

## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Draft South Perth Activity Centre Plan and Proposed Amendment No. 61 - Endorsement for Public Consultation

Location:	N/A
Ward:	Mill Point
Applicant:	N/A
File Ref:	D-18-112892
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Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

The South Perth activity centre is located on a peninsula of the Swan River, less than two kilometres south of the Perth Central Business District. The area is highly accessible via major transport infrastructure that makes it a focal point on the movement network, including ferry, freeway, bus routes, cycling and pedestrian paths and a potential future train station.

The existing planning framework for the South Perth Station Precinct was established in 2013 via an amendment to the City of South Perth Town Planning Scheme No. 6 (TPS6) to implement the South Perth Station Precinct Plan (2011). In 2015 Council resolved to review the existing planning scheme provisions and the geographic extent of the station precinct. Following this resolution the City has undertaken a significant amount of work, including extensive stakeholder engagement, culminating in the preparation of the South Perth Peninsula Place and Design Report (May 2017). A major recommendation of that report was the expansion of the existing station precinct to incorporate a wider area that was more reflective of an activity centre and incorporated areas within a walkable distance of existing transport connections, and the preparation of an Activity Centre Plan (ACP). The Council resolved to prepare an Activity Centre Plan as a matter of priority in June 2017

In addition to the above resolutions of Council, the South Perth Activity Centre is classified as a district centre in the state's activity centres hierarchy and therefore requires an activity centre plan in accordance with *State Planning Policy 4.2 'Activity Centres for Perth and Peel'*. In September 2018 the Council resolved to forward the draft city-wide Local Planning Strategy (LPS) to the WAPC for certification to proceed to public advertising. The LPS is a high level document that identifies what planning activities will be undertaken over the next 10 to 15 years and provides some very high level guidance as to what those activities will consider. The LPS must reflect state government policy and previous decisions made by the local government. The need to prepare an activity centre plan for this area will not change as a result of consultation on the draft LPS as it is required by state policy and consistent with previous Council decisions.

The draft ACP and associated proposed town planning scheme amendment circulated to Councillors on 14 September 2018 and available at <https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>) have been developed based on the relevant built form, public realm and transport recommendations of the Place and Design Report and refined through further detailed planning work and engagement with the South Perth Station Precinct Reference Group and elected members.

The draft ACP and proposed amendment are to be read together and will provide the guiding framework (strategic vision and statutory framework) for the planning and development of the subject area.

The draft ACP contains:

- Part One – implementation section and development requirements. This section also provides guidance on the application of discretion, where available, for the development requirements contained in the proposed amendment;
- Part Two – explanatory section and strategic guide that provides the background, summary of the rationale, design basis and intent of the ACP to support the implementation of Part One and the proposed amendment; and
- Technical appendices – evidence base that has informed the preparation of the ACP.

The purpose of the proposed amendment is to implement the ACP by introducing key development requirements into TPS6 relating to zoning, land use and the building envelope via new schedule that will replace Schedule 9A. The amendment is intended to provide certainty for all stakeholders.

Both documents will first be forwarded to the Western Australian Planning Commission (WAPC) for review. Once the WAPC endorses the documents, the City will formally advertise both the draft ACP and proposed amendment and Council will be required to consider and endorse any modifications thereafter.

### Officer Recommendation

That Council:

1. Consent to publically advertise the draft South Perth Activity Centre Plan 2018 in accordance with Regulation 34 of Schedule 2, Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to prepare the proposed Amendment No. 61 to Town Planning Scheme No. 6 as detailed in the amendment documents;
3. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the proposed amendment is a complex amendment for the following reasons:
  - a) The land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and
  - b) The amendment relates to development that will have an impact that is significant relative to development in the locality;

4. Notes that Pursuant to Section 81 of the *Planning and Development Act 2005*, the proposed amendment will be referred to the Environmental Protection Authority for consideration prior to advertisement, and the draft South Perth Activity Centre Plan for information;
5. Notes that Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed amendment will be forwarded to the Western Australian Planning Commission for examination and consent to advertise, and the draft South Perth Activity Centre Plan for information; and
6. Upon receipt of consent to advertise the proposed amendment from the Western Australian Planning Commission prepare notice of, and advertise, the draft South Perth Activity Centre Plan and the proposed amendment with a submission period of not less than 60 days pursuant to Regulations 34 of Schedule 2 and 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's policy P301 'Community Engagement in Planning Proposals'.

#### Amended Motion

**Moved:** Councillor Glenn Cridland  
**Seconded:** Councillor Tracie McDougall

That Council:

Consent to publicly advertise the draft South Perth Activity Centre Plan 2018 in accordance with Regulation 34 of Schedule 2, Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to modifications to incorporate the content of draft Scheme Amendment No. 61, with a submission period of not less than 42 days and in accordance with Policy P301.

LOST (5/2)

#### Alternative Motion AND COUNCIL DECISION

**Moved:** Councillor Colin Cala  
**Seconded:** Mayor Sue Doherty

That:

The Officer's Recommendation not be adopted, and

That Council:

Further consider the Draft South Perth Activity Centre Plan and Proposed Amendment No. 61, before the preparation of both documents is finalised for the purposes of public advertising, until such time as the following processes have been completed or substantially commenced, but no later than April 2019. This is to ensure an optimal outcome in the preparation of a Draft Plan and to be consistent with the normal planning guidelines of the Western Australian Planning Commission:

1. Following approval from the Western Australian Planning Commission to commence public advertising for the Draft City of South Perth Local Planning Strategy, the City shall have substantially commenced the community

engagement process as prescribed by the Planning and Development (Local Planning Schemes) Regulations 2015 and as detailed in the Council Resolution of September 2018.

2. The Council is to engage via workshops or any other appropriate forum with the City Planning Officers and any external consultants considered appropriate with relevant experience in Architecture, Urban Design, the preparation of Statutory Documents and Economic and Demographic Analysis of Activity Centres, in progressing the Draft South Perth Activity Centre Plan as a 'stand alone' document. The final endorsed Activity Centre Plan will provide the basis for a Scheme Amendment that shall incorporate the key built form provisions of the Activity Centre Plan into the Scheme via either an amendment to the present Scheme or as part of a future new Scheme. To quote the Officer's Report of June 2017:

*"The South Perth Station Precinct is a District Activity Centre under SPP4.2 and requires an Activity Centre Plan with appropriate provisions from the Plan incorporated into the Scheme" (10.3.4 Review of Town Planning Scheme No. 6- Ordinary Council Meeting - June 2017)*

The objective of these workshops and discussions is to further consider the built form and land use options presented in the current Draft Activity Centre Plan and Scheme Amendment. This exercise will involve but not be limited to, consideration of such matters as:

- a) Ensuring that the "Civic Triangle" is the focal and structural centre point for the Precinct;
- b) The current proposed limits on building size including plot ratio; floor plate areas; podium heights and setbacks; and consideration of the introduction of a maximum height limit instead of a maximum plot ratio limit;
- c) The current distribution of the built form typologies;
- d) The current proposed tiered system of assessment involving design excellence and community benefits;
- e) Preferred Land use distribution and relationship of residential to non-residential.
- f) Council Vision for the Precinct;
- g) Community Needs Study
- h) Clarity and certainty of outcome
- i) Relationship with the overarching State Planning Framework and Draft Local Planning Strategy;
- j) Alignment between needs of the community, demographic projections, RobertsDay Place and Design Report, and the State Government Strategic Planning Framework
- k) Reviewing the presentation and text of Draft Activity Centre Plan to ensure information is concise and user friendly.

#### **Reasons for Change**

1. The Local Planning Framework as outlined in the Draft Local Planning Strategy, provides a picture of an orderly and logical process, whereby significant components in the planning framework can receive the appropriate consideration and response by the Council and the Community.

The intention of the Council in endorsing a review of the Local Planning Scheme in June of 2017 was to support the rationale presented in the Report and to set in motion an orderly process with the LPS forming the first formal step: As stated in the Officer's Report:

*“the Scheme requires a substantial and holistic review to align it with the overarching planning framework. It would not be possible to achieve this alignment through amendments to the existing scheme” (10.3.4 Review of Town Planning Scheme No. 6 – OCM June 2017).*

Putting aside any issues associated with the proposed Draft South Perth Activity Centre Plan itself, for the Council to consider undertaking in parallel two public engagement exercises of the scale and importance of these documents will not only mean less ability to treat the two with the weight of consideration they warrant, but create confusion and engagement fatigue in the Community. In considering the LPS in September, Council endorsed a consultation process that involved the following:

*Advertising methods prescribed by the Planning and Development (Local Planning Schemes) Regulations 2015*

- Notice provided in local newspaper advertisements;
- Notice and static display of the draft LPS in the City's Administration Centre and local libraries;
- Notices provided to various public authorities;
- Notice and display of the draft LPS on the City's website; and
- Static display at the office of the WAPC

*Additional consultation procedures to be employed by the City*

- Focus groups;
- Drop-in sessions;
- Community information sessions/displays at key community locations – e.g. libraries, shopping centres;
- Digital online engagement through the *Have Your Say South Perth* portal;
- Referral of the draft LPS to neighbouring local governments; and
- Supported by a range of communication channels including the City's social media platforms, e-newsletter, Peninsula Snapshot as well as direct email to registered parties.

Clearly this exercise is a significant undertaking by the City and to overlay it with another of equal importance will fully tax the resources of the City and the Community alike, and possibly result in unanticipated outcomes.

Without feedback from the consultation process with respect to the various elements of the Plan, such as the demographic projections and spatial plan, the Council will not be well placed to confidently progress the SPACP. However, in recognition of the need to progress with the development of the Activity Centre Plan, to address some of the current Scheme's deficiencies, a time frame of April 2019 is provided in the

Motion. This should allow a reasonable period for elected members and planning staff to build on the current work and explore a variety of built form options that will not only meet the Council's vision for the Precinct and address the diverse views of the community, but be in alignment with State Government's overarching Planning Framework.

In undertaking this work, it will be prudent to enlist the services of appropriate consultants to assist in working through any options, to ensure practicability and statutory compliance. The wide range of matters identified in the Alternative Motion for consideration, should ensure a comprehensive analysis of options which at some point the Council can take ownership for and confidently lay them before the Community for their consideration also.

**CARRIED (7/0)**

### **Background**

The South Perth Activity Centre Plan area (ACP area) is a place in transition. Over the decade to 2018, the area has experienced significant changes to its planning framework and urban form. As the Perth metropolitan area continues to grow, there is increasing demand for new living and working opportunities close to central Perth and this is expected to continue to drive growth and change in the ACP area into the future. It is therefore important that the area is well planned and carefully managed to ensure that growth builds on the area's unique characteristics, enhances its economic prosperity and strengthens its vitality for current and future residents, workers and visitors.

### Subject Area

The draft Activity Centre Plan (ACP) and proposed amendment (circulated to Councillors on 14 September 2018 and available at <https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>) relate to the area shown on Figure 1, referred to as the ACP area in this report.



Figure 1: South Perth Activity Centre Plan Area (ACP area)

The Landmark Site bounded by Labouchere Road, Mill Point Road and Mends Street and shown on Figure 1 is subject to a separate amendment (Amendment No. 56), which introduces development requirements specific to that site. Amendment No. 56 was recommended for approval by Council in February 2018 and is currently awaiting final approval by the WAPC and Minister for Planning.

The ACP area is located on a peninsula of the Swan River, less than two kilometres south of the Perth Central Business District. The area is highly accessible via major transport infrastructure that makes it a focal point on the movement network, including:

- Mends Street Jetty and ferry service to Elizabeth Quay;
- Kwinana Freeway, which carries well over 180,000 vehicles per day as of 2018;

- Principal shared paths along the Kwinana Freeway and Sir James Mitchell Park foreshores; and
- Four bus routes running through the area on Labouchere Road and Mill Point Road.

In addition, land is set aside in the Kwinana Freeway reserve to allow the construction of a train station at the end of Richardson Street, as shown on Figure 1. The ACP area incorporates land generally within an 800m or a 10-minute walkable radius of existing and proposed major public transport connections (the Mends St Jetty and future South Perth Train Station), as well as residual areas which form a natural extension of the centre by virtue of their land use, character, or geographic location and boundaries.

#### Existing Built Form

The existing built form character of the ACP area is highly varied, including medium and high density residential, mixed commercial and residential, and predominantly commercial areas. The differing street patterns across the ACP area reflect a long history of urban growth, with progressive redevelopment for commercial and higher density residential uses occurring alongside retained heritage buildings that reflect the historical development and character of South Perth. Differing ages, uses and styles of building are also reflected in how those buildings relate to the street, particularly in terms of setbacks in different areas.

The abovementioned factors combined result in a range of building typologies through the ACP area, as described in Table 1.

TPOLOGY	DESCRIPTION	LOCATIONS
Tower in Open Space	Large residential towers set back from the street and side boundaries with surrounding landscaping.	East of Darley Street,
Larger Format Mid Rise	Bulkier medium scale residential apartment buildings	North of Judd Street
Main Street Commercial	Low scale attached commercial buildings with nil setbacks to boundaries and limited tower elements	Mends Street
Tower on Podium	Large residential towers set above three storey podiums built to property boundaries, accommodating a mix of uses	On Labouchere Road and near the corner of Mill Point Road and Mends Street
Cottages	Remnant cottages, mostly of limited heritage value and often converted for commercial uses	West of Labouchere Road

Table 1: Building typologies existing in the ACP area

#### Existing Planning Framework

The existing planning framework for the South Perth Station Precinct was established in 2013 via an amendment to the City of South Perth Town Planning Scheme No. 6 (TPS6) to implement the South Perth Station Precinct Plan (2011). The plan aimed to facilitate medium and high density mixed use development to support the development of the train station, including predominantly office based land uses, some additional residential accommodation and associated land uses such as convenience retail, cafes and specialist shops. Overall the plan sought to facilitate a level of development that would substantially increase the amount of activity in the precinct and assist in achieving the critical mass of users necessary to support the provision of a train station.



Table 2 describes the history of the existing planning framework for the area and the process undertaken by the City to review and update it.

2005-2007	During construction of the Perth to Mandurah rail line, allowance was made for the location of a future South Perth train station within the Kwinana Freeway reserve near the end of Richardson Street. The allowance for a future station provided impetus to amend the City's planning scheme to allow for transit oriented development.
January 2011	The South Perth Station Precinct Plan was prepared and adopted by the City of South Perth and WAPC as a framework to guide development in the precinct surrounding the planned South Perth train station. The plan focused on promoting commercial and other non-residential land uses in order to promote the planned train station as a "destination station", rather than a commuter station designed to facilitate "park and ride" usage.
January 2013	Amendment No. 25 to Town Planning Scheme No. 6 was gazetted in January 2013. The amendment implemented the South Perth Station Precinct Plan by introducing special provisions relating to the South Perth Station Precinct including: <ul style="list-style-type: none"> <li>- Land use controls, including preferred ground floor uses to encourage non-residential and mixed use development;</li> <li>- Plot ratio requirements for non-residential development;</li> <li>- Podium and building height limits of up to 41 metres;</li> <li>- Street, side and rear setback requirements;</li> <li>- Parking requirements;</li> <li>- Other detailed design requirements; and</li> <li>- Performance criteria for variations from the development requirements for specified properties within an area known as the 'Special Design Area'.</li> </ul>
2014-2017	Amendment No. 46 to Town Planning Scheme No. 6 was initiated in November 2014 and advertised from 27 January 2015 to 13 March 2015 and again from 3 November 2015 to 5 February 2016. The purpose of Amendment No. 46 was to correct anomalies, clarify ambiguities and strengthen performance criteria for building height variations in the South Perth Station Precinct. The amendment included additional performance criteria for development seeking variations from the development requirements (including additional building height), caps on the amount of car parking provided in developments seeking additional building height, greater setbacks to certain streets in order to protect existing street trees, and reduced minimum non-residential plot ratio requirements. <p>Amendment No. 46 attracted substantial community interest and Council resolved in October 2015 to make significant modifications. These included limits to the allowable building height throughout the precinct and exclusion of the properties north of Judd Street from the area subject to additional building height. The modified amendment was advertised for public comment in late 2015 and early 2016 and a large number of submissions were again received.</p>

	<p>A final Council recommendation on the modified amendment was made in April 2016 and subsequently forwarded to the WAPC and Minister for finalisation.</p> <p>The Minister for Planning considered Amendment No. 46 in late 2016 and the City was directed to reinstate the original Special Design Area (the area subject to additional building height) and to also remove limits on additional discretionary building height within the Special Design Area. However the additional performance criteria for development seeking variations from the development requirements and greater setback requirements in certain streets, were included in the approved amendment. The amendment was gazetted in February 2017.</p>
May 2015	<p>Following the initiation of Amendment No. 46 a special meeting of electors was held to discuss development issues in the South Perth Station Precinct, including the extent of the precinct, the preparation of a planning strategy for the peninsula area as well as the station precinct, and community concerns with development proposed in the area. Following the meeting Council resolved in May 2015 to conduct an independent review of the relevant town planning scheme provisions and the geographic extent of the station precinct, separate to the Amendment No. 46 process.</p>
2016	<p>Following Council's resolution of May 2015, the City engaged consultants to undertake a review of a range of issues including:</p> <ul style="list-style-type: none"> <li>- Geographic extent of the precinct;</li> <li>- Whether there should be a building height limit;</li> <li>- Whether building bulk should be controlled through plot ratio;</li> <li>- Whether there should be discretion in relation to podium height;</li> <li>- Whether nil setbacks are appropriate for all streets;</li> <li>- Whether street setbacks above podium height are sufficient to ensure a comfortable pedestrian environment, especially in relation to scale and sunlight penetration;</li> <li>- Whether side and rear setbacks are sufficient;</li> <li>- Overshadowing;</li> <li>- What community benefits would be appropriate;</li> <li>- How to ensure buildings are of high design quality;</li> <li>- Whether and if so which Green Star rating tool/s are appropriate to ensure high quality sustainable design; and</li> <li>- Advice on a Development Contributions Scheme.</li> </ul> <p>The review included research into how other planning jurisdictions address similar issues, and utilised a simple 3D model to illustrate potential development outcomes of the existing scheme provisions via massing models. The study did not involve any community or stakeholder engagement and the report focused on technical statutory planning matters and recommended further amendments to TPS No. 6. The findings and recommendations identified the need to undertake a high level, collaborative planning and design exercise in the area to inform future planning and development.</p>

2017	<p>In response to the abovementioned recommendation the South Perth Peninsula Place and Design Project was undertaken in 2017. The focus of this project was to review the vision articulated in the South Perth Station Precinct Plan (2011) and to develop approaches for managing the area's growth in a way that captures the most benefit for the areas residents, workers and visitors. The project included two introductory stakeholder workshops before an intensive five-day Planning Design Forum, which brought over 100 community members, stakeholders and consultants together to develop a shared understanding of the issues and recommendations for further planning of the area.</p> <p>The process culminated in the preparation of the South Perth Peninsula Place and Design Report, May 2017. This report provides an overview of the process and sets out a renewed draft vision for the area, as well as recommended goals, ideas and actions to achieve this vision. The report includes recommendations relating to creating a robust planning framework, improving built form outcomes, improving the movement and access network, and improving the public realm and streetscapes. A key recommendation of this report was the preparation of an Activity Centre Plan for the area and associated scheme amendment to implement the Plan and provide certainty with respect to the key built form controls.</p> <p>Council considered this report in June 2017 and noted that the report would form the basis of the ongoing planning of the area and also endorsed the preparation of an activity centre plan as a priority action. The goals and ideas of the Place and Design Report have played an important role in informing the Activity Centre Plan and proposed scheme amendment.</p>
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Table 2: History of the existing planning framework

The draft ACP and associated proposed amendment have been developed based on the relevant built form, public realm and transport recommendations of the South Perth Peninsula Place and Design Report (May 2017) and refined through further detailed planning work and engagement with the South Perth Station Precinct Reference Group and elected members.

### Comment

Development in the ACP area is proposed to be controlled and guided by two complementary documents:

- a new schedule of TPS6 (proposed to be introduced via Amendment No. 61), which contains key development criteria; and
- the South Perth Activity Centre Plan (ACP).

The proposed new schedule of TPS6 is to be read in conjunction with the ACP. The schedule is intended to implement the ACP by introducing key development requirements into TPS6 to provide certainty for all stakeholders. Specifically it is proposed to introduce overarching objectives and development requirements for:

- character areas;

- zoning, residential density coding and land uses;
- development requirements that define the building envelope (building height, plot ratio, podium setbacks, podium height, podium site cover, tower setbacks, tower separation and tower maximum gross floorplate area); and
- approval for additional development potential (height and plot ratio).

The draft ACP comprises:

- Part One: Implementation section, which includes the ACP area map, plan series, character statements for the character areas and development requirements not contained in TPS6. This section also provides guidance on the application of discretion, where available, for the development requirements contained in TPS6.
- Part Two: Explanatory section, which is to be used as a strategic guide that provides the background, rationale, design basis and intent of the ACP to support the implementation of Part One and the proposed TPS6 requirements.
- Appendices: Economic and Demographic Assessment; Transport and Movement Analysis, which provide the evidence base that has informed the preparation of the ACP

#### Purpose of the Activity Centre Plan and Amendment No. 61

The draft ACP and accompanying proposed amendment will provide the guiding framework (strategic vision and statutory framework) for the planning and development of the subject area by taking a holistic, long term approach that can be updated over time to respond to current issues and stakeholder aspirations. The draft ACP and proposed schedule of TPS6 will guide decision-making regarding movement and access, land use and built form within the ACP area.

The draft ACP and proposed Amendment No. 61 aim to provide clarity and certainty for decision-makers, landowners and the community regarding how growth will be managed and what is considered an appropriate form of development in the ACP area. The documents respond to identified issues by establishing land use and built form controls based on forecast growth and in support of the vision for the ACP area as articulated in the ACP and amendment (for example the elements described in the character statements and the objectives of each character area). At the same time, the documents help to direct and plan for improvements to public space, the transport network, services and infrastructure to support ongoing economic vitality and a high quality attractive environment.

The draft ACP notionally works towards a ten-year timeframe, while articulating a long-term vision for the subject area that will not be fully realised within this timeframe. By starting with a long-term view, the plan aims to ensure that development in the short-term supports the 'bigger picture' vision.

#### Activity Centre Plan vision

The draft ACP articulates a vision for the development of the area, which was developed through the South Perth Peninsula Place and Design project in 2017, and builds on the values and priorities of local stakeholders. The overarching vision statement is intended to steer the ACP area's evolution supported by four character area statements that address the diverse and varying ways that density, activity and public space will be addressed across the ACP area.

The overarching vision statement is for the ACP area to be:

*A distinctive inner city centre, tourism destination and residential neighbourhood that is shaped by its connection to nature, unique assets, distinctive buildings, and future-forward approaches to sustainable living. Its lively centre and pedestrian friendly tree-lined streets connect locals and visitors to its diverse businesses, transport nodes and local heritage.*

The draft ACP identifies four character areas, also defined through the South Perth Peninsula Place and Design project in 2017, and sets out character statements for each area, with supporting objectives provided in the proposed Schedule 9B. All development proposals will be considered having due regard to the character statement and objectives of the relevant character area.

#### Summary of the Draft Activity Centre Plan Part Two – Evidence Base and Rationale

Contemporary best planning practice requires planning documents, such as activity centre plans, to be informed by a sound and robust evidence base. This evidence base provides the rationale for the ACP. It is compiled from a range of different data sources including:

- Regional planning strategies, policies and guidelines of the State Government;
- Detailed data analysed in the appendices to the ACP and summarised in Part 2;
- Planning investigations previously undertaken by the City; and
- The outcomes of consultation undertaken during the Place and Design project in 2017 and feedback from the South Perth Station Precinct Reference Group and elected members.

Part Two of the draft ACP sets out the evidence base and rationale for the planning requirements in Part One and the proposed amendment. More specifically this part explains the intended effect of the draft ACP, outlines the analysis and context that has informed its preparation through summarising the findings of the background documents, and details how the provisions of the plan will deliver the vision for the ACP area.

Part Two is separated into ten sections; Introduction, Centre Context, Process, Vision, Plan Components, Activity, Built Form, Movement, Public Realm and Next Steps.

Of most importance to this report and understanding the rationale for the ACP and amendment are the planning context, forecast growth of the centre and the key issues for activity, built form and movement. These are summarised below.

#### *Planning Context*

Part Two of the draft ACP sets out the key guiding documents and how they have informed the preparation of the draft plan. In particular, the Perth and Peel @ 3.5 Million suite of documents and State Planning Policy 4.2: Activity Centres for Perth and Peel have informed the preparation of the draft ACP, as outlined below.

The Perth and Peel @ 3.5 Million document and supporting sub-regional strategies provides an overarching strategic framework for the Perth and Peel region to grow to accommodate a population of 3.5 million people by the year 2050. South Perth is

located in the Central sub-region, where the framework focuses on guiding future infill growth into key locations, including activity centres such as South Perth.

The Central Sub-Regional Planning Framework sets a target of 8,300 additional dwellings for the City of South Perth to support urban consolidation in the Central sub-region. This target is intended to provide a guide for more detailed and localised investigations for population growth and corresponding dwelling requirements in the City, such as those undertaken as part of the development of a local planning strategy, which are then again refined through detailed planning exercises such as activity centre planning. The framework encourages infill development to be concentrated in activity centres and identifies the ACP area as an inner city activity centre in close proximity to the Perth CBD.

State Planning Policy 4.2 (SPP4.2) provides criteria to guide the planning and development of new, and the redevelopment and renewal of existing, activity centres of the Perth and Peel region. The policy reflects the intention of the WAPC to encourage and consolidate residential and commercial development into activity centres.

The policy classifies South Perth as a district centre; however it should be noted that the guidance in SPP4.2 is intended for all district centres regardless of their location and unique function and characteristics. The importance of South Perth as a visitor destination and a highly accessible activity centre within the inner city elevates it well above a conventional district centre as envisaged in SPP4.2.

The City's strategic planning framework, including the Strategic Community Plan 2017-2027 and draft Local Planning Strategy, have also informed the preparation of the draft ACP and proposed amendment. The ACP contributes to the Community Plan outcome 3.2 Sustainable built form and to the delivery of strategies in the focus areas of Economy, Environment and Leadership.

The City's draft Local Planning Strategy sets out the strategic direction for planning and development in the City over the next 10 to 15 years. The key draft strategy relevant to the draft ACP and proposed amendment is Strategy 4.2.1:

*Ensure each of the City's activity centres achieve an appropriate mix of activity, employment, recreational, civic and cultural, and entertainment uses as well as increased levels of residential population to support the ongoing viability and function of each centre. The planning framework is to ensure sufficient non-residential floor space, to meet forecast demand, can be provided in each centre.*

The Local Planning Strategy is currently in draft form and will be finalised following public consultation.

#### *Forecast Growth*

The ACP area is forecast to grow significantly, based on the analysis undertaken to inform the preparation of the draft ACP (Economic and Demographic Assessment, Appendix 1 of the draft ACP). The potential future growth of the ACP area has been modelled to the year 2041, which is 25 years from the latest Census conducted in 2016. This timeframe allows growth to be planned for in line with State Government strategic planning including Perth and Peel @3.5 Million, which plans for a Greater Perth population of 3.5 million by the year 2051. Long-term

population forecasts are important to provide a sound evidence base in support of the long-term vision provided in the ACP, as well as to:

- ensure sufficient capacity is provided for in the long-term where fragmented land ownership limits capacity for redevelopment and impacts the scale and timing of development, which can increase the risk of underdevelopment;
- align long-term strategic planning with long-term infrastructure commitments and needs (public transport, schools and the like). Plans considering only short-term planning horizons (i.e. 5 years) are insufficient for proper infrastructure planning in infill settings; and
- recognise that places evolve over time to respond to changing demographic profiles, technology, social trends and market conditions, including economic cycles.

If future demand and growth is not well understood and reflected in the planning framework, there is a high risk that responses to actual demand and growth will not fit within the established vision, particularly if demand is underestimated at the strategic planning stage, which results in poor planning outcomes.

As an established activity centre, with high accessibility and close proximity to the Perth CBD, the State policy framework expects that a greater proportion of the suburb growth of South Perth, and the City of South Perth, will be directed towards the ACP area.

Table 3 provides a summary of the size, scale and mix of activity expected in the ACP area to the year 2041, to be managed and directed by the draft ACP and proposed Amendment No. 61.

INDICATOR	CURRENT	2031	2041	GROWTH BY 2041
Population	2,675	4,750	7,500	4,825
Dwellings	1,941	2,750	4,250	2,309
Employment	2,302	3,400	4,600	2,298
Employment-Related Floor Space (sqm – excl Retail)	63,000	92,500	110,000	47,000
Retail Floor Space (sqm)	8,172	13,860	20,356	12,184
Tourists/Visitors per annum	119,017	177,200	236,800	117,783

Table 3: Forecast demand for growth in the ACP area

SPP4.2 sets a minimum residential density target of 20 dwellings per gross hectare, and a desirable 30 dwellings per gross hectare, for district centres. The existing residential density is approximately 19 dwellings per gross hectare and the area is forecast to grow to approximately 27 dwellings per gross hectare, or slightly below the desirable target in SPP4.2, by 2031. By 2041 the area is expected to grow further to accommodate approximately 4,250 dwellings, at a density of 41 dwellings per gross hectare.

The SPP4.2 target is not based on a forecast of future growth, nor on detailed local planning that considers the locational context or unique function and capacity of individual centres. The Economic and Demographic Assessment (Appendix 1 of the draft ACP) indicates that there is demand and a strong strategic planning rationale for the ACP area to ensure that more than the desirable State Government target

dwellings are accounted for beyond 2031. It is important to consider the growth pattern of the centre beyond 2031 to ensure:

- that it can continue to evolve over time in the context of the Perth Metropolitan region as a whole and also respond to changing circumstances and needs (such as demographic and economic conditions, and the overarching state policy framework); and
- The planning requirements are appropriate to shape and manage growth and demand in line with the broader vision for the area.

Several factors will influence population growth in the ACP area to 2041, including factors specific to South Perth and more general trends that will affect the area. Experience from other Australian cities has shown that when cities reach a population of 2-3 million a second major, intensively-developed business and mixed use district arises, often with a riverine setting and high accessibility to the CBD. South Brisbane and Southbank in Melbourne are both examples of this, and South Perth is considered likely to experience a similar transition in density as Greater Perth grows. More specifically to the ACP area, several factors provide appeal that readily translates into demand for living in the area, including:

- The proximity of the area to the Perth CBD;
- The established pattern of apartments within the precinct in medium and higher density development form;
- The natural amenity and setting of South Perth, with substantial opportunity for views to water, foreshores, parks and gardens;
- The distinctiveness of the area as a place, with an endearing public realm and opportunities for unique activities;
- As a destination for visitors the area has substantial potential to provide a range of uses and amenities, which in turn make the place appealing for prospective residents;
- The central location with separation from the CBD provides a convenient location for an Australian experience, which is of interest to prospective residents from overseas.

There is strong impetus in policy and practice from the State Government to focus and direct infill development (dwelling growth) within activity centres and along urban corridors. This is reflected in the spatial plan for the Perth and Peel regions set out in Perth and Peel @3.5 Million, a focus on planning policies affecting infill development (for example apartment design, activity centre planning, and transit oriented development), and a renewed focus on investment in public transport.

Modelling of employment and commercial floorspace in the ACP area, undertaken to inform the preparation of the draft ACP, indicates that the area has significant employment and commercial floorspace growth potential for both resident and visitor-servicing sectors and niche commercial office-based businesses. Growth is forecast to result in a total of 3,400 jobs by 2031, increasing to 4,600 jobs by 2041. This will result in a corresponding increase in commercial and employment floorspace, reaching a total of 130,000 square metres by 2041. In addition, the overall trend for tourism is positive and the number of visitors to South Perth is forecast to increase to 177,200 visitors per annum in 2031, and 236,800 by 2041. This forecast reflects South Perth's recognised status as a boutique office market in Perth, with other non-residential land uses, including those in the tourism and



retail sectors, expected to support significant growth in jobs and employment floor space.

Further detail on the analysis and forecasts informing the draft South Perth ACP and proposed Amendment No. 61 can be found in Part 2 of the draft ACP.

#### *Key Issues for Activity*

The key issues for activity that the draft ACP and proposed scheme amendment address relate to several matters. To understand the land use and built form provisions of the ACP an understanding of the following issues are necessary. For further detail on each of these issues and the plan response refer to Section 6.3 of Part 2 of the draft ACP.

#### Site Availability and Development Capacity

- Development site availability is highly constrained. Most opportunities for new development occur through redevelopment of aged buildings, including demolition and renewal, which can be limited by many factors, including the planning framework and the presence of heritage buildings, established infrastructure and the size, layout and ownership of existing properties (including strata titles).
- Under the current framework, growth is likely to be accommodated through significant height variation within the Special Design Area, where unlimited building size is permissible, and bulky buildings that cover close to 100% of the site outside this area where limits on building height apply.
- The unlimited flexibility in the Special Design Area acts as an incentive to maximise the size of buildings in this area, while sites outside of the area are highly constrained and can only maximise their development potential by minimising setbacks as much as possible, which results in relatively short, bulky buildings.
- The capacity of the ACP area to accommodate development has been reviewed and revised in light of the forecast demand for growth. It is important that planning requirements account for anticipated demand, but manage expected growth in a way that is consistent with the vision set out in the draft ACP, rather than as “ad-hoc” or individually-planned proposals that respond to a specific market need but are not designed with the character of the surrounding area in mind.

#### Directing Forecast Population Growth

- The draft ACP is based on a sound evidence base, including data from the most recent Census in 2016, and consideration of the overarching state policy direction for growth in activity centres. This provides a realistic forecast of the growth and resulting demand for development in the area, as well as the basis for planning controls to direct and manage the growth in support of the ACP vision and objectives.
- The draft ACP provides the detailed planning required to align the overarching framework with forecast growth projections, and determine how the state government targets will be met at a local government and local area level.
- The Economic and Demographic Assessment (Appendix 1 to the draft ACP) indicates that there is demand and a strong strategic planning rationale for the ACP area to ensure that more than the high level SPP4.2 gross dwelling

density targets can be accommodated beyond 2031. This is important to ensure that the centre can continue to evolve over time.

#### Increasing Commercial Activity and Local Employment

- Development activity in the South Perth Station Precinct area between 2013 and 2018 has comprised predominantly of mixed use development with a high proportion of residential floorspace. This reflects the complexity of the commercial market and challenges in realising significant commercial development given the area's appeal as a residential precinct and significant competition with existing, established fringe CBD office and employment nodes.
- Economic analysis suggests that delivery of the train station would substantially boost the viability of major office development, which would enable the ACP area to develop into a more significant fringe CBD office location enjoying convenient rail access. Until this occurs, boutique office commercial uses, entertainment and retail activities present greater potential for employment generation in the short term.
- It is important that commercial floorspace be anticipated and incentivised by the planning framework to ensure that long-term employment potential is not compromised by short-term market cycles, while at the same time allowing flexibility in commercial floorspace provision.

#### Plan Response to Key Activity Issues

The following provides a high level summary of how the draft ACP and proposed amendment respond to the above issues. For further detail refer to Section 6.3 of Part 2 of the draft ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Replacement of the Special Design Area with new logically distributed set of height controls and clear criteria for additional height.
- Alignment of development intensity with capacity.
- Development controls aligned to population growth. Height, plot ratio and land use requirements have been calibrated to accommodate the forecast growth and weighted by character area.
- Variation of building height, density and land use requirements across the four character areas to reflect existing and desired future character.
- Housing diversity through dwelling mix requirements.
- Public benefit contributions to support growth.
- Targeted commercial growth through differing land use requirements in each character to reflect the character areas' suitability for commercial activity. Land use controls have been designed to concentrate commercial uses in locations with good access to public transport and to focus activity and energy in the existing centre around Mends Street.

#### *Key Issues for the Built Form*

The key issues for built form that the draft ACP and proposed scheme amendment address relate to several matters. To understand the built form provisions of the ACP an understanding of the following is necessary. For further detail on each of these issues and the plan response refer to Section 7.3 of Part 2 of the draft ACP.

#### Impact of New Development on Local Amenity

Current and historic planning controls have enabled the following development outcomes, which negatively impact on the private and public realm:

- Buildings can be close together, resulting in limited solar access, reduced privacy, the cumulative effect of apparent bulk on the streetscape, lack of visual permeability, and exacerbated wind impacts at street level.
- Podiums with nil setbacks to all lot boundaries, which can have a high impact on smaller neighbouring properties, and reduce or completely remove areas of landscaping from the site at ground level.
- Bulky tower floorplates, which restrict views from surrounding development, encourage large blank tower façades and limit the amenity and development potential of adjoining lots.
- Poor quality street level environments, resulting from intrusive parking and servicing areas, poorly designed and detailed commercial frontages and inconsistent awning and setback design in new development.
- Building designs that do not reflect and build on the distinct character of the ACP area or achieve design excellence.

#### Density and Form of Development

The current framework relies on height and setbacks to regulate the built form, and there are no plot ratio controls. In the Special Design Area there is no building height limit and no control over building size or density. This results in:

- A disconnect between the scale of development envisaged in the planning framework and actual development outcomes once discretion has been applied.
- A differential between development potential within the Special Design Area where there are no building height limits and outside, where building height limits do apply.
- Difficulty in forecasting potential long-term population growth and land use intensification, as no maximum limits apply. This makes it difficult to plan for improvements to the transport network, public infrastructure and community services because there is no limit on the size of buildings that could be approved within the Special Design Area.
- A lack of transparency relating to development potential, as there is limited guidance for the approval of additional building height. Development bonuses do not correlate with performance criteria and this allows development to be approved without a clear rationale for why the additional height is appropriate.

The draft ACP defines the building size for any given site through podium height and setback limits, tower setback and floorplate size limits, and total building height and plot ratio limits. These limits provide much more control over the density of development in the ACP area than the current framework, while still allowing for flexibility in the design of individual buildings.

### Control of Building Height and Discretion

Under the current framework:

- There is no guidance for the amount of variation above the building height limit that is considered acceptable in the South Perth context. In many cases, development does not conform to an overall urban design rationale or take into account important considerations such as overall skyline form.
- Performance criteria items listed in Schedule 9A vary in their specificity and value to the community, resulting in significant building height bonuses being permitted for items of unclear or low public benefit.
- The Special Design Area concentrates additional building height on major arterial roads, which have low pedestrian amenity and may present traffic management and access issues.
- No distinction is made between minor and major variation to the height limits. All performance criteria must be met, effectively encouraging significant variations (to account for the added cost of meeting all criteria) over minor variations.

### Issues Arising from Current Development Requirements and Response to Existing Development and Local Character

- The ground plane element and how a building presents to the street is the most important factor in establishing a desired local character.
- The current framework promotes a uniform tower-on-podium form across the ACP area that does not reflect local character at the ground level resulting in:
  - A lack of consideration for the impact of new development on existing buildings, with new development having minimal setbacks and presenting poor-quality interfaces to adjoining lots.
  - Nil-setback podium development that is out of scale with existing built form context and streetscape character.
  - Development at different scales in close proximity with no consideration of transition in height and setbacks.
  - Poor design of ground floors and street setback areas which do not reflect local streetscape character.

### How the draft ACP improves the Key Built Form Issues

The following provides a high level summary of how the draft ACP and proposed amendment address the above issues. For further detail refer to Section 7.3 of Part 2 of the ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Greater separation distances between buildings and from property boundaries through setbacks and floorplate size limits.
- Tower floorplate size limits to ensure that new development provides visual permeability and views between buildings.
- Implementation of the principle that, if a building is taller, it must be more slender in proportion to the overall lot size and have more space around it.
- Podium design based on local character.

- Guidance and requirements for specific design components including addressing specific deficiencies in recent development related to façade materials and the design of roofs, services, vehicle entries and awning.
- Plot ratio limits to control building bulk and density. Plot ratio limits provide certainty as to the maximum potential bulk and scale of development, and density of land use.
- Distribution of development density through establishing plot ratio limits for all sites based on the desired future character of each of the four character areas.
- Limited building size variation through clear base building height and plot ratio limits and the maximum amount of additional development potential is also defined across the ACP area.
- In selected parts of the ACP area, additional height and plot ratio is permitted. The extent of these additional bonuses is controlled by plot ratio and floorplate size limits, design quality criteria, and requirements for public benefit contributions.
- Public benefit contributions framework that ensures additional development potential can only be approved when prerequisite amenity and design criteria are met and public benefit contributions are provided. The amount of additional development potential that may be approved is directly related to the value of the public benefit contribution provided.
- Three street-level design categories that new development must conform with based on location. These set differing design requirements based on the intended function of the public space they address.

#### *Key Issues for Movement*

The key issues for movement that the draft ACP and proposed scheme amendment address relate to the impact of new development and trip demand generation, and private car parking. A summary of these is provided below. The plan also provides guidance for improving conditions for walking and cycling, public transport availability and usage, and traffic congestion. For further detail on each of these issues and the plan response refer to Section 8.3 of Part 2 of the draft ACP.

#### New Development and Trip Demand Generation

- The intersection of Labouchere Road, Mill Point Road and the Freeway ramps can be a busy intersection at peak times, drawing both local and regional traffic, and will continue to be so in the future.
- The corridor along Labouchere Road and the Freeway is the highest volume traffic corridor within the ACP area and carries the highest volumes in peak hour and throughout the day.
- Local development will contribute to traffic volumes in the activity centre in the future, resulting in the requirement to examine the capacity and configuration of some intersections.

#### Private Car Parking

- As the number of people living, working and visiting the ACP area grows so can the number of cars and demand for parking, if not properly managed.

- It is important that parking be carefully controlled to accommodate the trips that need to be made by motor vehicles while encouraging a shift toward more efficient modes of transport.
- Current development within the ACP area is providing higher than required private parking allocations, based on the identified preferences of targeted buyers. If allowed to continue, short term over-allocation of private parking may compromise the long-term strategic objective of high active and public transport usage.

#### Plan Response to Key Movement Issues

The following provides a high level summary of how the draft ACP and proposed amendment respond to the above issues. For further detail refer to Section 8.3 of Part 2 of the ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Planning controls (including plot ratio and distribution of development potential) have been set with reference to transport modelling, which demonstrates that planned growth can be sustained by the local transport network if improvements are made.
- Facilitation of transport oriented development, including current (ferry, bus) and future (train station) transport nodes.
- Encouraging less car dependence through incentives for transport alternatives.
- Maximum parking bay requirements for new development, ensuring that parking is not oversupplied and encouraging residents to make use of alternative types of transport.
- Car parking and manoeuvring space within buildings and at or above ground level is included in plot ratio calculations.
- Encouraging the use of car sharing by allowing parking requirements for residential development to be reduced where a car share scheme is in place.
- The ACP also provides recommendations for complementary improvements to the movement network for further investigation.

#### Summary of the Draft Activity Centre Plan Part One – Development Requirements and Guidance

Part One of the draft ACP is to be read in conjunction with Schedules 9B (for the ACP area with the exception of the Landmark Site) and 13 (for the Landmark Site) of TPS6. In addition to establishing the vision for the area, as outlined above, Part One provides guidance to inform the implementation of the proposed Schedule 9B (in Amendment No. 61), including:

- Character area statements, to be considered along with the objectives for each character area in Schedule 9B, in the application of discretion regarding development.
- Objectives for land use, matters relevant to the exercise of discretion, uses not listed, minimum non-residential plot ratio and housing diversity.
- Built form guidance, including objectives for:
  - building height;
  - podium setbacks, height and site cover;
  - tower setbacks and separation;
  - tower maximum gross floorplate area; and
  - plot ratio.

- Development requirements for street interface design, interface with heritage buildings, amenity and design quality, sustainability, landscaping and water management, adaptability, detailing and materials, bicycle parking and end of trip facilities, and vehicle parking and access.
- Guidance for complementary improvements that may take place in the movement network and public realm to improve the ACP Area.
- Objectives and development requirements for development proposals seeking additional development potential in return for providing a public benefit contribution to the City.-
- Other development requirements including design review, supporting studies and plans that may be required to accompany development applications or as conditions of development approval and other strategies that may be developed or reviewed by the City of South Perth to deliver the vision for the ACP area.
- Monitoring and review requirements including key performance indicators.
- Definitions of words and expressions used in the draft ACP.

Further detail on the objectives and development requirements in the draft South Perth ACP and proposed Amendment No. 61 can be found in Part One of the draft ACP.

#### Summary of Proposed Amendment No. 61

The provisions of the proposed amendment apply to all development throughout the ACP area with the exception of:

- the triangular shaped lot bound by Mends Street, Labouchere Road and Mill Point Road (subject to Schedule 13 of TPS6), referred to as the landmark site;
- alterations and/or additions within the approved building envelope; and
- renovations or repairs to buildings.

The amendment proposes to rezone the subject land to Centre (excepting those areas currently zoned for Parks and Recreation or Civic and Cultural), with a residential density code of R-AC0, and to replace Schedule 9A in TPS6 with a new Schedule 9B.

The proposed amendment includes the following changes to the text and maps of TPS6:

- Rezoning the land bounded by Melville Parade, Richardson Street, Labouchere Road, Mends Street, Mill Point Road, Sir James Mitchell Park, South Perth Esplanade and Mill Point Close to Centre, with a residential density code of R-AC0, and amending the Scheme Map for Precinct 1 accordingly.
- Deleting Precinct 15 – South Perth Station.
- Deleting Schedule 9A Special Control Area SCA1 – South Perth Station Precinct.
- Inserting a new Schedule 9B – South Perth Activity Centre, including:
  - Definition of terms used in the schedule;
  - Objectives for the four character areas that comprise the ACP area;
  - Development requirements for new development, including:
    1. Zoning, residential density coding and land uses;

2. Factors controlling the building envelope Building height, Podium setbacks, height and site cover, Tower setbacks and separation, Tower maximum gross floorplate area and Plot ratio; and
  3. Approval for additional development potential (height and plot ratio).
- Amendments to various clauses within TPS6 to reference the new Schedule 9B.
  - Adding 'serviced apartment' as a land use to Schedule 1: Definitions.
  - Deleting DCA1 and the associated Description of Land and Development Contribution Plan from Schedule 10.
  - Adding text to Schedule 12 to reference the new Schedule 9B and Schedule 13.

Further detail on the content of the proposed Amendment No. 61 can be found in the amendment report.

#### Building Height and Plot Ratio

Schedule 9B provides building height limits, plot ratio and tower gross floorplate limits applicable to all development within the ACP area (excepting the landmark site). These requirements are intended to control the size of buildings. Building height and plot ratio in the ACP area are controlled via a system of height typologies (low, low-medium, medium, medium-high and high) applicable to each site. Each typology has a system of 2 tiers (base and tier 1) which prescribe building height, plot ratio and tower gross floorplate area limits. The medium, medium-high and high typologies have an additional tier (tier 2) which is available on certain sites, which prescribes a maximum plot ratio and tower gross floorplate area limits. The tier system is explained in the table below:

Base	<p>Base limits (or as of right) apply to all properties within the ACP Area.</p> <p>The base height limits range from 14.4 metres (plot ratio of 2.0) for the low typology to 50.7 metres (plot ratio of 7.2) for the high typology. The base tower floorplate size is 50% of the site area (40% in the Hillside character area).</p>
Tier 1	<p>All sites in the ACP area are able to be developed up to the applicable Tier 1 limits for height, plot ratio and tower gross floorplate area. These heights range from 24.1 metres (plot ratio 2.3) for the low typology and 77.1 metres (plot ratio 8.8). Development may be approved up to these limits subject to satisfying all of the 'additional development potential' criteria contained in Element 7 of Schedule 9B, including that the tower floorplate size is limited to 40% of the site area (30% in the Hillside character area).</p>



Tier 2	<p>Certain sites within the ACP area may be subject to further height and plot ratio bonuses as set out in Tables 2, Table 5 and Table 6 (as applicable) of Schedule 9B.</p> <p>To develop at a building height and plot ratio greater than the Tier 1 limit, development must:</p> <ul style="list-style-type: none"> <li>• Be shown on Map 2 of Schedule 9B as having Tier 2 additional building height and plot ratio available;</li> <li>• Satisfy all of the 'additional development potential' criteria contained in Element 7 of Schedule 9B;</li> <li>• Limit the Tower floorplate size to 30% of the site area (20% in the Hillside character area).</li> </ul> <p>There is no maximum height for areas with tier 2 additional development potential, however the following maximum plot ratios apply; 5.5 for medium typology, 7.6 for medium – high typology and 9.8 for high typology. Development cannot exceed these plot ratio limits; or the applicable tower gross floorplate area limit.</p>
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Height and Plot ratio limits in the proposed Schedule 9B represent the outcomes of four separate exercises:

1. the development of an urban design rationale for the ACP area;
2. consultation with local stakeholders;
3. growth forecasts; and
4. architectural testing.

The urban design rationale has been developed through the Place and Design Report and refined through preparation of the ACP to guide built form throughout the ACP area having regard to:

- Existing and desired future built form character in each of the four character areas including urban grain, age and heritage, height and scale, street interface and building typologies;
- The capacity and suitability for additional development within each of the four character areas;
- Aligning development controls to population growth; and
- Promoting an overall attractive skyline form as viewed from key vantage points within and surrounding the area

The resultant urban design rationale is for development that is responsive to the existing and desired future character of each of the four character areas that considers the suitability and capacity for redevelopment in each area. In this regard, the distribution of building height typologies has been set having regard to existing built form characteristics, existing development potential under current development controls, proximity and accessibility to current and future transport nodes, and alignment of planned development intensity with capacity.

More specifically the building height and density controls across the four character areas are varied in order to reflect their differing character and suitability for additional growth and development, as well as to promote an attractive skyline form with a variety of building heights. Controls have been carefully calibrated to

meet the overall growth forecasts weighted by character area, so less development is permitted in some areas and more in others.

The controls have been specifically developed with reference to analysis of site availability and development capacity, including assessment of strata titled buildings, sites of local and State heritage significance, small lots, and the likelihood of redevelopment of sites over the medium to long term. This demonstrates that the proposed limits in Schedule 9B provide sufficient development capacity to meet the forecast demand for growth in the ACP area.

The current special design area is also proposed to be replaced with a logically distributed set of height controls and a consistent approach to approval of additional height. This framework focuses development in areas that meet recognised planning criteria including proximity to major transport, access to services and opportunity for comprehensive redevelopment.

The built form typology for taller, slender built form established through the place and design report has been refined for each character area through consideration of existing predominant built form typologies. The built form controls for each character area have been designed to be responsive to the existing built form typologies through establishing specific requirements for each character area.

#### Exercise of discretion under the draft ACP and proposed Amendment No. 61 – Tiered System

The draft ACP and proposed Amendment No. 61 introduce a tiered system of height, plot ratio and tower floorplate area limits (outlined above), which are intended to provide certainty regarding building size and density, while also allowing for flexibility in response to individual site conditions and to promote variety in built form. Base building height, plot ratio and tower floorplate area limits apply to all sites within the ACP area and define a building envelope when combined with podium height, setbacks and site cover requirements.

All sites have the possibility to achieve at least some additional height and plot ratio above the base building height limit (Tier 1 additional development potential) in order to encourage variety in the built form. Tier 1 has set limits on height, plot ratio and floor plate size. Greater potential for additional height (Tier 2 additional development potential) is possible in areas near or within the Special Design Area set in the current Schedule 9A, those areas with existing tall buildings and areas that are highly accessible by public transport (existing ferry and future South Perth train station). Tier 2 has no maximum height limit, but does have limits on floorplate size and plot ratio.

Where discretion is required to be exercised under the draft ACP in relation to development requirements, due regard will be required to be had to:

- the relevant provisions of TPS6; and
- the relevant character area statement in the ACP; and
- the relevant character area objectives in Schedule 9B of TPS6; and
- the objectives in the ACP relating to the particular aspect of the application for which the discretion is sought.

The proposed new Schedule 9B (in Amendment No. 61) sets out the circumstances under which additional height and/or plot ratio above the base limits may be

approved and the limits to the amount of additional development potential that may be approved. This system provides clear guidance as to where and how much additional development potential may be approved. The maximum amount of additional development potential is clearly defined for all sites within the ACP area, consistent with the desired scale and form of development and the overall vision for the area articulated in the draft ACP. Importantly, height and plot ratio limits are calibrated so that forecast demand can be met if a high proportion of sites develop to the base building height and plot ratio limits.

It is important that the limits of discretion are clearly defined, so that there is certainty for stakeholders and guidance for decision makers. It is also important that the amount of additional development potential being sought is considered in the context of general amenity considerations and is calibrated to the public benefit provided. Similarly, the benefits obtained by the community from additional development need to be clearly understood and considered as a reasonable balance between public and private benefits.

To this end, the draft ACP and proposed scheme amendment establish a new public benefit contributions framework that ensures additional development potential can only be approved when prerequisite amenity and design criteria are met and public benefit contributions are provided to the City. The amount of additional floorspace that may be approved is directly related to the value of the public benefit contribution provided.

To be eligible to achieve the additional development potential, criteria must be met including reduced tower floorplate size, consideration of amenity impacts and building design. A development then needs to provide a public benefit contribution proportional to the amount of additional plot ratio proposed. For example, a development with a plot ratio of 10.0 that is proposed on a site with base plot ratio limit of 8.0 would need to provide a contribution calculated using the formula provided in Schedule 9B to allow the additional plot ratio of 2.0 (i.e. 10.0 less 8.0).

Where under the proposed Schedule 9B a public benefit contribution is required to obtain approval of additional building height and/or plot ratio, the public benefit contribution shall be expended by the local government on items that benefit the users of the ACP area including (but not limited to):

- community facilities;
- streetscape and public realm upgrades;
- street trees and landscaping;
- upgrades to public open space
- transport infrastructure;
- infrastructure upgrades; or
- placemaking initiatives.

The City will establish both a South Perth Activity Centre Public Benefits Fund, into which contributions will be deposited, and a clear framework for the management and expenditure of those contributions, in the form of a Public Benefits Plan.

This system is fair, transparent and legible for all stakeholders and allows flexibility to accommodate a diverse built form and respond to individual site conditions while providing certainty over the extent of discretion that may be applied by

decision makers and guidance for the exercise of that discretion. Where additional development potential is appropriate, public benefit contributions provide for significant value to be provided directly to the community.

#### Next Steps

The following steps are applicable to the progression of the draft ACP and proposed Amendment No. 61:

October 2018	Draft ACP and proposed Amendment No. 61 considered by Council for the purpose of proceeding to public advertising.
Late 2018	Proposed Amendment No. 61 forwarded to the WAPC and EPA for consent to advertise, and draft ACP also referred for information.
Estimated late 2018/early 2019	Public advertising of the draft ACP and proposed Amendment No. 61.
Estimated early-mid 2019	Consideration of the outcomes of public advertising and final adoption of the draft ACP and proposed Amendment No. 61.
Estimated mid 2019	Estimated timeframe for approval of the draft ACP and proposed Amendment No. 61 by the WAPC and Minister for Planning respectively

#### **Consultation**

The Western Australian Planning Commission will be required to consent to advertise the proposed amendment prior to the commencement of any public advertising. The WAPC may direct the City to modify the proposed amendment prior to advertising commencing.

Advertising of the draft ACP will be undertaken in accordance with Regulation 34 of Schedule 2 of the Regulations and advertising of the proposed Amendment No. 61 will be undertaken in accordance with Regulation 37 of the Regulations. Advertising will include the following:

- Developing supporting documentation (to be available electronically and in hard copy) to explain key components of the draft ACP and proposed Amendment No. 61, including FAQs, summary documents and explanatory notes;
- Inviting feedback on the draft ACP and proposed Amendment No. 61 via the City's online engagement platform (Your Say South Perth);
- Advertising the draft ACP and proposed Amendment No. 61 in local newspapers and publications (both online and hard-copy) including the Southern Gazette, e-news, Peninsula Magazine and social media;
- Emails to established database for planning projects in the ACP area
- Media communications to promote the project and opportunities to provide feedback; and
- Community drop in sessions to enable stakeholders to ask detailed questions of City staff.

Upon conclusion of the public advertising, Council will consider all submissions received and make a recommendation to either:

- Support the ACP and/or amendment without modification; or
- Support the ACP and/or amendment subject to modification.

The ACP and amendment will then be submitted to the WAPC for final approval by the WAPC (for the ACP) and Minister for Planning (for the amendment). It is estimated that Council will consider final adoption of the ACP and amendment in mid-2019.

### **Policy and Legislative Implications**

In addition to the above resolutions of Council, the South Perth Activity Centre is classified as a district centre in the state's activity centres hierarchy and therefore requires an activity centre plan in accordance with *State Planning Policy 4.2 'Activity Centres for Perth and Peel'*. In September 2018 the Council resolved to forward the draft city-wide Local Planning Strategy (LPS) to the WAPC for certification to proceed to public advertising. The LPS is a high level document that identifies what planning activities will be undertaken over the next 10 to 15 years and provides some very high level guidance as to what those activities will consider. The LPS must reflect state government policy and previous decisions made by the local government. The need to prepare an activity centre plan for this area will not change as a result of consultation on the draft LPS as it is required by state policy and consistent with previous Council decisions. It is therefore appropriate that the Activity Centre Plan proceed to public advertising at this time.

The draft ACP has been prepared in accordance with Part 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), State Planning Policy 4.2 Activity Centres for Perth and Peel and Western Australian Planning Commission (WAPC) Structure Plan Framework (2015), and with regard to relevant City of South Perth and WAPC planning policies.

The process for preparing and advertising activity centre plans is contained in Part 5 of the Deemed Provisions (Schedule 2 of the Regulations) and includes requirements for the preparation of an Activity Centre Plan, public advertising and submission to the WAPC. Under Clause 34 of the Deemed Provisions, the local government must advertise the activity centre plan within 28 days of preparing the plan. The WAPC may take reasonable steps to ensure that plan is advertised if the local government fails to advertise an activity centre plan in accordance with this clause.

Following public advertising the local government must consider all submissions and make any modifications to the activity centre plan to address issues raised in the submissions. The local government must then prepare a report to the WAPC, including a recommendation on whether the proposed activity centre plan should be approved with or without modifications, or refused. The WAPC may decide to approve, require modifications or refuse to approve the activity centre plan.

The provisions of Part One of the ACP will be required to be given due regard in determining development applications. Part Two of the ACP will function as a strategic guide to TPS6 and may provide additional context for applying discretion for development in the ACP Area.

The proposed Amendment No. 61 is considered to be a complex amendment under the Regulations for the following reasons:

- i. The land the subject of the amendment is not addressed by a Local Planning Strategy; and

- ii. The amendment relates to development that will have an impact that is significant relative to development in the locality.

The draft ACP and proposed Amendment No. 61 are to be considered together and therefore will follow the same approval and public consultation process, as required for complex scheme amendments. This process will also incorporate all of the requirements for public consultation and approval of activity centre plans, as outlined above. The statutory process for complex scheme amendments is set out in Part 5, Divisions 1 and 2 of the Regulations.

### **Financial Implications**

The preparation of the draft ACP and proposed Amendment No. 61 is included in the 2018/2019 operational budget.

### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Activated places
Strategies:	Facilitate activity centres and neighbourhood hubs that offer a diverse, viable and attractive mix of uses; Reinforce the South Perth peninsula as the City's primary activity centre by reinvigorating key assets and destinations
Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcomes:	Sustainable built form
Strategies:	Develop a local planning framework to meet current and future community needs and legislative requirements • Promote and facilitate contemporary sustainable buildings and land use
Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Advocacy
Strategies:	Advocate for public infrastructure improvements including South Perth train Station and ferry services

### **Attachments**

Nil