

AGENDA.

Special Council Meeting

6 March 2019

Notice of Meeting

Mayor and Councillors

The next Special Council Meeting of the City of South Perth Council will be held on Wednesday 6 March 2019 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

27 February 2019

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

Our Guiding Values



Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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Special Council Meeting - Agenda

1. DECLARATION OF OPENING

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines that apply to the conduct of Council meetings.

2.2 AUDIO RECORDING OF THE COUNCIL MEETING

This meeting will be audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007 'Recording of Proceedings'.

3. ATTENDANCE

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4. DECLARATION OF INTERESTS

Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

7. REPORTS

7.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

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

Location:	Not Applicable
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-13991
Meeting Date:	6 March 2019
Author(s):	Mark Carolane, Senior Strategic Planning Officer Elyse Maketic, Manager Strategic Planning
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The draft South Perth Activity Centre Plan and scheme amendment no. 61 were presented to the Ordinary Council Meeting held 30 October 2018 for consent to publically advertise. At this meeting Council resolved to further consider the draft documents prior to public advertising.

This report details the work undertaken to address the 30 October 2018 resolution and the subsequent modifications to the draft Activity Centre Plan and amendment circulated to Councillors on 27 February 2019 and available at <https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>

Following the October 2018 Council meeting the Council has undertaken a series of six workshops with officers and expert consultants (RobertsDay, With Architects, Profile ID and Veraison) to address the matters outlined in part 2 of the October 2018 Council resolution. The Council has also had communications and correspondence from the Chairman of the Western Australian Planning Commission in regards to the progress of the two documents.

The workshops provided the Council with an opportunity to better understand the structure and content of the draft Activity Centre Plan (ACP), as well as refine certain elements to address key issues. Through the workshops the Council has made the following key changes to the draft ACP and amendment:

- Introduction of a Height Limit for Tier 2, to provide greater certainty through building height limits for all sites at all tier levels
- Increased street setbacks on South Perth Esplanade (north of Fraser Lane and east of number 85 South Perth Esplanade) and on Labouchere Road (south of Judd Street) to reflect the desired role and character of these streets

- Changes to the distribution of built form typologies to protect the amenity of key public assets (South Perth Foreshore and Perth Zoo), provide appropriate transition in building height and allow for appropriate development of high value sites
- Refinement of design quality requirements to ensure that all development achieves a high minimum design standard and that design requirements become more stringent for larger buildings.

The effect of all of the above modifications was modelled to ensure that forecast growth can still be accommodated. The modelling process confirmed that the modified draft Activity Centre Plan is sufficient to accommodate the forecast growth as outlined in Part Two of the draft Activity Centre Plan.

These changes have addressed key issues identified by the Council in the October resolution and it is recommended that the draft Activity Centre Plan and amendment be approved for public advertising.

Officer Recommendation

That Council:

1. Notes that the following actions from the resolution of 30 October 2018 on Item 10.3.1 have not been able to be progressed due to further developments since that date:
 - a. Substantial commencement of the community engagement on the draft City of South Perth Local Planning Strategy prior to reconsidering the draft South Perth Activity Centre Plan for consent to advertise; and
 - b. Progressing the draft South Perth Activity Centre Plan ahead of proposed Amendment No. 61 to Town Planning Scheme No. 6;
2. Consent to publically advertise the draft South Perth Activity Centre Plan 2018 in accordance with Regulation 34 of Schedule 2, Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to prepare the proposed Amendment No. 61 to Town Planning Scheme No. 6 as detailed in the amendment documents;
4. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the proposed amendment is a complex amendment for the following reasons:
 - a. The land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and
 - b. The amendment relates to development that will have an impact that is significant relative to development in the locality;
5. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement, and the draft South Perth Activity Centre Plan for information;

6. Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the proposed amendment to the Western Australian Planning Commission for examination and consent to advertise, and the draft South Perth Activity Centre Plan for information; and
7. Pursuant to Regulations 34 and 38 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's policy P301 'Community Engagement in Planning Proposals' prepare notice of, and advertise, the draft South Perth Activity Centre Plan and the proposed amendment with a submission period of not less than 60 days upon receipt of consent to advertise the proposed amendment from the Western Australian Planning Commission.

Background

The draft South Perth Activity Centre Plan (draft ACP) and proposed Amendment No. 61 (amendment) relate to the area shown on Figure 1, referred to as the ACP area in this report.



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

The Landmark Site bounded by Labouchere Road, Mill Point Road and Mends Street and shown on Figure 1 is subject to a separate schedule of Town Planning Scheme No. 6 (the Scheme), which was introduced through Amendment No. 56 (gazetted on 22 January 2019).

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

The draft documents were presented to the Ordinary Council Meeting held 30 October 2018 for consent to publically advertise. At this meeting Council determined as follows (summarised):

To further consider the draft documents prior to public advertising until such time as the following processes have been completed or substantially commenced, but by no later than April 2019:

1. Substantial commencement of community engagement on the draft City of South Perth Local Planning Strategy in accordance with the September 2018 resolution of the Council;
2. Council engagement, via workshops, with City Officers and relevant expert consultants to progress the draft ACP as a 'stand alone' document, which will then provide the basis for a scheme amendment that shall incorporate the key built form provisions into the Scheme. The objectives of these workshops is to further consider the built form and land use options presented in the current Draft Activity Centre Plan and Scheme Amendment. This exercise will involve but not be limited to, consideration of such matters as:
 - a. Ensuring that the "Civic Triangle" is the focal and structural centre point for the Precinct;
 - b. The current proposed limits on building size;
 - c. The current distribution of the built form typologies;
 - d. The current proposed tiered system of assessment involving design excellence and community benefits;
 - e. Preferred land use distribution and relationship of residential to non-residential.
 - f. Council Vision for the Precinct;
 - g. Community Needs Study
 - h. Clarity and certainty of outcome
 - i. Relationship with the overarching State Planning Framework and Draft Local Planning Strategy;
 - j. Alignment between needs of the community, demographic projections, RobertsDay Place and Design Report, and the State Government Strategic Planning Framework; and
 - k. Reviewing the presentation and text of Draft Activity Centre Plan to ensure information is concise and user friendly.

The minutes relating to the item are attached to this report (**Attachment (a)**). The minutes detail the Council resolution in full, the background and rationale for the draft documents, local context, the existing built form and planning framework, relevant State Government planning policies, and the structure and content of the draft ACP and amendment.

This report details the work undertaken to address the 30 October 2018 resolution and the subsequent modifications to the draft ACP and amendment circulated to Councillors on 27 February 2019 and available at:

<https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>

A Schedule of Modifications to the draft ACP and amendment is attached to this report (**Attachment (b)**).

Comment

Further Council Workshops and Other Key Events since October 2018

Following the October 2018 Council meeting the Council has undertaken a series of six workshops with City officers and expert consultants (RobertsDay, With Architects, Profile ID and Veraison) to address the matters outlined in part 2 of the October 2018 Council resolution. Further, the Council has also had communications and correspondence from the Chairman of the Western Australian Planning Commission in regards to the progress of the two documents. Table 1 provides an overview of the workshops, as well as other key events that have occurred since October 2018.

Date	
6 November 2018	A workshop was held with Elected Members and City Officers, and facilitated by Veraison. The purpose of the workshop was to discuss and understand the key issues with the draft documents that needed to be resolved, and to determine a way forward. The outcome was that further workshops with key members of the project team (RobertsDay and With Architects) would be held to better understand and refine the draft documents.
29 November 2018	A workshop was held with Elected Members, City Officers and Profile ID. The purpose of the workshop was to outline and provide a better understanding of the City's demographic and population forecasts. The presentation focussed on providing a detailed overview of the methodology and process to prepare the forecasts. The following key points were outlined and discussed: <ul style="list-style-type: none"> • The forecast is informed by dwelling growth, which is determined based on likely development outcomes under the current planning framework and well-advanced planning studies and documents. • The differences between a projection and a forecast and how these are applied for different planning purposes. • A forecast, as opposed to a projection, is used to provide the best estimate of what we need to plan for in the future. • A projection, informed by the growth forecast, is used for the purposes of activity centre planning to determine what the growth in a centre should be based on planning and economic objectives.

12 December 2018	<p>A workshop was held with Elected Members, City Officers and RobertsDay (facilitated by Mike Day). The purpose of the workshop was to discuss key issues with the documents, the tiered system of building height and plot ratio limits, the distribution of built form typologies, the vision for the area, setbacks, the extent of the ACP area and transport. The following were key outcomes of this workshop:</p> <ul style="list-style-type: none"> • Discussion of key issues including the relationship between built form and population growth and demand, and the need for these to be aligned, expected extent of future development, and the effect of the ACP on the South Perth Esplanade and foreshore. • Consideration of potential improvements to the assessment of design quality. • Consideration of alternative distribution of built form typologies, including limitations on the extent of Tier 2, commercial development, streetscape forms and podium requirements. It was highlighted to the elected members that the built form controls and distribution of built form typologies in the draft ACP have been calibrated to accommodate the forecast growth, so if development is taken from one area it needs to be added somewhere else. • Consideration of the impact of building height limits on skyline form and building size. • Discussion of the potential for construction of a train station and effects on the ACP area. There is potential for greater use of public transport, walking and cycling throughout the area, in addition to the potential train station. • Consideration of the Council’s vision for the area. • Consideration of setback requirements in the draft amendment in relation to built form and streetscape typologies. • Discussion of the extent of the ACP area. It was resolved that the ACP area is logical based on an 800 metre walkable catchment from existing public transport, the natural boundary of the peninsula, the South Perth Station Precinct and adjacent areas.
17 December 2018	<p>A workshop was held with Elected Members, City Officers and RobertsDay and With Architects. The workshop was also attended by the Chairman of the Western Australian Planning Commission and key staff from the Department of Planning, Lands and Heritage, who were invited to discuss the relationship of the draft ACP and amendment to the overarching state planning framework and the City’s draft Local Planning Strategy in accordance with point 2(i) and (j) of the Council resolution. The Chairman advised the Council of the following:</p>

	<ul style="list-style-type: none"> • The documents are sound, guided by proper planning principles and based on sound evidence, and therefore appropriate for public advertising. • Given the interrelationship between the draft amendment and the draft ACP it would be beneficial and logical to have both documents advertised and considered concurrently. • The Commission would be writing to the Council to request that the Council consider advertising both documents by the end of January 2019. • The Minister for Planning had received requests under Section 76 of the <i>Planning and Development Act, 2005</i> to order the City to advertise Amendment No. 61. <p>The remainder of the workshop discussed built form, architecture and design quality. Key outcomes of this discussion included:</p> <ul style="list-style-type: none"> • The ACP area is a place in transition from smaller to larger building forms • Design quality is critical to maintaining and improving the area over time including the design of building podiums and towers, green space, street frontages and car parking areas. • Design Review Panels and design guidelines are essential to ensure multiple land owners/developers produce complementary buildings. • Reduction of heights along the Esplanade east of Mends Street, and increase in setbacks along this section and the northern section of the Esplanade. • The desire to see a height limit added into the ACP for all tiers. Potential height limits were discussed, as well as the potential changes to the distribution of built form typologies. It was agreed that these would be further investigated by the team and the outcomes presented to elected members at the next workshop. The need to ensure the proposed height limits would be sufficient to accommodate the projected growth and demand was highlighted.
21 December 2018	The Council received a letter from the Chairman of the Western Australian Planning Commission reiterating the advice provided at the above workshop.
11 January 2019	<p>The Mayor responded to the above letter outlining:</p> <ul style="list-style-type: none"> • The reasons that the end of January was not an achievable date to commence advertising of the documents; and • The reasons the Council felt there were further refinements required to be made to the documents and the further work to be undertaken by Council in late January and early February to refine the documents; and

	<ul style="list-style-type: none"> Alternative target dates for Council to endorse the draft documents for advertising and recognition that it would be beneficial and logical for both documents to be advertised and considered concurrently.
29 January 2019	<p>A third workshop was held with Elected Members, City Officers, RobertsDay and With Architects (facilitated by Mike Day). The purpose of the workshop was to discuss the draft built form controls, building heights, building shape and the need for flexibility, skyline form, the interface with Perth Zoo and Labouchere Road, and design quality requirements. The following were key outcomes of this workshop:</p> <ul style="list-style-type: none"> A detailed overview on how the ACP requirements work to define a building envelope (setbacks, height, floorplate limits) and size (plot ratio limits). A detailed overview of the modelling process (how projected growth is managed to inform the built form controls). Overview and discussion of three alternative scenarios for the distribution of built form typologies and the height limits for each scenario that would be required to accommodate growth. Alternative 1 : October 2018 draft controls, Alternative 2: concentration of high typology and tier 2 potential immediately adjacent to the Landmark site, and reduction in heights adjacent to the Esplanade and Perth Zoo, Alternative 3: a hybrid model of the previous two scenarios that balanced addressing the key issues identified by Council with the need to accommodate growth. These scenarios were a result of discussions at previous workshops about modifications to distribution of built form typologies and heights. Discussion of the interface with the Zoo including the likely extent of adjacent development and shading, increasing setbacks to Labouchere Road and potential improvements to the street environment. With Architects provided a detailed presentation on design quality standards, implementation and examples. Discussion included potential changes to the draft ACP and amendment to improve the assessment of design quality and ensure standards become more stringent as building height/size increases.
5 February 2019	<p>A fourth and final workshop was held with Elected Members, City Officers, RobertsDay and With Architects (facilitated by Mike Day). The purpose of the workshop was to finalise modifications to the draft ACP and amendment, and discuss public realm and public benefits resulting from development. The following were key outcomes of this workshop:</p>

	<ul style="list-style-type: none"> • Overview and discussion of the Design WA documents, including the Apartment Design Guide, and increased focus on design in State Government planning policy. • Discussion of modifications to the draft ACP and amendment to clarify design quality expectations at Base, Tier 1 and Tier 2 levels. • Discussion and consensus on modifications to the distribution of built form typologies and associated height limits - Esplanade heights to remain Low typology; modify the area between Fraser Ln and Ferry St from High to Medium-High with Tier 2; increase Mill Point Rd north of Fraser Ln from Medium to Medium-High. • Detailed overview of impact of buildings on the Zoo. The Zoo is a shady environment with high tree cover, which also obscures views to adjacent buildings. Draft ACP/amendment to be modified to ensure buildings cannot be taller than the existing Pinnacles adjacent to the Zoo (remove tier 2 potential adjacent to the Zoo). • Discussion of potential investments and improvements to the public realm from developers and the City.
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Table 1: Overview of Workshops and Key Events

Consequences of Request from the Western Australian Planning Commission

The request from the Chairman of the WA Planning Commission and subsequent response from the Council has resulted in the process for Council to modify and reconsider the draft documents being expedited and a number of the points in the October 2018 Council resolution not being able to be progressed.

With respect to point 1 of the resolution, the City received certification from the Commission to advertise the draft Local Planning Strategy (LPS) on 5 February 2019. Due to the steps required to be undertaken as part of the certification process, advertising cannot commence until 12 March 2019. The community engagement on this document will therefore not have been substantially commenced by the time the Council reconsiders the draft ACP and amendment.

Advertising of the draft LPS is not considered a necessary precursor to progressing the draft ACP, as the outcomes of the advertising will not affect the need for an ACP to be prepared for this area. The preparation of an ACP is a State Government requirement and the culmination of an ongoing review of the planning framework for the area, which the Council committed to progressing as a matter of priority in 2015 and again in June 2018. Further given the high level nature and purpose of an LPS (to highlight and guide what further planning work needs to be done to inform the Scheme) the outcomes of advertising will not have an impact on the content of the draft ACP and amendment. The key draft strategy relevant to the draft ACP and proposed amendment is Strategy 4.2.1:

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

The draft ACP and proposed amendment implement the above strategy for the South Perth Activity Centre.

With respect to the part of point 2 of the resolution to progress the ACP as a 'stand alone' document ahead of the scheme amendment, the Chairman of the WA Planning Commission advised the Council that it would be beneficial and logical to consider and advertise both the ACP and scheme amendment concurrently given the interrelationship between both documents. As outlined in the preceding section the Mayor, subsequently agreed with this view and agreed to progress the documents concurrently.

This is considered the best and most efficient approach as the ACP and amendment have been prepared to be read together. This structure is to ensure that the key development requirements are included in the Scheme, which has greater statutory weight than the ACP. Both documents can be updated concurrently to reflect changes to either document should the need arise through the advertising process.

Outcomes of Further Workshops

The further workshops provided the Council with an opportunity to better understand and refine the draft documents. The key outcomes from the workshops can be summarised as follows:

- A sound understanding of:
 - the rationale and planning principles underpinning the documents;
 - alignment with the Place and Design Report;
 - how the built form requirements will work in practice;
 - the importance of appropriate design quality controls and design review; and
 - the importance of allowing enough flexibility to encourage variation in the built form, and innovative and exemplar design.
- Modifications to the draft documents to address key issues. These are discussed in detail in the following sections.

Modifications to the draft ACP and amendment

As a result of the further Council workshops, the following modifications have been made to the draft ACP and amendment.

- Introduction of height limits for Tier 2.
- Distribution of height types to protect the amenity of key public assets (South Perth Foreshore and Perth Zoo), provide appropriate transition in building height and allow for appropriate development of high value sites
- Increased street setbacks to South Perth Esplanade and Labouchere Road to reflect the landscape character of the Esplanade and provide additional space for pedestrians, street trees and alfresco uses on Labouchere Road;

- More detailed explanation of the modelling undertaken to develop the built form controls, and how they are calibrated to accommodate forecast growth.
- Refinement of design quality requirements to ensure that all development achieves a high minimum design standard and that excellent or exemplary design is required for larger buildings.

These modifications are discussed in more detail below. A number of other minor modifications have also been made. All of the modifications are outlined in the Schedule of Modifications included at **Attachment (b)**.

Introduction of a Height Limit for Tier 2

The draft ACP and amendment set out a system of height typologies (low, low-medium, medium, medium-high and high) applicable to each site in order to control building height and plot ratio. In addition, floorplate area limits, podium height limits and setbacks apply to all sites and together these requirements control the size and positioning of buildings. The built form controls in the draft ACP and amendment were discussed in detail at the workshops and the Council have made a number of changes to the documents as a result.

The Council strongly supports the introduction of building height limits for all properties within the ACP area (with the exception of the Landmark Site) and at all three tier levels. The September 2018 draft ACP included building height limits for all properties at Base and Tier 1 levels, but Tier 2 proposed only a plot ratio limit with no building height limit. Through the workshops building height limits were developed for Tier 2, to apply in addition to the existing plot ratio limits as set out in Table 2. Accordingly Table 2, Map 2 and Provision 5, Element 2.3 of proposed Schedule 9B (Amendment No. 61) have been modified to include and make reference to these height limits.

Built form Typology	Building Height Limit (Plot Ratio Limit in brackets)		
	Base	Tier 1	Tier 2
<i>Low</i>	<i>14.4m (2.0)</i>	<i>24.3m (2.3)</i>	<i>Not Available</i>
<i>Low-Medium</i>	<i>17.7m (2.5)</i>	<i>30.9m (2.8)</i>	<i>Not Available</i>
<i>Medium</i>	<i>24.3m (4.0)</i>	<i>37.5m (4.8)</i>	<i>60.6m (5.5)</i>
<i>Medium-High</i>	<i>37.5m (5.4)</i>	<i>57.3m (6.6)</i>	<i>90.3m (7.6)</i>
<i>High</i>	<i>50.7m (7.2)</i>	<i>77.1m (8.8)</i>	<i>123.3m (9.8)</i>

Table 2: Building height and plot ratio limits developed through Council workshops

The plot ratio limits in the proposed amendment (see Table 2) remain unchanged from the September 2018 draft. It is important to note that plot ratio is the controlling factor for overall building size and therefore the amount of growth that can be accommodated. The introduction of Tier 2 building height limits provides certainty as to the maximum potential height of any building within the ACP area (with the exception of the Landmark Site).

The proposed building height limits in all cases have been set to be greater than what the plot ratio would otherwise enable if all other development requirements controlling the building envelope were maximised. This is to encourage variation and innovation in building design by allowing flexibility as to whether to maximise the height of the building or the bulk of the tower. Plot ratio remains the limiting factor in both cases.

The building height limit for the high built form typology at Tier 2 (the tallest possible building under the proposed amendment) would ensure that the Landmark Site has the tallest building in the ACP area. This supports the Council's commitment to this site being the focal point within the area, as discussed above.

Distribution of the built form typologies

The distribution of the built form typologies across the ACP area was discussed in detail at the workshops and the Council directed a number of changes to be made to the September 2018 draft amendment, as shown in Table 3.

Location	Change	Reason for change
Properties fronting Mill Point Road north of Scott Street and Fraser Lane	change from Medium to Medium-High	Allow for a "spine" of taller buildings along Mill Point Road and to make up for development potential removed through other changes to height typologies.
Properties fronting Mill Point Road south of Scott Street and Fraser Lane and north of Ferry Street	change from High to Medium-High	Reduction of development potential to provide a transition to lower height typologies north of Scott Street and Fraser Lane.
Properties fronting South Perth Esplanade east of Mends Street	change from Medium to Low	Reduction of development potential to provide a low scale interface with the South Perth Foreshore and develop a sense of depth in the skyline, as viewed from the Perth CBD.
Properties fronting Labouchere Road south of Hardy Street	removal of Tier 2 availability	Removal of Tier 2 additional development potential to help manage the interface with the Zoo. This change means that no buildings taller than the existing Pinnacles development can be built on this part of Labouchere Road.
Properties fronting Melville Parade south of Judd Street	rationalisation of Medium-High areas to match property boundaries	Minor changes to the Medium-High typology boundary to match lot boundaries.

Table 3: Changes to distribution of built form typologies

Map 2 Building Height and Plot Ratio Limits of proposed Schedule 9B (Amendment No. 61) has been modified to reflect these changes.

Setbacks along the Esplanade and Labouchere Road

The draft ACP and amendment require setbacks at ground level that reflect the desired future role and character of the street. Through the workshops the street setbacks on South Perth Esplanade (north of Fraser Lane and east of number 85 South Perth Esplanade) and on Labouchere Road (south of Judd Street) have been increased as follows:

- South Perth Esplanade: street setback increased from 3 and 6 metres in the September 2018 draft amendment to 12 metres to reflect the landscape character of the esplanade bordering the South Perth Foreshore
- Labouchere Road: street setbacks increased from nil in the September 2018 draft amendment to 2 metres to provide more space for pedestrians and street trees and to support the development of retail uses and alfresco dining on Labouchere Road

Map 3 Street Setbacks of proposed Schedule 9B (Amendment No. 61) has been modified to reflect these changes. No further changes are required to the floorplate area or podium height requirements in the draft ACP or amendment to address this part of the resolution.

Modelling of Modifications to Built Form Controls and Distribution of Built Form Typologies

The effect of all of the above modifications were modelled as described in Figure 14 of Part Two of the draft ACP to ensure that forecast growth can still be accommodated. Figure 14 has been added to Section 6 of Part Two of the draft ACP to better explain the process of developing the built form controls, and how they are calibrated to accommodate forecast growth.

The modelling process confirmed that the modified ACP is sufficient to accommodate the forecast growth as outlined in Part Two of the draft ACP.

The Proposed Tiered System and Refinement of Design Quality Requirements community benefits

The tiered system of building height and plot ratio limits is designed 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. 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 and prescribes greater maximum height, plot ratio and tower gross floorplate area limits.

In addition to the Tier 2 building height limit, requirements for design quality applicable to Tier 1 and Tier 2 development proposals have been refined and improved. An additional objective has been added to the draft ACP at Part One section 4.3.3:

To ensure that buildings with additional height and/or plot ratio above the base limits set in Schedule 9B achieve excellent or exemplary standards of design.

In support of this objective the draft ACP now defines three levels of design quality in Part One, Section 4.3.3.1, as follows:

- Good design is defined as meeting all of the relevant standards set in the policy and guidelines of the WAPC relating to design review principles and practices (e.g. Design WA Design Review Guide (as amended)) and any other relevant state or local government policy or guidelines.

- Excellent design is defined as demonstrably exceeding all of the relevant minimum standards set in the policy and guidelines of the WAPC relating to design review principles and practices (e.g. Design WA Design Review Guide (as amended)) and any other relevant state or local government policy or guidelines.
- Exemplary design is defined as being of a standard that provides a high benchmark for design, innovation, and sustainability and is visually striking and memorable in the context of the locality.

A new section on design quality (Element 7) has been added to the proposed Schedule 9B (Amendment No. 61) to require all development at the Base level to at least achieve a good standard of design by meeting all of the relevant requirements in state and local government policy. Developments seeking approval within the Tier 1 level must achieve an excellent standard, while those seeking approval within the Tier 2 level must be exemplary.

In order to achieve an exemplary standard of design, proposals in the Tier 2 level must undertake a competitive design process between at least three architectural firms deemed to be of suitable standard to deliver an exemplary concept. The winning architect would then be chosen by independent assessors (not the landowner). Tier 2 design requirements are intended to deliver iconic development, and is not expected to be sought on more than a handful of occasions.

A competitive design policy is currently being developed and will be presented to Council for consent to advertise in April. It is intended that this policy will be advertised with the draft ACP and amendment.

Design quality is by definition qualitative. However the modifications set out robust processes to ensure that good design is required for all development proposals, with standards becoming increasingly stringent as buildings get taller or larger.

As a result of this addition for Design Quality (new Element 7), the previous Element 7 has been renumbered to Element 8 in the proposed Schedule 9B (Amendment No. 61).

Other Matters

The following matters were considered at the workshops in accordance with the resolution:

- Preferred land use distribution and relationship of residential to non-residential;
- Council Vision for the Precinct
- Relationship with the overarching State Planning Framework and Draft Local Planning Strategy
- Alignment between needs of the community, demographic projections, RobertsDay Place and Design Report, and the State Government Strategic Planning Framework

It was determined through the workshops that these matters are sufficiently addressed in the draft documents and no further changes are required to the draft ACP or amendment.

Further, the City is presently finalising a community needs study for the area. The study identifies community infrastructure that will be required in the area as the population grows and makes recommendations regarding the delivery of that infrastructure. This report will inform ongoing improvements to community infrastructure, including implementation of the public benefits framework in the draft ACP.

Summary

The workshops provided the Council with an opportunity to better understand the structure and content of the draft ACP, the principles underpinning both documents, as well as refine certain elements to address key issues. The modifications provide:

- More detailed explanation of the process of developing the built form controls, and how they are calibrated to accommodate forecast growth.
- Greater certainty through building height limits for all sites at all tier levels
- Distribution of height types to protect the amenity of key public assets (South Perth Foreshore and Perth Zoo), provide appropriate transition in building height and allow for appropriate development of high value sites
- Increased street setbacks to South Perth Esplanade and Labouchere Road to reflect the landscape character of the Esplanade and provide additional space for pedestrians, street trees and alfresco uses on Labouchere Road; and
- Greater certainty and guidance for assessment of design quality and more stringent standards for approval of larger buildings
- Refinement of design quality requirements to ensure that all development achieves a high minimum design standard and that excellent or exemplary design is required for larger buildings.

These changes have addressed the key issues of the Council and it is recommended that the draft ACP and amendment be approved for public advertising.

Consultation

There has been extensive preliminary engagement on this matter (refer to **Attachment (a)**). The Western Australian Planning Commission will be required to consent to advertise the proposed amendment prior to the commencement of any public advertising. The WAPC may direct the City to modify the proposed amendment prior to advertising commencing.

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

- Supporting documentation (to be available electronically and in hard copy) to explain key components of the draft ACP and proposed Amendment No. 61, including FAQs, summary documents and explanatory notes;
- Inviting feedback on the draft ACP and proposed Amendment No. 61 via the City's online engagement platform (Your Say South Perth);

- Advertising the draft ACP and proposed Amendment No. 61 in local newspapers and publications (both online and hard-copy) including the Southern Gazette, e-news, Peninsula Magazine and social media;
- Letters to every affected landowner;
- Emails to established database for planning projects in the ACP area;
- Media communications to promote the project and opportunities to provide feedback; and
- Community drop in sessions to enable stakeholders to ask detailed questions of City Officers.

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

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

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

Policy and Legislative Implications

The South Perth Activity Centre is classified as a district centre in the state's activity centres hierarchy and therefore requires an activity centre plan in accordance with State Planning Policy 4.2 'Activity Centres for Perth and Peel'. The draft ACP has been prepared in accordance with Part 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), State Planning Policy 4.2 Activity Centres for Perth and Peel and Western Australian Planning Commission (WAPC) Structure Plan Framework (2015), and with regard to relevant City of South Perth and WAPC planning policies.

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

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

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

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

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

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

Financial Implications

The preparation and advertising of the draft ACP and proposed Amendment No. 61 is included in the 2018/2019 operational budget. The workshops required as a result of the October 2018 resolution were approved as a variation to the existing contract. The total cost of these workshops and associated strategic advice was \$152,588 (ex. GST). The mid-year budget review, approved by Council in February, reflected this increase.

Should Council resolve to undertake further work prior to consent to advertise, a further contract variation will be required and the cost will be dependent on the work required.

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

- | | |
|-------------------|--|
| 7.3.1 (a): | Minutes Ordinary Council Meeting 30 October 2018 |
| 7.3.1 (b): | Schedule of Modifications |

8. CLOSURE