

### 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation

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#### Summary

Draft Local Planning Scheme No. 7 (LPS 7) was adopted by Council on 24 August 2021 and modified by the Western Australian Planning Commission (WAPC) on 31 May 2022 prior to public consultation from 31 August 2022 to 29 November 2022.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require Council to consider all submissions and pass a resolution to either support draft LPS 7, not support draft LPS 7, or support draft LPS 7 with modifications to address issues raised in submissions. The timeframe for this recommendation is 120 days after the end of the submission period, being 29 March 2023.

The City received 470 submissions during the engagement period, including 331 feedback forms (325 online, 6 hard copy) and 139 written responses (137 emails and 2 hard copy). Three petitions were also received by the City.

This report recommends that Council supports draft LPS 7 with modifications to address issues raised in submissions.

#### Officer Recommendation

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 **SUPPORTS** draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications.
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations.

#### Background

At its meeting held 27 June 2017, Council considered a report on the Review of Town Planning Scheme No. 6 (TPS 6). Council resolved to recommend to the Western Australian Planning Commission (WAPC) that TPS 6 required review and that a new local planning scheme should be prepared. The City received endorsement from the WAPC in October 2017 that a new local planning scheme should be prepared.

A scheme review is a multi-staged process. The first stage is the preparation of a Local Planning Strategy (the Strategy). The Strategy is a fundamental part of the City's local planning framework and sets the strategic direction for planning and development in the

City over the next 10 to 15 years. The City prepared the Strategy from mid-2017 to mid-2018. Following formal public consultation in early 2019, Council endorsed the Strategy in July 2020 followed by WAPC endorsement in February 2021.

Draft Local Planning Scheme No. 7 (LPS 7) was adopted by Council on 24 August 2021 for advertising and was modified by the WAPC on 31 May 2022. Public consultation was undertaken from 31 August 2022 to 29 November 2022. The City received 470 submissions during this period, which raise a number of issues which have been summarised into key themes. This report discusses the feedback received and recommends Council support draft LPS 7 with modifications.

### Consultation

Draft LPS 7 was advertised for 90 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), from Wednesday 31 August 2022 until Tuesday 29 November 2022.

In accordance with the Regulations, the City prepared a notice giving details of:

- a. the purpose of the draft scheme;
- b. how the draft scheme is to be made available to the public;
- c. the manner and form in which submissions may be made;
- d. the period for making submissions and the last day of that period.

The Regulations stipulate the following minimum requirements for advertising:

- a. publish the notice and copy of draft LPS 7 on the website of the local government and in the offices of the local government;
- b. publish the notice in a newspaper circulating in the local government's district;
- c. give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme;
- d. advertise the draft local planning scheme as directed by the Commission and in any other way the local government considers appropriate.

### Opportunities for stakeholder and community engagement

In addition to the minimum requirements set out by the Regulations, the City provided further opportunities to engage the community. Specifically, the City undertook the following during the advertising period:

- 28,339 letters were sent to landowners, occupiers and landowner/occupiers detailing the advertising of draft LPS 7 including where to find out more information, ways to provide feedback and drop-in information session dates and locations;
- Notification was sent to relevant State agencies, service providers, adjoining local governments, 15 schools, 10 local community groups, the City's Inclusive Community Advisory Group (ICAG), South Perth Youth Network (SPYN) and Reconciliation Action Plan (RAP) Working Group detailing the advertising of draft LPS 7 including where to find out more information, ways to provide feedback and drop-in information session dates and locations;
- Information displays were set up at the City's Civic Centre, South Perth Library and Manning Library;

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- The City set up a custom LPS 7 email address to respond to enquiries and receive email submissions;
  - The LPS 7 webpage on Your Say South Perth (YSSP), the City's online engagement website, was the central online repository for all draft LPS 7 resources, including a helpful explanatory video, document library (with five information sheets and draft LPS 7 documentation), a list of frequently asked questions, a link to an online mapping tool, a timeline of events and a public question and answer tool for use by the community;
  - A customised online mapping tool was developed to ensure ease of comparison between the existing TPS 6 and draft LPS 7 and hosted on the YSSP LPS 7 webpage, together with a detailed user guide;
  - The YSSP webpage outlined a number of ways in which a submission could be made to the City, including an online feedback form on YSSP, by email, or by mail;
  - 188 people attended five drop-in information sessions hosted in various locations throughout the City during evenings and weekends:
    - Session 1 – Collins Street Centre (Wednesday 14 September, 4pm - 7pm) - 30 people.
    - Session 2 – Collins Street Centre (Wednesday 21 September, 4pm - 7pm) - 20 people.
    - Session 3 – South Perth Civic Centre (Saturday 15 October, 10am - 1pm) - 71 people.
    - Session 4 – George Burnett Leisure Centre (Thursday 20 October, 4pm - 7pm) - 30 people.
    - Session 5 – Manning Library (Saturday 12 November, 10am - 1pm) - 37 people.
- The City's Planning Officers were available at each session to provide information and answer questions in relation to draft LPS 7.
- Strategic Planning Officers were available by phone, in person, or via an online meeting during business hours throughout the whole of the engagement period.

#### Advertising

During the engagement period, draft LPS 7 was advertised in the following ways:

- Two advertisements in the local newspaper;
- One article in September edition of Peninsula Magazine sent to 24,000 residents and businesses;
- Three articles in Peninsula Snapshot eNewsletter, sent to 14,919 subscribers;
- Three direct emails to the Strategic Planning Project database, with over 2000 subscribers from previous planning engagement projects;
- One media release published on the City's website;
- Eight Facebook posts on the City's Facebook Page (Reach: 5,733, Clicks to YSSP: 66);
- Four Instagram stories (627 total story views);
- LPS 7 banner signs in ten locations across the City;

- An email signature banner on all outgoing City of South Perth emails throughout the engagement period.

Stakeholder and Community engagement reach

- From Wednesday 31 August 2022 until Tuesday 29 November there were approximately 9,900 visits from approximately 7,000 visitors to draft LPS 7 YSSP webpage;
- The City responded to 15 questions publicly and four privately via on the YSSP webpage;
- 325 participants completed the online feedback form via YSSP;
- Six hard copy feedback forms were received;
- The draft LPS 7 custom online mapping tool was used 12,823 times.

**Analysis of Feedback**

The City received 470 submissions during the engagement period, including 331 feedback forms (325 online and six hard copy) and 139 written responses (137 emails and two hard copies).

The City also received three petitions which were received by Council at the December 2022 Ordinary Council Meeting:

1. 'LPS7 – Preservation of Large Trees Over 8m in Height on Private Property' - 77 verified signatures;
2. 'Proposed LPS7 – Areas 4 and 7' - 355 verified signatures;
3. 'Requested amendment to Draft LPS7 Canning Highway Places 3, 4 and 5' - 139 verified signatures.

Consideration of submissions

In considering all 470 submissions, the City undertook a review process whereby each submission was read in its entirety and summarised into key points. All submissions were summarised for the purpose of identifying key themes and issues. An analysis of those themes and issues was then undertaken to determine potential solutions.

A high proportion of submissions were made using the LPS 7 feedback form. The feedback form was structured to enable detailed comments to be provided separately on each of the 11 'Growth areas', identified by the Strategy, which are proposed for density increases under draft LPS 7. The feedback form also asked for comments in relation to the preservation of trees on private property.

Analysis of the submission feedback resulted in a list of common issues raised across all submissions, specific issues raised for each growth area and site specific issues. Each of these are discussed below under the relevant sections.

The City held three workshops with Elected Members to provide an overview of the feedback received and explore whether the officer recommendations appropriately address the issues raised. The recommendations were reviewed to ensure consistency with the planning framework and to ensure that they can be appropriately implemented.

The result of this process was a comprehensive schedule of modifications that address the key issues raised in submissions as discussed below. Refer **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications.

### Themes and issues raised across all submissions

A summary of the key issues raised across all submissions and the themes formed is provided in Table 1 below. The City's response to the themes and issues is provided in the Discussion section below. The complete schedule of submissions and officer response is provided in **Attachment (b)**.

**Table 1 – Common Themes and Issues**

No.	Theme	Issue raised
1	Trees on private property	Loss of urban tree canopy and leafy green feel of the area. Increased pressures from urban infill and climate change.
2	Character and amenity	Impact on local character, streetscapes and village atmosphere. Concern for built form impacts (privacy, overshadowing, building height, building bulk).
3	Density	Additional density is not supported. Densities are already high. Concern for density transitions. Densities could be higher.
4	Traffic	Increased traffic as a result of density.
5	Parking	Impact on street parking, narrow roads.
6	Social, service and transport infrastructure upgrades	Increased pressure on existing public open space and community facilities. Concern for capacity of local schools. Impact on services - Power, water, sewer. Public transport improvements required.
7	Other matters	Decline in property values. Burch Street Car Park. Manning Senior Citizen's Centre.
8	Consultation	Inadequate consultation.

Discussion**Trees on Private property**

Theme 1 – Trees on private property	Loss of urban tree canopy and leafy green feel of the area. Increased pressures from urban infill and climate change.
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In August 2021, when Council endorsed draft LPS 7 for advertising, a provision was included which required development approval to be obtained to remove or prune a tree over 8m in height on private property. As part of the WAPC's consent to advertise draft LPS 7, the City was directed to modify the Scheme text to remove this provision. No reasons were provided by the WAPC to justify this modification.

The City's Strategic Community Plan includes specific strategies to 'Maintain and improve ecosystem biodiversity in the City' and 'Enhance the City's urban forest'. As identified by the City's Urban Forest Strategy, over the last 30 years tree canopy cover on private land (which constitutes 45% of the City's total tree canopy) has declined by up to 20%. Furthermore, the opportunities for delivering additional trees on public land are insufficient to keep up with the loss of trees on private land.

There is growing pressure on the urban tree canopy from infill development and climate change. The absence of appropriate mechanisms in the State planning framework to retain trees on private land prompted the City to investigate the implementation of tree retention provisions through the local planning framework, and specifically, as part of the preparation of draft LPS 7.

The advertising for draft LPS 7 included a question in the feedback form to understand whether the community would support protection of large trees over 8m in height on private property. The following feedback was received:

- Support - 78.9% (307 submissions)
- Objection - 16.2% (63 submissions)
- Unsure - 4.9% (19 submissions)

Submissions in support of tree retention requirements discussed the benefits that trees in urban environments provide, including improved human physical, psychological and social health and wellbeing, enhanced liveability through improved amenity and air quality, climate change mitigation and adaption through carbon sequestration and reduction of the urban heat island effect by shading, and provision of habitat for wildlife.

The submissions against or unsure of the tree retention requirements included concerns relating to private property rights, safety, impacts to services and private property and limitations to redevelopment opportunities. Of the submissions which were received in support, 73% were from residents or landowners within the City of South Perth and 27% were from submitters external to the City. This overwhelming support has contributed to the City's recommendation to modify the Scheme Text to include tree retention requirements.

Scheme provisions and a draft supplementary local planning policy (refer **Attachment (f)** – Tree Preservation Local Planning Policy) have been prepared to address removal of trees on development sites and removal of trees on private land where no development is occurring. The intent of the scheme provisions and policy is to prevent clearing of large trees prior to the submission of a development application so that an assessment can be undertaken to determine if trees can be reasonably accommodated and retained. The

policy recognises the need to balance infill development and urban tree canopy outcomes and encourages innovative built form and design solutions. The policy also addresses concerns raised in submissions in relation to safety and impacts to services and private property and applies a practical approach to tree preservation. The recommended approach is discussed in detail below.

#### *Recommended approach*

Removal of mature trees from sites prior to submission of a development application (or in many instances where no development is occurring at all) is often experienced across the City. It is acknowledged that the recently released Medium Density Codes offers incentives for the retention of 'Significant existing trees', including reduction of soft landscaping area by 10% for single and grouped dwellings, and reduction of 'average site area' by 10% for multiple dwelling proposals. It is noted that similar provisions currently operate within the R-Codes Vol.2, whereby retention of a tree on a development site permits the reduction of the required deep soil area from 10% to 7%.

These requirements, which apply to retention of a single significant tree only (regardless of land area or number of existing significant trees on a site), do not offer sufficient incentive to prevent clearing of land prior to a development application (particularly for the development of grouped dwellings) of which Perth's inner and middle-ring metropolitan suburbs have experienced over the last 20 years. Additionally, the deep soil planting requirements in the R-Codes (Vol 1 and Vol 2) do not compensate for the loss of large mature tree canopy and will take years to achieve the same level of maturity.

Draft LPS 7 is therefore proposed to be modified to include the requirement to obtain development approval prior to removing a tree over 8m in height. Removal of a tree is stated to include ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or wilful destruction.

The 8m height criteria was selected in line with the R-Codes Vol 2, consistent with the 'nominal height at maturity' rate of medium trees. In addition, trees over 8m in height make up 48.5% of the City's urban canopy (DPLH, 2020) and make significant contributions to the character and amenity of our suburbs.

The City has recently engaged ArborCarbon, a company which provides 3D modelling of tree canopy area, to assist in monitoring our urban tree canopy. ArborCarbon maps trees across different height bands and displays this information spatially on an interactive map. This data will allow the City to identify trees over 8m in height for compliance purposes and allow landowners to undertake a self-assessment to determine if approval is likely to be required to remove a tree on private property. The same approach is used successfully by the City of Sydney as discussed below in *Investigation of alternative approaches*.

In addition to the above Scheme provision, the City also proposes the following exemptions to the requirement to obtain development approval:

- The tree is identified in a local planning policy as an unwanted species; or
- Tree pruning removing less than 10% of a trees canopy provided it does not damage or affect the health or structural stability of the tree; or
- As specified in a local planning policy.

The above exemptions apply a practical approach to the protection of large trees and permit minor pruning which would allow clearances to be maintained from boundary fences, buildings, for safety purposes and for general amenity. By providing further



exemptions to be specified in a local planning policy, this allows the City to monitor the implementation of the requirements and apply greater exemptions if required.

Provisions are proposed under Clause 32 of draft LPS 7 to identify matters the City will give due regard when assessing an application to remove a tree including:

- Risk of personal injury and/or damage to buildings, structures or services;
- Structural soundness of the tree(s);
- Whether the pruning or removal of tree(s) including disturbance to the root zone (as defined by the dripline) is likely to occur;
- any other matters contained within a local planning policy.

The draft policy includes further detail in relation to the above.

#### *Draft Local Planning Policy*

A draft local planning policy has been prepared to provide further guidance for the assessment and determination of development applications for the removal of trees as required under the proposed scheme provisions. The draft policy is provided for information purposes at this stage and is intended to demonstrate how the scheme provisions will operate within the planning framework. The draft policy requires further development and testing and would also be subject to a community consultation process prior to adoption, should provisions for tree retention within draft LPS 7 be included in the gazetted version of draft LPS 7.

In summary, the local planning policy includes the following:

- Matters to be given due regard in the assessment of a development application for tree removal and tree pruning;
- Tree replacement requirements when tree removal is supported;
- Information required to be submitted with an application.

It is noted that the proposed scheme and policy provisions will generate additional development applications per year and that greater support will be required from other internal business units as part of the assessment and approval process. The City will need to evaluate its resources to ensure implementation of the proposed Scheme provisions can be achieved should the provisions be supported by WAPC and the Minister.

#### *Investigation of alternative approaches*

Development of the proposed scheme provisions and policy were informed by a review of planning mechanisms used (and currently being investigated) by local governments in Western Australia and interstate to retain trees on private land. The summary below provides an overview of Significant Tree Registers, Local Laws and the City of Sydney's approach, which the proposed provisions are largely modelled on.

- Significant Tree Register

The City has an existing Significant Tree Register which operates under TPS 6 and is proposed to be carried over to draft LPS 7. The Significant Tree Register provides a high order of protection to trees which hold significant value for their visual, aesthetic, botanic, scientific, ecological, historical, commemorative, cultural or social aspect. Once registered, the tree is listed on the title of the property it is planted on. Trees of Significance cannot be removed, pruned or maintained in any way without written permission from the City. Due to the resourcing requirements and registration processes involved, the Significant Tree



Register is therefore inappropriate as a mechanism to address large-scale City-wide urban tree canopy.

- Local Laws

Local governments in Queensland and Victoria use local laws for tree protection on private property (for example, the Brisbane City Council Natural Assets Local Law 2003 and Victoria's City of Darebin Tree Protection Local Law 2019). In WA, the Joint Standing Committee on Delegated Legislation has ruled that local laws for tree protection on private land are inappropriate. This is based on interpretation of the *Local Government Act 1995*, and its ability to regulate activities of landowners/occupiers on private property.

- City of Sydney

The NSW Government has committed to achieve 40% urban tree canopy cover for Greater Sydney by 2036. Within the City of Sydney, alongside significant levels of urban renewal and infill development, tree canopy cover has increased since 2008, from 15.5% to 19.8% in 2022. City of Sydney is one of the few councils in Australia to have consistently increased canopy over the past decade, which is a result of comprehensive tree preservation and replenishment framework.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 requires approval prior to removal of vegetation on private property and enables specific criteria to be set out in a Development Control Plan. The City of Sydney's Development Control Plan 2012 specifies approval is required for works to a tree with a height of 5m or more, canopy spread of over 5m, or a trunk diameter of more than 300mm. Exemptions to this requirement are based on tree species, where pruning does not remove more than 5% of the tree canopy, or if the tree is dead, dying or a risk to human life or property (which is to be demonstrated to the City with a report from a qualified arborist).

The City of Sydney uses tree modelling data from ArborCarbon which is made publicly available for landowners and the community, and allows the City to track canopy rates across time and for compliance purposes. The approach by the City of Sydney has been implemented successfully and is fully operational.

### Character and Amenity

Theme 2 – Character and amenity	Impact to local character, streetscapes and village atmosphere.
	Concern for built form impacts (privacy, overshadowing, building height, building bulk).

It is acknowledged that change will occur in areas that are subject to higher density located close to activity centres and public transport to accommodate the expected population growth. This change will be gradual and guided by provisions within the State and local planning framework.

Policy P351.5 Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington' will be reviewed as part of the development of the new local planning policy framework under draft LPS 7. As part of this process the potential for wider application of this policy and scope can be investigated. This is consistent with the Strategy action which identifies the need to prepare local planning policies for each of the consolidated precincts where specific development provisions to maintain and enhance the character are required.

In addition, the City's Local Heritage Inventory and Heritage List are used to conserve cultural heritage. As identified by the Strategy, a review of the City's Local Heritage Inventory (and associated local planning policies) will be undertaken in the short-term following gazettal of draft LPS 7, in accordance with the *Heritage Act 2018*.

Overshadowing, solar access, visual privacy, building height and setbacks are controlled through the planning framework, in particular through the R-Codes for new residential development. No changes to draft LPS 7 are required in relation to this matter.

### Density

Theme 3 – Density	Additional density is not supported. Densities are already high.
	Concern for density transitions.
	Densities could be higher.

The State Government's Perth & Peel@3.5 million and its associated sub-regional frameworks are the key instruments for achieving a more consolidated urban form that will reduce dependence on new urban greenfield developments to accommodate the anticipated population growth of the Perth metropolitan area. The State Government has set dwelling targets for all local governments to meet by 2050. In this regard, the Central Sub-regional Planning Framework identifies an infill target for the City of South Perth of 8,300 additional dwellings to be achieved by 2050.

Extensive community engagement was undertaken as part of the preparation of the Strategy to determine where and how this growth should occur. The Strategy was endorsed by Council in July 2020 and identifies eleven growth areas to accommodate new dwellings and population growth, largely within activity centres and along key urban transport corridors. The Strategy Map is prescriptive and identifies potential future zoning, growth area boundaries and level of density (through density bands) for each growth area for the implementation through draft LPS 7. Draft LPS 7 must be consistent with the Strategy and must achieve the specified infill targets.

Proposed densities in draft LPS 7 have been carefully considered and are consistent with the Strategy in that they apply transitions from high intensity development to low intensity to interface with the existing suburban areas. Submissions requesting densities higher than the density bands identified in the Strategy are not supported. Similarly, submissions requesting reduction of densities, which would result in either unacceptable transitions or redevelopment outcomes based on location are not supported.

### Traffic

Theme 4 - Traffic	Increased traffic as a result of density.
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Flyt was commissioned by the City as part of the preparation of the Integrated Transport Plan (ITP) to undertake a traffic and congestion forecast. The forecast was informed by an analysis of the road network's performance, crash information, and the City's public transport and active transport networks. The forecast also analysed outputs from MRWA's road network (ROM24) model and provided a capacity assessment and modelling outputs to inform recommended actions specific to road transport. Other sources of data included real time travel time surveys (online and recorded timings) and SCATS (Sydney Coordinated Adaptive Traffic System) intersection vehicle and signal timing data.

Whilst there are some obvious congested locations in the City during weekday peak periods, as is commonplace in many parts of the Perth Metropolitan Area, none of those observed identify failure of the network to cope or limit strategic land use goals of the City.

The City will therefore consider the increase in traffic generated by population growth as part of its routine review and upgrading of road infrastructure and ongoing traffic management, having regard to the outcomes of the LPS 7 and recommendations of the ITP. In particular to implement actions to reduce reliance on private vehicles and focus on shifting travel behaviours to active (pedestrian and cyclist) and public transport modes.

### Parking

Theme 5 – Parking	Impact on street parking, narrow roads.
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New development is required to provide on-site parking in accordance with draft LPS 7 and the R-Codes.

The City's Parking Strategy, endorsed by Council in 2016, provides a long-term plan for the provision and management of parking within the City. The Parking Strategy outlines a detailed parking framework for the next 15 years to assist in achieving the City's goals in relation to travel demand management and sustainable transport and to ensure the existing road network amenity is maintained and improved. The City will continue to implement the Parking Strategy and to monitor street parking patterns and apply restrictions as required i.e. timed, restricted etc.

### Social, service and transport infrastructure upgrades

Theme 6 – Social, service and transport infrastructure upgrades	1. Increased pressure on existing public open space and community facilities.
	2. Concern for capacity of local schools.
	3. Impact on services - Power, water, sewer.
	4. Public transport improvements required.

1. The City's Public Open Space Strategy will be reviewed in the context of the increased population growth occurring through LPS 7.
2. The Department of Education noted they will continue to closely monitor the student enrolment demand and if required, engage with the City to forward plan for the educational needs of the locality.
3. Servicing agencies are aware of the population and dwelling growth proposed as part of LPS 7. Servicing agencies will use the LPS 7 to inform their forward planning to upgrade their infrastructure as required. Changes to a local planning scheme do not necessarily cause development to occur immediately, and new development is likely to occur incrementally. As part of the development approval process, applicants are required to upgrade relevant infrastructure commensurate with the scale of development proposed. Feedback from State agencies and service providers is discussed later in this report.
4. The Strategy and ITP both include actions to advocate to State Government and public transport providers to improve public transport frequency and connectivity to and within the City.

**Other matters**

Theme 7 - Other matters	1. Decline in property values
	2. Burch Street Car Park
	3. Manning Senior Citizens Centre

1. Property values are not a planning matter and are outside the scope of LPS 7.
2. Concerns were raised in relation to the proposed local reservation assigned to the Burch Street Car Park. The Civic and Community local reserve, with additional use for 'Car park' permits the site to continue operation as a public car park. Any future changes to the use of the site are subject to Council determination.
3. Concerns were raised in relation to potential loss of the Manning Senior Citizens, Men's Shed and associated carpark as a result of proposed zoning and density of the subject site. There are no plans to remove or repurpose the Manning Senior Citizens Centre/Men's shed. The zoning and density of the site simply provides the opportunity for longer term planning. Any future development would need to consider any lease obligations for the Manning Senior Citizens or the Manning Men's Shed and would be subject to Council approval.

**Consultation**

Theme 8 - Consultation	Inadequate consultation
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Consultation was carried out over 90 days in accordance with legislative requirements. Consultation methods went beyond the minimum requirements of the Regulations and included a letter mail out to all residents and property owners in the City, a dedicated LPS 7 webpage on YSSP, online feedback form, a dedicated email address, five community information sessions, newspaper advertisements, banner signage, social media posts, displays at the City's Civic Centre and libraries and much more, as detailed above.

**Specific issues raised within Growth Areas**

As discussed above, the LPS 7 feedback form was structured so that targeted feedback could be provided on each growth area across the City. The table below summarises the number of comments received on each growth area.

**Table 2- Growth Area comments**

Growth Area	Number of comments
1. Bentley/Curtin Specialised Activity Centre	40
2. Canning Highway Places 3, 4 and 5	92
3. Henley/Canavan Urban Corridor	35
4. Manning Road Urban Corridor	53
5. Angelo Street Neighbourhood Centre	63

6.	Preston Street Neighbourhood Centre	55
7.	Welywn Neighbourhood Centre	40
8.	Canning Highway Places 1 and 2	34
9.	Waterford Triangle	24
10.	South Perth Activity Centre & Canning Bridge Activity Centre	58

The specific themes and issues which were raised for each growth area, which are not already captured by the common themes and issues above, are discussed below.

#### **1. Bentley/Curtin Specialised Activity Centre**

Concerns were raised in relation to future building height for land in Technology Park. The Bentley-Curtin Specialised Activity Centre Structure Plan (BCSACSP) was approved in 2018 and guides future development of this growth area. The BCSACSP contains indicative building height considerations, with detailed requirements to be contained within future precinct planning documents for the area. It is noted that development of any future precinct plan will include community consultation. Concerns were also raised in relation to loss of trees in the Technology Park area and foraging sites for cockatoos. As part of implementation of the BCSACSP, further environmental investigations will be undertaken which will include vegetation studies relating to roosting and foraging sites for Carnaby's and Forest Red Tailed Cockatoos.

#### **2. Canning Highway Places 3, 4 and 5**

Concerns raised in this growth area relate to traffic, parking, tree preservation, built form impacts and density/density transitions which have been discussed above under the 'Themes and issues raised across all submissions' section.

A number of submissions queried anticipated timeframes for the widening of Canning Highway. Some submissions noted that widening should occur prior to density increases.

Main Roads WA advised the City that the upgrade and widening of Canning Highway is not in the Main Roads current four year forward estimated construction program. All projects not listed are considered long term. The density proposed by draft LPS 7 is not reliant on the Canning Highway Road widening.

#### **3. Henley/Canavan Urban Corridor**

The Strategy includes an action to identify opportunities for medium density development of at least R30 adjacent to the urban corridor along Henley Street and Canavan Crescent between Ley Street and Manning Road, Como. The increased density is intended to reinforce the role of these roads as 'urban corridors' at a density commensurate with the principles of transit-oriented development. As such, draft LPS 7 proposes all properties within 100m of Henley/Canavan Urban Corridor to be increased from R20 to R30. The proposal represents the minimum changes necessary to achieve the actions of the Strategy. No modifications are therefore proposed to this growth area.

#### **4. Manning Road Urban Corridor**

Several submissions queried the difference in transition densities between the northern and southern sides of Manning Road. Specifically, that the northern side of Manning Road

transitions from R60 to R30 on Pether Road, whereas the R60 properties fronting the southern side of Manning Road transition to R50 for properties on the northern side of Downey Drive. The density transitions proposed under draft LPS 7 align with the density transitions identified in the Strategy.

A key issue raised for the growth area relates to the increasing number of vehicles directly accessing Manning Road from future developments, which would result in additional pedestrian and vehicle conflict points and slowing of traffic. Modifications are proposed in response to submissions, to implement a new Special Control area (SCA) to rationalise the number of vehicle access points in street blocks with direct frontage to Manning Road. The SCA is proposed to operate in the same way as the proposed SCA for Canning Highway and will require the preparation and approval of a Local Development Plan which will demonstrate reduction of the existing crossovers to Manning Road in the street block. The application of the SCA to Manning Road is also supported by Main Roads as part of their submission on draft LPS 7.

It is noted that the submission from the Department of Transport recommended that the density increases in the Manning Road Urban Corridor Growth Area be delayed until a clear role for public transport in the relevant section of Manning Road can be confirmed. The justification provided for this request was that Manning Road west of Canavan Crescent is no longer served by any bus route and is also not an obvious route for mid-Tier transport. The City does not support this request for the following reasons:

- Manning Road is identified for increased density by the Strategy, consistent with the State Government's Central Sub-Region Planning Framework;
- Manning Road is an urban transport corridor in proximity to the Canning Bridge Train Station and Curtin University and is an appropriate location to accommodate additional population and housing;
- Properties on the northern side of Manning Road are largely within a walkable catchment of the bus route on Canavan Crescent;
- The City's planned Canning Bridge to Curtin Bike Link will run through the northern side of the growth area and will service the area with a high-quality active transport route;
- In relation to the planned density increases to Manning Road Urban Corridor, PTA advises that this may require future planning and changes to the existing bus network in the area. Given PTA have advised that when the Canning Bridge Bus Interchange is delivered, modifications to the bus network will be made to provide for greater connectivity to Canning Bridge Station, this is an appropriate opportunity to evaluate provision of public transport for this section of Manning Road.

## **5. Angelo Street Neighbourhood Centre**

Concerns were raised in relation to the impact of density changes on the village feel and character of the area. As noted above, change is anticipated to be gradual and will be guided by provisions within the State and local planning framework. The recently released Medium Density Code will guide the majority of new residential development within the growth area and will provide good quality medium density development outcomes. As noted above, as part of the development of the new local planning policy framework for draft LPS 7, the potential for a wider application of existing character and streetscape policies can be investigated.



## **6. Preston Street Neighbourhood Centre**

Amendment 63 to TPS 6 was approved in June 2021 which introduced specific site requirements for the Como (Cygnets) Theatre and adjoining properties in the street block, and some adjacent properties. The requirements have been carried over to draft LPS 7 with minor changes. Concerns were raised in submissions largely in relation to the building heights approved under Amendment 63. Given the amendment was recently approved by the Minister, modifications to reduce the identified building heights are not supported.

Concerns were also raised in relation to the proposed density code for the sites subject to Amendment 63. These sites were advertised with a R-AC3 density code which corresponds to a six storey building height limit which is inconsistent with the development provision for building height in the Scheme. A minor modification is proposed to the density code of those properties subject to Schedule B Additional Site Requirements No. 13 (ASR13) requirements, to an 'R-AC0' density. This aligns the density code approved under Amendment 63 which applies currently within TPS 6 and provides greater consistency with the applicable building height requirements.

## **7. Welywn Neighbourhood Centre**

A key theme raised for the Welywn Neighbourhood Centre was on-street parking issues, particularly around the Welywn Avenue Shopping Centre. As above, the City will continue to implement the Parking Strategy and to monitor street parking patterns and apply management restrictions as required i.e. timed, restricted etc.

## **8. Canning Highway Places 1 and 2**

Amendment 57 (approved June 2021) to TPS 6 implemented the density increases identified for Canning Highway Places 1 & 2 within the Strategy and were carried over into draft LPS 7. The only modifications proposed to draft LPS 7 for this growth area relate to two mapping errors which applied the incorrect density and/or zoning to a small section of properties on Cliffe Street/Canning Highway and Collins Street. These are proposed to be corrected and are detailed in the Schedule of Modifications in **Attachment (a)**.

## **9. Waterford Triangle**

Amendment 59 (approved March 2020) & Amendment 60 (approved May 2020) to TPS 6 implemented the density increase identified by the Strategy and were carried over into draft LPS 7. Comments on this growth area largely related to tree preservation which has been addressed above. No modifications are proposed to draft LPS 7 for this growth area.

## **10. South Perth Activity Centre & Canning Bridge Activity Centre**

Concerns were raised in relation to the building height limits in the South Perth Activity Centre. Specifically, that the building height limits which are in 'storeys' do not provide certainty in relation to anticipated future built form.

Amendment 61 to TPS 6, which introduced new planning requirements for the South Perth Activity Centre Plan area, was approved in December 2021. Prior to approval, the Minister directed the City to modify the building height limits applicable for each Typology from 'metres' to the equivalent height in 'storeys'. Although height requirements have been implemented in 'storeys', it should be noted that each proposal must still be assessed against the relevant planning requirements on its merits. Therefore, floor to ceiling heights (and overall building height) will be assessed having regard to a variety of considerations

(including topography of site, neighbouring development context, established streetscape, building massing etc.).

Given Amendment 61 was recently approved, and is currently operational within TPS 6, modification to change the text to an earlier version of the amendment is inconsistent with orderly and proper planning and is not supported.

It is noted, the development requirements for the Canning Bridge Activity Centre are contained within the respective Activity Centre Plan. Therefore, no changes can be proposed as part of the draft LPS 7 process.

#### Responses to issues raised in relation to specific properties

Many submissions raised issues or requested modifications for specific individual properties. Table 3 below summarises the issues raised for each property or requested modifications and the City's response. Note that the Schedule of Submissions in **Attachment (b)** details officer responses to all submissions received. The summary below does not capture all submissions received.

**Table 3 – Issues raised for specific properties**

No.	Submission No.	Property Address	Issue/Request Raised	Officer Response
1	349	Lot 60 (No. 26) Fortune Street, South Perth (South Perth Hospital)	Requests change of land use permissibility for 'Consulting Rooms' and 'Medical Centre' currently listed as 'X' uses in the Private Community Purpose zone.	Support. Medical Centre is proposed to be modified to an 'A' use in the Private Community Purpose zone.  Support. Modification proposed for 'Consulting rooms' to be listed a 'D' Additional Use for the site.
2	397	Waterford Plaza	Requests following change to land use permissibility within Neighbourhood Centre Zone:  Liquor Store - Large' as 'D' or 'A' 'Service Station' and 'Tavern' as 'D' land uses.	Support modification of Tavern from 'A' to 'D'.  Support modification of Service Station from 'X' to 'A'.  Do not support modification to 'Liquor Store - Large' permissibility.
3	450	Lot 18 (No.90) McDonald Street, Como	Proposed Private Community Purpose zone under draft LPS 7.	Support modification to Residential Zone with 'R50' density.

			Requests Residential zone with R60 density.	
4	419	Penrhos College	Requests modifications to ASR5 requirements relating to building height and setbacks. Request minor amendment to educational establishment definition to include boarding facilities.	Support in part. Modifications proposed to building height and street setback requirements. Modification to Educational establishment definition supported.
5	422	Hall and Prior Aged Care - Lot 1 (No. 18) Ley Street, Lot 120, (No 4) Kelsall Street, and Lot 1853 (No. 3) Bickley Crescent, Como	Currently Residential R20 under TPS 6. No change proposed under draft LPS 7. Requests R80 density.	Not supported. Inconsistent with Local Planning Strategy.
6	423	Regis Aged Care - Lot 20 (Nos. 36-42) Talbot Avenue, Como	Currently Residential R20 under TPS 6. Proposed Local Centre R40 under draft LPS 7. Requests Local Centre R60.	Not supported. Proposed R40 density appropriate for this local centre context.
7	431	Lot 200 (No.16) and Lot 10 (No.201) Preston Street ('the Como Theatre') and 8Lot 51 (No.25), Lot 80 (No.19) and Lot 79 (No.17) Preston Street, Como	<ol style="list-style-type: none"> <li>1. Request 'R-AC0' density for subject lots.</li> <li>2. Requests reference to application to discretion for building height and rear setbacks.</li> <li>3. Requests clarification to boundary wall provisions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Supported.</li> <li>2. Not supported. Schedule B is subject to Clause 34 of the draft LPS 7 in relation to variations.</li> <li>3. Supported.</li> </ol>
9	426	Wesley College	1. Requests inclusion of adjoining Residential zoned properties (owned by Wesley) within Private Community Purpose zone.	1. Support Nos. 8 & 12 Leane Street & Nos. 98 & 100 Angelo Street zoned Private Community Purpose.

			<p>2. Requests 2 storey (8m) height limit within 10m from any lot boundary. Requests 7 storeys (28m) beyond 10m setback.</p> <p>3. Requests inclusion of Clause 6.2A Special Provisions for Pre-Scheme Developments from TPS 6 be included within draft LPS 7.</p> <p>4. Seek clarification of Parking requirements.</p> <p>5. Seek modification of Educational Establishment Use to include 'Boarding'.</p>	<p>2. Modification to building height limits not supported.</p> <p>3. Inclusion of Pre-Scheme Development clause for non-residential development supported.</p> <p>4. Parking has been modified for the Private community purpose zone to be in accordance with a parking needs assessment.</p> <p>5. Support modification to definition of Educational Establishment.</p>
10	441	No. 83 and 85 Angelo Street and No. 1 Waverley Street, South Perth	<p>Requests Neighbourhood Centre Zone for No. 1 Waverley.</p> <p>Requests 8 storey height limit applicable to all sites.</p>	<p>Support Neighbourhood Centre zone with R50 density for No. 1 Waverley.</p> <p>No changes are supported for the Angelo Street sites.</p> <p>8 Storey building height is not supported.</p>
11	196	Lot 85 (No. 58) Angelo Street	<p>Currently R50 under TPS 6. Proposed R-AC4. Requests R-AC3 density. Requests mechanism to prepare Precinct Structure Plan or Local Development Plan for Neighbourhood Centre Zone.</p>	<p>Not supported. Request is considered ad-hoc application of the R-AC3 density. Clause 32 provides for a planning instrument to vary the default non-residential requirements.</p>
12	309	101 South Perth Esplanade	<p>Requests 10 storey height limit for subject site.</p>	<p>Not supported. Proposed building height inappropriate for location.</p>

13	436	No. 91, 99 & 101 South Perth Esplanade, South Perth	Requests modification to draft LPS 7 to exempt land fronting South Perth Esplanade between Mends Street and Sir James Mitchell Park (Low typology) from complying with the tower floorplate coverage requirements.	Supported in part.  Modify ACR2, Provision 5 'Development Requirements for New Development', Element 5 'Tower Maximum Gross Floorplate Area' to include a provision to permit a 50% maximum gross floorplate area where the Primary building height limit is to apply; and 40% maximum gross floorplate area where the Tier 1 building height limit is to apply for the subject lots.
14	155, 357, 377, 380, 398, 417, 434	12 Mill Point Road	Requests change from 'Low' typology to 'Medium' typology.	Support. Consistent with South Perth ACP. Support justifications provided in support of change.
15	353	Nos. 154, 156, 158, 160 and 162 Douglas Avenue, Kensington.	Currently R15 under TPS 6. Proposed R15 under draft LPS 7.  Requests R60 density.	Not supported. Sites are located outside of the growth area. Inconsistent with Strategy.
16	15, 144, 327, 329	Lots fronting Mill Point Road, bound by Way Road and Hovia Terrace, South Perth	Currently R15 under TPS 6. No change proposed under draft LPS 7. Request R40 density for the street block.	Supported.  Provides consistency with remainder of Mill Point Road.
17	388	No. 32 Jubilee Street, South Perth	Currently R40/60 under TPS 6. Proposed R60 under draft LPS 7.  Requests R100 density and modification to setback and open space requirements.	Density modification not supported.  Support modification to ASR3 setback and open space requirements.
18	421	Nos. 21, 21a and 22b Alston	Currently R20/30 under TPS 6.	Not supported. Proposed R60 provides

		Avenue, Como, as well as Nos. 239 and 241a Coode Street, Como	Proposed R60 under draft LPS 7. Requests R80 density.	appropriate transition, streetscape and development outcomes for this locality.
19	427	No. 14 and 16 King Edward Street, South Perth	Currently R50 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. R40 maintains existing 2 storey height limit and ensures appropriate interface to adjoining R15 properties.
20	404	Nos 254, 256, 258 and 260 Mill Point Road, South Perth	Currently Local Commercial and Residential zone with R15 density under TPS 6. Proposed Local Centre R40. Request R80 density.	Not supported. Support modification of the street block to R60 density.
21	36, 45	No. 3 Monash Avenue, Como	Currently R15 under TPS 6. Proposed R20 under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
22	84, 469	Street block bound by Park Street, Saunders Street, Baldwin Street and Cale Street	Corner lots proposed R40, remaining lots proposed R20 under draft LPS 7. Requests R40 density for all lots in the street block.	Not supported. Support modification of R20 lots to R30 consistent with Strategy.
23	91	Lots bound by McDonald Street, Gardner Street, Hazel Street and South Terrace proposed R15.	Currently R15 under TPS 6. No change proposed under draft LPS 7. Requests R25 density.	Not supported. R15 density proposed to remain in response to submissions.
24	221	No. 110 Gardner Street, Como	Currently R15/25 under TPS 6. Proposed R15 under draft LPS 7. Requests R30 density.	Not supported. In response to submissions, density to remain R15.



25	158	No. 5 Redmond Street, Salter Point	Currently R15/20 under TPS 6. Proposed R20 under draft LPS 7. Requests R25 density.	Not supported. Inconsistent with Strategy.
26	8	No. 3 & 5 Rea Street, South Perth	Currently R15 under TPS 6. Proposed R15 under draft LPS 7. Requests R25/40 density.	Not supported. Inconsistent with Strategy.
27	76	Lots bound by Ednah Street, Labouchere Road, Thelma Street and Mary Street proposed R40	Currently R20/30 & R30/40 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not Supported.  The Strategy identifies the area as being 'up to R50'. The proposed R40 density is considered appropriate transition.
28	135, 140	No. 31 Angelo Street, South Perth	Currently R25 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
29	332	No. 10 Challenger Avenue, Manning	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
30	341	No. 8A Howard Parade, Salter Point	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R30 density.	Not supported. Inconsistent with Strategy.
31	370	Area bounded by Eleanor Street, Morrison Street, Brittain Street and Axford Streets	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R30 density.	Not supported. Inconsistent with Strategy.
32	379	No. 12 Moresby Street, Kensington	Currently R50 Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. Proposed R40 provides for same 2 storey building height as permitted under TPS 6.

### **Government Agencies and Utility Providers**

The City received submissions from State Government agencies and utility service providers. The comments received are summarised below. The detailed feedback and officer responses to submissions from State Government agencies and utility service providers are contained within **Attachment (b)** – Schedule of Submissions.

#### **1. City of Canning**

Supports the higher densities proposed along Manning Road and Canning Highway which are considered in keeping with modern planning principles. Notes newer housing stock along Manning Road means fewer development opportunities in the short term. The City is keen to explore a jointly funded Manning Road reservation study to explore the required reservation to accommodate the Mid-Tier Transport Network.

#### **2. Department of Biodiversity Conservation & Attractions**

Recommends that the Swan Development Control Area (DCA) should be identified as an advisory note on the planning scheme maps. Notes the proposed higher residential densities and increased population will require additional demands for recreational development close to foreshore areas. Recommends that the local planning framework be supported by the development of a Foreshore Interface Strategy.

#### **3. Department of Communities**

Recommends that the City establish broad housing diversity provisions which address the Local Planning Strategy targets which will apply to all growth areas. Supports all proposed changes affecting properties under its ownership. Supports the decision to remove the current restriction of Multiple Dwellings within R40 coded areas.

#### **4. Department of Education**

Notes that residential growth and resultant student population must be balanced with public school provision in the locality. The Department will continue to closely monitor the student enrolment demand and if required, engage with the City to forward plan for the educational needs of the locality in line with the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites.

## **5. Department of Fire Emergency Services**

Notes that any changes to draft LPS 7 provisions relating to bushfire prone areas should be considered against applied State Planning Policy 3.7 – Planning in Bushfire Prone Areas and may require the preparation of the Bushfire Management Plan in accordance with the policy.

## **6. Department of Planning, Lands and Heritage - Historic Heritage Conservation**

Requests the wording of Schedule B Clause 1(f) be amended to better reflect consistent language contained in the *Heritage Act 2018*, and requests the substitution of specific wording “integrity” in Schedule C, Part 7, Clause 7.4.

## **7. Department of Transport**

Notes parking provisions are not underpinned by parking management plans for each growth area. Requests amendments to parking rates for shop and office uses. Requests maximum parking allowances are applied to residential and non-residential development. Notes section of Manning Road west of Canavan Crescent is no longer served by any bus route. Requests delay to density increase until a clear role for public transport in the relevant section of Manning Road can be confirmed.

## **8. Department of Water and Environmental Regulation**

Requests inclusion of ‘resource recovery centre’, ‘waste disposal facility’ and ‘waste storage facility’ uses within LPS 7. Notes LPS 7 does not include reference to retaining and enhancing urban tree canopy, with the exception of significant trees listed on a register under heritage protection. Actions to promote, retain and enhance urban tree canopy more broadly than significant trees would have multiple beneficial outcomes for the City of South Perth. The Department recommends that the City of South Perth considers adopting the principles and actions of Better Urban Forest Planning.

## **9. Development WA**

Recommends modification to the wording of the ACR3 provisions which apply to land coded RAC-0 within the Bentley-Curtin Specialised Activity Centre Plan area to facilitate development of a future precinct structure plan.

## **10. Main Roads WA**

Supports Special Control Areas related to vehicular access and other transport related matters. Recommends prior to any increase in density alongside Canning Highway or Kwinana Freeway a TIA (Transport Impact Assessment) or Transport Study to determine the impact upon the road and movement network. Notes the upgrade and widening of Canning Highway is not in Main Roads current 4 year forward estimated construction program. All projects not listed are considered long term.

## **11. WaterCorp**

Requests City to refer development proponents to the Corporation early in the development process to obtain advice on the available capacity to serve proposed development and to identify any water reticulation mains upgrades to be undertaken as part of the development.

### Modifications to Scheme Text

A number of modifications are proposed to draft LPS 7 text to:

- a) address to issues raised in submissions;
- b) resolve technical issues with the text;
- c) improve flow, clarity and readability.

A summary of key recommended text modifications is provided below and is detailed in full at **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications. To assist in understanding the modifications, an annotated and tracked changes version of the modified draft LPS 7 is provided at **Attachment (c)**.

#### 1. Aims of Scheme

The aims of the scheme have been amended to include an additional aim relating to natural environment. The modification is made in response to submissions and aligns with the City's goals to retain urban tree canopy.

#### 2. Car Parking

Modifications are proposed to the Car Parking provisions applicable to non-residential development contained within Clause 32(6). The summary below provides justification for each of the changes proposed to the Table.

- Zone names

Prior to advertising, the WAPC modified the names of 'Commercial', 'Local Commercial' and 'Private Clubs, Institutions and Places of Worship' Zones. The zones are now named 'Neighbourhood Centre', 'Local Centre' and 'Private Community Purpose', respectively. These name changes were not updated in the car parking table prior to advertising and therefore need to be modified for consistency.

- Land Use categories

Prior to advertising, the WAPC modified the zoning table to remove the land use categories. This means that the 'non-residential uses (Short-term accommodation)' and 'Non-residential uses (Civic, community, clubs and institutions)' land use categories contained within the car parking table no longer apply.

It is noted that the 'Civic, community, clubs and institutions land use' category essentially reflects the predominant uses found in the 'Private Community Purpose' zone. These are all appropriately addressed through a parking needs assessment. Therefore the zone requirements applicable to the Private Community Purpose zone is proposed to be modified to 'in accordance with a parking needs assessment'.

- Specific land uses

##### *Office*

In 2019, the Australian Government Office Occupancy Report estimated that the employment density of office space in Western Australia is about 27.5 m<sup>2</sup> (NLA) per employee. In addition, only about 80% of employees attend work at the same time (work from home, meetings, leave etc.). This implies that a parking supply rate of 1 space per 34.4 m<sup>2</sup> would be sufficient to cater for all employee parking demand at 100% driving mode share. Adding in the 6% visitor parking demand creates a baseline of 1 space per 32.3m<sup>2</sup>. A mode share of 70-75% car-as-driver for office employees should be easily achievable in South Perth in almost any location, and as such a minimum parking provision rate of 1

space per 50 m<sup>2</sup> NLA is proposed. Based on employee density 1 per 50 m<sup>2</sup> NLA and 30% employee bicycle mode share, this equates to 1 per 150 m<sup>2</sup> for staff. A rate of 1 per 500 m<sup>2</sup> NLA is proposed for visitors.

#### *Restaurant/Café and Tavern*

Standard rates for restaurant uses yield approximately 1 seat per 1.5m<sup>2</sup> of serving area, which usually comprises only 50-60% of the total NLA. The recommendation from the NSW Roads and Traffic Authority (RTA) Guidelines for Traffic Generating Development is to assume that peak occupancy is only 85% of capacity for the purpose of parking and trip generation. This results in an approximate occupancy rate of 28-34 customers per 100 m<sup>2</sup> (NLA). Using an average vehicle occupancy of 2.5 per car suggests that customer parking demands could be in the range of 11.2-13.6 spaces per 100 m<sup>2</sup> (NLA), assuming a 100% driving mode share. A rate of 1 space per 25m<sup>2</sup> (NLA), which is considered sufficient to accommodate employee parking and the majority of customer demand on-site.

#### *Child care premises*

Specific rates are proposed for the Child care premises land use. The needs of childcare facilities are related primarily to staff, with a small demand for short-stay parent parking. RTA Guide to Traffic Generating Developments identifies some representative metrics for parking behaviour at childcare centres based on local observations, with a peak demand for parking of 0.23 bays per child (including staff), and an average duration of stay of 6.8 minutes. The WAPC's draft Position Statement: Child Care Premises recommends a parking rate of 1 space per 5 places, which is generally in-line with RTA estimates. A rate of 1 per 4 children is therefore proposed.

### **3. Pre-scheme development**

Clause 6.2A of TPS 6 provides special provisions for pre-scheme developments. In particular, it provides for additions and alterations to pre-scheme development to occur provided any proposed external walls do not extend higher than the highest point of any external wall of the pre-Scheme development. This provision is proposed to be carried over into draft LPS 7 within Clause 32 to address a submission received from Wesley College.

### **4. Ground floor activation**

Multiple dwellings are listed as 'P' permitted uses within the Local Centre, Neighbourhood Centre and Mixed Use zones. This means that new developments could include residential uses at ground floor within these zones. A modification is proposed to prevent Multiple Dwelling and Grouped Dwelling uses on the ground except where the use faces a right-of-way. Adaptable ground floors may be considered in appropriate locations and would be guided by the R-Codes Vol. 2.

### **5. Additional Centre Requirements – Bentley Curtin Specialised Activity Centre Plan**

Modifications are proposed to the wording of the Additional Centre Requirements applicable to land coded R-AC0 within the Bentley Curtin Specialised Activity Centre Plan area. The wording of the provision is proposed to be amended to facilitate preparation of a precinct structure plan to implement the BCSACSP.

### **Building Height Policies**

At its meeting held 24 August 2021, Council resolved to advertise the draft Building Height Local Planning Policy & Salter Point Escarpment Local Planning Policy concurrently with the draft LPS 7.

The Building Height Policy contains local housing objectives to guide the application of discretion to the deemed-to-comply requirements of the R-Codes with respect to building height. The policy includes matters to be given due regard including topography, context and streetscape which supplement the corresponding Design Principles of the R-Codes. It includes considerations such as access to sunlight and amenity of adjoining properties. This guidance is intended to provide for building height as currently permitted under TPS 6 in suitable contexts.

The Salter Point Escarpment Policy includes provisions relating to building height consideration of projections and assessment of significant obstruction of views. The policy has been prepared to carry over the way in which applications are assessed under TPS 6 for this unique area.

In July 2022, Council resolved to modify the draft policies in response to modifications made to draft LPS 7 by the WAPC. The modified policies as endorsed by Council were advertised concurrently with draft LPS 7 for 90 days. No submissions were received. The policies will be presented to Council for final endorsement following gazettal of LPS 7.

### **Policy and Legislative Implications**

The Regulations set out legislative requirements for the preparation, consultation and adoption of a local planning scheme. Council is now at the point of considering submissions under Regulation 25 of the Regulations.

#### City of South Perth Process

Council must now consider all submissions received, and pass a resolution before the end of the consideration period:

- a. To support the draft scheme without modification;
- b. To support the draft scheme with proposed modification to address issues raised in the submissions; or
- c. Not to support the draft scheme.

Following a Council resolution under Regulation 25, the local government must provide the scheme documents to the Commission together with:

- a) a schedule of submissions made on the draft scheme;
- b) the response of the local government to each submission;
- c) particulars of each modification to the draft scheme proposed by the local Government in response to the submissions;
- d) if any proposed modification to the scheme was advertised -
  - i. an explanation of the reasons for advertising the modification; and
  - ii. particulars of how the modification was advertised; and
  - iii. a schedule of submissions made on the proposed modifications; and
  - iv. the recommendation of the local government in accordance with regulation 26(7)(c) in respect of each submission.
- e) a copy of the resolution passed under regulation 25(3);
- f) if that resolution was a resolution under regulation 25(3)(c) - a summary of the reasons why the local government does not support the draft scheme;



#### 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation

- g) details of any provision in the draft scheme that varies or excludes a provision set out in Schedule 1;
- h) details of any provision in the draft scheme that supplements a provision set out in Schedule 2; and
- i) any relevant maps, plans, specifications and particulars required by the Commission.

The schedule of submissions referred to above must include:

- a) the name and address of the person making the submission;
- b) where it is relevant, a description of the property that is the subject of the submission; and
- c) the submission or a summary of the submission.

All the documents referred to above must be provided to the Commission within 21 days of passing the resolution under Regulation 25.

If the local government proposes a modification to address issues raised in submissions and the local government believes the proposed modification is significant, it may decide to advertise a proposed modification to the draft local planning scheme.

#### State Government Process

The WAPC must, within 120 days (or a longer period approved by the Minister) of receiving the documents provided, consider the documents and make recommendations to the Minister in respect of draft LPS 7.

The Minister is the final decision maker, and under Section 87 of the *Planning and Development Act 2005*, may:

- a) approve the local planning scheme; or
- b) require the local government to modify the local planning scheme in such manner as the Minister specifies before the local planning scheme is resubmitted for the Minister's approval; or
- c) refuse to approve the local planning scheme.

#### **Financial Implications**

There are no financial implications for this report. The preparation of draft LPS 7 is included within the 2022/23 operational budget.

#### **Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Project Time</b> This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.
<b>Risk rating</b>	High
<b>Mitigation and actions</b>	3 Workshops with Council and individual one on one meetings with elected members as requested to

ensure clear understanding of officer recommendations ahead of full ordinary Council meeting.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Attachments

10.3.1 (a):	Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications
10.3.1 (b):	Draft Local Planning Scheme No. 7 - Schedule of Submissions
10.3.1 (c):	Modified draft Local Planning Scheme No. 7 with Tracked Changes
10.3.1 (d):	Modified draft Local Planning Scheme No. 7 Text
10.3.1 (e):	Modified draft Local Planning Scheme No. 7 Maps
10.3.1 (f):	Draft Tree Preservation Local Planning Policy