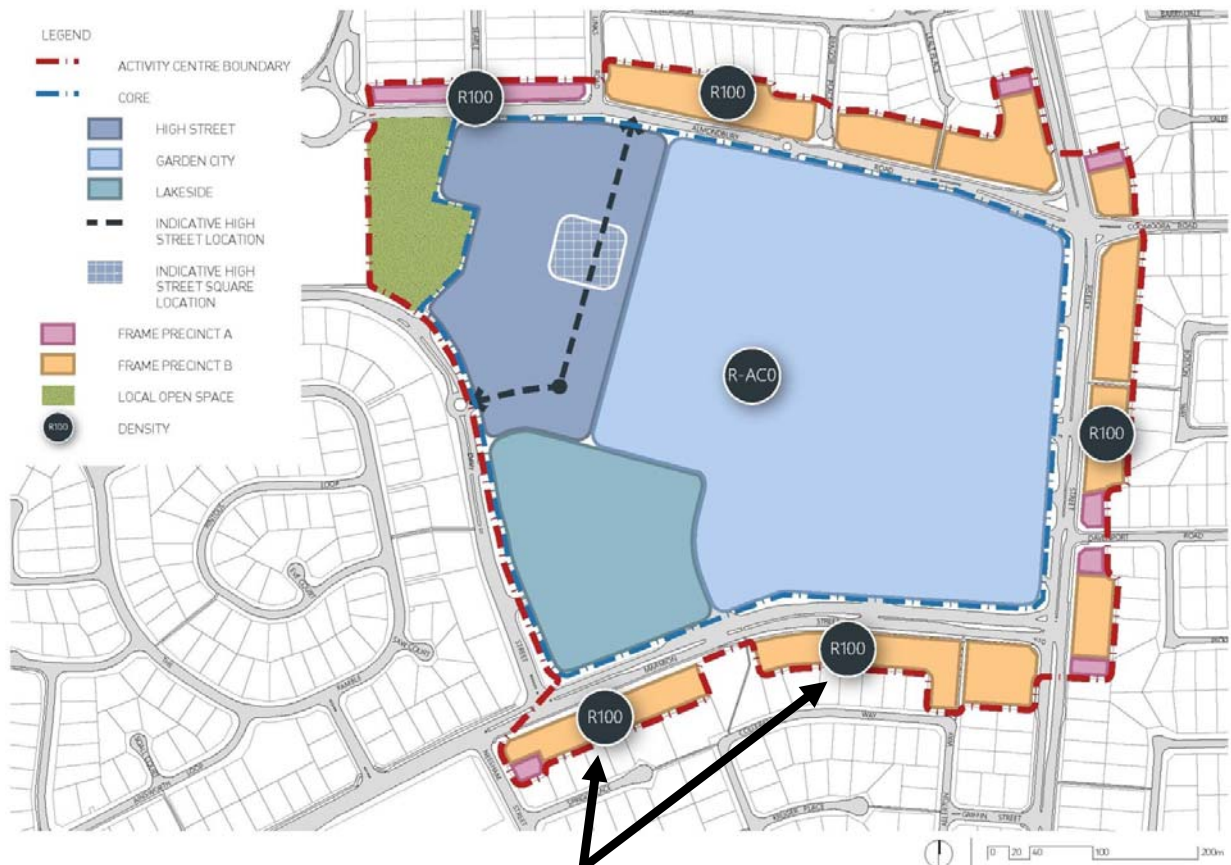
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

**KEY ISSUES / SUMMARY**

- The Council resolved to adopt the Melville City Centre Structure Plan at its meeting held on 9 December 2013 and consider the associated Scheme Amendment at a future meeting.
- The proposed Scheme Amendment No. 76 implements the zonings and density codes that were adopted in the Melville City Centre Structure Plan.
- The adopted structure plan contains detailed built form and design requirements to guide future development. It is now 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.
- Based on the engagement undertaken by the City and the feedback received to date it is considered that the proposal to rezone lots in the tructure plan area is supported by stakeholders and the community.
- It is recommended that the Council initiate the proposed amendment and undertake the required scheme amendment processes including public advertising.

*Melville City Centre Structure Plan Map*



The WAPC required the 'Marmion Street Frame' to be zoned R100 in its approval of the structure plan

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

**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*

The draft Structure Plan was advertised for a period of 31 days between 1 October 2013 to 31 October 2013. The 31 day advertising period exceeded the standard statutory public advertising period of 21 days.

A total of 107 submissions were received on the draft structure plan, which can be briefly summarised as follows:

<b>Response</b>	<b>Number</b>	<b>Percentage</b>
Support structure plan	<b>22</b>	<b>21%</b>
Comments/suggestions	<b>37</b>	<b>34%</b>
Object to structure plan	<b>10</b>	<b>9%</b>
Object to Marmion Street Frame provisions	<b>38</b>	<b>36%</b>
<b>TOTAL</b>	<b>107</b>	<b>100%</b>

The concerns of residents just outside the structure plan area along Collieran 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. The City is closely engaging with these residents on future zonings for Collieran Way, Sprigg Place and other streets south of Marmion Street through the draft Local Planning Scheme 6 public advertising process.

Council and the Western Australian Planning Commission (WAPC) carefully considered all the issues and comments received during the structure plan advertising process. The WAPC resolved to amend the City Centre Frame provisions to help address some of these concerns.

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. There were no objections received from landowners, businesses nor residents in the structure plan area.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING  
SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

The Council approved the Melville City Centre Structure Plan at its Special Meeting held on 9 December 2013 and resolved:

*“That the Council:*

- 1. Note the submissions received from stakeholders and the community during the public advertising of the draft Melville City Centre Structure Plan.*
- 2. Note the petition signed by 403 people on the draft Melville City Centre Structure Plan received by the City on 1 November 2013.*
- 3. Resolve, pursuant to Section 9.6 of Community Planning Scheme No. 5, to adopt the updated Melville City Centre Structure Plan as shown in Attachment 2.*
- 4. Request that the Chief Executive Officer prepare an amendment to Community Planning Scheme No. 5, and an associated report to Council to initiate rezoning of relevant properties in accordance with the structure plan if and when the structure plan is adopted by the Western Australian Planning Commission.*
- 5. Request that landowners and residents along Colleran Way, Sprigg Place and adjoining streets be specifically engaged by the City as in the context of the community engagement on the draft Local Planning Scheme 6 in order to appropriately investigate options for future zonings in the area. This proposed community engagement be initiated as part of the process of preparation of a scheme amendment associated with the structure plan.*
- 6. Advocate to the Department of Planning, Department of Transport and Public Transport Authority as a matter of priority, that public transport services be improved to, from and between major activity centres including the Melville City Centre, Murdoch, the Riseley Centre and Canning Bridge.*
- 7. Advise all submitters in writing of the Council’s resolution.”*

The Statutory Planning Committee of the WAPC granted final approval of the Melville City Centre Structure Plan at its meeting held on 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’ and that the permitted building heights be the same as the City Centre Frame along Riseley Street and Almondbury Road.

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 (CPS 5). The purpose of this report is to detail the proposed amendments to CPS 5.

**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

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)****DETAIL**

Amendment 76 in essence proposes two main changes to CPS 5 which are outlined and further explained below:

**Change 1 – Update CPS 5 Text and Zoning as per Melville City Centre Structure Plan**

The Structure Plan is now operational following the WAPC's approval on 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.

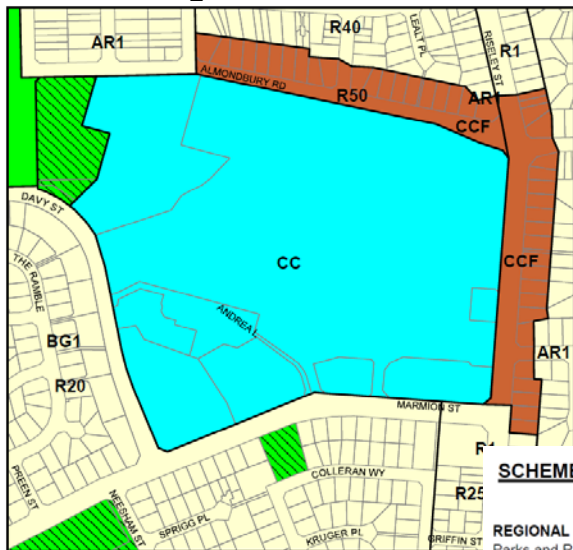
The following three changes are proposed to ensure that CPS 5 is updated in accordance with the structure plan.

1. Delete all words following "CITY CENTRE PRECINCT (CC)" in Part 2 of the Precincts section of 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".

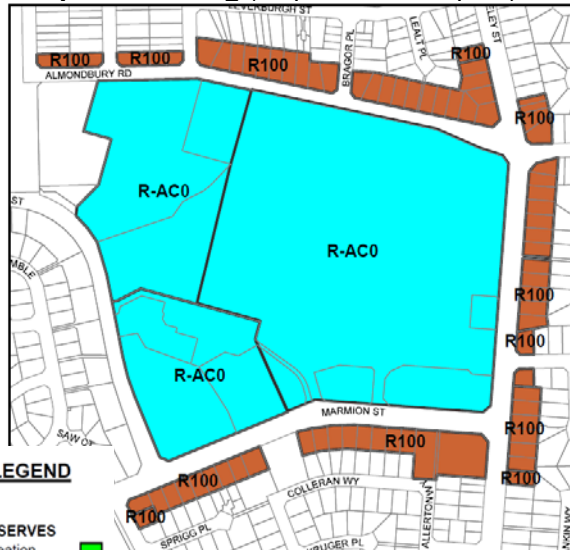
**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

- Rezone all the lots in the structure plan area in accordance with the proposed Scheme Amendment Map (see below).

**Current Zoning**



**Proposed Zoning (as per structure plan)**



**SCHEME LEGEND**

<b>REGIONAL RESERVES</b>	
Parks and Recreation	
<b>LOCAL RESERVES</b>	
Local Open Space	
<b>PRECINCTS</b>	
Living Areas	
City Centre Frame	
City Centre	
<b>OTHER</b>	
Precinct Code	CC
Code Density	R100

**Change 2 – Removal of Retail Floorspace Caps**

CPS 5 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.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

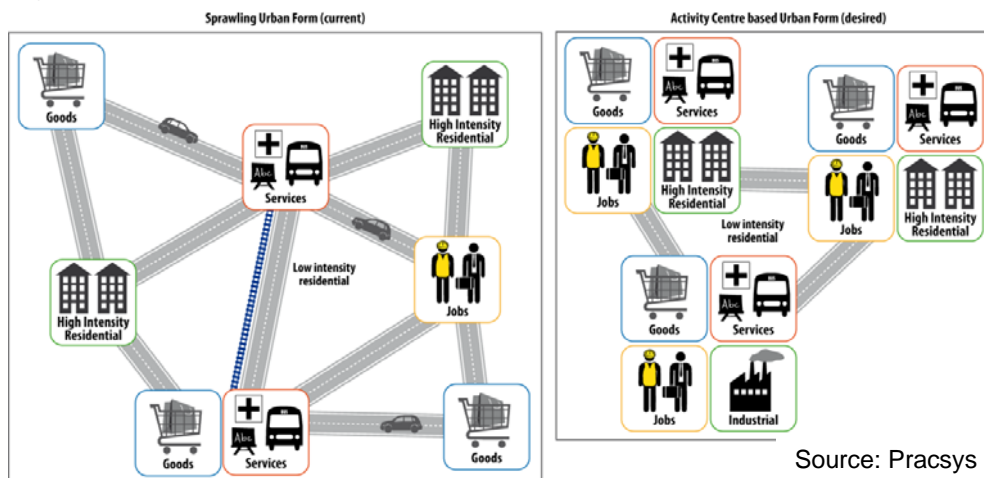
This Scheme Amendment proposes to remove retail floorspace caps from CPS 5. The proposed removal of retail floorspace caps is supported by the following:

- 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, which can be considered to be the fundamental building blocks of sustainable urban form. The LCACS is further discussed below.
- Council and the WAPC approved the potential expansion of the Garden City Shopping Centre to 120,000m<sup>2</sup> in adopting the structure plan. CPS 5 currently has a 'cap' of 65,000m<sup>2</sup> retail floorspace. CPS 5 therefore requires updating to be consistent with the adopted structure plan.

City of Melville Local Commercial and Activity Centres Strategy

Activity centres in Perth and Peel are expected to be the main locations of future residential density and commercial development, as well as support a range of social, community and recreation activity. Figure 1 illustrates the difference between sprawling urban form with dispersed activity, residential development and expansive transport networks, and activity centre-based urban form, where activity and residential development are grouped around high intensity nodes connected by efficient transport networks.

Figure 1. Alternative urban forms



The LCACS is a strategic document intended to guide planning officers, developers and the City of Melville community. The LCACS informs statutory planning instrument such as CPS 5 and the draft Local Planning Scheme No. 6.

The proposed removal of retail floorspace caps from CPS 5 is considered to be aligned with the strategic direction provided by *Directions 2031 and Beyond*, the statutory requirements of SPP 4.2 and the City's local strategic planning framework.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

The following seven changes are proposed to update CPS 5 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, the 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 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)

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)****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 Structure Plan provides a clear vision and expectations for the future of the centre. It will help create an attractive and sustainable activity centre that is a vibrant, desirable and safe place to live, work and socialise. There was high level of community support for the vision for the future of the centre and the structure plan requirements.

The proposed Scheme Amendment is a key implementation action to deliver on the objectives of the 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****I. COMMUNITY**

An extensive amount of stakeholder engagement was completed through the structure plan process. Additional engagement is not required prior to the initiation of the Scheme Amendment.

Should the Council resolve to initiate the amendment, it will require formal advertising in accordance with procedures prescribed within the *Town Planning Regulations 1967*. People interested in the redevelopment of the city centre have registered their details with the City and will also be contacted through the public advertising process.

**II. OTHER AGENCIES / CONSULTANTS**

There are no referrals to Government Agencies required prior to the initiation of the Scheme Amendment.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)****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 has to be forwarded to the Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

The decision from the Council on whether or not to adopt the Scheme Amendment is final and no appeal rights exist.

**FINANCIAL IMPLICATIONS**

There are no financial implications in respect of this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**Environmental 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 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
- 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 with this amendment.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council could decide not to initiate 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.

**COMMENT**

The Structure Plan has no specified maximum residential densities for the Garden City, High Street and Lakeside precincts, which is consistent with the existing CPS 5 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 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.

A detailed Movement (or Transport) Strategy was submitted to support structure plan. In summary, the main points of the strategy are:

- Most people currently access the centre via motor vehicle (90%), with other modes (public transport, walking, cycling etc) providing 10% of trips. This is major factor and is not expected to change significantly in the future. The expected future mode share split is anticipated to be 85% private motor vehicle and 15% other modes. Whilst this is a realistic assessment based on current conditions, the City and the shopping centre owner will be working to achieve a greater shift to non-private vehicle travel modes;
- *“Many residential areas in the vicinity of the Melville City Centre do not have access to public transport services that travel to the Booragoon bus station (Bicton, Attadale, Applecross and Alfred Cove are examples)... Overall public transport is aimed at commuters travelling to and from the Perth CBD, with access to the Melville City Centre not being a key focus of the services.”*
- AMP *“will investigate the viability and benefits”* of providing shuttle buses to and from residential areas not well serviced by public transport currently;
- *“The City and the major landowner intend to continue discussions with Transperth with a view to improving the bus routes in the area and the frequency of services”;*
- Pedestrian and cycling connections need to be improved;

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

- The number of car parking bays for the shopping centre is proposed to be increased from 4,250 bays to approximately 6,000 bays in the future. A range of technologies and design measures would be utilised to improve car parking provision; and
- The Structure Plan recommends road and intersection upgrades which would include the following:
  - Improving access to and around the shopping centre from surrounding streets;
  - Upgrading the Marmion Street / Riseley Street intersection;
  - Upgrading the Canning Highway / Riseley Street intersection;
  - Upgrading the Canning Highway, Dunkley Avenue and Norma Road intersection;
  - Upgrading the Leach Highway / Riseley Street intersection.

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. It would be involved with the detailed design and upgrade of the Canning Highway and Riseley Street and Leach Highway and Riseley Street intersections. Meetings to discuss these intersection upgrades are ongoing.

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.

**CONCLUSION**

The proposed Scheme Amendment No. 76 implements the zonings and density codes that were required by the WAPC in its approval of the Melville City Centre Structure Plan which is now operational following the WAPC's approval.

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 CPS 5 in the City Centre and City Centre Frame Precincts as it is superseded by the structure plan requirements. The structure plan means that the text is no longer required or relevant.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

2. Rezone lots in the structure plan area as follows:

<b>From (existing)</b>	<b>To (proposed in structure plan)</b>
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 CPS 5 in accordance with Directions 2031, SPP 4.2 and the City's Local Planning Strategy by removing retail floorspace caps.

The Structure Plan has no specified maximum residential densities for the Garden City, High Street and Lakeside precincts, which is consistent with the existing CPS 5 density provisions for the 'City Centre' Precinct. Residential dwellings are strongly encouraged in the city 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 in the city centre and make it easier to include a variety of dwelling sizes and types.

The 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 recommended that the Council initiate the proposed amendment and undertake the required scheme amendment processes including public advertising.

**REINSTATEMENT OF STANDING ORDERS AFTER DISCUSSION**

At 7.26pm Cr Schuster moved, seconded Cr Robartson –

**That Standing Orders be reinstated.**

At 7.26pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

<b>Vote Result Summary</b>	
Yes	11
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Deputy Mayor Reynolds	Yes

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME NO. 5 – MELVILLE CITY CENTRE (REC)**

At 7.37pm Cr Phelan left the meeting and returned at 7.40pm.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3547) APPROVAL**

At 7.27pm Cr Schuster moved, seconded Cr Macphail -

**That the Council:****A. Pursuant to Part 5 of the Planning and Development Act 2005, resolve to initiate Amendment No. 76 to Community Planning Scheme No. 5 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.
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.
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.

**P14/3547 - INITIATION OF AMENDMENT NO. 76 TO COMMUNITY PLANNING SCHEME  
NO. 5 – MELVILLE CITY CENTRE (REC)**

- 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. Authorise His Worship the Mayor and the Chief Executive Officer to endorse the Amendment document.**
- C. Directs that the City of Melville forward a copy of the Amendment documentation to:**
- 1. The Environmental Protection Authority in accordance with *Section 81 of the Planning and Development Act 2005*; and,
  - 2. The Western Australian Planning Commission for information.
- D. On receipt of advice from the Environmental Protection Authority under *Section 48A of the Environmental Protection Act 1986* indicating that the amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.**

At 7.53 pm the Deputy Mayor submitted the motion, which was declared

**CARRIED (8/3)**

<b>Vote Result Summary</b>	
Yes	8
No	3

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Deputy Mayor Reynolda	Yes
Cr Barton	No
Cr Pazolli	No
Cr Taylor-Rees	No

At 7.55pm His Worship the Mayor returned to the meeting and assumed the Chair.  
At 7.56pm The Deputy Mayor vacated the Chair as Presiding Member.

**SUSPENSION OF STANDING ORDERS TO ALLOW ELECTED MEMBERS TO SPEAK MORE THAN ONCE ON AN ITEM**

At 7.58pm Cr Robartson moved, seconded Cr Foxton –

**That Standing Orders Local Law Clause 9.5 be suspended allowing Elected Members permission to speak more than once.**

At 7.58pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P14/3561
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Friend of Property Owners
Request	Not Applicable
Decision of Council	Not Applicable
Ward	: All
Category	: Strategic
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Initiation of Amendment No. 74 to Community Planning Scheme No. 5 to amend Clause 7.14(a)
Applicant	: Not applicable
Owner	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P02/1000 – Special Majority and Absolute Majority – Relative to Community Planning Scheme No.5 – Development and Neighbourhood Amenity Committee 12 March 2002 P02/1000 – Special Majority and Absolute Majority – Relative to Community Planning Scheme No.5 – Ordinary Meeting of Council 19 March 2002 P04/5001 – Final Approval of Amendment No. 22 to Community Planning Scheme No. 5 – Special Majority and Absolute Majority – Development and Neighbourhood Amenity Committee 13 April 2004
Responsible Officer	: Amanda Leith A/ Manager Statutory Planning

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Clause 7.14(a) of Community Planning Scheme No. 5 (CPS5) relates to the consideration of applications for unauthorised existing developments (retrospective planning applications).
- Approximately 5% of all current planning applications lodged with the City are retrospective in nature and the majority of those relate to minor development proposals such as small scale outbuildings and patios, boundary fences, business signage, and so on. It is noted that the fee for retrospective planning applications is, by way of penalty, set at 3x that of the general fee.
- Clause 7.14(a) requires that all retrospective planning applications be approved by an Absolute Majority decision of Council (with the exception of where the development involves bonuses, then a Special Majority decision applies), a practice that until now has not been followed.
- As this Scheme provision has now been recognised, all future planning applications for retrospective approval will be referred to Council for Absolute Majority or Special Majority decision
- It is noted that this practice could compromise the ability of the administration to deal with planning applications in accordance with statutory timeframes, and could place an additional on Elected Members and governance staff. As a result the opportunity has been taken to consider the relevance and value of the practice, in the decision making process.
- It is considered that retrospective planning applications are equally capable of being considered and determined on their merit in accordance with the standard assessment protocols that apply to non-retrospective planning applications.
- It is noted that notwithstanding the removal of Clause 7.14(a), retrospective applications would continue to be referred to Council in cases where development has been undertaken for which there is no officer delegation to approve, or where relevant planning concerns are raised by third parties, or where an application is called up to Council in accordance with the Development Advisory Unit (DAU) call up procedures.
- It is considered that the amendment of CPS5 to remove Clause 7.14(a) would benefit planning response rates and result in time saving for Officers and Elected Members without compromise to planning outcomes.
- The proposed Scheme Amendment is recommended for initiation.
- It is also recommended that all of the known retrospective planning applications which have been determined as approved, contrary to Clause 7.14(a) of CPS5 since 18 January 2005, now be approved via Absolute Majority decision of Council or Special Majority decision of Council, as necessary, en bloc.

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

**BACKGROUND**

Upon gazettal of CPS5 on 14 December 1999, Clause 7.14(a) stated as follows:

*For the control of unauthorised, existing developments:*

- (a) *The Council by a Special Majority decision may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area;*

In August 2001, Elected Members requested that a report be prepared on the advantages and disadvantages between Special Majority and Absolute Majority relative to the above Clause 7.14(a) and other CPS5 clauses.

A report considering the above was considered by the Development and Neighbourhood Amenity Committee on 12 March 2002 which included a recommendation to initiate an amendment to CPS5 (Amendment 22). This Amendment proposed that Clause 7.14(a) of CPS5 be amended to read as follows:

*For the control of unauthorised existing developments:*

- (a) *The Council by an Absolute Majority (with the exception of where the development involves bonuses, then a Special Majority decision applies) may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area;*

At the Ordinary Meeting of Council held 19 March 2002, amendment 22 was initiated for the purposes of advertising. No submissions were received. Consequently, the Development and Neighbourhood Amenity Committee resolved to finally adopt the Amendment on 12 October 2004. Following approval by the Western Australian Planning Commission (WAPC), the Amendment was subsequently gazetted on 18 January 2005.

‘Absolute Majority’ is defined within CPS5 as follows:

*‘Absolute majority’ means a total majority of members for the time being of the Council whether present and voting or not.*

‘Special Majority’ is also defined within CPS5, as follows:

*‘Special majority’ means a majority comprising enough of the members for the time being of the Council to be at least 75% of the number of offices (whether vacant or not) of member of the Council.*

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

A review of Council's records relating to retrospective planning applications approved since 18 January 2005 has found that the majority of these applications have not been referred to Council for approval and have instead been determined via the Development Advisory Unit (DAU) or officers operating under delegation. A list of the 291 applications is included as an attachment to this report.

[3561 List of Retrospective Applications](#)

**DETAIL**

Clause 7.14 of CPS5 allows the City to consider applications for planning approval for developments which have already commenced or have been carried out without first having obtained planning approval. The City classes these applications as 'retrospective planning applications'.

Retrospective applications for planning approval constitute approximately 5% of all current planning applications received, and can relate to all manner of development types.

However, the majority received by the City are generally for small scale developments, such as domestic outbuildings, patios, front fences and the like.

In general, there is a presumption on the part of such land owners that very minor development proposals such as these do not require the prior planning approval of the City. This can be seen as ignorance as opposed to a blatant disregard of the Scheme requirements. Applicants for such retrospective approval are ultimately penalised by the imposition of a retrospective planning application fee, which is levied as a fee set at 3x the value of a non-retrospective application fee type.

The implications of Clause 7.14(a) have not been appreciated at officer level until very recently; hence it has been the recent practice of the City that applications for retrospective approval are all referred to Council for approval via Absolute Majority decision.

It is considered that the practice of referral of all retrospective application to Council would:

- Compromise the ability of the administration to meet statutory timeframes, which are set at 60 calendar days for non-advertised applications, or 90 calendar days for advertised applications.
- Result in greater numbers of planning related Council agenda items, with associated increased officer and Elected Member workload.

In addition, given the majority of retrospective development applications relate to small scale additions to domestic properties, whose impacts are generally negligible, the referral of such applications to Council does not add value.

On the basis that a number of retrospective planning applications will still require referral to Council pursuant to Clause 4.2 or 4.3 of CPS5, or to the DAU pursuant to Council Policy 044: Development Advisory Unit, referring other applications to Council, when they would otherwise have been determined under delegation, would place an unnecessary administrative burden on Officers and workload on Council

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

In view of this, it is proposed to amend Clause 7.14(a) of CPS5 as follows:

*For the control of unauthorised existing developments:*

- (a) ~~The Council by an Absolute Majority (with the exception of where the development involves bonuses, then a Special Majority decision applies) may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.~~

Delegated Authority 020 (DA-020): Planning and Related Matters is currently silent in relation to the approval of retrospective planning applications as a separate matter to the approval of non-retrospective applications. However, the delegation does state that the delegations within DA-020 do not apply in relation to matters requiring an Absolute Majority or Special Majority decision of Council.

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

Should Council resolve to initiate the amendment to CPS5, it will require formal advertising in accordance with the procedures outlined in the WAPC Planning Bulletin No. 29.

**II. OTHER AGENCIES / CONSULTANTS**

There are no referrals to Government Agencies required prior to initiation of the amendment. However, following initiation, the Amendment will require referral to the Environmental Protection Authority and WAPC prior to advertising.

**STATUTORY AND LEGAL IMPLICATIONS**

Part 5 of the *Planning and Development Act 2005* allows Council to initiate amendments to planning schemes. Once initiated, Council must advertise the amendment, consider submissions and forward the proposal to the Minister for Planning for determination.

In order to legitimise all of the known retrospective planning applications which have been determined contrary to Clause 7.14(a) of CPS5 since 18 January 2005, it is recommended that all of the applications listed in the attachment to this report now be approved via Absolute Majority decision of Council or Special Majority decision of Council as necessary, en bloc.

Should the proposed Scheme Amendment proceed and be finally adopted by Council following public consultation, an amendment to Delegated Authority 020: Planning and Related Matters will be required to specify the delegations that apply to the determination of retrospective planning applications.

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City associated with this scheme amendment with the exception of the costs associated with the advertising and gazettal of the amendment.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic or environmental management implications with this scheme amendment.

*Risk implications*

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Risk of increased Officer and Elected Member time associated with all retrospective planning applications being presented to Council for determination.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Initiation of scheme amendment to no longer require submission of retrospective planning applications to Council for determination unless required by Clauses 4.2 or 4.3 of CPS5 or by Council Policy.
Risk of adverse claims against the City from property owners related to the 291 retrospective planning applications which have been determined contrary to Clause 7.14(a) of CPS5.	Moderate consequences which are unlikely, resulting in a <b>Medium</b> level of risk	It is recommended that Council resolve via Special Majority decision to approve the 291 retrospective planning applications detailed in the attachment to this report.

**POLICY IMPLICATIONS**

There are no policy implications as a result of this scheme amendment.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could choose not to initiate the amendment on the grounds that Council is satisfied with the current wording of Clause 7.1.4(a) of CPS5; however this course of action is not recommended in this case for the reasons outlined above.

The Council could also alter the proposed amendment prior to advertising. These amendments would have to be consistent with proper and orderly planning.

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

The Council could also resolve not to approve the attached list of applications as recommended by this report. This course of action is not recommended, as the legality of any of these applications could be called into question given that they were approved contrary to Clause 7.14(a) of CPS5.

**CONCLUSION**

It is proposed that Clause 7.14(a) of CPS5 be amended to remove the requirement for all retrospective planning applications to be referred to Council, whilst still acknowledging that some will require Council or DAU consideration. This is recommended as the existing requirement to refer all retrospective planning applications to the Council for Absolute Majority approval does not add value to the process, and results in an additional and unnecessary workload for Elected Members and Officers alike.

It is also recommended that all of the retrospective planning applications that have been approved contrary to Clause 7.14(a) of CPS5 since 18 January 2005 be approved by Absolute Majority decision of Council or Special Majority decision of Council as necessary.

**REINSTATEMENT OF STANDING ORDERS AFTER DISCUSSION**

At 8 12pm Cr Schuster moved, seconded Cr Aubrey –

**That Standing Orders be reinstated.**

At 8 12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

**OFFICER RECOMMENDATION (3561)**

**INITIATION BY RECOMMENDATION, ABSOLUTE MAJORITY  
AND SPECIAL MAJORITY**

At 8.13pm Cr Robartson moved, seconded Cr Phelan –

**That the Council:**

- 1. Pursuant to Part 5 of the Planning and Development Act 2005, resolves to initiate Amendment No. 74 to Community Planning Scheme No. 5 as follows:**

**Amend Clause 7.14(a) to state:**

- (a) The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.***

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

2. **Authorises His Worship the Mayor and the Chief Executive Officer to endorse the amendment document;**
3. **Directs that the City of Melville forward a copy of the amendment documentation to:**
  - i. **The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and**
  - ii. **The Western Australian Planning Commission for information;**
4. **Directs that, on receipt of the advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 calendar days;**
5. **Approves, via Special Majority decision the 291 retrospective planning applications listed in the Attachment [3561 List of Retrospective Applications](#) to this report.**

**Procedural Motion**

At 8.20pm Cr Pazolli moved, seconded Cr Taylor – Rees, the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

**That the Council defer consideration of item (P14/3561 - Initiation of Amendment No.74 To Community Planning Scheme No. 5 To Amend Clause 7.14(A) Relating to Unauthorised Existing Developments )**

**Motion was Withdrawn**

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

**COUNCIL RESOLUTION**

At 8.22pm Cr Robartson moved, seconded Cr Phelan –

**That Council approves, via Special Majority decision the 291 retrospective planning applications listed in the Attachment [3561 List of Retrospective Applications](#) to this report.**

At 8.24pm the Mayor submitted the motion, which was declared

**CARRIED (10/2)**

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtan	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Taylor-Rees	No

**MOTION**

At 8.27pm Cr Robartson moved, seconded Cr Phelan –

**That the Council:**

- Pursuant to Part 5 of the Planning and Development Act 2005, resolves to initiate Amendment No. 74 to Community Planning Scheme No. 5 as follows:**

**Amend Clause 7.14(a) to state:**

- The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.***

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

- 2. Authorises His Worship the Mayor and the Chief Executive Officer to endorse the amendment document;**
- 3. Directs that the City of Melville forward a copy of the amendment documentation to:**
  - i. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and**
  - ii. The Western Australian Planning Commission for information;**
- 4. Directs that, on receipt of the advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 calendar days;**

**Procedural Motion**

At 8.30pm Cr Pazolli moved, seconded Cr Taylor – Rees, the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

**That the Council defer consideration of item (P14/3561 - Initiation of Amendment No.74 To Community Planning Scheme No. 5 To Amend Clause 7.14(A) Relating to Unauthorised Existing Developments )**

At 8.37pm the Mayor submitted the procedural motion, which was declared

**LOST (4/8)**

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

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr Pazolli	Yes
Cr Schuster	Yes
Cr Taylor-Rees	Yes
Cr Aubrey	No
Cr Foxtton	No
Cr Hill	No
Cr Macphail	No
Cr P Phelan	No
Cr Reynolds	No
Cr Robartson	No
Mayor Aubrey	No

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

**COUNCIL RESOLUTION (3561)**

**That the Council:**

- 1. Pursuant to Part 5 of the Planning and Development Act 2005, resolves to initiate Amendment No. 74 to Community Planning Scheme No. 5 as follows:**

**Amend Clause 7.14(a) to state:**

- (a) *The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.***
- 2. Authorises His Worship the Mayor and the Chief Executive Officer to endorse the amendment document;**
- 3. Directs that the City of Melville forward a copy of the amendment documentation to:**
  - i. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and**
  - ii. The Western Australian Planning Commission for information;**
- 4. Directs that, on receipt of the advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 calendar days;**

At 8.38pm the Mayor submitted the motion, which was declared

**CARRIED (9/3)**

**P14/3561 - INITIATION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC, AMREC & SMREC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	9
No	3

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr P Phelan	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No
Cr Taylor-Rees	No

**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 Mayor declared the meeting closed at 8.41pm.