
PLANNING

PL401**PLANNING AND DEVELOPMENT ACT 2005**
APPROVED TOWN PLANNING SCHEME AMENDMENT*City of South Perth*

Town Planning Scheme No. 6—Amendment No. 61

Ref: TPS/2452

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of South Perth Town Planning Scheme amendment on 21 December 2021 for the purpose of—

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)(e) to read as follows—

‘(e) 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, unless a provision in Schedule 9B and Schedule 13 states that the provisions are open to variation; 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—

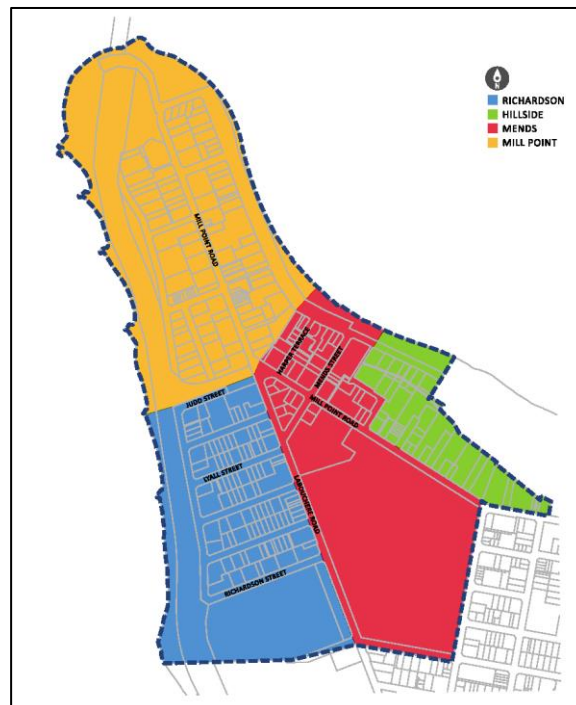
SCHEDULE 9B

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 land bounded 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 comprehensive new development proposed within the ACP shall—
 - a. comply with the development requirements contained in Provision 5 of this Schedule; and
 - b. have due regard to the South Perth Activity Centre Plan.
2. 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 2(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.

‘**basement**’ means a building floor level in which 50 per cent or more of its volume is below natural ground level.

‘**building envelope/s**’ as defined under the *Planning and Development (Local Planning Scheme) Regulations 2015* indicates the intended maximum extent of development for a site, defined by a combination of building height limits, and setbacks from street, side and rear boundaries.

‘**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**’ is the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries.

‘**plot ratio area**’ is the gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including—

- the areas of any lift shafts;
- stairs or stair landings common to two or more dwellings;
- machinery, air conditioning and equipment rooms;
- space that is wholly below natural ground level;
- areas used exclusively for the parking of wheeled vehicles at or below natural ground level;
- storerooms;
- lobbies, bin storage areas, passageway/s to bin storage areas or amenities areas common to more than one dwelling;
- balconies, eaves, verandahs, courtyards and roof terraces.

‘**podium**’ means the base of a building upon which taller (tower) elements are positioned.

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

‘**community 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 Primary 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*.

‘**storey**’ means the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top floor and ceiling above it but does not include—

- a basement;
- a space that contains only a lift shaft, stairway or meter room;
- a mezzanine;
- a loft.

‘**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 differentiated 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.

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 in the ACP; and
 - 1.4.2 Relevant provisions of the Scheme, this schedule and the ACP.

Table 1: Land Use Permissibility

Land Uses	Character Area			
	Mends	Richardson	Hillsid e	Mill Point
Residential Land Uses				
Single House	D	D	D	D
Ancillary Accommodation	D	D	D	D
Grouped Dwelling	D	D	D	D
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
Non-Residential Land Uses				
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
Consulting Rooms	P	P	D	DC
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	DC
Indoor Sporting Activities	DC	DC	DC	DC
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	DC
Shop	P	P	DC	X
Showroom	X	X	X	X

Land Uses	Character Area			
	Mends	Richardson	Hillsid e	Mill Point
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

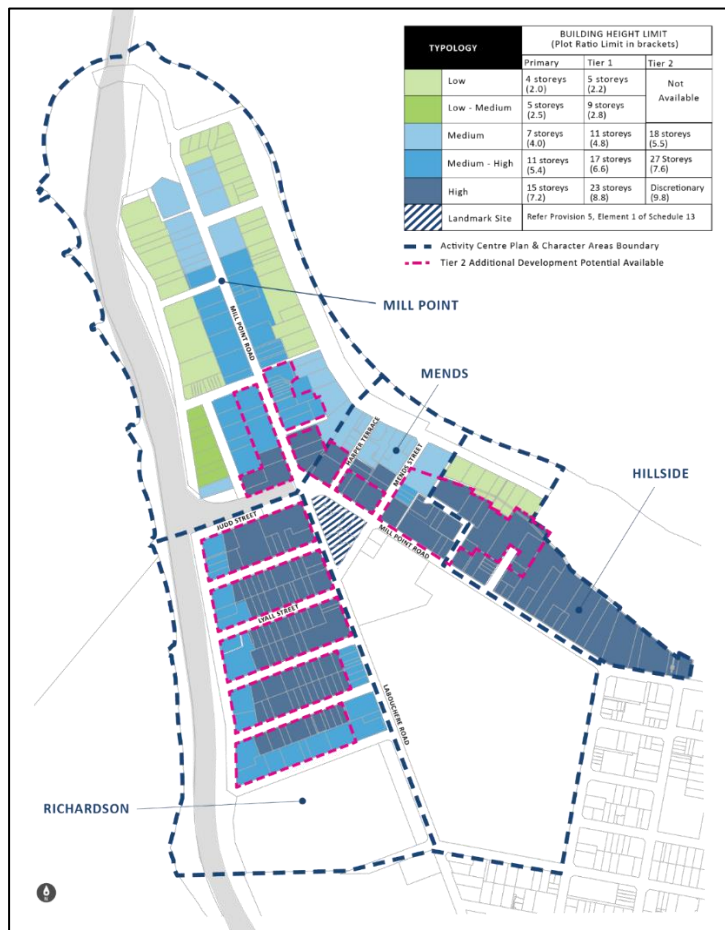
Element 2: Building Height

- 2.1 Subject to Element 2.2, the height of a building must not exceed the applicable Primary building height limit contained in Map 2 and Table 2.
- 2.2 Subject to Element 2.3, a building may be approved with building height in excess of the applicable Primary building height limit but not greater than the applicable Tier 1 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 building height limit contained in Map 2 and Table 2 if—
- the site of the building is one which Map 2 and Table 2 identify as being subject to Tier 2 building height; and
 - the requirements of Element 7 and 8 of this Schedule are satisfied; and
 - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit referred to in Element 6.
- 2.4 (a) On Lot 113 (No. 81-85) South Perth Esplanade Tier 2 Additional Development Potential is available only on the portion of the lot that is set back not less than 50 metres from South Perth Esplanade;
- (b) On Lot 2 (No. 53) South Perth Esplanade Medium-High Typology is only available on the portion of the lot that is set back not less than 53 metres from South Perth Esplanade at the southern boundary of the lot and 45 metres from South Perth Esplanade at the northern boundary of the lot.

Table 2: Building Height Limits

Typology	Primary Building Height Limit	Tier 1 Building Height Limit	Tier 2 Building Height Limit
<i>Low</i>	<i>4 storeys</i>	<i>5 storeys</i>	<i>Not available</i>
<i>Low-Medium</i>	<i>5 storeys</i>	<i>9 storeys</i>	<i>Not available</i>
<i>Medium</i>	<i>7 storeys</i>	<i>11 storeys</i>	<i>18 storeys</i>
<i>Medium-High</i>	<i>11 storeys</i>	<i>17 storeys</i>	<i>27 storeys</i>
<i>High</i>	<i>15 storeys</i>	<i>23 storeys</i>	<i>Discretionary</i>

Map 2: Building Height and Plot Ratio Limits



Element 3: Podium Setbacks, Height and Site Cover

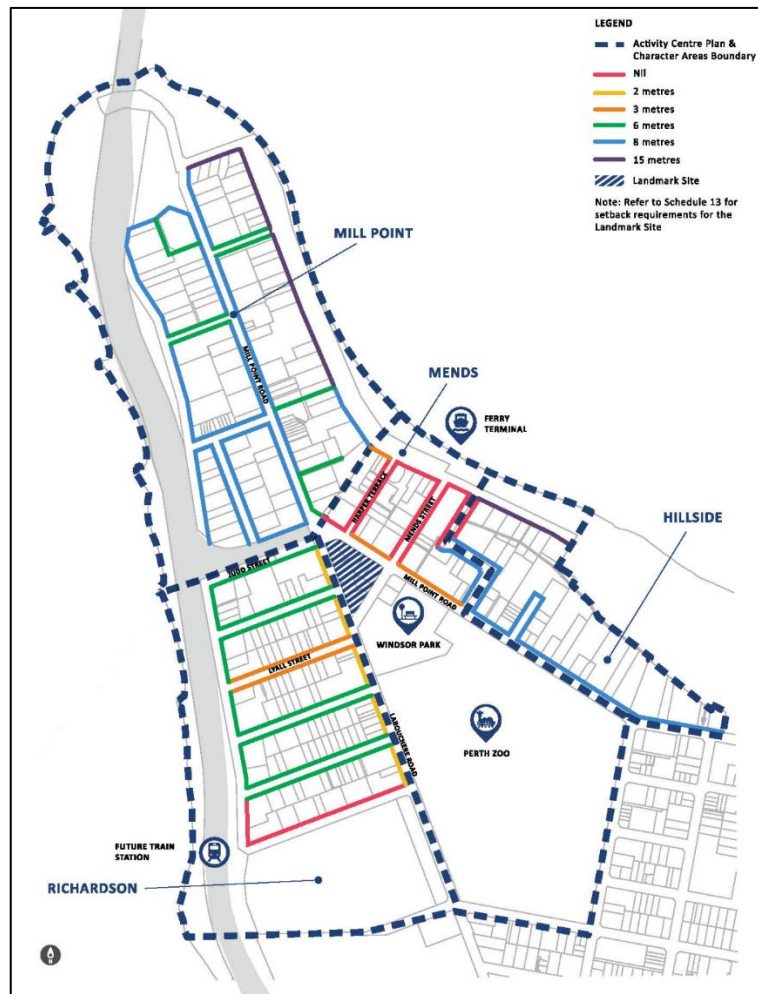
- 3.1 Podium setbacks and height should be in accordance with Table 3 and Map 3.
- 3.2 Variation from the podium setbacks and height recommended in Table 3 and Map 3 must have due regard to relevant objectives and development requirements in the ACP.
- 3.3 Podium site cover shall be in accordance with Table 3.

Table 3: Podium Setbacks, Height and Site Cover

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Setbacks	<i>Podium Street Setback</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>
	<i>Podium Side Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
	<i>Podium Rear Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
Podium Height and Boundary Walls	<i>Podium maximum height at street front</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>3 storeys</i>
	<i>Podium maximum height and building boundary wall height</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>2 storeys</i>
	<i>Podium maximum boundary wall length</i>	<i>Two thirds length of boundary, and should be located behind street and rear setbacks.</i>	<i>None</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks .</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks.</i>

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Site Cover	Podium maximum site cover	70% 80% within Tier 2 identified on Map 2	90%	70%	80%

Map 3: Podium Street Setbacks



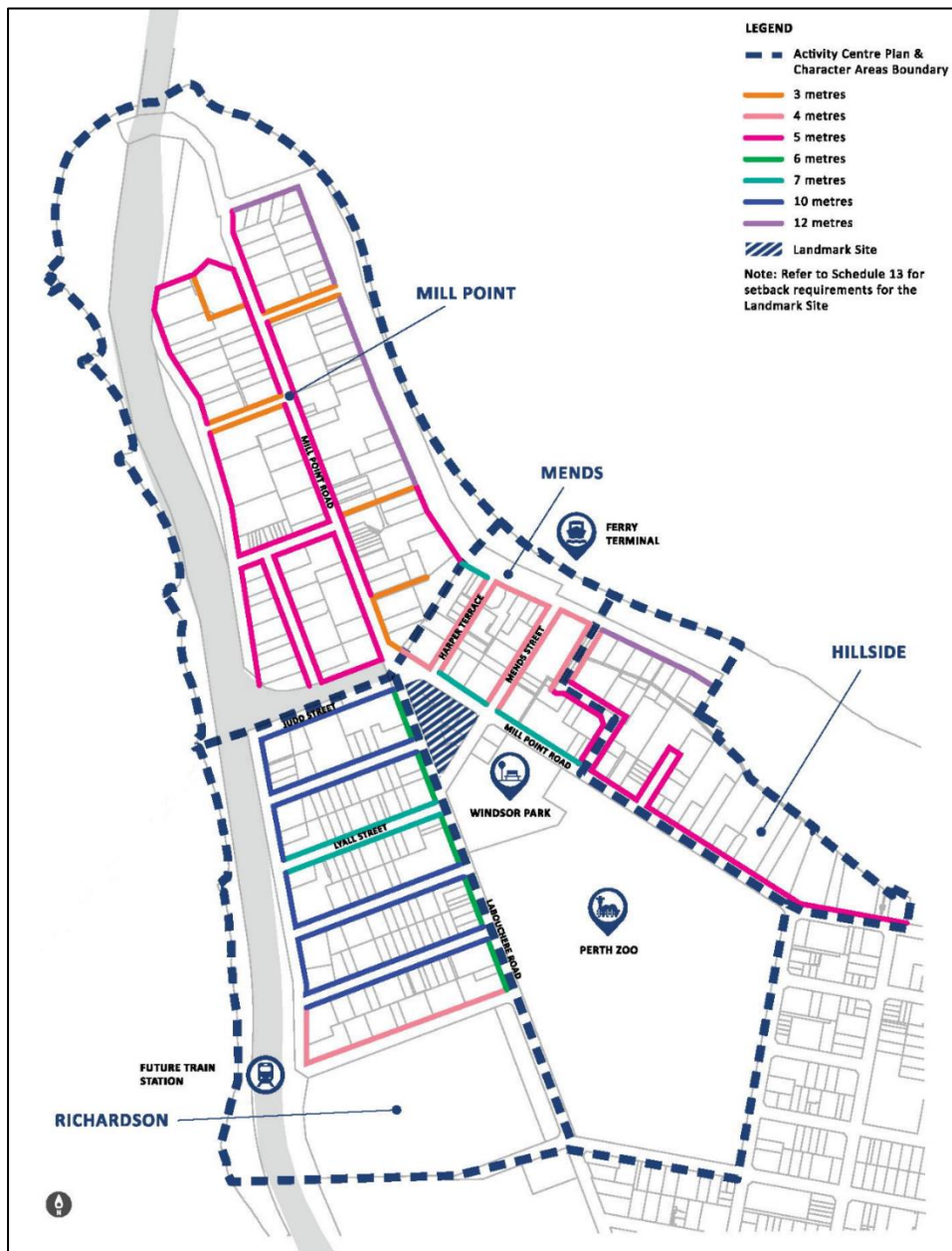
Element 4: Tower Setbacks and Separation

- 4.1 Tower Setbacks should be in accordance with Table 4 and Map 4.
- 4.2 Two or more towers within a single development site should be separated by a minimum of 8m or 8% of building height (whichever is greater), inclusive of balconies.
- 4.3 Variation from the tower setbacks and separation recommended in Table 4 and Map 4 and Element 4.2 must have due regard to relevant objectives and development requirements in the ACP.

Table 4: Tower Setbacks

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Street Setback	Refer Map 4	Refer Map 4	Refer Map 4	Refer Map 4
Tower Side and Rear Setback	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)

Map 4: Tower Street 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 Primary building height limit is to apply	Maximum gross floorplate area where Tier 1 building height limit is to apply	Maximum gross floor plate area where Tier 2 building height limit 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 Elements 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable Primary plot ratio limit contained in Map 2 and Table 6.
- 6.2 Subject to Element 6.3, a building may be approved with plot ratio in excess of the applicable Primary plot ratio limit, but not greater than the applicable Tier 1 plot ratio limit contained in Map 2 and Table 6, if the requirements of Element 7 and Element 8 of this Schedule are satisfied.
- 6.3 A building with plot ratio in excess of the applicable Tier 1 plot ratio limit shall not be approved unless—
- the site of the building is one which Map 2 and Table 6 show as being subject to a Tier 2 plot ratio limit;
 - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit; and
 - the requirements of Element 7 and Element 8 of this Schedule are satisfied.

Table 6: Plot Ratio Limits

Typology (refer to Map 2)	Primary Plot Ratio Limit	Tier 1 Plot Ratio Limit	Tier 2 Plot Ratio Limit
Low	2.0	2.3	<i>Not Available</i>
Low-Medium	2.5	2.8	<i>Not Available</i>
Medium	4.0	4.8	<i>Where available in accordance with Map 2, 5.5</i>
Medium-High	5.4	6.6	<i>Where available in accordance with Map 2, 7.6</i>
High	7.2	8.8	<i>Where available in accordance with Map 2, 9.8</i>

Element 7: Design Quality

- 7.1 The architectural design of any proposed comprehensive new development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.2 In addition to Element 7.1, the architectural design of any proposed comprehensive new development above the Primary building height and/or plot ratio limits and up to the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.3 In determining any comprehensive new development under Element 7.1 and 7.2, due regard shall be given to the advice of the nominated Design Review Panel for all elements of the development relating to built form.
- 7.4 In addition to Element 7.1 and 7.2, the architectural design of any proposed comprehensive new development above the Tier 1 limits under Elements 2 and 6 of this Schedule shall—
- achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP; and
 - be reviewed by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission in accordance with the requirements of the ACP.
- 7.5 In determining any comprehensive new development under Element 7.4, due regard shall be given to the recommendations of the review by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission.

Element 8: Approval for Additional Development Potential (Height and Plot Ratio)

- 8.1 Notwithstanding any other provision in this scheme, a comprehensive new development proposing building height greater than the applicable Primary building height limit in this Schedule may be exempted from the requirement to pay community benefit contribution if the proposed building height does not exceed the building height equivalent to the development that existed on the site at the time that Amendment No. 61 is gazetted.

- 8.2 Approval of development with additional building height and/or plot ratio in excess of the Primary building height limit and/or the Primary plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless—
- 8.2.1 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) Objectives of the relevant character area in 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, tower maximum gross floorplate area and design quality.
- 8.2.2 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
- 8.2.3 the development satisfies the relevant requirements of Element 7 of this Schedule; and
- 8.2.4 a community benefit contribution, calculated in accordance with clause 8.3, is—
- (a) paid to the City of South Perth, and held in trust, to be expended in accordance with the ACP; or
 - (b) delivered onsite in accordance with the ACP;
to the satisfaction of the City of South Perth.
- 8.3 Where a community benefit contribution is to be paid to the City in accordance with 8.2.4(a), the amount payable shall be in accordance with whichever of the following formula that yields the greatest contribution amount—
- (a) $(3\% \times \text{total contract sum}) \times (\text{number of storeys above the Primary standard} \div \text{total number of storeys})$; or
 - (b) $(3\% \times \text{total contract sum}) \times (\text{m}^2 \text{ of plot ratio area above the Primary standard} \div \text{m}^2 \text{ of total plot ratio area})$.
- 8.4 The City of South Perth shall publish an annual statement in accordance with the ACP, that provides information about expenditure of the community benefit contribution.
- 8.5 Development which exceeds the maximum building height limit, maximum tower gross floorplate area or maximum plot ratio limit which applies to the development site 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.

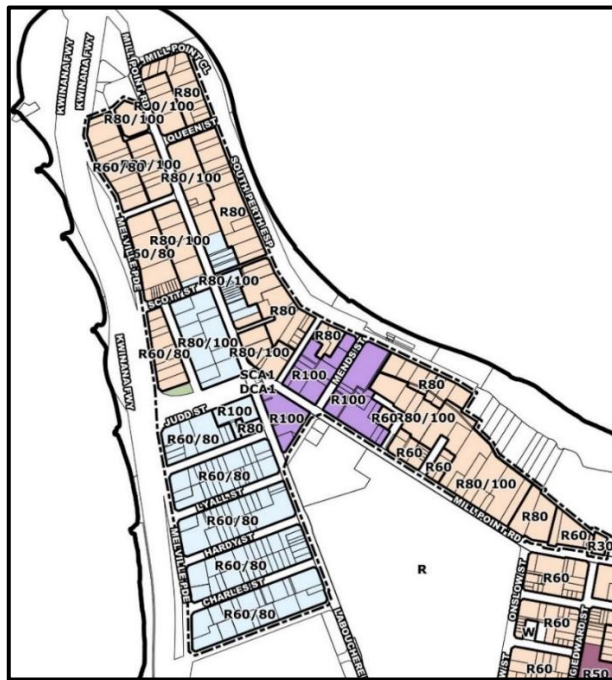
26. Deleting criteria relating to Precinct 1—Mill Point, contained in clause 3.1 of Schedule 3—Dual Density Codings: Performance Criteria for Determination of Applicable Coding as relevant to the R60/80 and R80/100 codes.

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.

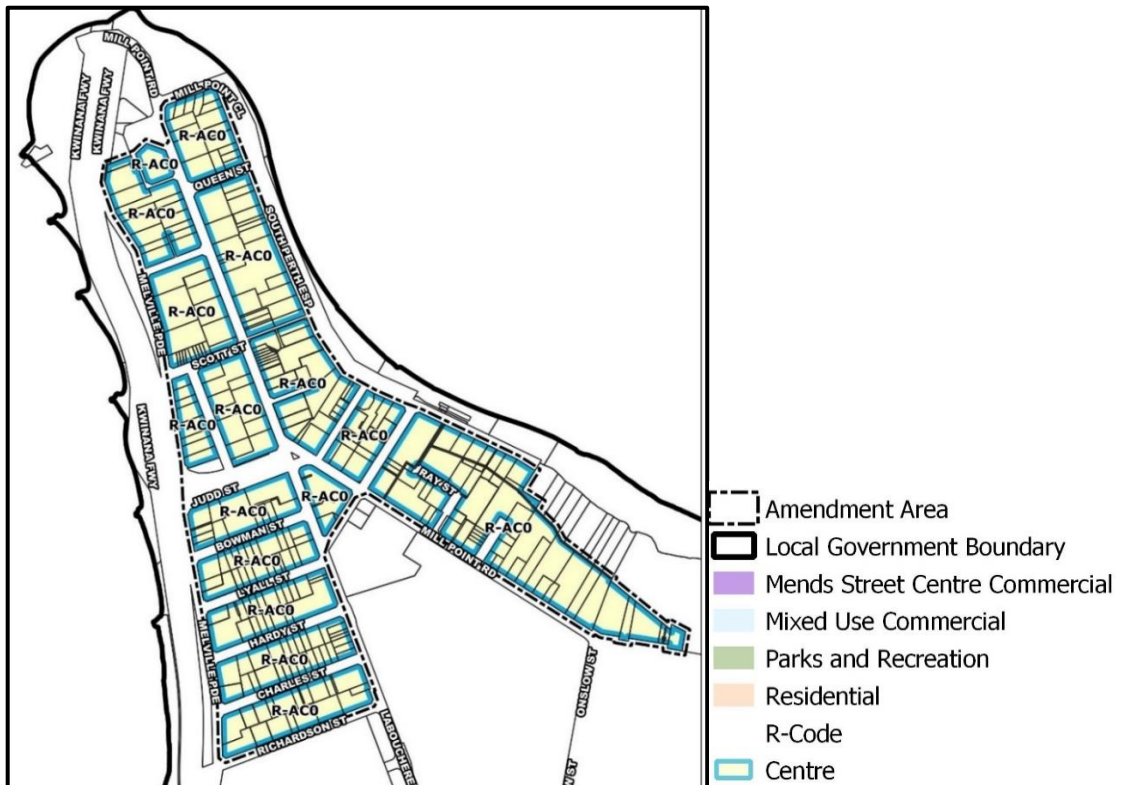
Adding the following text to Schedule 12:

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).

EXISTING ZONING



PROPOSED ZONING



SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.