

# City of South Perth

## Town Planning Scheme No. 6

### Amendment No. 61

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## Proposal to Amend a Town Planning Scheme

- |   |   |
|---|---|
| 1. Local Authority:                     | City of South Perth   |
| 2. Description of Town Planning Scheme: | Town Planning Scheme No. 6  |
| 3. Type of Scheme:                      | District Zoning Scheme  |
| 4. Serial No. of Amendment:             | Amendment No. 61  |
| 5. Proposal:                            | To implement the South Perth Activity Centre Plan by introducing objectives and development requirements. |

# Town Planning Scheme No. 6 Amendment No. 61

## AMENDMENT DOCUMENTS

PLANNING AND DEVELOPMENT ACT 2005

**Resolution to Prepare an Amendment to a Local Planning Scheme**

**City of South Perth Town Planning Scheme No. 6**

**Amendment No. 61**

**RESOLVED THAT** the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. For 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, being the land outlined in Provision 1 of Schedule 9B:
  - (a) Rezoning this land to 'Centre';
  - (b) Re-coding this land to R-AC0;
  - (c) Amending the Scheme Map accordingly;
  - (d) Amending the Scheme Map – Building Height Plan to show this land referring to Schedule 9B.
2. Amending the Scheme Map to delete Special Control Area 1 – South Perth Station Precinct.
3. Deleting clause 3.2(o) and amending the Scheme Maps by deleting Precinct 15 – South Perth Station;
4. Replacing clause 3.3(9) as follows:

'For all development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, land use controls are contained in Schedule 9B and Schedule 13.'
5. Modifying clause 4.3(1)(c) to replace reference to Special Control Area 1 'South Perth Station Precinct' with 'the South Perth Activity Centre Plan as defined in Provision 1 of Schedule 9B.';
6. Deleting clause 4.3(1)(m) relating to the special application of the Residential Design Codes within SCA1 South Perth Station Precinct;
7. Modifying clause 4.3(1)(n) to replace reference to 'Schedule 9A' with 'Schedule 9B';
8. Replacing clause 4.7(3) as follows:

'For any dwellings within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 4.7 and Table 2 do not apply.'
9. Replacing clause 5.1(6) as follows:

'For any development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.1 and Table 3 do not apply.'
10. Replacing clause 5.3(3) as follows:

- ‘For any development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.3 and Table 5 do not apply.’
11. Deleting clause 6.1A(10) and renumbering remaining sub-clauses of 6.1A accordingly;
  12. Modifying new clause 6.1A(10)(a) to read as follows:  
‘(a) In the Centre zone building height shall be measured in accordance with the relevant provisions contained in any relevant schedule of this Scheme or the Activity Centre Plans applicable to the Activity Centre, whichever is applicable.’
  13. Adding a new sub-clause (c) to new clause 6.1A(10) to read as follows:  
‘(c) For development within the South Perth Activity Centre Plan, the building height limits are as prescribed in Schedule 9B and Schedule 13.’
  14. Deleting clause 6.3A(8);
  15. Modifying clause 6.3(13) to read as follows:  
‘(13) For development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in the South Perth Activity Centre Plan and Schedule 13.’
  16. Modifying clause 6.4(6) to read as follows: :  
‘(6) For development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, requirements relating to bicycle parking and end-of-trip facilities are contained in the South Perth Activity Centre Plan and Schedule 13 and the provisions of clause 6.4 do not apply.’
  17. Modifying clause 7.8(2)(d) to read as follows:  
‘(d) The provisions contained in Schedule 9B applicable to development within the South Perth Activity Centre as defined by Provision 1 of Schedule 9B and Schedule 13; and’
  18. Deleting clause 10.1(1)(b);
  19. Amending the notation in Table 1: Zoning – Land Use for the Centre Zone as follows:  
‘Land use permissibility subject to an adopted and endorsed Activity Centre Plan or any applicable schedule of the Scheme, unless otherwise agreed by the local government.’
  20. Adding the following land use to Schedule 1: Definitions:  
‘**serviced apartment**’: means a group of units or apartments providing —  
(a) self-contained short stay accommodation for guests; and  
(b) any associated reception or recreational facilities.
  21. Deleting Schedule 9A - Special Control Area SCA1 – South Perth Station Precinct;
  22. Inserting a new Schedule 9B – South Perth Activity Centre as follows:

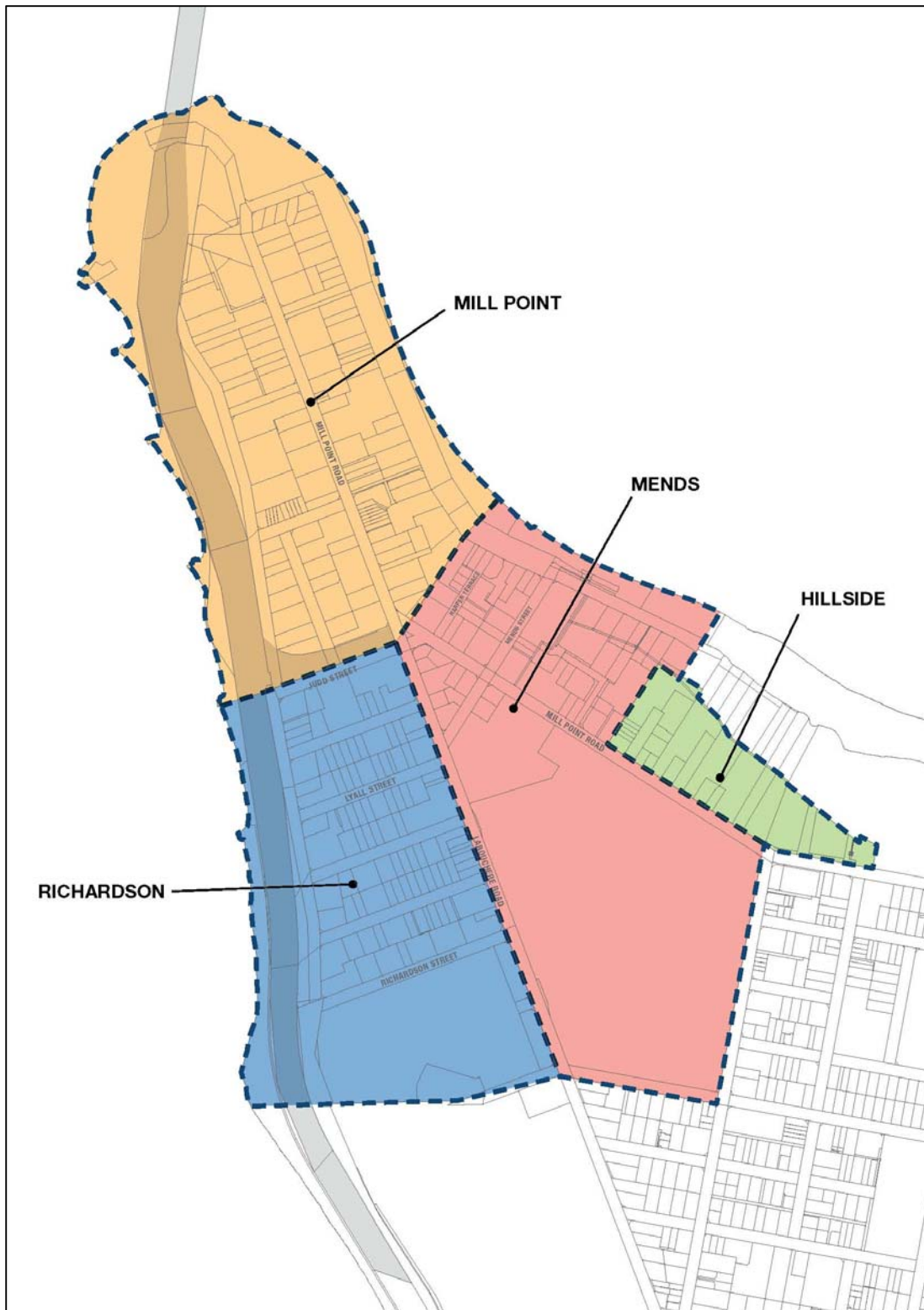
## SCHEDULE 9B

### SOUTH PERTH ACTIVITY CENTRE

#### **Provision 1 Land comprising South Perth Activity Centre**

The South Perth Activity Centre Plan area (**ACP Area**) is delineated on Map 1. This Schedule applies to all land within the ACP area with the exception of the triangular shaped lot bound by Mends Street, Labouchere Road and Mill Point Road (**landmark site**).

#### **Map 1: South Perth Activity Centre Plan area**



## Provision 2    Operation of Schedule 9B

1. This schedule is to be read in conjunction with the South Perth Activity Centre Plan. All new development proposed within the ACP Area:
  - a. shall comply with the development requirements contained in Provision 5 of this Schedule; and

- b. be considered for approval having due regard to the South Perth Activity Centre Plan.
2. In applying the development requirements referred to in clause 1(a), there must be due regard to the relevant provisions of the South Perth Activity Centre Plan.
3. Within the ACP Area :
  - a. the provisions of this Schedule and the Activity Centre Plan do not apply to the following forms of development :
    - i. alterations and/or additions within the approved building envelope;
    - ii. renovations or repairs to buildings;
  - b. the forms of development referenced in paragraph 3(a) are subject to all other relevant provisions of the Scheme and any applicable local planning policies.

### Provision 3     Definitions

1. In this Schedule:

**‘Activity Centre Plan’** or **‘ACP’** means the activity centre plan for the ACP Area approved by the Commission under Part 5 of the Deemed Provisions.

**‘building height’** has the same meaning as ‘height, building’ in Appendix 1 of the R-Codes.

**‘building envelope’** means the volume on a site within which development may occur, as defined by:

- (a) Setbacks and boundary wall lengths for podiums;
- (b) Other podium controls (height, site cover);
- (c) Tower setbacks.
- (d) Tower floorplate sizes.
- (e) Tower height limits.

**‘gross floorplate area’** means the gross total area of one floor of a building including the area of any internal and external walls.

**‘heritage place’** has the same meaning as contained in clause 13(1) of the Deemed Provisions.

**‘landmark site’** means the land identified on Map 1, bounded by Labouchere Road, Mill Point Road and Mends Street.

**‘plot ratio’** means the ratio of gross total area of all floors of buildings on a development site to the area of the development site. The gross total area of all floors of buildings on a development site includes the area of any internal and external walls but does not include:

- the areas of any lift shafts, stairs or stair landings common to two or more dwellings or tenancies;
- machinery, air conditioning and equipment rooms;
- space that is wholly below natural ground level;
- lobbies;
- bin storage areas and passageways to bin storage areas;
- amenities areas common to more than one dwelling or tenancy (excluding vehicular manoeuvring space or visitor parking at or above ground level and located within buildings); or
- balconies, eaves, verandahs, courtyards and roof terraces.

**‘podium’** means the ground and lower levels of a multistorey building that provide a clearly differentiated base, above which all higher parts of the building are situated.

**‘podium site cover’** means the area of the development site which is covered by the podium.

**‘public benefit contribution’** means a monetary or in-kind contribution paid or provided to the local government in order to gain approval of development with additional building height and/or plot ratio above the base building height and/or plot ratio limit contained in Provision 5.

**‘short-term accommodation’** has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**‘tourist development’** has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*.

**‘tower’** means the part of a building above the podium or, where the building does not include a podium, a free standing building that exceeds the height permitted for a podium.

2. A reference to a map or table in this Schedule is a reference to a map or table which forms part of this Schedule.

#### **Provision 4 Character Areas**

1. The ACP Area is divided into four character areas, as shown on Map 1.
2. The character areas have the following objectives:
  - a. Mends:
    - i. The Mends character area will feature a mix of uses, including significant retail activity and office, residential and short stay uses.
    - ii. Development shall present articulated street frontages and cater for high levels of activity.
    - iii. Retail tenancies should be designed to engage with the street environment, with a focus on Mends Street.
    - iv. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential use on the upper floors.
    - v. Building height and massing should be reflective of the area’s location near a transit node (South Perth Ferry Terminal); including potential for larger scale buildings that support public transport use.
    - vi. Buildings should be designed to minimise negative amenity impacts on Windsor Park and Perth Zoo.
    - vii. Setbacks above podium level along Mends Street should be calibrated to maintain its human-scale feel.
    - viii. Open spaces should be urban and functional. The South Perth Foreshore should provide contrast with the hard-edged character of Elizabeth Quay through the use of soft landscaping.



- ix. The South Perth Foreshore should be reinforced as a key attraction for visitors, with public realm upgrades, community facilities and appropriate commercial uses bringing new life and vitality to the area.
  - x. Development and activity should expand and support use of the ferry for both visitors and commuters.
  - xi. Public spaces should be enhanced nearby to the Mends Street Jetty and between Mill Point Road and Labouchere Road to create central civic spaces for the Activity Centre Plan area.
  - xii. The South Perth Esplanade should be upgraded as a low speed waterfront boulevard and park with pedestrian and cyclist movements prioritised.
- b. Richardson:
- i. The Richardson character area will feature an eclectic mix of building heights, including taller buildings, a range of lot sizes and a mix of uses.
  - ii. Active street frontages will be concentrated along Labouchere Road, Richardson and Lyall Streets to enable vibrant, active links to Perth Zoo, Mends Street and a future South Perth Train Station.
  - iii. Traditional office, small scale shops and other commercial uses are encouraged on the ground and lower floors with a mix of office and residential on the upper floors.
  - iv. Development opportunities should be maximised in this area, particularly through coordinated development and amalgamation of smaller lots
  - v. Tall buildings should be dispersed throughout the area, based on availability of development sites, generally stepping down in height towards Labouchere Road and Melville Water to allow mid-block views.
  - vi. Buildings should be adaptable and able to accommodate residential and commercial uses.
  - vii. Street setback areas, where provided, should provide soft landscaping and relief at the human scale.
  - viii. Appealing mid-block pedestrian connections should be provided where possible to achieve better connections between streets and open spaces.
  - ix. Amenity impacts from the freeway should be managed with a visual and physical buffer through the use of landscaping, tree planting and low sound walls.
  - x. The wide streets in the area provide an opportunity to improve amenity for pedestrians, cyclists and residents.
  - xi. Portions of Richardson Park not utilised as sports grounds should be upgraded to create active edges incorporating play spaces, exercise equipment and landscaping elements.
- c. Mill Point:
- i. The Mill Point character area will be mainly residential and characterised by green, leafy streets.
  - ii. Development should be predominantly residential, with buildings set back from the street and ground floors activated by street-accessible

apartments, lobbies or small scale commercial tenancies where appropriate.

- iii. Limited commercial development, such as small scale local shops or cafes, may be considered appropriate in selected locations.
- iv. Architecture should reflect the garden character of the area through the incorporation of green roofs and living walls where appropriate.
- v. Taller buildings should aim to minimise undue impacts on solar access and preserve view corridors between buildings wherever possible.
- vi. Building heights should generally step down towards the Northern end of the South Perth Peninsula and the Swan River in accordance with the applicable Building Height and Plot Ratio Limits to establish a cohesive skyline form and preserve view corridors.
- vii. Street setback areas should be lushly landscaped to provide pedestrian respite and street trees.
- viii. Mature street trees should be protected and replaced over time as required to maintain greenery in the streets.
- ix. The South Perth Esplanade should be upgraded as a low speed waterfront boulevard and park with pedestrian and cyclist movements prioritised.
- x. Publicly-accessible private open spaces should be provided at key locations along Mill Point Road.
- xi. Amenity impacts from the freeway should be managed with a visual and physical buffer through the use of landscaping, tree planting and low sound walls.

d. Hillside:

- i. A largely residential area, with some opportunity for non-residential uses nearer to Mends Street and along Mill Point Road and South Perth Esplanade.
- ii. There are a variety of building heights and styles, including taller buildings overlooking the Swan River and Perth Zoo.
- iii. Buildings should minimise undue impacts on solar access and preserve view corridors between buildings wherever possible. .
- iv. Architecture should contribute to the existing diversity of styles in the area, whilst complementing the unembellished and rectilinear character of existing buildings.
- v. Where practicable, buildings should be generously set back from Mill Point Road in continuance of the existing character.
- vi. Development along the South Perth Esplanade should generally reflect historic setbacks but provide active commercial ground floors in appropriate locations that extend visitor-based commercial activity to the waterfront.
- vii. Appealing mid-block pedestrian connections should be provided where possible to achieve better connections between Mill Point Road and the Foreshore.

- viii. Ray and Darley Streets should be designed to provide adequate space for pedestrian and cyclist movement while remaining functional in serving businesses and residences.
- ix. The South Perth Esplanade should be upgraded as a low speed waterfront boulevard and park with pedestrian and cyclist movements prioritised.

## Provision 5 Development Requirements for New Development

### Element 1: Zoning, residential density coding and land uses

- 1.1 The ACP Area is zoned Centre and has a residential density code of R-AC0.
- 1.2 The permissibility of uses of land in the character areas is determined by the cross reference between the list of land uses on the left-hand side of Table 1 and the list of character areas on top of Table 1.
- 1.3 The symbols used in Table 1 of the Schedule have the meanings set out in clause 3.3(3) of this Scheme.
- 1.4 A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the uses defined in Schedule 1 of this Scheme may only be approved if notice of the development is first given in accordance with clause 64 of the Deemed Provisions, and shall be determined having regard to:
  - 1.4.1 Objectives of the character area, and
  - 1.4.2 Relevant provisions of the Scheme and ACP
- 1.5 In addition to Table 1, the preferred land uses at ground floor level for each character area are as follows:

Mends: Retail Uses (including Café/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Local Shop, Shop, Small Bar, Take-Away Food Outlet, Tavern)

Mill Point: Residential Uses (Multiple Dwelling), with limited retail (Café/Restaurant, Local Shop)

Hillside: Residential Uses (Multiple Dwellings), with retail uses (Café/Restaurant, Shop) on South Perth Esplanade and offices and retail uses (Café/Restaurant, Shop, Local Shop) on Mill Point Road

Richardson: Retail Uses (including Café/Restaurant, Local Shop, Shop, Small Bar, Takeaway Food Outlet) and Offices

**Table 1: Land Use Permissibility**

Land Uses	Character Area			
	Mends	Richardson	Hillside	Mill Point
<b>Residential Land Uses</b>				
Single House	X	X	X	X
Ancillary Accommodation	X	X	X	X
Grouped Dwelling	X	X	X	X
Multiple Dwelling	P	P	P	P
Aged or Dependent Persons' Dwelling	D	D	D	D
Single Bedroom Dwelling	D	D	D	D
Residential Building	DC	DC	DC	DC
Student Housing	P	P	DC	DC
Bed and Breakfast Accommodation	P	D	D	D
Home Business	D	D	P	P
Home Occupation	D	D	D	D

Home Office	P	P	P	P
<b>Non-Residential Land Uses</b>				
Aged or Dependent Persons Amenities	D	D	D	D
Café/Restaurant	P	P	DC	DC
Child Day Care Centre	D	D	DC	DC
Cinema / Theatre	D	DC	X	X
Civic Use	P	P	D	D
Club Premises	D	D	X	X
Convenience Store	P	P	DC	DC
Educational Establishment	D	D	DC	DC
Family Day Care	X	X	DC	DC
High Level Residential Aged Care Facility	D	DC	DC	DC
Hospital	DC	DC	X	X
Hotel	D	D	X	X
Indoor Sporting Activities	DC	DC	DC	X
Industry - Light	X	X	X	X
Industry - Service	X	X	X	X
Liquor Store – (Large)	X	X	X	X
Liquor Store – (Small)	D	DC	X	X
Local Shop	P	P	D	D
Market	D	D	X	X
Mixed Development	D	D	D	D
Motor Vehicle and Equipment Hire	X	X	X	X
Motor Vehicle and Marine Sales Premises	X	X	X	X
Motor Vehicle Wash	DC	X	X	X
Night Club	DC	X	X	X
Office	P	P	D	DC
Public Parking Station	P	P	X	X
Public Utility	P	P	D	D
Radio and Television Installation	D	D	X	X
Reception Centre	D	D	X	X
Religious Activities	DC	DC	X	X
Research and Development	D	D	X	X
Restricted Premises	X	X	X	X
Service Station	DC	X	X	X
Serviced Apartment	D	D	X	X
Shop	P	P	DC	X
Showroom	X	X	X	X
Small Bar	D	D	DC	DC
Take-Away Food Outlet	P	P	X	X
Tavern	D	D	X	X
Telecommunications Infrastructure	D	D	DC	DC
Tourist Accommodation	D	D	DC	DC
Tourist Development	D	D	DC	DC
Veterinary Clinic	D	D	DC	X

**Element 2: Building Height**

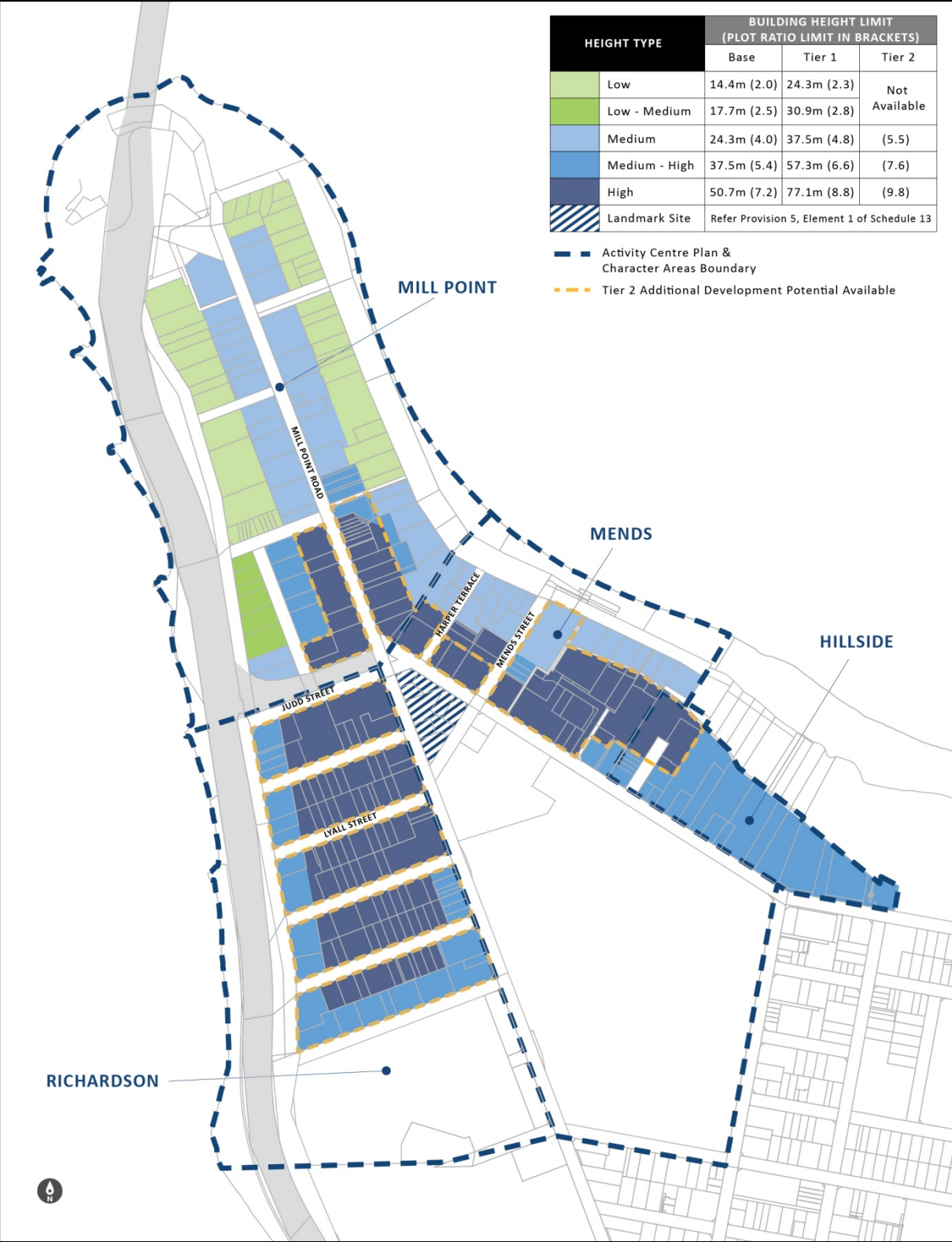
2.1 Subject to clauses 2.2 and 2.3, the building height of a building must not exceed the applicable base building height limit contained in Map 2 and Table 2.

- 2.2 Subject to clause 2.3, a building may be approved with building height in excess of the applicable base building height limit but no greater than the applicable Tier 1 additional building height limit contained in Map 2 and Table 2 if the requirements of Element 7 of this Schedule are satisfied.
- 2.3 A building may be approved with building height in excess of the applicable Tier 1 additional building height limit if:
- (a) the site of the building is one which Map 2 and Table 2 identify as being subject to Tier 2 additional building height; and
  - (b) the requirements of Element 7 of this Schedule are satisfied; and
  - (c) the plot ratio of the building does not exceed the applicable Tier 2 additional plot ratio limit referred to in element 6.

**Table 2: Building Height Limits**

Height Type	Base Building Height Limit	Tier 1 Additional Building Height Limit	Tier 2 Additional Building Height Limit
<i>Low</i>	<i>14.4m</i>	<i>24.3m</i>	<i>Not Available</i>
<i>Low-Medium</i>	<i>17.7m</i>	<i>30.9m</i>	<i>Not Available</i>
<i>Medium</i>	<i>24.3m</i>	<i>37.5m</i>	<i>Where available as outlined on Map 2 no maximum height limit applies; however development cannot exceed the maximum permissible plot ratio for the subject site in accordance with Element 6.</i>
<i>Medium-High</i>	<i>37.5m</i>	<i>57.3m</i>	
<i>High</i>	<i>50.7m</i>	<i>77.1m</i>	

Map 2: Building Height and Plot Ratio Limits



**Element 3: Podium Setbacks, Height and Site Cover**

- 3.1 Podium setbacks, height and site cover shall be in accordance with Table 3 and Map 3.
- 3.2 Podium street setbacks may be calculated by averaging the street setback in the Mends, Hillside and Richardson character areas in the manner provided under the ACP. Calculating street setbacks by averaging the setback is not permitted in the Mill Point character area.
- 3.3 Podium side setbacks may be varied down to nil within the Mill Point, Hillside and Richardson character areas having due regard to the objectives set out in Provision 4 for the relevant character area and the requirements of Section 4.1.2.4 of Part 1 of the ACP.
- 3.4 Notwithstanding Elements 3.1 to 3.3, greater setbacks may be required by the local government for development adjacent to a heritage place, having regard to the visual significance and integrity of the heritage place.

**Table 3: Podium Setbacks, Height and Site Cover**

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
<b>Podium Setbacks</b>	<i>Podium Street Setback</i>	3.0m behind street setback on Map 3	5.0m from road carriageway kerb line or as per Map 3 (whichever is greater)	3.0m behind street setback on Map 3	As per Map 3
	<i>Podium Side Setback (Minimum)</i>	4.0m (discretion to vary to nil in accordance with Element 3.3)	Nil	4.0m (discretion to vary down to nil in accordance with Element 3.3)	4.0m (discretion to vary down to nil in accordance with Element 3.3)
	<i>Podium Rear Setback (Minimum)</i>	4.0m	Nil	4.0m	4.0m
<b>Podium Height and Boundary Walls</b>	<i>Podium Element Maximum number of storeys and building height (at Street frontage)</i>	Two storeys and 7.8 metres (Three storeys and 11.1 metres within "tier 2 additional height and plot ratio" area identified on Map 2)	Three storeys and 11.1 metres	Two storeys and 7.8 metres	Three storeys and 11.1 metres
	<i>Maximum number of storeys and building Boundary Wall Height</i>	Two storeys and 7.8 metres	Three storeys and 11.1 metres	Two storeys and 7.8 metres	Two storeys and 7.8 metres



	<i>Maximum Boundary Wall Length</i>	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.	No limit	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.
<b>Podium Site Cover</b>	<i>Podium Site Cover</i>	70% (80% within " tier 2 additional height and plot ratio " area identified on Map 2)	90%	70%	80%



Map 3: Street Setbacks



**Element 4 Tower Setbacks and Separation**

- 4.1 Tower setbacks must be in accordance with Table 4.
- 4.2 Tower street setbacks in Table 4 may be reduced to not less than the podium street setback as per Map 3 within the Richardson character area where:
- (a) The podium setback requirement as per Map 3 is 5 metres or 6 metres; and
  - (b) the podium is set back from the street at a greater distance than the tower, to extend the tower element to the ground; and
  - (c) if appropriate having due regard to the objectives and requirements of Section 4.1.3 of Part 1 of the South Perth Activity Centre Plan and advice from the Design Review Panel.
- 4.3 Notwithstanding Element 4.1, two or more towers within a single development site shall be separated by a minimum of 8 metres or 8% of building height (whichever is greater), inclusive of balconies.

**Table 4: Tower Setbacks**

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Element Street Setback	As per the street setbacks on Map 3	4.0m behind the average street setback of the podium	As per the street setbacks on Map 3	4.0m behind the required podium street setback on Map 3 (discretion to reduce to not less than the podium street setback on Map 3 in accordance with Element 4.2)
Tower Element Side and Rear Setback	Minimum 4.0 metres or 5% of building height (whichever is greater) for both side and rear setbacks	Minimum 4.0 metres or 5% of building height (whichever is greater) for both side and rear setbacks	Minimum 4.0 metres or 5% of building height (whichever is greater) for both side and rear setbacks	Minimum 4.0 metres or 5% of building height (whichever is greater) for both side and rear setbacks

**Element 5: Tower Maximum Gross Floorplate Area**

- 5.1 The maximum gross floorplate area of each floor of a tower shall not exceed the percentage of total site area set out in Table 5; and
- 5.2 Balconies projecting up to 2.4 metres from the enclosed part of the building floorplate may be excluded from the maximum gross floorplate area provided that the balcony is open on at least two sides and balustrades are visually permeable.

**Table 5: Tower Maximum Gross Floorplate Area (percentage of total site area)**

Character Area	Maximum gross floorplate area where base building height limit is to apply	Maximum gross floorplate area where tier 1 additional building height limit is to apply	Maximum gross floorplate area where tier 2 additional building height is to apply
Mends (excl. Landmark Site)	50%	40%	30%
Mill Point	50%	40%	30%
Richardson	50%	40%	30%
Hillside	40%	30%	20%

**Element 6: Plot Ratio**

- 6.1 Subject to clauses 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable base plot ratio limit contained in Map 2 and Table 6.
- 6.2 Subject to clause 6.3, a building may be approved with plot ratio in excess of the applicable base plot ratio limit, but not greater than the applicable Tier 1 additional plot ratio limit contained in Map 2 and Table 6, if the requirements of Element 7 of this Schedule are satisfied.
- 6.3 A building with plot ratio in excess of the applicable Tier 1 additional plot ratio limit shall not be approved unless:
- (a) the site of the building is one which Map 2 and Table 6 show as being subject to a Tier 2 additional plot ratio limit;
  - (b) the plot ratio of the building does not exceed the applicable Tier 2 additional plot ratio limit; and
  - (c) the requirements of Element 7 of this Schedule are satisfied.

**Table 6: Plot Ratio Limits**

Height Type (refer to Map 2)	Base Plot Ratio Limit	Tier 1 Additional Plot Ratio Limit	Tier 2 Additional Plot Ratio Limit
Low	2.0	2.3	Not Available
Low-Medium	2.5	2.8	Not Available
Medium	4.0	4.8	5.5
Medium-High	5.4	6.6	7.6
High	7.2	8.8	9.8

**Element 7 Approval for Additional Development Potential (Height and Plot Ratio)**

- 7.1 Approval of development with additional building height and/or plot ratio in excess of base building height limit and/or base plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless:

- 7.1.1 approval of the proposed development would be appropriate having due regard to:
  - (a) the relevant matters in clause 67 of the Deemed Provisions; and
  - (b) the objectives and vision of the ACP; and
  - (c) the relevant character area objectives contained in Provision 4 of this Schedule and the relevant character statement contained in Part 1 of the ACP; and
  - (d) the relevant objectives of 4.1.1 Building Height and 4.2 Plot Ratio contained in Part 1 of the ACP; and
  - (e) whether the proposed development satisfies the other development requirements of Provision 5 of this Schedule and Part 1 of the ACP including but not limited to requirements relating to overshadowing, setbacks and tower maximum gross floorplate area.
- 7.1.2 the additional height and/or plot ratio will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
- 7.1.3 the development is of an exceptional standard of design and makes a unique contribution to the built form of the character area and in considering these matters, there shall be due regard to the advice of the local government's nominated Design Review Panel or any other suitably qualified consultants appointed by the local government for the purpose of advising on the design of the development; and
- 7.1.4 a public benefit contribution to the value of the additional plot ratio above the applicable base building height or plot ratio limit (whichever is the greater amount of additional plot ratio) is provided in accordance with Provision 7.2 of this Schedule and having due regard to Section 7 of the ACP.
- 7.2 The public benefit contribution required under Element 7.1.4 shall be calculated according to the following method:
  - 7.2.1 The applicant for development approval shall provide an independent valuation of the subject site, to be agreed by the local government at the time of lodgment of a development application;
  - 7.2.2 The value per square metre of the base plot ratio applicable to the subject site shall be calculated as follows:  
$$\text{land value of the development site} / (\text{base plot ratio} \times \text{site area}) = \text{value of plot ratio} (\$/\text{m}^2)$$
  - 7.2.3 The amount of plot ratio of a proposed development above the base building height limit or base plot ratio limit shall be calculated as follows:
    - (a)  $\text{proposed plot ratio} - \text{base plot ratio} = \text{additional plot ratio}$
  - 7.2.4 or
    - (b)  $\text{proposed plot ratio area above the base building height limit} / \text{site area} = \text{additional plot ratio}$
  - 7.2.5 Where under clause 7.2.3 calculations can be undertaken under paragraphs (a) and (b) of that clause, the higher of the 2 calculations shall be used.
  - 7.2.6 The additional plot ratio area shall be calculated as follows:  
$$\text{additional plot ratio} \times \text{site area} = \text{additional plot ratio area} (\text{m}^2)$$
  - 7.2.7 The amount of public benefit contribution shall be calculated as follows:  
$$\text{additional plot ratio area} (\text{m}^2) \times \text{value of plot ratio} (\$/\text{m}^2) = \text{public benefit contribution} (\$)$$
- 7.3 The public benefit contribution required under Element 7.1.4 shall be paid to the local government:
  - 7.3.1 Prior to the commencement of the development; or

- 7.3.2 Where the public benefit contribution items are provided on site in lieu of a monetary contribution, prior to occupation of the development.
- 7.4 Development which exceeds the maximum additional height, maximum tower gross floorplate area or maximum additional plot ratio which applies to the development under Elements 2, 5 and 6 of this Schedule shall not be approved.

23. Deleting the entirety of the columns of Table 1 – Zoning Table relating to the ‘Mixed Use Commercial’ and ‘Mends Street Centre Commercial’ zones.
24. Deleting the entirety of any rows in Table 3 – Development Requirements for Non-Residential Uses in Non-Residential Zones relating to the ‘Mends Street Centre Commercial’ and ‘Mixed Use Commercial’ zones.
25. Deleting the entirety of any rows in Table 6 relating to the ‘Mends Street Commercial Centre’ zone;
26. Deleting criteria relating to Precinct 1 – Mill Point, contained in clause 3.1 of Schedule 3 – Dual Density Codings: Performance Criteria for Determination of Applicable Coding as relevant to the R60/80 and R80/100 codes.
27. Deleting ‘DCA1’, the associated ‘Description of Land’ and ‘Development Contribution Plan’ from the table contained in Schedule 10 and deleting this annotation from the Scheme Map.
28. Adding the following text to Schedule 12:

No.	Description of Land	Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan
2.	South Perth Activity Centre Plan area	Development requirements in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B are set out in Schedule 9B (with the exception of the Landmark Site) and Schedule 13 (for the Landmark Site).

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and
- The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

Dated this \_\_\_\_ day of \_\_\_\_\_

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GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

# Town Planning Scheme No. 6 Amendment No. 61

## AMENDMENT DOCUMENTS

# Report on Amendment No. 61 to Town Planning Scheme No. 6

## 1. INTRODUCTION

The purpose of Amendment No. 61 to Town Planning Scheme No. 6 is to implement the South Perth Activity Centre Plan (ACP, Appendix 1) by introducing key development requirements into the Scheme to provide certainty for all stakeholders. Specifically the amendment proposes 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 South Perth Activity Centre Plan area (ACP area) includes the land north of (and including) Richardson Park and Perth Zoo, and bounded by the Swan River (Perth and Melville Waters) in South Perth.

The amendment proposes to rezone the subject land to Centre (excepting those areas currently reserved for 'Parks and Recreation' or 'Civic and Cultural' under the Metropolitan Region Scheme), with a residential density code of R-AC0, and to replace Schedule 9A with a new Schedule 9B. The new Schedule 9B contains the objectives for each character area within the ACP Area and development requirements that define the building envelope.

The amendment is to be read in conjunction with the South Perth ACP (Appendix 1), which provides a plan for the coordination of the future subdivision, zoning and development of the activity centre, regarding such matters as:

- overarching objectives and vision for the ACP Area;
- character area statements;
- activity;
- built form;
- movement and access;
- public realm;
- provision of public benefits in return for additional development potential (height and plot ratio); and
- monitoring and review.

## 2. SUBJECT AREA

The proposed amendment relates to the area covered by the draft South Perth ACP (Appendix 1), as shown on Figure 1, with the exception of the Landmark Site bounded by Labouchere Road, Mill Point Road and Mends Street. The Landmark Site is subject to proposed amendment no. 56, which introduces development requirements specific to that site via a separate schedule (proposed Schedule 13).



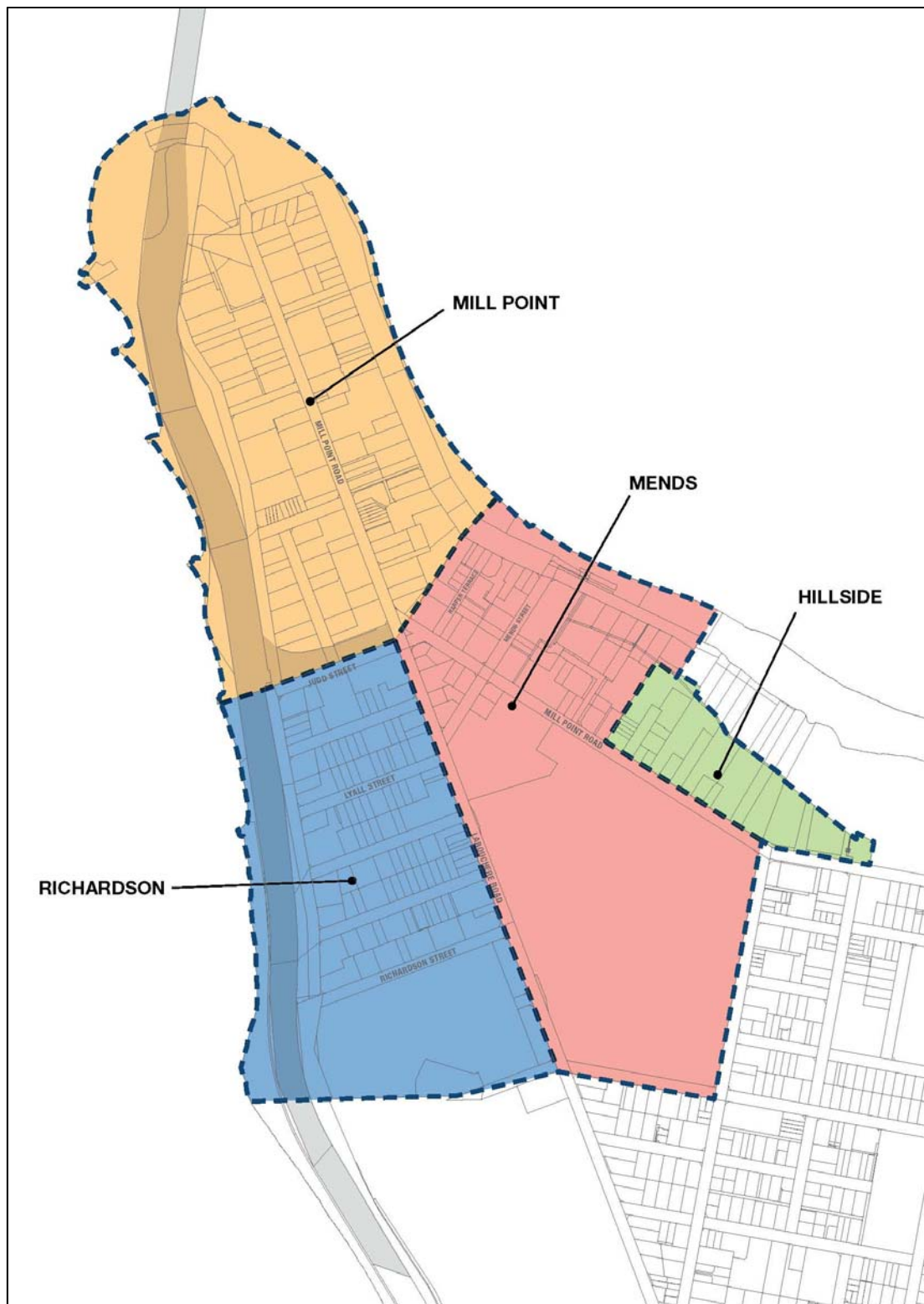


Figure 1: South Perth Activity Centre Plan Area (ACP area)

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 contains approximately 1,941 dwellings and 2,675 residents in addition to approximately 71,000 square metres of commercial floor space supporting 2,300 jobs, major tourist attractions in the South Perth Foreshore and Perth Zoo that bring almost 120,000 tourists and visitors per year, as well as numerous sporting and



community facilities.

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 high frequency 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 10-minute walkable radius of 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. The area is a naturally defined area bounded by the Swan River on three sides and separated from the suburban area of South Perth by Sir James Mitchell Park, Royal Perth Golf Course and Perth Zoo. These features define a logical boundary for the ACP area.

### 3. CURRENT SCHEME POSITION

The ACP area is shown in Figure 2 as it currently appears in TPS6, including the South Perth Station Precinct (Special Control Area 1 in the TPS6). The remainder of the ACP area is reserved for Parks and Recreation, Civic and Cultural, Mixed Use Commercial, or Residential. Those areas zoned Mixed Use Commercial or Residential have a residential density code of between R30 and R80/100.



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The planning framework, primarily the Scheme provisions, for the current station precinct was reviewed between 2015 and 2017 via a town planning scheme amendment to correct anomalies, clarify ambiguities and strengthen performance criteria for building height variations (Amendment No. 46), a review of the scheme provisions and geographic extent of the precinct (undertaken in 2016) and a community engagement exercise to review the existing vision for the area (the Place and Design Project, undertaken in 2017). Table 1 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. 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</p>

	<p>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. 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 above recommendation the South Perth Peninsula Place and</p>

	<p>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 this Scheme Amendment.</p>
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*Table 1: History of the existing planning framework*

The proposed ACP and associated 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.

### 3. PROPOSED SCHEME AMENDMENT NO. 61

#### Purpose of the proposed amendment

The purpose of the amendment is to implement the South Perth Activity Centre Plan and incorporate the key built form provisions that define the building envelope into the Scheme to provide certainty and clarity to all stakeholders.

#### Application of amendment provisions

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 proposed Schedule 13 of the scheme), referred to as the landmark site;
- alterations and/or additions within the approved building envelope; and
- renovations or repairs to buildings.



Schedule 9B is to be read in conjunction with the South Perth Activity Centre Plan (ACP). The ACP comprises:

- Part One: : Implementation Section
- Part Two: Explanatory Section
- Appendices: Economic and Demographic Assessment; Transport and Movement Analysis

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

#### Proposed amendment

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

- 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.
- 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:
  - o Land comprising the South Perth Activity Centre (shown on Figure 3);
  - o Operation of the schedule;
  - o Definition of terms used in the schedule;
  - o Objectives for the four character areas that comprise the ACP Area (shown on Figure 3);
  - o Development requirements for new development, including:
    1. Zoning, residential density coding and land uses;
    2. Building height;
    3. Podium setbacks, height and site cover;
    4. Tower setbacks and separation;
    5. Tower maximum gross floorplate area;
    6. Plot ratio; and
    7. Approval for additional development potential (height and plot ratio).
- Amendments to various clauses within the Scheme to reference the new Schedule 9B.
- Modifications to the zoning table to delete reference to redundant zones resulting from this amendment and reference Schedule 9B for the column relating to the Centre zone.
- 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.
- Amending the Scheme maps accordingly

The key provisions of Schedule 9B are discussed in further detail below. A map of the area proposed to form the ACP Area is at Figure 1.

### Character areas

The ACP Area is divided into four character areas, as shown on Figure 3, which were identified through the South Perth Peninsula Place and Design Report in 2017. The proposed Schedule 9B includes objectives for each character area, which are intended to be read in conjunction with the character area statements contained in the ACP to guide the development of each of the character areas.

The character area statements and objectives are to be considered in the application of discretion regarding development in the ACP Area.

### Zoning, residential density coding and land uses

The ACP Area is proposed to be zoned Centre and have a residential density code of R-AC0.

The permissibility of uses of land in the four character areas is set out in Table 1 of Schedule 9B. In addition to Table 1, preferred land uses at ground floor level for each character area are set out in the schedule.

### Building height, plot ratio and tower gross floorplate area

Schedule 9B provides building height limits, plot ratio and tower gross floor plate limits applicable to all development within the ACP area (excepting the landmark site).

Building height and plot ratio limits are intended to control the amount of development permitted on any development site, provide sufficient space between buildings and to encourage buildings to consider the best allocation of height and plot ratio across a site.

Tower gross floorplate limits are designed to ensure that taller towers are increasingly slimmer, relative to the site area, and thus provide more space around them to mitigate wind, shadowing and visual impacts.

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 table below:

Base	Base limits (or as of right) apply to all properties within the ACP Area.  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).
Tier 1	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, and that the tower floorplate size is limited to 40% of the site area (30% in the Hillside character area).
Tier 2	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.  To develop at a building height and plot ratio greater than the Tier 1 limit.

	<p>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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#### Approval for additional development potential (height and plot ratio)

As mentioned above, Schedule 9B provides for the approval of additional building height and plot ratio in excess of the base building height limit and/or base plot ratio limit. This additional development potential shall not be granted unless:

- The proposed development:
  - o satisfies the relevant requirements of clause 67 of the Deemed Provisions;
  - o supports the vision, objectives and relevant character statement in the ACP;
  - o supports the relevant character area objectives in the schedule; and
  - o satisfies the other development requirements of the schedule and the ACP.
- The additional height and/or plot ratio will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
- The development is of an exceptional standard of design and makes a unique contribution to the built form of the character area, having due regard to the advice of the local government's nominated Design Review Panel or other suitably qualified consultants.
- Provided that the above pre requisite requirements are met, a public benefit contribution to the value of the additional plot ratio (calculated in accordance with the methodology contained in Schedule 9B and outlined below) above the applicable base building height or plot ratio limit (whichever is the greater amount of additional plot ratio) is provided.

Schedule 9B provides a methodology for calculating the abovementioned public benefit contribution based on an independent valuation of the subject land, which provides the basis to calculate the value per square metre of the base plot ratio allowed for the site. The amount of plot ratio of the proposed development above the base building height limit or base plot ratio limit (whichever is the greater amount of additional plot ratio) is then calculated and multiplied by the value per square metre of the base plot ratio to give an amount of public contribution. This amount must be paid to the local government, or provided on site in lieu of a monetary contribution, as a condition of development approval.

Where under Schedule 9B a public benefit contribution is required, 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
- place making initiatives.

#### Podium setbacks, height and site cover

Schedule 9B provides limits for podium setbacks, height and site cover applicable to all new development proposed within the ACP Area (excepting the landmark site). The schedule provides minimum street, side and rear setbacks for podium development, and specifies the circumstances in which the setback requirements may be varied and to what extent. Where development is proposed adjacent to a heritage place, the schedule provides for greater setbacks to be required, having regard to the visual significance and integrity of the heritage place.

Limits for podium height, and boundary wall height and length, are provided in the schedule, along with maximum podium site cover, which is expressed as a percentage of the total site area.

#### Tower setbacks and separation

Schedule 9B provides limits for tower setbacks to the street, side and rear boundaries applicable to all new development proposed within the ACP Area (excepting the landmark site). The schedule also specifies the circumstances in which the setback requirements may be varied and to what extent.

Schedule 9B requires two or more towers within a single development site to be separated by a minimum of 8 metres or 8% of building height (whichever is greater).

## **5. POLICY FRAMEWORK**

### Perth and Peel @3.5 Million (March 2018)

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, at the confluence of two urban corridors and with a future train station.

State Planning Policy 4.2: Activity Centres for Perth and Peel (August 2010)

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. It is predominantly concerned with the location, distribution, and broad land use of activity centres, as well as urban design criteria and coordinating land use and infrastructure planning. 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.

State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (September 2009)

State Planning Policy 5.4 (SPP5.4) provides criteria for the assessment of planning proposals on land adjacent to road or rail infrastructure that generates significant noise impacts. The policy includes principles that ensure sensitive developments are located away from noisy transport infrastructure and, where uses are located adjacent or nearby to such infrastructure, noise impacts are minimised.

The Kwinana Freeway and Perth-Mandurah rail line are adjacent to the ACP area and new noise-sensitive development in the vicinity of these noise sources must therefore comply with SPP5.4.

Development Control Policy 1.6 Planning to Support Transit Use and Transit Oriented Development (January 2006)

The purpose of Development Control Policy 1.6 (DC1.6) is to set out a position for planning and development around transport infrastructure, primarily aimed at improving access and increasing public transport demand. DC1.6 applies to ‘transit-oriented precincts’ within 800 metres of high frequency heavy rail or major bus transfer stations and within 400 metres of high frequency bus stops.

The South Perth Activity Centre is very well served by public transport, including four bus routes that run through the area, a ferry stop and potential future train station. The entire area subject to the proposed amendment is therefore a transit oriented precinct (as defined in the policy) and the activity centre plan and amendment have been prepared with regard to the recommendations of the policy to ensure that transport infrastructure is supported by suitable levels of population and activity.

## **6. PLANNING JUSTIFICATION**

South Perth Activity Centre Plan vision

The purpose of the proposed amendment no. 61 is to implement the draft South Perth ACP (Appendix 1) through incorporating the key built form provisions that inform the building envelope into the Scheme to provide certainty and clarity to all stakeholders. Both the proposed amendment and the draft ACP have been prepared following comprehensive review of the existing

planning framework in the subject area, as outlined above, including review of the existing scheme provisions, community and stakeholder engagement and visioning.

The overarching vision of the draft ACP was developed through the South Perth Place and Design project in 2017, and builds on the values and priorities of stakeholders. The overarching vision statement in the draft ACP is for the 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.*

In order to realise this vision, the draft ACP and proposed amendment no. 61 establish four character areas within the overall ACP Area and set objectives and development requirements for each area. This character area-based approach aims to ensure that the existing and desired future character of the ACP area will be celebrated and enhanced as the area continues to grow and evolve in support of the overarching vision.

### Forecast growth potential

The ACP and scheme amendment 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 ACP area. This also provides the basis for planning controls that manage the expected growth in support of the ACP vision and objectives. The estimate of future growth and demand informs the rationale set out in this document to justify the limits placed on development. Without an evidence base there is a high risk that planning requirements will not be appropriate to manage demand and this may lead to ad-hoc proposals that do not support the broader vision for the area set out in the ACP.

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

Table 2 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	Scenario (if Relevant)	Growth by 2041
Population	2,675	4,750	7,500	Medium-High	4,825
Dwellings	1,941	2,750	4,250	Medium-High	2,309
Employment	2,302	3,400	4,600	Low-Medium	2,298
Non-Residential Floor Space (sqm) including Retail Floor Space	71,000	94,000	122,500	Low-Medium	51,500

Indicator	Current	2031	2041	Scenario (if Relevant)	Growth by 2041
Retail Floor Space (sqm)	8,172	13,860	20,356	NA	12,184
Tourists/Visitors per annum	119,017	177,200	236,800	NA	117,783

*Table 2: Forecast demand for growth in the subject area*

State Planning Policy 4.2 Activity Centres for Perth and Peel (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 Centre is expected to grow

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 substantially 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 within the context of the Perth Metropolitan region as a whole and also respond to changing circumstances and needs (such as demographic, economic, and the overarching state policy framework).

The forecasts prepared to inform the draft ACP therefore indicate demand for growth beyond the year 2031 and beyond the SPP4.2 target density. The draft ACP and proposed amendment no. 61 have therefore been developed with reference to forecast growth over a longer timeframe to 2041, consistent with other State Government strategic planning policies, including Perth and Peel @3.5 Million. This is critical in ensuring that 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.

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 122,500 square metres 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 are 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 and Appendix 1 of the draft ACP.

#### 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, as well as areas that are predominantly commercial. The pattern of street blocks and lot sizes also varies across the ACP area, with the area north of Judd Street being characterised by large lots with long wide street blocks running in a north-south direction. West of Labouchere Road, five narrower street blocks run east-west, with a diversity of lot sizes including a high proportion of smaller lots. The eastern and north-eastern parts of the ACP area lack a defined pattern of street blocks and are characterised by more large lots that directly interface with the foreshore.

The differing street patterns reflect a long history of urban growth in the area, with progressive redevelopment for commercial and higher density residential uses occurring alongside retained heritage buildings. Differing ages, uses and styles of building are also reflected in how those buildings relate to the street, including residential buildings, particularly north of Judd Street, having 6-10 metres of landscaped setbacks, in contrast to main street areas where commercial buildings have generally nil street setbacks. In other parts of the ACP area high rise residential buildings have very large landscaped setbacks of up to 40 metres.

The abovementioned factors combined result in a range of building typologies through the ACP area, as described in Table 3.

Typology	Description	Locations
Tower in Open Space	Large residential towers set back from the street and side boundaries with surrounding landscaping.	East of Darley Street
Mid Rise in Open Space	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
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*Table 3: Building typologies existing in the ACP area*

Substantial development activity has taken place within the ACP area following the introduction of Schedule 9 to Town Planning Scheme No. 6 in 2013 (replaced by Schedule 9A in 2017), as discussed above. Overall, 19 developments have been approved, with 11 progressing to construction as of May 2018. 70% of these approved developments are located within the Special Design Area (within which additional height above the building height limit may be approved) and these developments have delivered an average height of 16 storeys at a plot ratio of 6.5:1. The eight approved developments outside of the Special Design Area have averaged a height of less than seven storeys and plot ratio of 3.2:1. In line with current planning controls, development generally includes three storey podiums built to a nil setback to all boundaries, with towers generally set back a minimum of four metres from adjacent properties.

Under the existing Schedule 9A of the City of South Perth Town Planning Scheme No. 6, a “Special Design Area” applies to part of the ACP area, which allows for unlimited building height. Outside of the Special Design Area, a building height limit applies that is not able to be varied. The very large amount of flexibility in the Special Design Area acts as an incentive for developers 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 can result in relatively short, bulky buildings.

Key issues identified in the built form resulting from existing planning controls include:

- 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 may have 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.

#### Desired future built form

In response to the abovementioned key issues, and the detailed analysis undertaken in preparing the ACP (Part 2 and Appendix 1), the draft ACP and proposed amendment no. 61 seek to introduce development requirements including:

- establishing the vision established through the Place and Design project in 2017, and supporting character area objectives and guidance, in TPS6 (through proposed amendment no. 61) and policy (through the draft ACP at Appendix 1);
- replacing Schedule 9A (including the “Special Design Area”) with a new Schedule 9B, as set out at section 3, above; and



- providing guidance to inform the implementation of the proposed Schedule 9B, including the exercise of discretion in assessing development applications, in the draft ACP (Appendix 1).

Building 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. In practice, this results in less height and density in the Mill Point area and more in Richardson and Mends areas. The Hillside area is expected to have limited growth; however this area is already home to high-rise development and a similar scale will be allowed for in the ACP area.

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 including;

- Land use
- podium height, setback and site cover requirements;
- tower height, setback, separation and gross floorplate area; and
- Overall building size (plot ratio)

#### Exercise of Discretion – Tiered System

The proposed amendment introduces a tiered system of height, plot ratio and tower floorplate area limits, 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 (as of right) building height limit (Tier 1 additional development potential) in order to encourage variety in the built form. This tier has clear 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 current Schedule 9A. This applies to areas within the previous special design area, those areas with existing tall buildings and areas that are highly accessible by public transport (existing Ferry and future South Perth train station). This tier has no maximum height limit, but does have a limit on floorplate size and plot ratio

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 therefore 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 ACP (Appendix 1). Importantly heights are calibrated so that forecast demand can be met if a high proportion of sites develop to the base (as of right) building height limits. This is important for three reasons:

1. On principle, demand should be able to be met without development seeking additional height
2. In practice, not all development will build to the maximum base building height limit. In particular, lower scale development is likely on smaller lots. The ability for some sites to use additional development to balance other sites not developing to their maximum base potential is important as it ensures growth and demand can still be met
3. Additional development potential acts as a buffer should forecast growth be underestimated, enabling further development to be contemplated where it is in keeping with the vision for the ACP area.

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 ACP and scheme amendment establishes 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.

As outlined above for each site in the ACP area, there are thresholds identified for additional development potential. To be eligible to achieve the additional development potential, criteria must be met including reduced 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).

A transparent and understandable system for approving additional height and/or plot ratio that provides meaningful community benefit, combined with detailed development controls that provide improved amenity for the community, ensure that the growth of the ACP area is managed for the benefit of all stakeholders in the future of South Perth.

The amount of public benefit contribution required is directly related to the amount of additional development potential sought and the methodology for calculating the contribution is clearly set out in the proposed Schedule 9B and the draft ACP. 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.

The proposed amendment no. 61 aims to direct the forecast growth of the ACP area, via controls on land use, in line with the overall ACP vision and detailed guidance based on character areas. The built form requirements in the proposed amendment similarly manage the form of development in support of the overall vision and character area objectives. The proposed amendment also sets clear guidance to approve additional development potential above the base limits where appropriate and in return for public benefit contributions to fund items that benefit the users of the area.

## 7. CONCLUSION

The City of South Perth requests that the Western Australian Planning Commission and the Minister for Planning favourably consider the proposals described in this report and grant final approval to scheme amendment no. 61, considered to be a 'complex' amendment for the purpose of the Regulations. The amendment is considered a complex amendment for the following reasons:

- the land the subject of the amendment is not addressed by an adopted Local Planning Strategy, and
- the amendment relates to development that will have an impact that is significant relative to development in the locality.

## 8. APPENDICES

Appendix 1 – draft South Perth Activity Centre Plan

### Report prepared by:

Mark Carolane  
Senior Strategic Planning Officer

### Document Control

First Release      dd/mm/yyyy

## Adoption/Preparation

**ADOPTED/PREPARED** by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on [date].

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SUE DOHERTY  
MAYOR

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GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

## Final Recommendation

**ADOPTED** by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on [date] and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

### CITY OF SOUTH PERTH SEAL

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SUE DOHERTY  
MAYOR

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GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

### RECOMMENDED FOR FINAL APPROVAL:

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*Delegated under S.16 of the PD Act 2005*

Dated \_\_\_\_\_

### FINAL APPROVAL GRANTED

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MINISTER FOR PLANNING

Dated \_\_\_\_\_