



City of South Perth

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

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City of South Perth Town Planning Scheme

No. 6

Background

The City of South Perth is a medium sized, inner-metropolitan local government located 2 kilometres across the Swan River from the Perth Central Business District. The City has a population of 46,361 (estimated in 2016), an approximate area of 19.9km² and covers the suburbs of South Perth, Kensington, Como, Manning, Karawara, Waterford and Salter Point.

The local government area is primarily residential and provides a diverse range of dwelling types including low density single dwellings, medium density grouped and multiple dwellings, and high density multiple dwellings. These residential areas are complemented and serviced by a number of commercial areas and Centres of varying size and type which are interspersed throughout the City. Most notably, there are two identified Activity Centres located within the City, one in South Perth and centred on the Mends Street commercial area and South Perth Foreshore, and the other partially located in Como and centred on Canning Highway and the Canning Bridge train station (Canning Bridge Activity Centre). These Centres service both the local and wider regional area.

The City also includes 660 hectares of public open spaces, used for a variety of active and passive recreation uses, as well as other important uses that service both the local and wider regional area including educational institutions, a hospital, aged care facility and tourism. The following areas/sites of regional and state significance are located within the City:

- South Perth Foreshore;
- Sir James Mitchell Park;
- Richardson Park;
- Perth Zoo;
- Royal Perth Golf Club;
- Collier Park Golf Course;
- Waterford Plaza Shopping Complex;
- Portion of Bentley Technology Precinct (including the Department of Agriculture, Department of Parks and Wildlife, and Commonwealth Scientific Industrial Research Organisation (CSIRO) sites);
- several private schools and colleges, such as Penrhos College, Aquinas College, Wesley College, and Clontarf Aboriginal College;
- Several places of State-level heritage significance;
- Residential accommodation for Curtin University students; and
- Regional transport nodes for the Perth-Mandurah railway services, and the ferry services.

In addition to these important regional facilities, the City also anchors three of Perth's most important river crossing points, being the Narrows, Canning and Mount Henry Bridges.

Scheme Details

Town Planning Scheme No. 6 (the Scheme) was gazetted on 29 April 2003 and 36 amendments have been gazetted since that time with several amendments (6) currently in various stages of progress. Since the Scheme's gazettal, the City has developed a number of Strategies and undertaken detailed local planning studies for specific areas to inform and shape the future planning of the City, primarily through Scheme amendments. These include:

- Local Commercial Strategy, 2004;
- Canning Bridge Activity Centre Plan and associated work, 2010 to 2016;
- South Perth Station Precinct Plan and associated work, 2011 to present;
- Local Housing Study, 2012;
- Waterford Triangle Urban Design Study, 2012;
- Manning Hub Community Facility Masterplan and Scheme Amendment, 2012 to 2014;
- Retail Needs Assessment, 2013;
- Canning Highway Residential Density and Built Form Study, 2015 to 2017;
- Local Heritage Inventory Review, 2017

Strategic Context

Scheme Amendments

Since the gazettal of the Scheme in 2003, work has been undertaken on 55 Scheme Amendments. A number of these amendments were initiated by the Council to adapt to the changing overarching planning framework or in response to local planning issues, while the remainder were applicant-initiated. Not all amendments have been finalised. Details relating to the amendments are as follows:

- 55 amendments initiated or seriously discussed with applicants (28 initiated by the Council and 27 initiated by applicants);
- 36 amendments have been approved and gazetted;
- 1 amendment refused by the Minister;
- 12 amendments did not proceed for various reasons; and
- 6 amendments are still in progress or pending further action as (at June 2017).

A schedule of the Scheme Amendments and their current status (at June 2017) is provided below:

Amendment No.	Purpose of Amendment	Modifications to Text or Maps	Gazettal Date
1.	Increase in Building Height Limit from 7.0m to 10.5m for land in Hensman and Ridge Streets	<i>Did not proceed</i>	
2.	Modifications to Scheme Text provisions relating to <i>Compensation and Election to Purchase and Valuation</i>	Clauses 9.3 and 9.4	GG No. 159 7.9.2004
3.	Increase in density coding from R15/25 to R40 for Lots 1, 2 and 3 (Nos. 139, 141 and 143) South Terrace, Como	Precinct 8 Zoning Map	GG No. 189 5.11.2004
4.	Rezoning from 'Public Purposes (Telstra)' reserve to 'Residential' zone R30. Pt Lot 2 (No. 54) Manning Rd cnr Ley St, Manning	<i>Did not proceed</i>	



REPORT OF SCHEME REVIEW

5.	Increasing density code from R15/25 to R40. Lots fronting South Terrace between Hazel and McDonald Streets, Como	<i>Did not proceed</i>	
6.	Modifications to Scheme Text provisions relating to additions to buildings already exceeding height limit	Clause 6.2(1)(d)	GG No. 40 4.3.2005
7.	Rezoning, modified Building Height Limit and increased density coding for Lot Pt 2 (No. 54) Manning Road, Manning	<i>Did not proceed</i>	
8.	Review of special provisions relating to Karawara	<i>Did not proceed</i>	
9.	Correction of boundary between 13.0m and 28.0m Building Height Limits for five lots in Mill Point	Precinct 1 Building Height Limit Map	GG No. 149 20.7.2007
10.	Rezoning land in Burch Street for South Perth Hospital	Precinct 3 Zoning Map	GG No. 133 1.8.2008
11.	Modifications to Scheme Text provisions relating to minor variations from prescribed car bay width	Clause 6.3(8); Schedule 5	GG No. 130 10.7.2009
12.	Rezoning Lot 701 (No. 365) Canning Highway from Residential R40 to Highway Commercial	<i>Did not proceed</i>	

REPORT OF SCHEME REVIEW

Amendment No.	Purpose of Amendment	Modifications to Text or Maps	Gazettal Date
13.	Bentley Technology Park - Special Control Areas	<i>Did not proceed</i>	
14.	Bentley Technology Park – rezoning	<i>Did not proceed</i>	
15.	Removal of restrictive covenants affecting density	Clause 4.11	GG No. 169 3.9.2010
16.	Addition to variation from R-Codes. Clarification of exempt development. Deletion of definition of ‘pergola’; and new definitions of ‘patio’ and ‘shade sail’	Clauses 4.3(1)) and 7.1(2); Schedule 1	GG No. 160 4.9.2009
17.	Method of measuring building height; and replacement of over-sized buildings	Clauses 6.1, 6.2; Schedule 1 and other clauses	GG No. 135 30.7.2013
18.	Penrhos College - performance based increase in building height limit from 7.0m to 10.5m	Clause 5.4	GG No. 134 9.7.2010
19.	Increased density coding of Lot 50 Jubilee cnr Weston from R40 to R40/60	Schedule 3; Precinct 4 Zoning Map	GG No. 134 9.7.2010
20.	Rezoning Lot 40 (No. 70) South Tce from Public Assembly to Private Institution zone	<i>Did not proceed</i>	
21.	Rezoning land in Godwin Avenue	Precinct 10 Zoning Map	GG No. 231 11.12.2009
22.	Rezoning Lot 165 (No. 15) and Lot 166 (No. 17) Alston Avenue cnr Labouchere Road to Residential R20/R30	Precinct 8 Zoning Map	GG No. 34 8.3.2011
23.	Child Day Care Centres and Consulting Rooms	Table 4; Schedule 1	GG No. 172 9.9.2011
24.	Additional Use (‘Office’) on Lot 5 (No. 52) Manning Road, Como	Schedule 2; Precinct 10 Zoning Map	GG No. 76 10.5.2011
25.	Special provisions relating to South Perth Station Precinct	Scheme Text (various); Scheme Maps (various)	GG No. 6 18.1.2013
26.	Lot 3298 Murray Street, Como - performance-based increase in density from R30 to R40 and building height	Clause 5.4; Precinct 9 Zoning Map	GG No. 179 27.9.2011
27.	Rezoning Lot 30 (No. 14) Collins Street, Kensington to Residential R25	Precinct 6 Zoning Map	GG No. 172 9.9.2011
28.	Rezoning Lot 51 (Nos. 245-247) Canning Highway, Como to Highway Commercial	Clause 5.4; Precinct 8 Zoning Map and Building Height Limit Map	GG No. 109 26.6.2012
29.	Fencing	Clause 6.7; Schedule 1	GG No. 73 11.5.2012
30.	Cash-in-lieu of car parking	Clauses 6.3, 6.3A, 7.8, Table 6, Schedule 1	GG No. 141 12.9.2014
31.	Rezoning Lot 36 (No. 47) Tate Street, South Perth to a split zoning of Residential and Local Commercial, and increase the density coding from R15 to R40	Precinct 5 Zoning Map	GG No. 73 11.5.2012
32.	Revising ‘Shop’ and ‘Consulting Rooms’ definitions	Schedule 1	Refused by Minister 6.8.2013

REPORT OF SCHEME REVIEW

Amendment No.	Purpose of Amendment	Modifications to Text or Maps	Gazettal Date
33.	Rezoning POS and road land; and increasing density coding from R20 to R60 and R80 and increasing Building Height Limits from 7.0 to 10.5m for five Grouped Dwelling sites in Cygnia Cove	Precinct 14 Zoning and Building Height Limit Maps	GG No. 226 11.12.2012
34.	Rezoning Pt Lot 2 (No. 43) Manning Road, Manning, from Public Purposes Reserve (Telstra), to Residential and Highway Commercial (R160), with increased Building Height Limits and mandatory design criteria	Clauses 4.3, 5.4; Zoning Map Building Height Limit Map	GG No. 43 24.3.2015
35.	Revision of "Home Occupation" definition and requirements	Clauses 4.12 and 4.13; Schedule 1	GG No. 57 17.4.2014
36.	Manning Community Centre, Bradshaw Crescent, Conochie Crescent and Welwyn Avenue, Manning – creation of 3D building envelopes and specific Scheme provisions	Clauses 4.3, 5.1, 5.4	GG No. 110 25.7.2014
37.	Waterford Triangle UDP and Design Guidelines	Zoning map, Building Height map and various clauses	Action Pending
38.	Rezoning Lots 382, 46, 47 and 48 (Nos. 33, 31 and 29) on two corners Canning Highway and Way Road from Residential R15 to Highway Commercial R80 zone	Schedule 2; Precinct 5 Zoning Map	GG No. 191 25.10.2013
39.	Density coding increase on southern side of Angelo Street between Addison and Lawler Streets from R15 to R25	Precinct 3 Zoning Map	GG No. 101 4.7.2014
40.	Rezoning Lot 6 (No. 148) South Terrace from Residential (R40) zone to Highway Commercial (R80) zone (Como Hotel)	Precinct 3 Zoning Map	GG No. 50 8.4.2014
41.	Density coding increase from R15 to R20 for area bounded by South Terrace, Murray Street, Ryrie Avenue and Canning Highway, Como	<i>Did not proceed</i>	
42.	Salter Point Building Height Limits	<i>Did not proceed</i>	
43.	Amending definition of 'gross floor area'	Schedule 1	GG No.85 13.6.2014
44.	Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College cnr Redmond Street & Roebuck Drive), Salter Point from Private Institution (R20) to Residential (R25)	Precinct 14 Zoning Map	GG No. 66 5.5.2015
45.	Rezoning Southcare site, Bickley Crescent, Manning from Residential and Public Assembly with density coding of R20 to Private Institution (R40) with increased building height to 14 m	Clause 5.4 Zoning Map	GG No. 187 11.12.2015
46.	Replacement of Schedule 9 with a modified Schedule 9A	Clauses 3.3 (9), 4.3, 4.7, 5.1, 5.2, 5.3, 6.1A, 6.3, 6.3A, 6.4, 7.8, 4.3 Indexes, Schedule 9	GG No. 44 21.2.2017
47.	Include provisions for the Centre zone and Activity Centre Plans, and create the Canning Bridge Activity Centre	Clauses 3.1(1), 3.3, 4.3, 5.4, 6.1A, 6.3, 6.4, 10.1, Table 1, Schedule 10, Schedule 12; Zoning and Height Maps	GG No. 38 10.2.2017
48.	Car bay sizes	Clauses 4.3, 6.3(8) Schedule 5	GG No.181 4.12.2015
49.	Modification to Schedule 6 – Form of Application for Planning Approval	<i>Did not proceed</i>	

Amendment No.	Purpose of Amendment	Modifications to Text or Maps	Gazettal Date
50.	Licensed Premises	Table 1, Table 6, Schedule 1	GG No. 35 4.3.2016
51.	Major Review of Schedule 9A - South Perth Station Precinct	Schedule 9A	Action Pending
52.	Building Height Limits for lots 501 and 502 River Way, Salter Point	Precinct 13 Building Height Limits Map	In progress (Ministerial approval subject to modifications at May 2017)
53.	Increased density coding and Building Height Limit for Lot 26 (No. 2) Darley Street, South Perth	Precinct 1 Zoning and Building Height Limit Maps	Action Pending
54.	Modifying the Scheme Text to align with Deemed Provisions and certain changes to R-Codes	Scheme Text	In progress
55.	Amendment to permit certain minor projections beyond defined building envelope for Lot 801 Bradshaw Crescent and Lot 802 Conochie Crescent, Manning	Clause 5.4 (10)	In progress

Local Planning Strategy amendments

The City does not have a Local Planning Strategy and is currently in the process of developing one as part of the Scheme Review process. Notwithstanding the City has a number of Strategies outlined in the Scheme Details section of this report which will be reviewed and updated to inform the content of the Local Planning Strategy. A number of detailed planning studies have also been undertaken since 2010. These studies will also inform the content of the Local Planning Strategy.

Development Activity in the City of South Perth

Dwelling commencements, commercial development activity and lot creation in the City since 2003 are discussed below:

Residential Development

Residential development activity has varied from a high of 186 new single dwellings and 54 new grouped dwellings in 2003 to a low of 105 new single dwellings and 10 new grouped dwellings in 2009, as shown in Figure 1. Lower numbers of building approvals in 2008-09 coincide with the Global Financial Crisis and the lower numbers in 2016 could be attributed to the decline in mining activity within the state.

Since 2003 no more than 7 multiple dwelling building approvals have been issued in a single year (2015). However it must be noted that each multiple dwelling approval issued contains a number of individual units. For example within the South Perth Station Precinct an additional 336 multiple dwellings have either been constructed or are currently under construction since 2013.

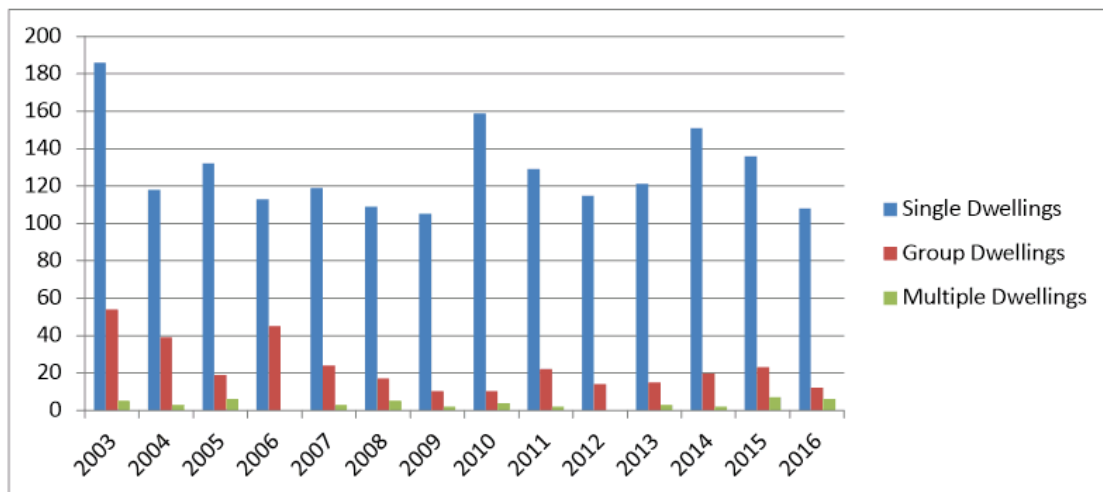


Figure 1: Residential building permits (single, grouped and multiple dwellings) in the City of South Perth between 2003 and 2016

The total dwelling commencements (excluding renovations) between 2003 and 2016 was 2,186. This is made up of:

- 1,801 single dwellings
- 324 grouped dwellings
- 48 multiple dwelling developments
- 9 ancillary dwellings
- 3 aged/disabled accommodation
- 1 caretaker's flat

Commercial Development

The amount of non-residential development (including mixed use development with a residential component) has varied significantly from year to year since 2003. In 2013 there was a high of 20 building permits issued for shop/tavern/café/hairdressing uses, while in 2012 there were no permits issued for these uses.

In 2016 there was a high of 21 office building permits issued. This is significantly higher than in any other year since 2003 and is likely to be accounted for by development in the South Perth Station Precinct.

Non-residential development activity is influenced by many complex factors including the amount of land zoned for commercial purposes, vacancy rates and demand for different types of floorspace across the metropolitan area, planning requirements (for example the requirement for a commercial component in developments within the South Perth Station Precinct) and the availability of finance.

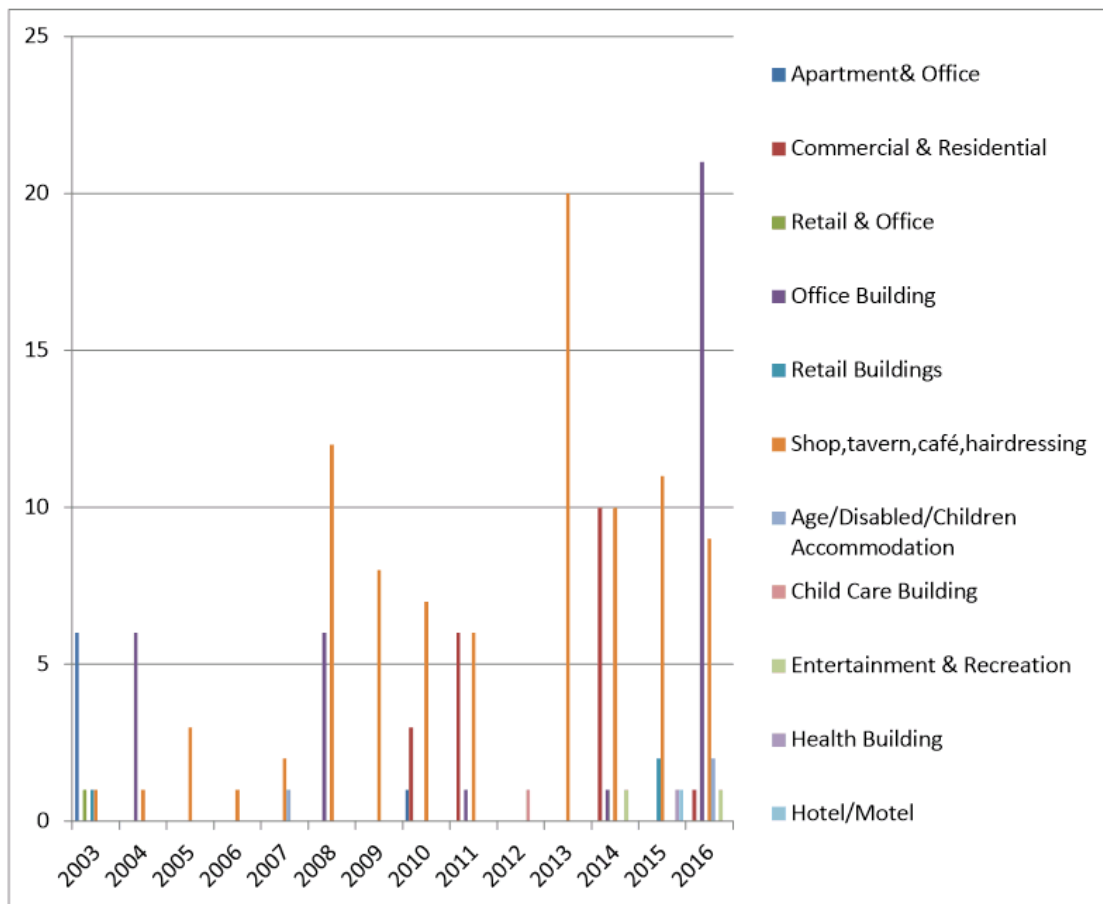


Figure 2: Non-residential building approvals in the City of South Perth between 2003 and 2016

The City is comprised of predominantly residential zoned land with one primary commercial centre and several smaller neighbourhood centres, which results in a relatively modest amount of commercial development activity when measured in terms of building permits. In total there were 165 non-residential building approvals (including mixed use developments with a residential component) issued in the City of South Perth between 2003 and 2016. These figures do not seem significant, however, 23,394m² of additional commercial floorspace has been added (constructed or currently under construction) to the City’s primary commercial centre, the South Perth Station Precinct, since 2013.

Lot Creation

Since the Scheme was gazetted in 2003 a total of 539 subdivision clearances have been issued. Figure 3 shows that the rate of subdivision has varied from a high of 68 in 2005 to a low of 20 in 2008. Most subdivisions in the City of South Perth are relatively small and create between two and four new lots. The largest subdivision under Town Planning Scheme No. 6 has been Cygnia Cove in Waterford, which created approximately 188 lots in 2011.



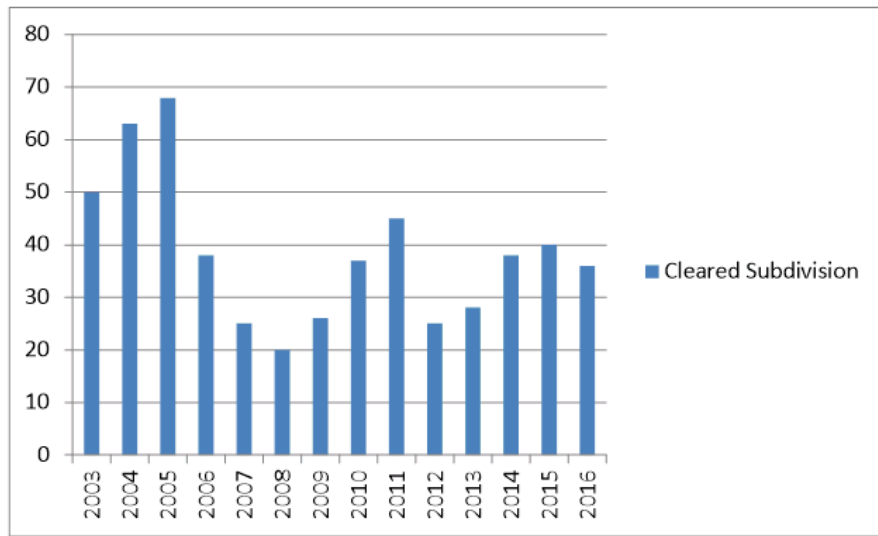


Figure 3: Subdivision clearances in the City of South Perth between 2003 and 2016

Population Change

The City of South Perth currently has a population of 46,361 (Estimated Resident Population, 2016). This is forecast to grow to 67,620 people by 2041. Figure 4, below, shows the City’s population growing steadily to 2041, with an annual growth rate of between approximately 1 and 2 percent.

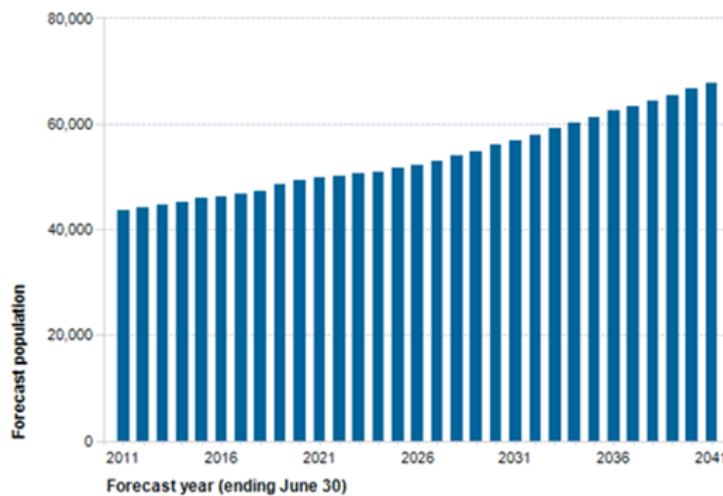


Figure 4: Forecast population in the City of South Perth 2011 to 2041.

The majority of population growth is expected to be accommodated in the activity centres of Canning Bridge and the South Perth Peninsula, with additional growth along the Canning Highway activity corridor and in the Bentley-Curtin Specialised Activity Centre in the longer term.

Consultation

The City has not undertaken any consultation in regards to the Scheme Review as the Local Planning Strategy and Local Planning Scheme have not yet been prepared. The city will undertake preliminary consultation with the community to inform the preparation of the Strategy. This is



anticipated to occur towards the end of 2017. The draft Local Planning Strategy and draft Local Planning Scheme will be advertised in accordance with the requirements of the Regulations at the appropriate time (once endorsed for advertising by both the Council and WAPC). Given the need for endorsement by two bodies at this stage it is not possible to anticipate when the formal advertising of these documents may occur.

Each of the detailed planning studies which will inform the Scheme Review process, outlined in the Scheme details section, have involved extensive consultation. Consultation undertaken for each of these studies is outlined below:

Canning Bridge Activity Centre

The Canning Bridge Rail Station Precinct Study was carried out between 2007 and 2010 and included community engagement and discussion with relevant stakeholders to determine broad attitudes and preferences for the study area (stage 1) followed by additional community engagement and consultation to develop more specific proposals for the future development of the study area (Stage 2). The community engagement program included information days, community forums and opportunities to comment on the draft vision and activity centre plan. The Activity Centre Plan has been adopted and appropriate provisions incorporated into the Scheme.

Canning Highway

The Canning Highway Residential Density and Built Form Study (November 2015) included two phases of community consultation. Phase 1 sought community comment on aspirational future built form and phase 2 sought feedback on proposed height concept plans and cross sections. Engagement methods included community workshops, online discussion and opportunities to comment on draft proposals.

The Kensington/South Perth Character Study (2016) focussed on the built form and character of the area adjacent to a section of Canning Highway in order to develop town planning scheme provisions and a local planning policy to guide future development. Community consultation was undertaken on the identified built form and character elements, including a community open day and opportunity to provide written feedback. This feedback informed the development of draft planning provisions.

South Perth Station Precinct

From February to May 2017 the City undertook a high level collaborative planning and design exercise in the South Perth Station Precinct with a focus on engagement with key stakeholders. The engagement program included two workshops, followed by a five-day Planning Design Forum, as well a community open day to present the project outcomes.

The process culminated in the preparation of the report which 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. It also provides a draft implementation schedule for the ideas and actions, which will provide the basis for the ongoing planning of the South Perth Station Precinct and the surrounding area, including the preparation of an Activity Centre Plan

Strategic Community Plan

The City is also reviewing its Strategic Community Plan, which has involved community engagement through surveys and workshops. The draft revised Strategic Community plan will also be advertised for public comment later this year. Relevant information from this process will be used to inform the development of both the Local Planning Strategy and the Scheme.

Comment

The City of South Perth as an inner city local government faces infill development pressures and is undergoing steady population growth. The growth and associated infill development need to be balanced with community desires and expectations to maintain the aspects of the built and natural environment that are highly valued and make a significant contribution to the amenity of the City.

The City has endeavoured to progressively update its Scheme via scheme amendments since its gazettal in 2003 in order to ensure consistency with the overarching state planning framework, best planning practice and respond to changing community needs. Detailed planning studies in the key growth areas of the South Perth Station Precinct, which is a District Activity Centre, and the Canning Bridge Activity Centre have also been undertaken to facilitate and appropriately plan for growth.

During the operation of the Scheme, the overarching planning framework has changed significantly, most notably with the introduction of the *Planning and Development Act 2005* in April 2006 and the commencement of the comprehensive two phase planning reform process in 2009. Key components of the reform process that have a significant impact on the local planning framework are:

- The release of '*Directions 2031*' in 2010 which identifies long term land use planning objectives for the Metropolitan area and includes the draft '*Central Sub-Regional Planning Framework*'.
- The release of State Planning Policy 4.2 '*Activity Centres for Perth and Peel*' (SPP4.2) in 2010. The Canning Bridge Activity Centre, Karrawarra and the South Perth Station Precinct and immediate surrounding area are District Centres under this policy;
- The review of '*Directions 2031*' and release of the updated '*Perth and Peel @ 3.5 million*' suite of planning documents in 2015, including an updated '*Central Sub-Regional Planning Framework*'. Under these documents the City has an additional dwelling target of 8300 by 2050;
- The comprehensive review of the *Town Planning and Development Regulations, 1967*, which culminated in the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) in August 2015.

The Regulations include model scheme provisions which replace the Model Scheme Text contained within the former *Town Planning Regulations, 1967* as well as a set of 'Deemed Provisions' that apply to all local governments and replace all corresponding clauses in local planning schemes.

The Council has recently initiated an amendment to bring the Scheme into line with the 'Deemed Provisions' by deleting those clauses which have been replaced, updating terminology and including additional provisions of the aforementioned deleted clauses as supplemental provisions where considered necessary. Notwithstanding, the Scheme is significantly different to the model scheme provisions.

There have also been changes to the local and regional circumstances, primarily in the South Perth Station Precinct and Canning Bridge Activity Centre. The current local planning framework does not fully address the abovementioned state strategic land use planning documents, particularly the need to accommodate an additional 8,300 dwellings by 2050. Whilst the City has undertaken detailed planning studies in the Canning Bridge Activity Centre, South Perth Station Precinct and along the Canning Highway activity corridor to plan for the anticipated growth, further work is required in the latter two areas. This work has already commenced and will include the preparation of an Activity Centre Plan for the South Perth Station Precinct and the development of appropriate Scheme provisions for Canning Highway to reflect its status as an Activity Corridor.

Further work is also required throughout the remainder of the city, particularly around neighbourhood and local centres, to identify other potential opportunities for accommodating growth. The current provisions in and around these lower order Centres do not fully reflect the requirements of SPP4.2 and there are opportunities for these areas to be consolidated.

Notwithstanding the numerous strategies and planning studies, the City does not have an overarching Local Planning Strategy to provide strategic direction for land use planning and development for the next 10 years. A Local Planning Strategy is currently being developed and a draft is anticipated to be presented to Council for consent to advertise in the first quarter of 2018. The existing strategies will be reviewed and along with the detailed planning studies will inform the content of the Local Planning Strategy.

The Regulations require all local governments with Schemes older than 5 years to carry out a review of their Schemes within 2 years of the gazettal of the Regulations (in 2017). Further, the local planning framework should be holistically reviewed on a regular basis in order to ensure that it facilitates development that is consistent with the state planning framework and the community's vision outlined in the Integrated Planning Framework.

Whilst the City has endeavoured to maintain an up to date local planning framework, the significant changes that have occurred over the last few years, most notably with the introduction of the Regulations, mean that the Scheme is not entirely consistent with the overarching framework. The Scheme requires substantial review to align it with the overarching planning framework, particularly the Model Provisions. It would not be possible to achieve this alignment through amendments to the existing scheme. Consequently the preparation of a new Scheme is required.

Recommendation

That Council, pursuant to Regulation 66 (3) of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, recommend to the Western Australian Planning Commission that the City of South Perth Town Planning Scheme No. 6 requires review, a new Local Planning Scheme No.7 should be prepared, and Town Planning Scheme No. 6 should be repealed upon the gazettal of the new Local Planning Scheme.