

**Agenda**                      **Review of the City of Perth's Local Planning Schemes**  
**Item 13.4**

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**Recommendation:**

***That Council:***

1. ***pursuant to Regulation 66(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to:***
  - 1.1. ***APPROVE the review of the City of Perth's Local Planning Schemes as detailed in the report forming Attachment 13.4A and 13.4B; and***
  - 1.2. ***PROVIDE the approved report to the Western Australian Planning Commission (WAPC); and***
  
2. ***pursuant to Regulation 66(3) RECOMMEND to the WAPC that upon finalisation of the City Planning Strategy, a new Local Planning Scheme (City Planning Scheme No. 3) be prepared and that upon approval of this, the current City of Perth's Local Planning Schemes as outlined below be repealed:***
  - 2.1. ***City Planning Scheme No 2;***
  - 2.2. ***Minor Town Planning Schemes No's 11, 13, 14, 16, 21, 23 and 24;***
  - 2.3. ***Local Planning Scheme No. 26 – Normalised Redevelopment Areas;***
  - 2.4. ***City of Subiaco Town Planning Scheme No. 4; and***
  - 2.5. ***City of Nedlands Town Planning Scheme No. 2.***

FILE REFERENCE:	P1035483
REPORTING UNIT:	City Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	16 February 2018
ATTACHMENT/S:	Attachment 8.5A – Review of the City of Perth's Local Planning Schemes. Attachment 8.5B – Amendments to City Planning Scheme No. 2

**Council Role:**

- |                                     |             |  |
|-------------------------------------|-------------|--|
| <input type="checkbox"/>            | Advocacy    | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>  |
| <input type="checkbox"/>            | Executive   | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies.</i>   |

- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

## **Legislation / Strategic Plan / Policy:**

### **Legislation**

Regulations 65, 66 and 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*  
 City Planning Scheme No 2  
 Minor Town Planning Schemes No's 11, 13, 14 16, 21, 23 and 24  
 Local Planning Scheme No. 26 – Normalised Redevelopment Areas  
 City of Subiaco Town Planning Scheme No. 4; and  
 City of Nedlands Town Planning Scheme No. 2.

### **Integrated Planning and Reporting Framework Implications**

#### **Strategic Community Plan**

Goal 1 A city for people  
 Goal 2 An exceptionally well designed, functional and accessible city.  
 Goal 4 A future focused and resilient city.  
 Goal 5 A prosperous city.

### **Policy**

Policy No and Name: N/A

## **Purpose and Background:**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations 2015) were gazetted on 25 August and took effect from 19 October 2015.

The City of Perth (the City) is required under regulations 65 and 66 of the Regulations 2015 to review its local planning schemes within two years on which the regulations came into operation (i.e. by 19 October 2017) and to prepare a report on the review within 6 months (i.e. by 19 March 2018). The City's local planning schemes include:

- City Planning Scheme No.2 (CPS2);
- Minor Town Planning Schemes (MTPS) No's 11, 13, 14 16, 21, 23 and 24; and
- Local Planning Scheme No. 26 – Normalised Redevelopment Areas (LPS26).

In accordance with the *Local Government (Constitution) Regulations 1998*, the City has been applying the following local planning schemes within the areas transferred to the City on the 1 July 2016 under the *City of Perth Act 2016*:

- City of Subiaco's Town Planning Scheme No. 4 (TPS4); and
- City of Nedlands Town Planning Scheme No. 2 (TPS2).

The *Local Government (Constitution) Regulations 1998* enables each local government to apply their Schemes independently over their respective areas.

Legal advice has confirmed that the City must review TPS4 under regulation 65, insofar as it relates to land within Perth City, by the 30 June 2021. This also applies to the City of Nedlands TPS2. Notwithstanding this, to ensure a holistic approach is undertaken to the review of the City's local planning schemes, it is considered appropriate that a review of both TPS4 and TPS2 also occurs at this time.

The purpose of the review is to ascertain whether the above local planning schemes:

- are up-to-date;
- meet the objectives outlined in the various local planning schemes; and
- comply with any relevant legislation, Region Planning Scheme or State Planning Policy.

The review must make recommendations to the Western Australian Planning Commission (WAPC) as to whether the local planning schemes:

- are satisfactory in their existing form; or
- should be amended; or
- should be repealed and a new local planning scheme prepared in their place.

### **Details:**

A report has been prepared in accordance with regulation 66 of the *Regulations 2015* and the WAPC's 'Review of Local Planning Schemes' guide. Please refer to Attachment 13.4A.

The report provides details on the following:

- A brief overview of Perth City including its location, size, predominant land uses and current population;
- A list of the local planning schemes to be reviewed;
- The date the local planning schemes were gazetted;
- A list of amendments to the local planning schemes including dates they were gazetted;
- An overview of subdivision and development activity (residential and commercial), and population changes in Perth City since January 2004 (i.e. the gazettal date of CPS 2);
- An overview of the extent to which the local planning schemes have been amended to comply with the requirements of any relevant legislation, Region Planning Scheme or State Planning Policy;
- An update on the preparation of the City's City Planning Strategy;
- Further matters to be considered;
- The planning implications that arise out of the analysis of the amendments to the local planning schemes, subdivision and development activity and population changes; and
- Recommendations with respect to the local planning schemes.

## The Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations 2015 set out the elements and contents of local planning schemes. It requires Schedule 1 (Model Provisions) to be the basis of the local planning scheme text and Schedule 2 (Deemed Provisions) to be applicable to all local planning schemes in Western Australia in order to provide greater consistency.

The Model Provisions are significantly different to the previous version contained in the Town Planning Regulations 1967 in terms of the local planning scheme format/structure, the introduction of new provisions (relating to additional site and development requirements and State Planning Policy 3.6 – Developer Contributions), in addition to the zoning categories and land use definitions. There are also changes to the way some mechanisms operate.

### **Financial Implications:**

The preparation of a new local planning scheme is estimated to cost \$200,000 in the 18/19 financial year. It is likely that further budget will also be needed in subsequent financial years for this.

### **Comments:**

#### **City Planning Scheme No.2**

City Planning Scheme No.2 (CPS2) was gazetted on the 9 January 2004. The CPS2 is the City's overarching local planning scheme and controls and guides development and growth within the majority of Perth City.

A total of 37 amendments to CPS 2 have been approved since 2004, with three amendments still in progress as indicated in Attachment 8.5B.

These amendments have varied in nature from significant strategic amendments to reflect State and City planning objectives; to administrative amendments to clarify the intent and application of certain provisions, remove inconsistencies as well as address changes to State Planning legislation; to site specific amendments.

#### *Strategic Amendments*

Amendments 25 and 26 (made in February 2013 and July 2014 respectively) were substantial amendments to CPS2 based on the City's 'Perth City: Growth Needs for the Future - Plot Ratio and Built Form Study (2011)'. These amendments facilitated major changes to the plot ratio provisions under CPS2 and have helped to maximise the development potential of Perth City and to maintain the prominence of the Central Business District (CBD). These increases encourage a greater intensity of development around Perth City's train stations and town centres, helping Perth City to grow in a sustainable manner.

Additionally, to encourage more housing in the inner city core and extend its liveliness beyond business hours, bonus plot ratio for residential developments was introduced. Additional bonus plot ratio was also introduced to encourage the provision of hotels and other short term visitor accommodation within Perth City.

The changes also revised the approach to controlling building heights in Perth City by specifying maximum building heights only in select areas, where there is a need to protect the public amenity of key pedestrian areas or public spaces and established character areas. Elsewhere, building heights are indirectly controlled through plot ratio, street building height and setback controls as well as broader development objectives.

A strategic planning review has also been undertaken over the area to the north of the City West train station, known as the Hamilton Precinct, which culminated in Amendment 24 being made in early 2013. This amendment enabled higher plot ratio on a large portion of the precinct subject to the provision of public infrastructure and facilities in order to promote residential development within the predominately commercial precinct to increase vitality after normal business hours. In addition, the plot ratios for Residential/Special Residential Uses and other Use Groups were increased within the remainder of the Precinct due to its proximity to the train station.

### *Site Specific Amendments*

A total of 22 amendments have been made to CPS2 to create Special Control Areas (SCA) over specific sites across Perth City. These were initiated predominately with land owners and have varied in complexity. Most SCAs have been created to ensure co-ordinated development over the sites and to treat the lots within a SCA as one site for the purposes of calculating plot ratio and tenant car parking provisions. In some instances additional built form provisions, or provisions to encourage the restoration and maintenance of existing heritage properties within the SCAs were also incorporated.

### *Administrative Amendments*

A number of substantial amendments have also been made to CPS2 to for the purpose of achieving greater accuracy and clarity as well as responding to State Government legislative changes.

### *Local Planning Policy/Precinct Plan Amendments*

A number of local planning policies and Precinct Plans made pursuant to CPS2 have been reviewed to address current issues, State planning legislation, or to reflect changes to the local planning schemes.

This has included a review of the built form and landscaping provisions within West Perth and the area around Goderich Street as well as a review of the parking and sign provisions.

CPS2 has generally been considered to be an effective and flexible planning and development control instrument during its tenure and facilitated a period of significant growth in Perth City during the economic boom.

A number of matters have been identified as part of this review of CPS2 as requiring further consideration and are discussed in detail in Attachment 13.4A. These include a need to:

- review some of the broad land use categories to ensure that amenity impacts are adequately considered;
- ensure that potential land use conflicts between entertainment and residential land uses are appropriately managed;
- review the residential parking standards; and

- improve housing diversity.

From an administrative perspective, CPS2 is inconsistent with the Model Provisions of the Regulations 2015 in terms of its structure/format, terminology, zoning categories, and a number of its land use and general definitions. CPS2 also does not incorporate the model provisions for developer contributions.

### **Local Planning Scheme No. 26 (Normalised Redevelopment Area)**

Local Planning Scheme No. 26 (LPS26) was gazetted on 11 September 2007. LPS26 provides planning provisions for the 'normalised' redevelopment areas with the administrative power to determine applications and amend policy being provided by CPS2. The majority of the planning provisions in LPS26 were adopted from the former 'East Perth Redevelopment Scheme No.1', now the 'MRA Central Perth Redevelopment Scheme 2012'.

LPS26 has had two amendments. Amendment No. 1 made in March 2015 was a major amendment to incorporate the normalisation of Stage 1A New Northbridge and Stages 2 & 3 Claisebrook Village Project Areas. A further minor amendment was made in February 2017 to reflect the terminology of the Deemed Provisions.

LPS26 has a similar framework to the 'MRA Central Perth Redevelopment Scheme 2012'. Whilst this is inconsistent with the Model Provisions of the Regulations 2015, it provides for an easy transition of the redevelopment areas back into the City's planning framework once normalised. This will continue to remain an important consideration in any further detailed review of the City's local planning schemes.

A number of matters have been identified as part of this review of LPS26 as requiring further consideration and are discussed in Attachment 13.4A. These include a need to review the residential density controls within LPS26 to establish whether they need to be increased to align more closely with the State Government's housing infill strategies and to create a more vibrant urban environment.

### **Minor Town Planning Schemes**

A number of MTPS apply to specific sites throughout Perth City. The MTPS were prepared for the purpose of enabling the comprehensive redevelopment of the land within each of the Scheme Areas. The MTPS are complementary to CPS2.

Each of the MTPS has been amended to primarily address procedural and administrative issues.

A number of the MTPS have inconsistent terminology and the application of their plot ratio provisions in relation to CPS2 is unclear. This has led to a recent appeal at the State Administrative Tribunal.

It should also be noted that since the introduction of Special Control Areas into the State planning framework in 1999 and gazettal of the CPS2 in 2004, the City has been incorporating Special Control Areas under CPS2 in preference to creating new MTPS to create site specific planning and development standards.

## **City of Subiaco Town Planning Scheme No. 4**

TPS4 was gazetted on 23 March 2001 and over 25 amendments have been made to it since that time by the City of Subiaco, with several amendments in progress.

The City of Subiaco undertook a review of TPS4 in November 2016 as part of the preparation of its new local planning scheme (Town Planning Scheme No. 5) to address boundary and demographic changes/implications associated with the City of Perth Act and other changes to the State and local planning framework.

The TPS4 is set out similarly to the Model Scheme Text of the former 'Town Planning Regulations 1967' however is inconsistent with the Model Provisions of the Regulations 2015 with regard to the structure/format, zoning categories and new provisions. A number of other matters requiring further consideration are highlighted in Attachment 13.4A.

## **City of Nedlands Town Planning Scheme No. 2**

TPS2 was gazetted in April 1985. It has been reviewed by the City of Nedlands to create a draft Local Planning Scheme No. 3 (LPS3). The draft LPS3 has been endorsed by the City of Nedlands and WAPC and is currently being advertised for public comment.

The City of Nedlands review of TPS2 identified that it did not adequately take into account the latest objectives of the State nor reflect the aspirations of the community. TPS2 is not consistent with the Model Provisions of the Regulations 2015 for similar reasons as per the City of Subiaco's TPS4. It has limited application however within Perth City as the majority of the land (UWA and QEII) which was transferred to the City is reserved under the Metropolitan Region Scheme.

## **City Planning Strategy**

The City of Perth released a new Strategic Community Plan in June 2017, which encapsulates the community's vision for the future of Perth City. The Strategic Community Plan was shaped by extensive community and stakeholder consultation carried out in early 2017.

Following the finalisation of the Strategic Community Plan, the City has commenced development of a new City Planning Strategy (the Strategy). Extensive background research and technical analysis is currently being undertaken along with preliminary community engagement.

The Strategy will provide the strategic direction under the Strategic Community Plan for the future planning and development of Perth City over the next 10 years and beyond. It will respond to social trends, economic drivers, environment, cultural change and population growth. It will guide the form, nature and function of the future physical development of the city and needs to take into account land use, built form, transport, sustainability, the environment, the economy and governance.

Any recommendations of and direction established in the Strategy will need to be implemented through the local planning scheme.

The draft Strategy is expected to be ready for the Council's consideration in July 2018. It will then be lodged with the WAPC for certification and approval to formally advertise to the public for comment.

## **UWA/QE11 Structure Plan**

The WAPC State Planning Policy No. 4.2- *'Activity Centres for Perth and Peel'* (August 2010) identifies land around UWA/QE11 as a 'Specialised Centre' for Health, Education and Research. These facilities are key drivers of innovation and information exchange and generators of employment. They provide significant opportunities for the development of business synergies and agglomeration of like activities.

The policy requires the preparation of an 'Activity Centre Structure Plan' for this centre to establish a detailed and integrated statutory planning framework for the future development of the area.

It is understood that both UWA and QE11 are currently commencing masterplans for each of their individual landholdings. It is therefore timely for the broader 'Activity Centre Structure Plan' to also be prepared.

It is intended that this planning exercise will be jointly led by the City of Perth and the Department of Planning, Lands and Heritage (DPLH) in collaboration with UWA, QE11 and the local community.

## **Capacity for Future Development**

The capacity for future development under the City's local planning schemes should align with the State Government's and the City's plans for future growth. In this regard the State Government's recently endorsed *'Central Sub-regional Planning Framework'* (March 2018) forms an integral part of the *'Perth and Peel @ 3.5 Million'* (March 2018) which aims to ensure that there will be sufficient suitable land available for future housing and employment in order to accommodate population growth to 2.9 million by 2031 and 3.5 million by 2050. Within this strategy, the State Government identified the need for an additional 213,130 infill dwellings and 831,960 new jobs within the Central Sub-Region by 2050 and has set an infill target for Perth City of 15,910 additional dwellings by 2050.

Perth City has experienced rapid residential population growth over the last decade, growing from 13,972 residents in 2005 to 26,893 residents in 2016. Over the next 20 years, an additional 14,000 people are expected to make Perth City their home. This would bring the total population to over 40,000 people by 2036.

In addition to the resident population, around 205,750 workers and visitors are estimated to visit the CBD on a typical weekday and around 25,000 students, workers and visitors attend UWA and QE11 on a daily basis.

It is considered that the major changes that were made to the plot ratio provisions of CPS2 discussed above have helped to maximise the development potential of Perth City and assist it in achieving State Government objectives. The changes provided the capacity for the development of an additional 1,124,000m<sup>2</sup> of floorspace, taking the total potential for additional floorspace in the City (pre-July 2016) to 5,000,000m<sup>2</sup> which was considered in 2011 to effectively provide for any floorspace demand for the foreseeable future.

It is important to ensure that adequate and suitable housing and community services and essential infrastructure is provided to support the forecast levels of growth. Accordingly as part of the Strategy, the City is undertaking a number of technical studies including a 'Housing



Analysis Study', 'Utility Services and Infrastructure Study' and 'Community Infrastructure Study'. Further details are provided in Attachment 13.4A.

### **Conclusion:**

Overall, it is considered that CPS2 has been an effective planning tool which has provided flexibility to cater for different types of land uses as demand has changed over time. This has been an important factor to ensure the capacity for future growth. As such, it is considered that CPS2 has been achieving its key objectives.

There are however a number of matters that have been identified as part of this review of the City's local planning schemes as requiring further consideration, many of which will be addressed through the City Planning Strategy currently under preparation.

The City Planning Strategy will also set a new planning and development vision for Perth City in line with State Government planning objectives and the City's vision for Perth City as set out in its Strategic Community Plan.

Once prepared, it will be important to ensure that the City's future local planning scheme/s are in alignment with the Strategy.

The City is currently applying 11 local planning schemes across Perth City. These have inconsistencies in terms of objectives, terminology, land use zones and categories, structure and format, as well as development standards. Whilst having numerous schemes is not optimal from an administrative perspective as outlined in this report, it has not affected the City in its exercise of its local planning functions. The preparation of a new local planning scheme will provide the opportunity to reduce the number of local planning schemes operating in Perth City.

In order to ensure consistency and best planning practice, it is recommended in accordance with Regulation 66(1) and (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that Council:

- approve the report of the review of the Schemes and forward this to the WAPC for its consideration; and
- upon finalisation of the City Planning Strategy, prepare a new local planning scheme and upon approval of this, repeal the existing local planning schemes.

March 2018

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## 1 Introduction

The ‘Planning and Development (Local Planning Schemes) Regulations 2015’ (hereafter referred to as the Regulations 2015) were gazetted on 25 August and took effect from 19 October 2015.

The City of Perth (the City) is required under regulations 65 and 66 of the Regulations 2015 to review its local planning schemes within two years on which the regulations came into operation (i.e. by 19 October 2017) and to prepare a report on the review within 6 months (i.e. by 19 March 2018). The City’s local planning schemes include:

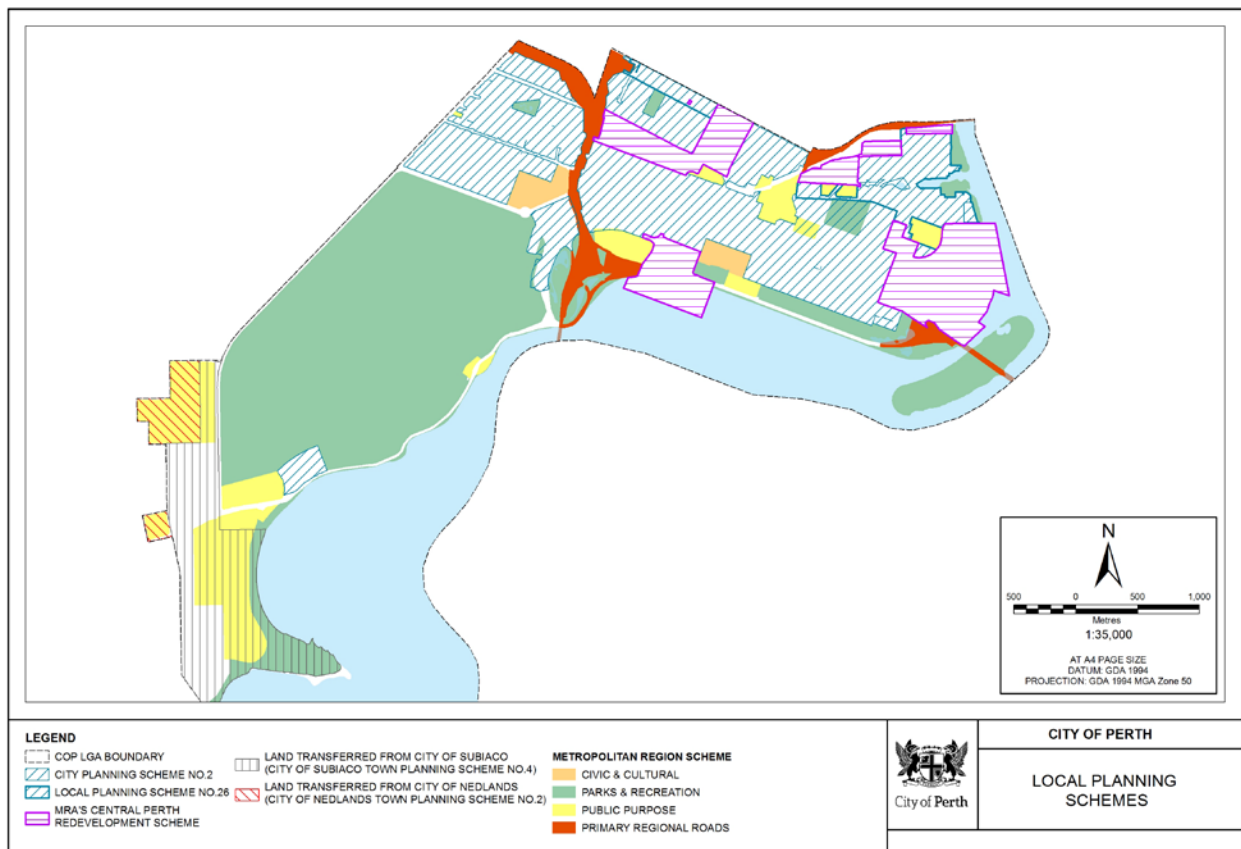
- City Planning Scheme No.2 (CPS2);
- Minor Town Planning Schemes (MTPS) No’s 11, 13, 14 16, 21, 23 and 24; and
- Local Planning Scheme No. 26 – Normalised Redevelopment Areas (LPS26).

In accordance with the Local Government (Constitution) Regulations 1998, the City has also been applying the following local planning schemes within the areas transferred to the City on the 1 July 2016 under the City of Perth Act:

- City of Subiaco’s Town Planning Scheme No. 4 (TPS4); and
- City of Nedlands Town Planning Scheme No. 2 (TPS2).

The Local Government (Constitution) Regulations 1998 enables each local government to apply their Schemes independently over their respective areas.

**Figure 1: Local Planning Schemes within the City of Perth**



Legal advice has confirmed that the City must review TPS4 under regulation 65, insofar as it relates to land within Perth City, by the 30 June 2021. This also applies to the City of Nedlands TPS2. Notwithstanding this, to ensure a holistic approach is undertaken to the review of the City's local planning schemes, it is considered appropriate that a review of both TPS4 and TPS2 also occurs at this time.

The purpose of the review is to ascertain whether the above local planning schemes are:

- up-to-date;
- meet the objectives outlined in the various local planning schemes; and
- comply with any relevant legislation, Region Planning Scheme or State Planning Policy.

In accordance with regulation 66 of the Regulations 2015 a report must be prepared in the manner and form approved by the Western Australian Planning Commission (WAPC) and must include the following information:

- A brief overview of Perth City including its location, size, predominant land uses and current population;
- A list of the local planning schemes to be reviewed;
- The date the local planning schemes were gazetted;
- A list of amendments to the local planning schemes including dates they were gazetted;
- An overview of subdivision and development activity (residential and commercial), and population changes in Perth City since January 2004 (i.e. the gazettal date of CPS2);
- An overview of the extent to which the local planning schemes have been amended to comply with the requirements of any relevant legislation, Region Planning Scheme or State Planning Policy;
- An update on the preparation of the City's City Planning Strategy;
- Further matters to be considered;
- The planning implications that arise out of the analysis of the amendments to the local planning schemes, subdivision and development activity and population changes; and
- Recommendations with respect to the local planning schemes.

The review must make recommendations to the WAPC as to whether the local planning schemes:

- are satisfactory in their existing form; or
- should be amended; or
- should be repealed and a new local planning scheme prepared in their place.

## 2 Background

Perth City covers an area of just under 14 square kilometres on the northern banks of the Swan River. It includes the suburbs or parts thereof of Crawley, East Perth, Nedlands, Northbridge, Perth and West Perth, and contains over 11 kilometres of river frontage.

Perth City has the largest concentration of jobs, services, education and cultural and leisure activities in Greater Perth. It houses the State Parliament of Western Australia, key Federal and State judicial institutions, and numerous international consulates.

### 2.1 City of Perth Act 2016

The introduction of the 'City of Perth Act 2016' (the Act) on 1 July 2016 brings the City in line with other Australian capital cities and acknowledges its central role in tourism, business and economic development.

The boundaries of the City have been revised in accordance with the Act. Limited areas of land from the City of Subiaco and the City of Nedlands were transferred to the City of Perth and include the University of Western Australia (UWA), the Queen Elizabeth II Medical Centre (QEII) and the Royal Perth Yacht Club, in addition to 1,348 new properties (formerly from the City of Subiaco).

### 2.2 Metropolitan Redevelopment Authority

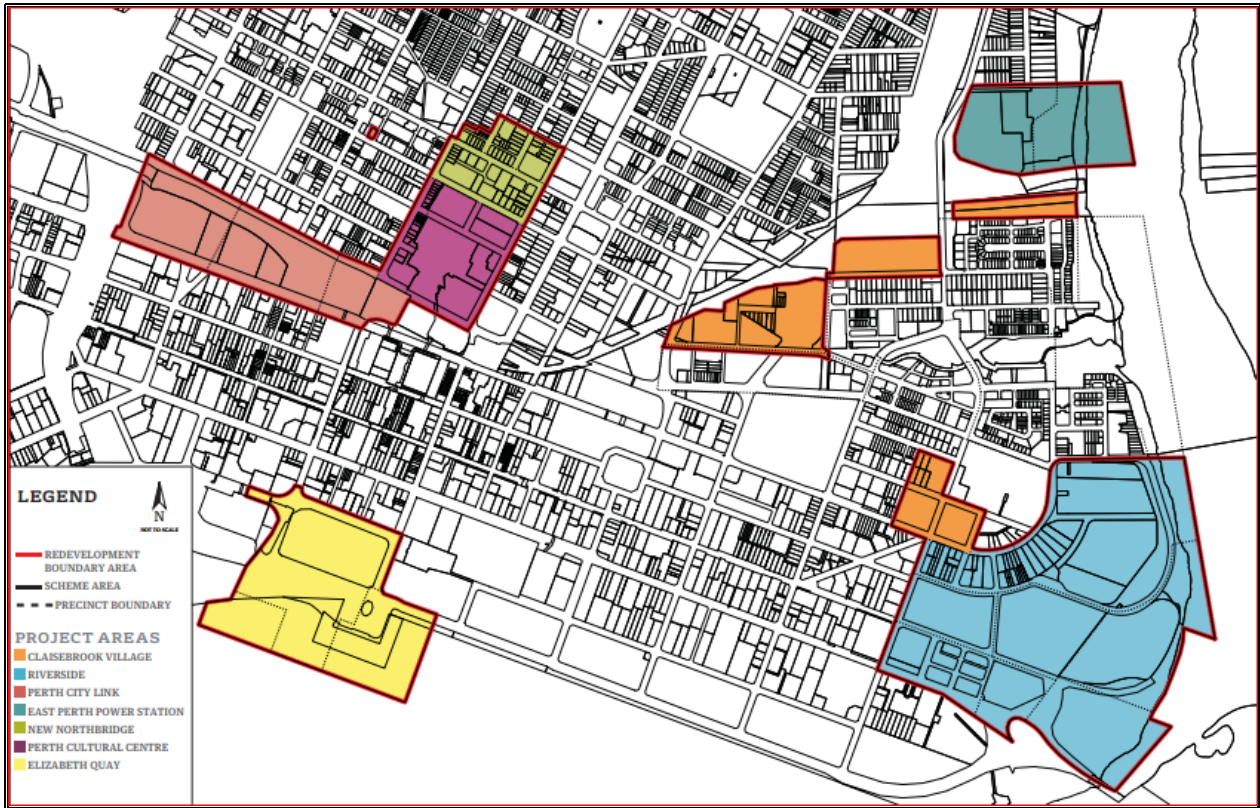
The now repealed 'East Perth Redevelopment Act 1991' created the East Perth Redevelopment Area (Claisebrook Village Project Area) in which planning control was removed from the City of Perth and granted to the former East Perth Redevelopment Authority (EPRA) – now the Metropolitan Redevelopment Authority (MRA).

The original Redevelopment Area was subsequently extended within the city to include:

- the Riverside Project Area in November 1998;
- the New Northbridge Project Area in December 1999;
- the Waterbank Precinct in November 2004 (as part of the Riverside Project Area);
- the Perth City Link Project Area in July 2005;
- the Perth Cultural Centre Project Area in August 2005; and
- the Elizabeth Quay Project Area in August 2012.

All planning provisions, land use zones and reserves within the Metropolitan Region Scheme (MRS) and the City of Perth's City Planning Scheme No. 2 (CPS2) applicable to land in the Redevelopment Area were repealed and replaced with the provisions of the Redevelopment Authority's Scheme (initially the 'EPRA Redevelopment Scheme 1', now the MRA's 'Central Perth Redevelopment Scheme' dated 2012). Please refer to Figure 2.

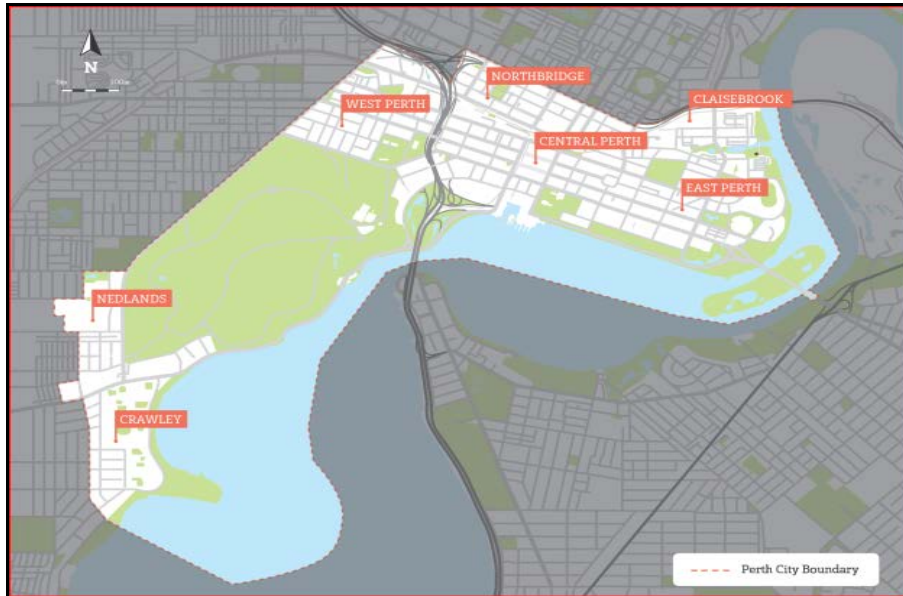
Figure 2: Central Perth Redevelopment Scheme Map



## 2.3 Distinctive Areas

There are several distinct areas within the boundaries of Perth City as shown on Figure 3, each with unique character and built form as discussed below.

**Figure 3: Context**



**Central Perth** is the heart of Perth City. The large scale development in this area reflects its high profile, its image as a group of landmark buildings and predominance of the area as the State's central business district (CBD). The area is centred on the retail precinct of the Hay Street and Murray Street malls, and the business, finance, and administration area along St Georges Terrace. These two core activities make up the dominant land use of the area and are supported by a range of other uses and activities, including visitor accommodation, entertainment, medical and food and beverage uses. The area is rich in history and includes key major development and landmark sites such as Elizabeth Quay, Perth Arena, Yagan Square, Perth Convention and Exhibition Centre, the Supreme Court Gardens, St Mary's Cathedral, Perth Concert Hall, Perth Town Hall and the Royal Perth Hospital.

The area is predominantly identified as 'City Centre' under the City of Perth's City Planning Scheme No. 2 (CPS2) with the exception of the MRA areas and a number of Metropolitan Region Scheme Reserves (MRS) including 'Public Purposes', 'Civic and Cultural', and 'Parks and Recreation', an MRS 'Primary Regional Road' (Mitchell Freeway) and a Local Scheme Reserve for 'Civic Use'.

**Claisebrook** is located on the north eastern edge of Perth City and is the result of extensive remediation and rehabilitation of the environment to regenerate an area once used for industrial activity for almost 50 years. The area has a mix of land ownership patterns, with a large amount of government owned landholdings within the western portion of the area which support a strong employment base. The area generally consists of low to medium rise residential development with several larger scale residential developments being approved in recent years. The area has comparatively little commercial space but accommodates a large number of retail, dining and entertainment (such as bars) premises around Claisebrook Cove and Royal Street.

The majority of Claisebrook is covered by the City of Perth's 'Local Planning Scheme No. 26 – Normalised Redevelopment Areas' (LPS26) with only a few precincts remaining under the control of



the MRA. A number of MRS Reserves (including 'Special Use', and 'Parks and Recreation') and Local Scheme Reserves for 'Parks and Recreation' are also situated within this area.

**East Perth** is located between the CBD and the Causeway which connects the city with nearby Victoria Park and Burswood. East Perth has a mix of commercial uses and multi-level residential apartment towers which dominated redevelopment during the boom. Notable facilities within East Perth include the WACA Ground, Trinity College, East Perth Cemeteries and Gloucester Park.

East Perth is covered by a range of Scheme Use areas under the City of Perth's CPS2, such as:

- 'Office/Residential' – straddling either side of Adelaide Terrace;
- 'Town Centre' – along Hay Street;
- 'Residential R160' - fronting Terrace Road and between Hay Street and Wellington Street; and
- 'Residential/Commercial' – two separate areas between Hay Street and Wellington Street

A number of MRA areas and MRS Reserves (including 'Parks and Recreation') and a Local Scheme Reserve for 'Parks and Recreation', in addition to an MRS 'Primary Regional Road' (including parts of Adelaide Terrace and Riverside Drive, as well as the Causeway) are also situated within this area.

**Northbridge** is a diverse, interesting and dynamic inner city area which is characterised by a robust entertainment and night time economy. It also provides a variety of residential and visitor accommodation and commercial services. Northbridge is located to the north of the CBD, sharing its boundary to the south with Yagan Square, assimilating with its nearby CBD environment. The area contains predominately low scale development with larger scale development interspersed more recently in certain sections.

The area is predominantly identified as 'City Centre' under the City of Perth's CPS2 with the exception of the MRA areas, an MRS 'Primary Regional Road' and a Local Scheme Reserve for 'Parks and Recreation'.

**Nedlands-Crawley** is located to the south west of the CBD, bounded by Kings Park to the east, the Swan River to the south and Broadway/Hampden Road to the west. This area comprises of predominantly low density residential, but also includes a mix of medium and high density residential developments interspersed throughout the area. The area contains the UWA, QEII, residential and commercial areas around Hampden Road and Broadway, and the Matilda Bay foreshore. It borders the City of Nedlands to the west, and the City of Subiaco to the north.

The majority of the area was transferred to the City of Perth in mid-2016 and is covered by the City of Subiaco's Town Planning Scheme No. 4 comprising 'Residential R20 to R80' zones, in addition to a 'Neighbourhood Mixed Use' zone along the eastern side of Broadway. The foreshore and UWA are covered by MRS Reserves. There are also a number of Local Scheme Reserves.

QE11 and a portion of UWA are covered by the City of Nedlands Town Planning Scheme No. 2; however, its application is limited as the facilities are situated on MRS Reserves.

A small section of Crawley is also identified as 'Residential R 60' under the City of Perth's CPS2.

**West Perth** is a mixed use residential and commercial precinct. A significant proportion of the original low scale housing stock has been converted to commercial uses or demolished and sites amalgamated to accommodate larger scale mixed use developments. The area houses a number of mining and consulting companies, and also several medical specialists. Parliament House is situated on the south-eastern end of the area, overlooking the CBD. The main retail/café strip and small scale commercial facilities are situated along Hay Street. The night time economy is limited, and low-key weekend trading caters for local residents. The Watertown complex, a factory outlet, is also situated in the area.

A section of West Perth to the north, over the railway line, accommodates predominantly lower scale commercial development. Scitech, offices, in addition to bulky retail services are situated in this area.

The area is predominantly identified under the City of Perth's CPS2 as:

- 'Town Centre'- along both sides of Hay Street between Havelock Street and Thomas Street;
- 'Office/Residential' – the area to the north and south of the 'Town Centre';
- 'Residential/Commercial' – situated to the north of the area focussed on Railway Street and adjacent to the Mitchell Freeway, as well as along Mounts Bay Road;
- 'Commercial' – located between Havelock Street and the Mitchell Freeway; and
- 'Residential R160' – on either side of Mount Street.

A number of MRS Reserves (including 'Parks and Recreation' and 'Public Purposes') and a Local Reserve for 'Parks and Recreation' are situated within the area.

**Kings Park and Botanical Gardens** located to the west of the CBD, comprises over 4 square kilometres and is one of the world's largest inner city parks. It is situated on an MRS Reserve, however, its ongoing management is the generally responsibility of the 'Botanic Gardens and Parks Authority'.

### 3 Local Planning Scheme Details

#### 3.1 The Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations 2015 set out the elements and contents of local planning schemes. It requires Schedule 1 (Model Provisions) to be the basis of the local planning scheme text and Schedule 2 (Deemed Provisions) to be applicable to all local planning schemes in Western Australia in order to provide greater consistency.

The Deemed Provisions are generally the administrative parts of local planning schemes and cannot be varied. There is provision in the 'Planning and Development Act 2005' to add Supplemental Provisions that may expand on the Deemed Provisions but cannot act to limit them.

The Model Provisions are significantly different to the previous version contained in the Town Planning Regulations 1967 in terms of the Scheme format/structure, the introduction of new provisions (relating to additional site and development requirements and the State Planning Policy 3.6 – Developer Contributions), in addition to the zoning categories and land use definitions. There are also changes to the way some mechanisms operate.

A number of model zoning categories which are considered relevant to Perth City are outlined in Table 1.

**Table 1: Zoning Categories and Objectives (summarised)**

Residential	<ul style="list-style-type: none"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> </ul>
Environmental conservation	<ul style="list-style-type: none"> <li>To identify land set aside for environmental conservation purposes.</li> </ul>
Light Industry	<ul style="list-style-type: none"> <li>To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>To provide for a range of shops, offices, restaurants and other commercial outlets in defined town sites or activity centres.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li> </ul>
Service Commercial	<ul style="list-style-type: none"> <li>To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> </ul>
Centre	<ul style="list-style-type: none"> <li>To designate land for future development as a town centre or activity centre.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>To promote and provide for tourism opportunities.</li> </ul>
Private clubs, institutions and places of worship	<ul style="list-style-type: none"> <li>To provide sites for privately owned and operated recreation, institutions and places of worship.</li> </ul>
Special Use Zone	<ul style="list-style-type: none"> <li>To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> </ul>

Schedule 3 of the Regulations 2015; prescribe the legends which are to be used in the local planning scheme maps.

The symbols used in the model zoning table have the following meanings:

- 'P'- means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

- 'I' - means 'that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme';
- 'D' - means 'that the use is not permitted unless the local government has exercised its discretion by granting development approval';
- 'A' - means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions'; and
- 'X' - means 'that the use is not permitted by this Scheme'.

The City's local planning schemes have been reviewed to ascertain whether or not they accord with the new Regulations 2015. The findings of this review are outlined in Section 3.2.

### **3.2 City Planning Scheme No. 2**

The City of Perth's City Planning Scheme No. 2 (CPS2) was gazetted on the 9 January 2004. The CPS2 is the City's overarching local planning scheme and controls and guides development and growth within the majority of the Perth City.

The CPS2 is made up of various Scheme documents, including the Scheme Map, Scheme Text, Building Heights Plan, Plot Ratio Plan, the Maximum Bonus Plot Ratio Plan (including Bonus Plot Ratio Plans for public facilities, heritage, residential and special residential), the Street Building Height and Setback Plan.

With the introduction of the Regulations 2015, the Deemed Provisions and a number of Supplemental Provisions have also been incorporated into CPS2.

There are also documents made pursuant to the CPS2 which includes the Precinct Plans, Planning Policies, the Heritage List, the City's registers and the functional road hierarchy map.

The objectives and intentions of the CPS2 are outlined in detail in clause 6. Key objectives include:

- to control and guide development and growth in a responsible manner;
- to recognise and reinforce the role of Perth as the capital of Western Australia and the administrative, financial and political centre of the State;
- to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, visitor accommodation and attractions, transport and access opportunities;
- to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
  - promotes development of a sufficient intensity within the city to reflect its capital city status;
  - recognises the individual character and needs of localities within the Scheme area;
  - can respond readily to change; and
  - is consistent with the Region Planning Scheme and wider regional planning strategies and objectives;
- to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
- to promote and safeguard the economic well-being and functions of the local government;
- to promote and safeguard the cultural heritage of the local government;
- to ensure that all development –
  - is of a high architectural design quality;

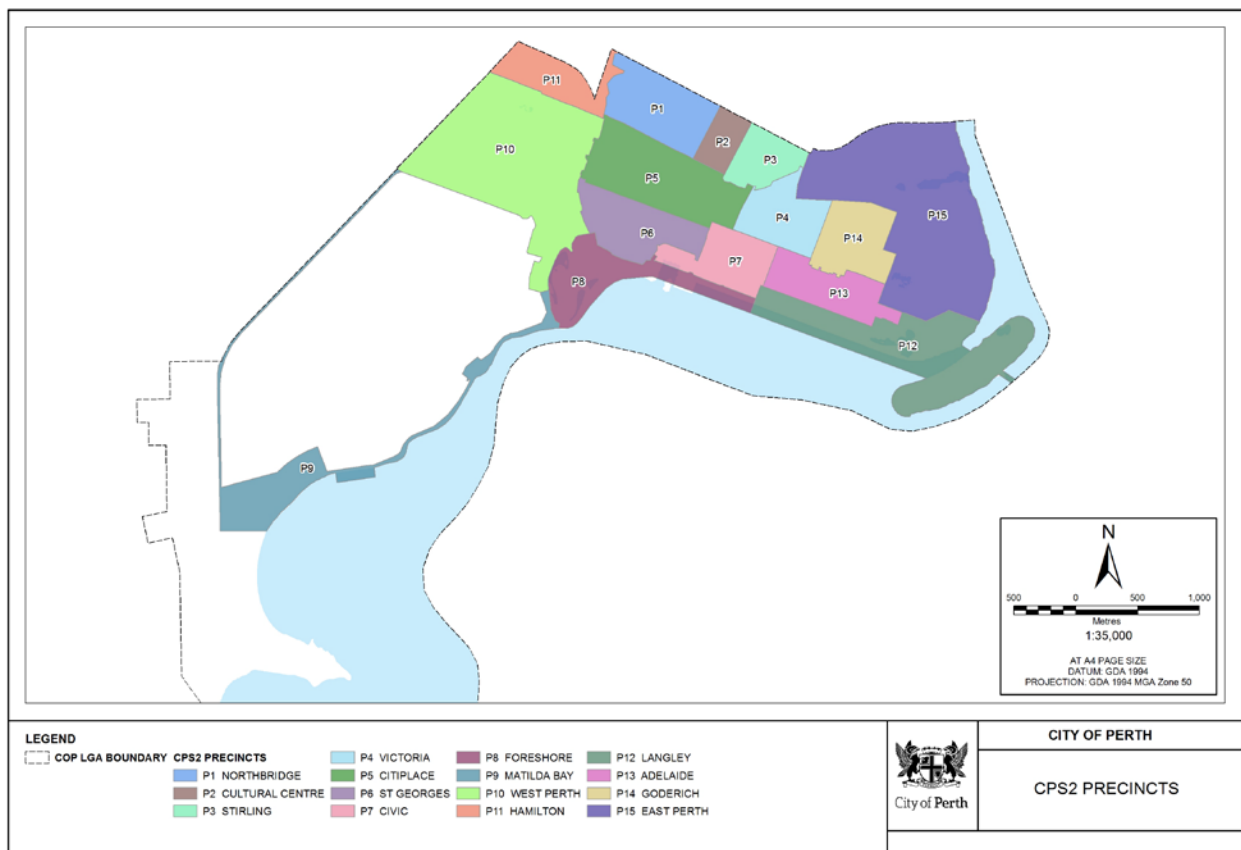
- delivers a high level of amenity within buildings by providing for appropriate natural light access, natural ventilation, privacy and outlook; and
- contributes to an attractive city skyline and outlook from the public realm.

The CPS2 Scheme Area is divided into 15 Precincts as outlined in Table 2 and Figure 4. For each Precinct there is a Precinct Plan (made pursuant to CPS2) which contains a Statement of Intent which summarises the future development which is considered to be appropriate for the Precinct. Each Precinct Plan also provides information about the purposes for which land may be used in line with CPS2 and guidelines for the development of land and buildings.

**Table 2: Precincts**

P1 Northbridge	P6 St Georges	P11 Hamilton
P2 Cultural Centre	P7 Civic	P12 Langley
P3 Stirling	P8 Foreshore	P13 Adelaide
P4 Victoria	P9 Matilda Bay	P14 Goderich
P5 Citiplace	P10 West Perth	P15 East Perth P14

**Figure 4: Location of Precincts**



The CPS2 also breaks the Scheme Area up by Scheme Use Areas which operate similar to zones in other local planning schemes. These include:

- City Centre – is the State’s primary location for business and administration as well as commercial, civic, cultural entertainment and retail activity. Residential development is

strongly encouraged in the central core to create a 'living' city. It covers Precincts P1 Northbridge, P2 Cultural Centre, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges and P7 Civic.

- Town Centre - should have the potential to accommodate a range of commercial and residential uses, however it is intended that they be identified principally as shopping/service nodes serving the needs of residents and workers in surrounding areas and generally functioning at a smaller, more localised scale than the retail precincts of the central city. It covers parts of Precincts P10 West Perth and P14 Goderich.
- Residential - the emphasis is on permanent residential accommodation of various types, developed in accordance with the relevant R-Code, with associated home-based business also favoured. A limited range of complementary uses may also be considered appropriate in certain instances, provided that the amenity of the surrounding residential fabric is adequately preserved. It covers parts of Precincts P9 Matilda Bay, P10 West Perth, P13 Adelaide and P14 Goderich.
- Office/Residential - is intended to develop as mixed use areas comprised primarily of permanent residential accommodation and office/business activities, together with a limited range of complementary uses. It covers parts of Precincts P10 West Perth and P13 Adelaide.
- Residential/Commercial - is intended to develop as lively and diverse mixed-use areas providing for an extensive range of residential and commercial uses to be established either in association with each other or independently, in a compatible manner. It covers parts of Precincts P10 West Perth, P11 Hamilton and P14 Goderich.
- Commercial – is intended to continue to develop as a general commercial area accommodating a diverse mix of facilities and services. . It covers parts of Precinct P10 West Perth.

Note land shown on the Scheme map as a 'Region Planning Scheme Reserve' is reserved under the Metropolitan Region Scheme (MRS). Development on a Region Planning Scheme Reserve requires approval from the Western Australian Planning Commission (WAPC).

Land use permissibilities are assigned to the Scheme Use Areas by way of broad land use categories. These include those listed below in Table 3.

**Table 3 – Use Group Categories**

Business Services	Civic	Community and Cultural;	Dining	Education 1;
Education 2	Entertainment;	Healthcare 1	Healthcare 2;	Home Occupation
Industry - Cottage	Industry - Light	Industry - Service	Mixed Commercial	Office
Recreation and Leisure	Residential	Retail (Central)	Retail (General)	Retail (Local)
Special Residential	Storage			

Uses are classified in CPS2 as - (a) preferred uses; (b) contemplated uses; (c) prohibited uses; (d) additional uses; (e) non-conforming uses; and (f) unlisted uses.

The Scheme Text incorporates provisions relating to development standards such as Building Height and Setback, and Plot Ratio to assist to achieve desirable built form and land use outcomes. Incentives for particular types of development (Residential, Special Residential or Public Facility) within certain areas of Perth City or to retain properties of cultural heritage significance are also incorporated in the CPS2 Scheme Text by way of the Bonus Plot Ratio or the Transfer of Plot Ratio provisions.

The Scheme Text is inconsistent with the Model Provisions of the new Regulations 2015 with regard to structure/format, terminology (symbols used in the Scheme Use table), zoning categories and associated map legend, and a number of land use and general definitions. For instance 'Special Residential' is classified as a zone in the Model Provisions which relates to lot sizes in the range of 2 000m<sup>2</sup> and 1 ha, whereas in the CPS2 it is a term used to define short stay accommodation. Also the general definitions for 'floor area of a building' and 'building height' differ. CPS2 does not currently incorporate provisions for developer contributions. Other matters are outlined in Section 10.

The bulk of the CPS2 planning provisions which provide guidance on land use and development matters are contained within the local planning policies (in addition to the Precinct Plans) made pursuant to the Scheme Text. There are 36 local planning policies dealing with matters relating to residential development, parking, in addition to design policies for specific areas. A number of general development and design policies address matters such as heritage, signage, city design, residential design and plot ratio.

The inclusion of the bulk of the planning standards within the local planning policies rather than the Scheme Text reflects a contemporary approach which enables greater flexibility and allows the City to respond to urban planning matters more quickly and efficiently. Any changes to the Scheme Text require a lengthy administrative process and Ministerial approval, whereas changes to a local planning policy do not require Ministerial approval and involve a less arduous administrative process. Conversely, the new Regulations 2015 encourage the bulk of the planning provisions to be contained in the Scheme Text which is discussed further in Section 10.

### 3.3 Minor Town Planning Schemes

A number of Minor Town Planning Schemes (MTPS) apply to specific sites throughout the Perth City as indicated in Table 4 below:

**Table 4: Minor Town Planning Schemes**

Name	Gazettal Date	Amendments
No.11 – Wesley Trust	24 December 1974	<ul style="list-style-type: none"> <li>• 22 May 2005</li> <li>• 24 February 2017</li> </ul>
No. 13 – S.G.I.O	14 January 1983	<ul style="list-style-type: none"> <li>• 27 September 1991</li> <li>• 23 November 2004</li> <li>• 24 February 2017</li> </ul>
No.14 -Withernsea	10 December 1982	<ul style="list-style-type: none"> <li>• 22 May 2005</li> <li>• 24 February 2017</li> </ul>
No. 16 -AMP	2 October 1987	<ul style="list-style-type: none"> <li>• 19 April 2005</li> </ul>

		<ul style="list-style-type: none"> <li>• 24 February 2017</li> </ul>
No. 21 –Mounts Bay	9 June 1998	<ul style="list-style-type: none"> <li>• 23 November 2004</li> <li>• 24 February 2017</li> </ul>
No. 23 - Paragon	24 March 2000	<ul style="list-style-type: none"> <li>• 23 November 2004</li> <li>• 24 February 2017</li> </ul>
No. 24 – 131-137 Adelaide Terrace	10 August 2001	<ul style="list-style-type: none"> <li>• 23 November 2004</li> <li>• 24 February 2017</li> </ul>

The MTPS were prepared under the former 'Town Planning and Development Act 1928' and the former 'Metropolitan Region Town Planning Scheme Act 1959' for the purpose of enabling the comprehensive redevelopment of the land within each of the Scheme Areas. The MTPS are complementary to CPS2.

Each of the MTPS has been amended to primarily address procedural and administrative issues.

### 3.4 Local Planning Scheme No. 26 – Normalised Redevelopment Areas

Once the majority of land in a Redevelopment Area is developed, planning control for the area is transferred back to the City, a process known as 'Normalisation'.

Local Planning Scheme No. 26 – Normalised Redevelopment Areas (LPS26) was gazetted on 11 September 2007. LPS26 provides planning provisions for the 'normalised' redevelopment areas with the administrative power to determine applications being provided by the CPS2. The majority of the planning provisions in LPS26 were adopted from the former East Perth Redevelopment Scheme No. 1.

LPS26 comprises the Scheme Text and Scheme Map, in addition to the Deemed Provisions. It is complementary to and is not a substitute for the CPS2.

The objectives of LPS26 are to:

- deliver sustainable urban development within the Scheme Area, with outcomes such as compact growth, mixed land use, good design, primacy of public spaces, heritage conservation and reduced motor vehicle usage;
- deliver vibrant and attractive urban environments which infuse the city with vitality, life and character;
- deliver development excellence through high quality design, by connecting people and places, and ensuring a successful mixture of land uses and activities;
- increase the resident population; facilitate increased employment opportunities and a diverse range of businesses, facilities, services, amenities and infrastructure.

LPS26 is made up of two Project Areas which are divided into Precincts as outlined in Table 5.

**Table 5: Project Areas**

<b>Claisebrook Village</b>		
Precinct EPI: Claisebrook Inlet	Precinct EP2: Constitution Street	Precinct EP3: Royal Street Central
Precinct EP3: Royal Street Central	Precinct EP4: Silver City	Precinct EP6: Boans



Precinct EP7: East Parade	Precinct EP8: Belvidere	Precinct EP9: Brown Street
Precinct EP10: Riverbank	Precinct EP11: Cemeteries	Precinct EP12: Waterloo
<b>New Northbridge Project Area</b>		
Precinct NB1: Russell Square	Precinct NB2: Lake Street	

Each Precinct contains a Statement of Intent which summarises the future development which is considered to be appropriate for the Precinct.

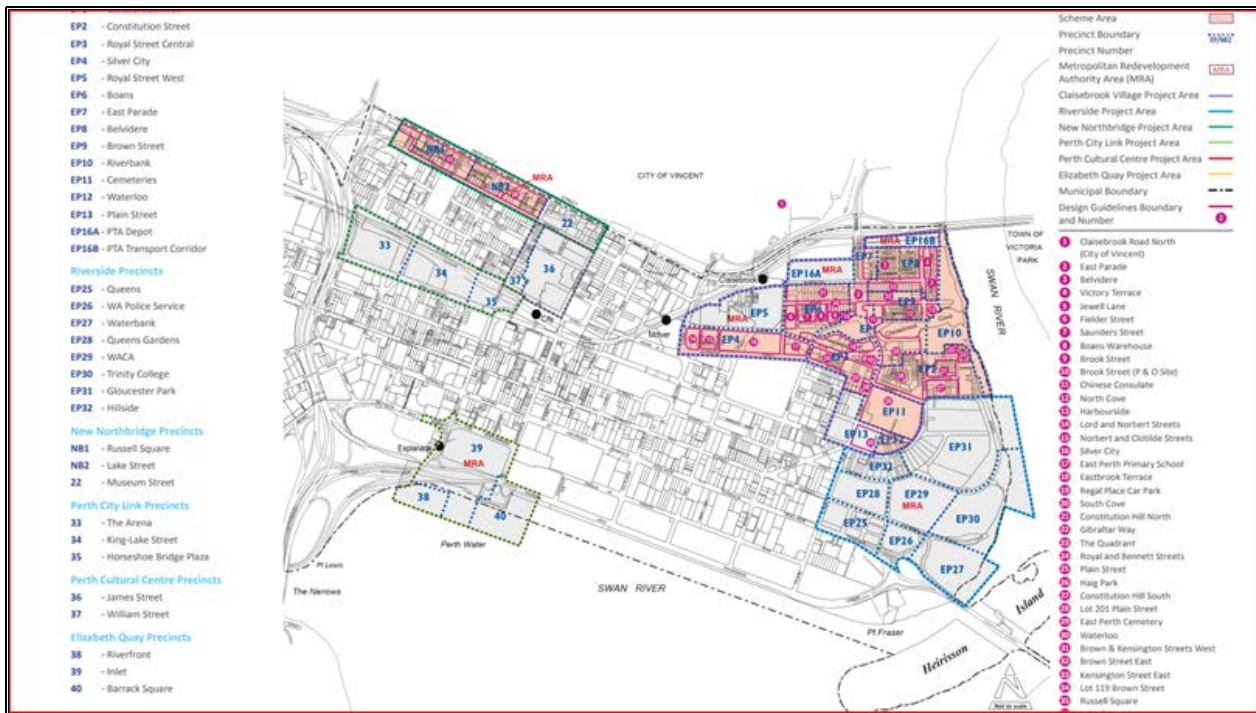
Land use permissibilities are assigned to the Precincts (not zones or Scheme Use Areas) by way of several land use categories. These differ in some respects to those outlined in CPS2 and the Model Provisions and include the following:

- Category 1: Cultural and Creative Industry - Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area.
- Category 2: Commercial – Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.
- Category 3: Light Industry - Low to moderate impact businesses, predominately based in skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature.
- Category 4: Retail – Places of business offering goods displayed on the premises for sale or hire to the public, and also includes premises for the provision of services of a personal nature.
- Category 5: Residential - A building or a portion of a building that is designed or adapted for habitation. This category distinguishes between ‘Permanent Residential’ and ‘Transient Residential’ uses.
- Category 6: Community -Premises or land uses which provide essential services or leisure facilities to local residents and workers or the wider community, also referred to as ‘social infrastructure.
- Category 7: Dining and Entertainment - Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music.

LPS26 uses similar terminology as per the CPS2 such as ‘Preferred Uses’ or ‘Contemplated Uses’ to indicate whether the different types of land use categories are appropriate within in the Precincts.

Similar to CPS2 the bulk of the planning and development provisions are contained in local planning policies. Each Project Area has a general policy dealing with matters such as the vision for the area, streetscapes, scale and massing of buildings. The Project Areas and Precincts are broken down further into 36 areas with prescriptive policies/design guidelines existing over each of these as outlined in Figure 5. These design guidelines also apply to individual lots dealing with such matters as preferred uses, building envelopes, building design, access and parking. The level of prescription is far greater than that provided under CPS2 and is considered to limit innovative architectural approaches which may produce better built form outcomes.

Figure 5: Planning Policies and Design Guidelines Areas



Similarly to CPS2, the LPS26 Scheme text is inconsistent with the Model Provisions of the new Regulations 2015 with regard to structure/format, terminology (symbols used in the Scheme Use table), zoning categories and map legends, in addition to a number of land use and general definitions and new provisions. Other matters are outlined in Section 10.

### 3.5 City of Subiaco Town Planning Scheme No. 4

The City of Subiaco's Town Planning Scheme No. 4 (TPS4) covers the area outlined in Figure 1 and was gazetted on 23 March 2001. Over 25 amendments have been approved since that time by the City of Subiaco, with several amendments in progress. The City of Subiaco undertook a review of TPS4 in November 2016 as part of the preparation of its new Scheme (Town Planning Scheme No. 5) to address boundary and demographic changes/implications associated with the City of Perth Act and other changes to the State and local planning framework.

TPS4 is comprised of the Scheme Text, Scheme Maps, in addition to the Deemed Provisions.

The objectives and intentions of TPS4 are outlined in detail in clause 7. A number of objectives are similar to those outlined in CPS2.

The Scheme Area is classified and divided into zones (as opposed to Scheme Use Areas as per CPS2) as outlined below:

- Residential
- Local Centre
- Commercial/Residential
- Neighbourhood Mixed Use
- Town Centre

Land use permissibilities are assigned to the zones by way of detailed land use categories. The land uses outlined in the zoning table are broken into more categories than those of CPS2 and LPS26.

Unlike CPS2 and LPS26, TPS4 uses the same terminology as per the Model Provisions of the Regulations 2015 in terms of the symbols used in the zoning table.

The Scheme Text is set out similar to the requirements outlined in the Model Scheme Text of the former 'Town Planning Regulations 1967' and incorporates detailed provisions relating to development standards for the various zones, in addition to tree preservation and car parking requirements. Unlike CPS2 and LPS26, the TPS4 Scheme Text has not been formally updated to reflect the clauses which have been superseded by the Deemed Provisions.

The Scheme Area is divided into 14 Precincts which are covered by local planning policies. Two of these Precincts (Hollywood and University) are included in the recent transfer of land to the City of Perth. The Precinct planning policies set out the vision for the areas and provide a comprehensive basis for the control of development within the Precincts. A number of general planning policies have also been made pursuant to TPS4. It is noted that there are some inconsistencies between CPS2 and TPS4 in dealing with certain matters such as advertising.

TPS4 is inconsistent with the Model Provisions of the new Regulations 2015 with regard to the structure/format, zoning categories and associated legends, and new provisions. Other matters are outlined in Section 10.

### **3.6 City of Nedlands Town Planning Scheme No. 2**

The City of Perth has very limited application of the City of Nedlands Town Planning Scheme No. 2 (TPS2) given that only QEII and a portion of UWA land were transferred to the City under the City of Perth Act and they are situated on MRS Reserves.

The City of Nedlands TPS2 covers the area shown in Figure 1 and was gazetted in April 1985. It has been reviewed by the City of Nedlands to create a draft Local Planning Scheme No. 3 (LPS3). The Draft LPS3 has been endorsed by the City of Nedlands and WAPC and is currently being advertised for public comment.

The City of Nedlands review of TPS2 identified that it did not adequately take into account the latest objectives of the State nor reflect the aspirations of the community. TPS2 is inconsistent with the Model Provisions of the Regulations 2015 for similar reasons as per the City of Subiaco's TPS4.

## 4 Scheme Amendments

### 4.1 City Planning Scheme No. 2

A total of 37 amendments have been made to CPS2 since 2004, with three amendments still in progress as indicated in detail in Attachment B.

These amendments have varied in nature from significant strategic amendments to reflect State and City planning objectives, administrative amendments to clarify the intent and application of certain provisions, remove inconsistencies as well as address changes to State Planning legislation; to site specific amendments.

#### Strategic Amendments

Amendments 25 and 26 (gazetted on 26 February 2013 and 18 July 2014 respectively) were substantial amendments to CPS2 based on the City's 'Perth City: Growth Needs for the Future - Plot Ratio and Built Form Study (2011)'.

- Amendment No. 25: Plot Ratio – resulted in the following changes:
  - Changes to the maximum plot ratios across large parts of Perth City in order to reinforce the prominence of the CBD, increase the intensity of development around train stations and increase residential development within the Perth City to enhance the vitality of the Perth City after normal business hours;
  - An expansion of the items eligible for bonus plot ratio to include residential use in the city core (up to 20%) and special residential use (up to 20% and up to 40% for high quality hotels) in select areas of the Perth City;
  - An increase in the overall maximum bonus plot ratio from 20% to 50% in select areas of the Perth City;
  - Changes to the permissibility of 'Residential' and 'Special Residential' uses in a number of precincts within the Perth City to facilitate the objectives of encouraging increased residential and special residential development.
- Amendment No.26: Building Heights and Setbacks – resulted in the following changes to CPS2:
  - Refinement of the maximum height of buildings at the street, so that it aligns with City's hierarchy of streets outlined in the 'Urban Design Framework'.
  - Specification of maximum building heights only in select areas of the city, where there is a need to protect the public amenity of key pedestrian areas or public spaces and established character areas. Elsewhere, building heights are indirectly controlled through plot ratio, street building height and setback controls as well as broader development objectives.
  - Application of side/rear setback controls across the majority of the city, to protect both public and private amenity.

A strategic planning review has also been undertaken over the area to the north of the City West train station, known as the Hamilton Precinct, which culminated in Amendment 24 being made in early 2013. This amendment enabled higher plot ratio on a large portion of the precinct subject to the provision of public infrastructure and facilities in order to promote residential development within the predominately commercial precinct to increase vitality after normal business hours. In addition, the plot ratios for Residential/Special Residential Uses and other Use Groups were increased within the remainder of the Precinct due to its proximity to the train station.

### Site Specific Amendments

A total of 22 amendments were made to CPS2 to create Special Control Areas (SCAs) over specific sites across the city. These were initiated predominately by landowners and have varied in complexity. Most SCAs have been created to ensure co-ordinated development over the sites and to treat the lots within a SCA as one site for the purposes of calculating plot ratio and tenant car parking provisions. In some instances additional built form provisions, or the restoration and maintenance of existing heritage properties within the SCAs were also incorporated.

### Administrative Amendments

Three substantial omnibus amendments (Nos. 2, 4 and 29) were made to CPS2 for the purpose of achieving greater accuracy and clarity as well as responding to State Government legislative changes.

Further modifications (Amendment No. 14) were made to CPS2 to strengthen the Council's intent and ability to consider plot ratio bonuses as a result of plot ratio transfers.

With the introduction of the 'Planning and Development (Local Planning Schemes) Regulations 2015' Amendment No. 35 to CPS2 was gazetted on the 24 February 2017 to:

- Remove those provisions of CPS2 that have been superseded by the Deemed Provisions;
- Include existing clauses of CPS2 which are not covered in the Deemed Provisions but relate to these, in the Supplemental Provisions of CPS2; and
- Amend the existing provisions of CPS2 to make them consistent with the Deemed Provisions.

#### *4.1.1 – Local Planning Policy/Precinct Plan Amendments*

A number of local planning policies and Precinct Plans have been reviewed to address current issues, State planning legislation, or to reflect the changes to the Scheme outlined above. A number of substantial local planning policy/ Precinct Plan amendments are outlined in Table 6 below:

**Table 6: Local Planning Policy/Precinct Plan Amendments**

<b>Local Planning Policy/Precinct Plan</b>	<b>Date of Adoption</b>	<b>Intent of the amendment</b>
West Perth Precinct Plan No. 10	26 January 2010	<p>The adopted precinct modifications are summarised as follows:</p> <ul style="list-style-type: none"> <li>○ Clarifying the development control provisions in line with the proposed Scheme Amendment No.13 modifications to Building Heights Plan and landscaping definitions.</li> <li>○ Modifications to the development control provisions to: <ul style="list-style-type: none"> <li>- rationalise the building height restrictions against the Building Code of Australia (BCA) standards and the height limit between the different uses;</li> <li>- clarify the statement of intent to more accurately identify specific areas of interest in West Perth;</li> <li>- address pertinent landscaping issues – particularly within the front setback areas;</li> <li>- replace the tiered, setback system with a single standard setback for lots more than 16 metres in width, and a setback proportionate to the width of the lot for lots less than 16 metres in width;</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>- address front fencing and the construction of basements within front setback areas in order to facilitate a seamless interface between the public and private realm; and</li> <li>- ensure car parking should not be visible from streets and public spaces.</li> </ul>
Goderich Street Design Policy	16 September 2014	<p>The amendments generally align the Policy with the built form aspirations of the City's adopted Urban Design Framework and recent changes to maximum plot ratios. Changes have been made to the following built form controls:</p> <ul style="list-style-type: none"> <li>o street building heights;</li> <li>o maximum building heights; and</li> <li>o street, side and rear setbacks.</li> </ul>
Parking Policy	30 June 2015	<p>The amendments made changes to the Parking Policy as outlined below:</p> <ul style="list-style-type: none"> <li>o refers to the State Government's Perth Parking Policy (as amended) for the assessment of 'tenant' and 'public' parking facilities within the Perth Parking Management Area and incorporate some of its key principles and objectives;</li> <li>o remove unnecessary duplication of provisions which are already set out in the State Government's Perth Parking Policy (as amended);</li> <li>o clarify the application of the policy;</li> <li>o accommodate the proposed separate amendments to the policy relating to the Normalised Redevelopment Area; and</li> <li>o generally simplify the provisions.</li> </ul> <p>The CPS2 'Perth Parking Policy' was also rescinded at this time.</p>
Signs Policy	13 December 2016	<p>The amendments to the Signs Policy included:</p> <ul style="list-style-type: none"> <li>o clearer objectives, principles and standards;</li> <li>o requirements for a more coordinated approach to signage on buildings with clearer guidance on appropriate design and location;</li> <li>o updated requirements for specific sign types and sign content;</li> <li>o updated place specific requirements and heritage provisions; and</li> <li>o updated exemptions from development approval with regulation only where essential.</li> </ul>

The City is currently reviewing a number of its local planning policies such as the City Design Guidelines to clearly communicate the City's expectations and aspirations for new development and provide a clear statutory basis for decision-making.

#### **4.2 Local Planning Scheme No. 26 – Normalised Redevelopment Areas**

There have been two amendments made to LPS26 since its gazettal in 11 September 2007.

Amendment No. 1 to LPS26 was gazetted on 17 March 2015 and resulted in a number of changes to incorporate the normalisation of the Stage 1A New Northbridge and Stages 2 and 3 Claisebrook Village Project Areas. The amendment also updated LPS26 to reflect the creation of the Metropolitan Redevelopment Authority and the introduction of its 'Central Perth Redevelopment Scheme' 2012.

Modifications were also undertaken to the East Perth Planning Policies and Design Guidelines.

Amendment 28 to CPS2 was also undertaken at this time to facilitate the integration of the Normalised Redevelopment Areas into the City's planning framework. Further details are provided in Attachment B.

Minor amendments to the LPS26 Scheme provisions were gazetted on 24 February 2017 to accord with aspects of the Deemed Provisions.

## 5 Development Activity in the City of Perth

### 5.1 Predominant Land Uses

Perth City's land area totals 1375 hectares, comprising 586 hectares (42%) of developable land, 542 hectares of public open space (39%), and 256 (18%) hectares of streets. Of the developable land, 337 hectares (58%) is currently built upon, with the remaining 249 hectares (42%) being private open space or vacant land<sup>1</sup>.

Table 7 outlines the land use mix in Perth City based on floor space area in 2007 and 2015<sup>23</sup>. The most common type of use is office/business, comprising about a third (32.1%) of the total floorspace area in the Perth City. Residential use and health/welfare/community services are the next most common types of use, each with around a sixth of the total floorspace (17.0% and 16.3% respectively).

The current downturn in economic activity has affected the CBD office market with high vacancy rates. The proportion of floor area found to be vacant more than doubled between 2007 and 2015, from 6.8% to 16.3%. The Property Council's February 2018 Office Market Report key findings included:

- Vacancy Down: decreasing from 21.2% to 19.8% [Perth CBD] in six months to January 2018;
- Vacancy Increase: increasing from 15% to 16.7% (West Perth) in the six months to January 2018;
- Flight to Quality + two tier market: prime grade vacancy recorded the biggest drop – 11.7% vacancy in July 2017 to 6.3% January 2018. B and below grade office stock is losing tenants to centrally located, quality assets;
- Trends influencing the market:
  - *'Refurbishments and future proofing are key for tenant attraction & retention'*;
  - *'Landlords are chopping up floor plates/special fit outs to accommodate smaller tenant demand'*.<sup>4</sup>

The report indicated that Perth has reached the bottom of the market but a prolonged recovery is likely.

<sup>1</sup> City of Perth, 2016, GIS land composition analysis (unpublished)

<sup>2</sup> Department of Planning, 2007, Perth Land Use and Employment Survey

<sup>3</sup> Department of Planning, 2015, Perth Land Use and Employment Survey (unpublished)

<sup>4</sup> Property Council's February 2018 Office Market Report.



**Table 7: Land Use by Floorspace Area (NLA), City of Perth, 2007 and 2015**

Land Use Category	2007 <sup>5</sup>		2015 <sup>6</sup>		Change Between 2007 and 2015 (m <sup>2</sup> )
	Floorspace (m <sup>2</sup> )	% of Total	Floorspace (m <sup>2</sup> )	% of Total	
Office / Business	1,902,852	46.5%	2,034,995	32.1%	132,143
Residential	401,303	9.8%	1,078,635	17.0%	677,332
Health / Welfare / Community Services	722,267	17.6%	1,035,982	16.3%	313,715
Vacant Floor Area	277,745	6.8%	759,776	12.0%	482,031
Utilities / Communications <sup>1</sup>	68,671	1.7%	572,649	9.0%	503,978
Entertainment / Recreation / Culture	189,777	4.6%	346,340	5.5%	156,563
Shop / Retail	311,275	7.6%	334,167	5.3%	22,892
Storage / Distribution	100,683	2.5%	65,297	1.0%	-35,386
Service Industry	67,393	1.6%	63,201	1.0%	-4,192
Manufacturing / Processing / Fabrication	29,568	0.7%	32,680	0.5%	3,112
Other Retail	21,164	0.5%	17,217	0.3%	-3,947
Primary / Rural	0	0.0%	2,039	0.0%	2,039
<b>TOTAL</b>	<b>4,092,698</b>	<b>100.0%</b>	<b>6,342,978</b>	<b>100.0%</b>	<b>2,250,280</b>

### 5.1.1 Building approvals

Figure 6 shows the yearly value of residential and non-residential building approvals in the Perth City over the past eleven years. In 2007-08, there was a significant spike in the value of non-residential approvals resulting from buoyant economic conditions and a peak of office construction. During that year, there were seven 'major' permits (each over \$100 million) approved for construction, including Westralia Square and Brookfield Place (\$351 million). Over the past five years, the annual value of building approvals has remained relatively steady, averaging \$187 million per year for residential approvals, and \$743 million per year for non-residential approvals<sup>7</sup>.

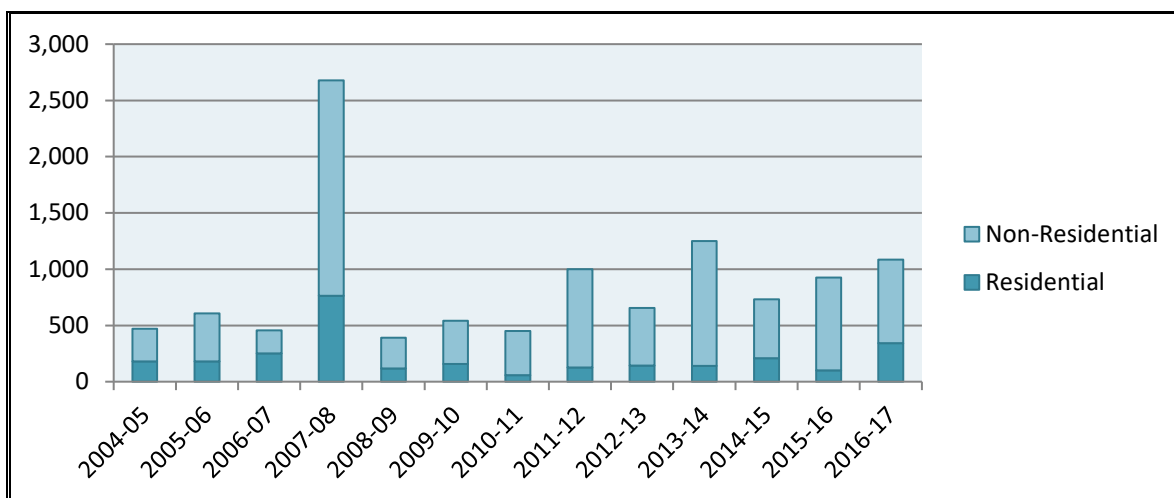
<sup>5</sup> Note this includes those areas of Crawley-Nedlands that joined the City of Perth at 1 July 2016 (mainly UWA, QE2 Medical Centre and Hampden/Broadway commercial areas).

<sup>6</sup> The 2015 figures are estimates only and may be subject to further verification and change. The large increase in Utilities/Communications is due to previously unsurveyed carparks.

<sup>7</sup> REMPLAN (2016) *City of Perth Economic Profile*. Available from [www.economicprofile.com.au/perth](http://www.economicprofile.com.au/perth)

More than 128,000m<sup>2</sup> of new commercial floorspace was constructed in 2015 and over 86,000m<sup>2</sup> was under construction in 2016 and over 209,000m<sup>2</sup> is unconfirmed but possible from 2017 onwards.<sup>8</sup>

**Figure 6: Value of Building Approval (\$m), Perth City (pre-July 2016), 2004-05 to 2016-17**



### 5.1.2 Current key projects

Perth City has been at the epicenter of significant public and private investment over the past five years. All tiers of government, businesses and investors have supported new road and rail projects and development of property assets and civic areas. The key projects currently being undertaken in the Perth City are outlined in Table 8.

**Table 8: Current Key Developments in (or affecting) Perth City**

Project	Cost	Description
Elizabeth Quay	\$2.6 billion	Development of a premier river foreshore precinct, including high quality public spaces and a 2.7 hectare inlet. The precinct will contain 800 apartments, 400 hotel rooms, and 225,000m <sup>2</sup> of commercial, retail and office space when completed.
Riverside (Waterbank)	\$2 billion	Development of a cosmopolitan mixed-use waterfront precinct in the east of Perth City. The precinct will contain 7,000 residents (4000 dwellings) and 94,000m <sup>2</sup> of retail and office space (6,000 workers) when complete.
Perth City Link	\$5.3 billion	Development of a 13.5 hectare precinct between the CBD and Northbridge, with 4 hectares of public space and a central city square (Yagan Square), new underground bus station, 3000 residents (1,650 dwellings) and 244,000m <sup>2</sup> of office, retail, hospitality and entertainment businesses (13,500 workers).

<sup>8</sup> Perth City Snapshot2016

Cathedral and Treasury Precinct	n/a	The renaissance of a heritage precinct is complete and has transformed old and new buildings into a unique destination with a boutique hotel, numerous bars and restaurants, vibrant public squares, iconic City library and office buildings.
Western Australian Museum Redevelopment	\$428 million	This project will transform the existing heritage buildings into a larger, new Museum for WA with 7,000m <sup>2</sup> of galleries, learning studios, 'behind the scene' spaces, retail and cafe spaces by 2020.
Perth Children's Hospital	\$1.2 billion	This new hospital is located in the Queen Elizabeth II Medical Centre and will form part of a centre of excellence for health and research. It will host major paediatric research and education initiatives led by the Telethon Kids Institute and the University of Western Australia.
Optus Stadium and Pedestrian Footbridge	\$1.3 billion	The new 60,000 seat Optus stadium has recently been completed. The arena will host a variety of sporting and entertainment events. The pedestrian footbridge (to be completed in June 2018) will link the new stadium to East Perth, enabling the direct flow of spectators to and from the Perth City.

## 5.2 Residential Development

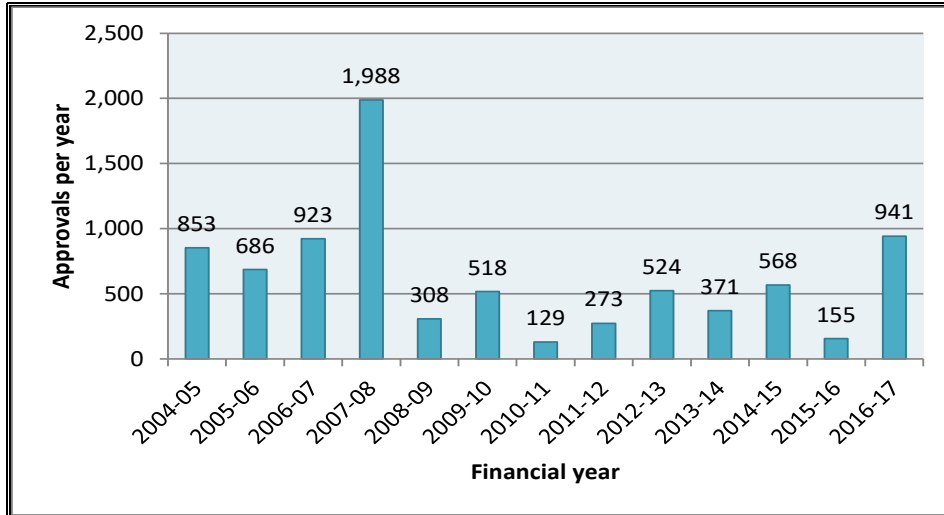
### 5.2.1 Dwelling Commencements

There were 14,943 dwellings in the City of Perth in 2016, equating to 15.9 dwellings per hectare. Figure 7 below shows residential dwelling commencements since 2004, based on building approvals. There has been an overall addition of approximately 8,237 dwellings between 2004 and 2016, an increase of 123 per cent over the 12 year period, or 6.9 per cent annually. During the economic boom period there was a significant growth in residential development followed by a sharp decline.

Residential development forecasts assume the number of dwellings in the Perth City will increase by an average of 531 dwellings per annum to 25,568 in 2036. The main areas where the future residential development and the population growth are expected to occur are in East Perth – Riverside, Perth – Central and Perth – West End<sup>9</sup>. Please refer to Table 10 below.

<sup>9</sup> <https://forecast.id.com.au/perth/residential-development>

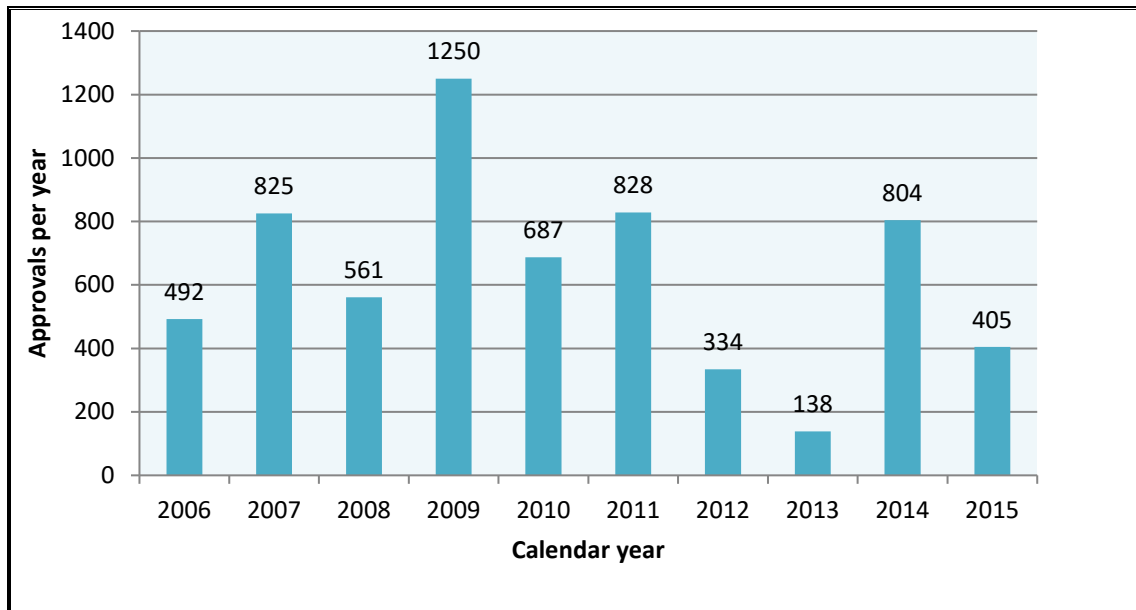
**Figure 7: Dwelling Commencements, City of Perth, Financial Years 2005-17<sup>10</sup>**



**5.2.2 Strata Lot Creation**

Between 2006 and 2015 there were 6,324 residential strata lots created in the City of Perth (pre-July 2016), an increase of 71.3 percent over the 9 year period, or an average growth rate of 5.5 percent per year<sup>11</sup>.

**Figure 8: Residential Strata Lots Approved, City of Perth, 2006-2015**



<sup>10</sup> Australian Bureau of Statistics, Building Approvals, Australia. Compiled and presented in profile.id by .id

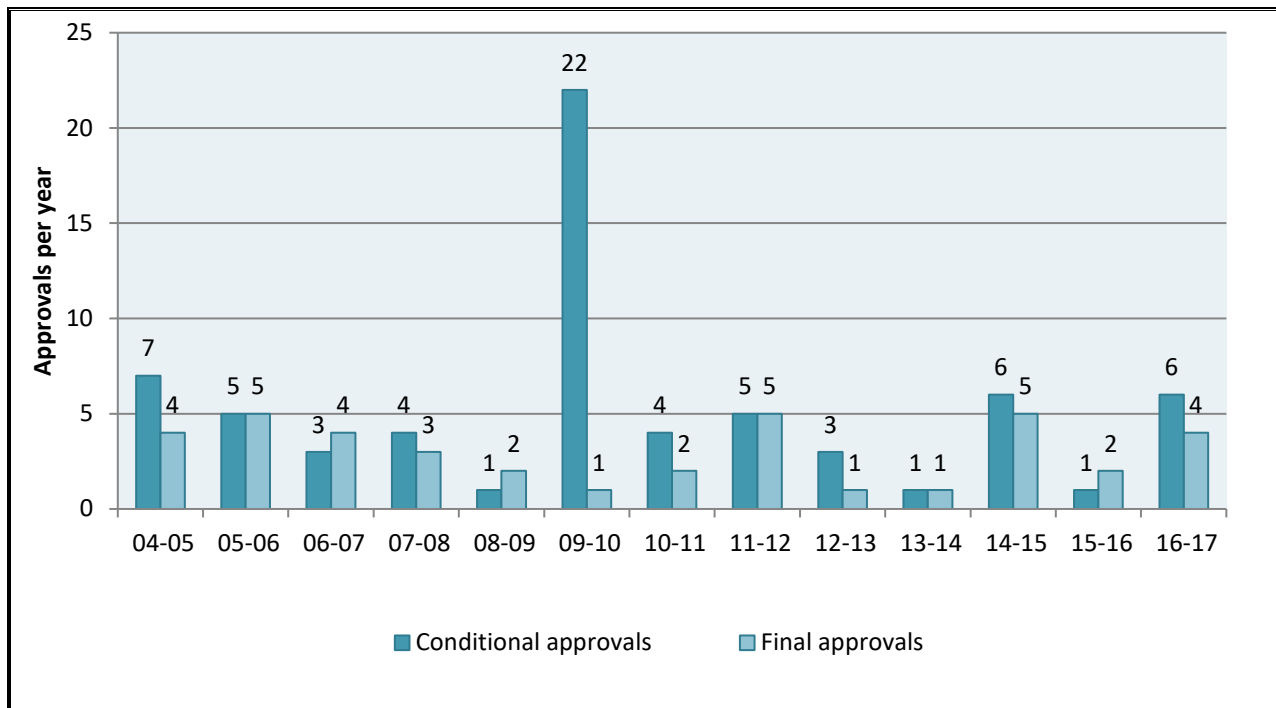
<sup>11</sup> Perth City Snapshot 2016

### 5.2.3 Residential Lot Creation

There has been relatively little residential subdivision activity occurring in Perth City in recent years. Between 2004-05 and 2016-17, there were a total of 68 conditional approvals and 39 final approvals for residential lot creation (excluding built strata lots). This represents an average of five conditional approvals and three final approvals per year. These are relatively small figures, reflecting the limited amount of land available for new lot creation within the city. This is expected given the land values and intensity/form of residential development in the city.

Further investigation should be undertaken of the nature of subdivision/amalgamation applications to ascertain whether residential lots are typically being amalgamated and if so, the impact this may have on the character of local areas.

**Figure 9: Residential Lot Creation – Conditional and Final, City of Perth, 2004-2017<sup>12</sup>**



## 5.3 Commercial Development

### 5.3.1 Economic Activity

The State Government identifies the Perth City as the Capital City, providing the most intensely concentrated development within Greater Perth. It is intended to have the greatest range of high order services and jobs, and the largest commercial component of any activity centre<sup>13</sup>.

<sup>12</sup> Data extracted from the Department of Planning, Lands and Heritage internal databases

<sup>12</sup> Data extracted from the Department of Planning, Lands and Heritage internal databases

<sup>13</sup> Western Australian Planning Commission, 2010, State Planning Policy 4.2 – Activity Centres for Perth and Peel

Perth City is home a mix of global and national businesses complemented by a local business sector. In 2015, there were a total of 14,000 businesses registered in Inner Perth of which 40% (5,531 businesses) employed workers and are a major source of innovation and entrepreneurship<sup>14</sup>. The Perth City area generates \$39.7 billion, or 26 percent of Greater Perth's Gross Regional Product<sup>15</sup>.

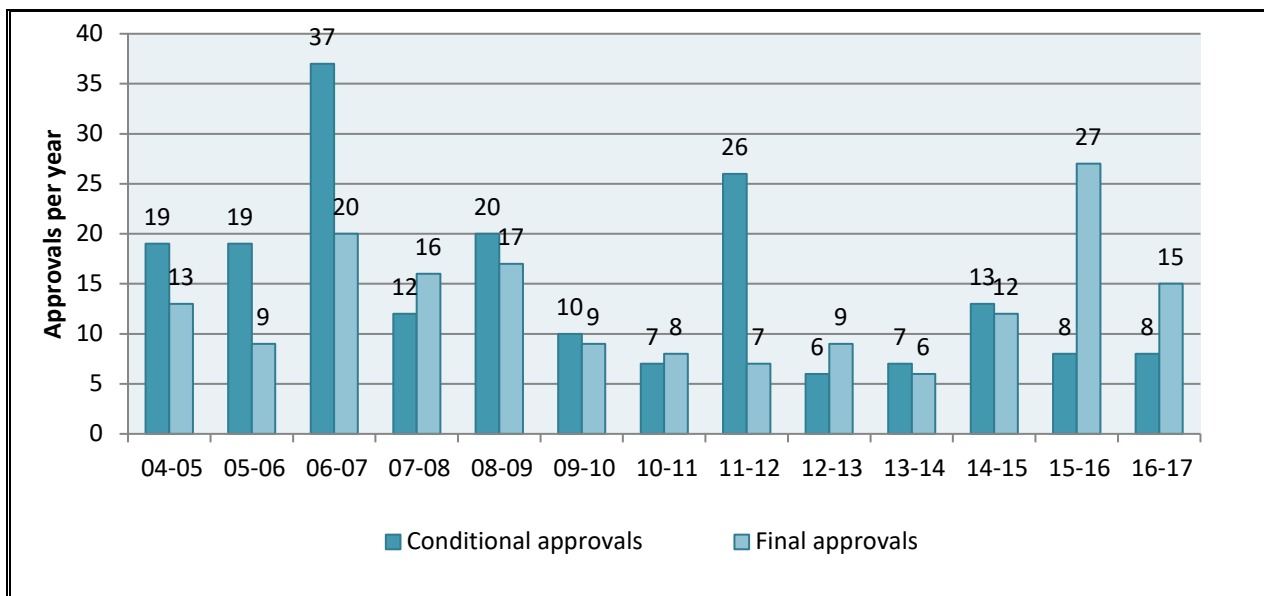
### 5.3.2 Non-Residential Lot Creation

Between 2004-05 and 2016-17, there were a total of 192 conditional approvals and 168 final approvals for non-residential lot creation as shown in Figure 10. This represents an annual average of 15 conditional approvals and 13 final approvals in the Perth City since 2004.

In general lots were amalgamated to suit redevelopment. On some occasions there were amalgamations and re-subdivisions. A policy may be necessary if the City would like to achieve certain strategic outcomes in certain areas. For example in West Perth and Goderich Street the CPS2 currently applies different setbacks and in some cases heights for narrow lots compared to wider lots. The City may also consider introducing a minimum lot size for certain levels of development.

For business/commercial/shopping active streets the City may prefer a finer grain development pattern to promote continuous development and reduce the bulky podiums currently being created on the larger development lots.

**Figure 10: Non-Residential Lot Creation – Conditional and Final, City of Perth, 2004-2017<sup>16</sup>**



<sup>14</sup> Note – the Inner Perth Region refers to the ABS SA2 area which takes into account Perth City CBD, East and West Perth, Northbridge and parts of Highgate and Leederville. It does not accurately align to the whole of Perth City.

<sup>15</sup> REMPLAN (2016) *City of Perth Economic Profile*. Available from [www.economicprofile.com.au/perth](http://www.economicprofile.com.au/perth)

<sup>16</sup> Data extracted from the Department of Planning, Lands and Heritage internal databases

### 5.3.3 Lot sizes

The large majority (76.4%) of lots within Perth City are small in size (<1000m<sup>2</sup>) and are generally evenly distributed across its breadth. Some concentrations of medium sized lots (between 1001m<sup>2</sup> and 9000m<sup>2</sup>) can be found along Terrace Road in East Perth, Mounts Bay Road in Crawley and in the area to the north of the Mclver train station. Most of the large lots (>9000m<sup>2</sup>) in the city house government institutional uses or are located within State Government redevelopment areas.

**Table 9: Diversity of Lot Sizes, Perth City, 2016<sup>17</sup>**

<b>CATEGORY</b>	<b>COUNT</b>	<b>%</b>
0 - 1000 m <sup>2</sup>	4670	76.4
1001 - 3000 m <sup>2</sup>	1035	13.8
3001 - 5000 m <sup>2</sup>	213	2.8
5001 - 7000 m <sup>2</sup>	77	1.0
7001 - 9000 m <sup>2</sup>	13	0.217
9001+ m <sup>2</sup>	107	1.4
<b>TOTAL m<sup>2</sup></b>	<b>6115</b>	<b>95.6</b>

<sup>17</sup> City of Perth, 2016, GIS lot size analysis (unpublished)

## 6 Population and Dwellings

Perth City has experienced rapid residential population growth over the last decade, growing from 13,972 residents in 2005 to 26,893 residents in 2016 (housed)<sup>18</sup> This equates to an average annual rate of 6.1 per cent between 2006 and 2015.

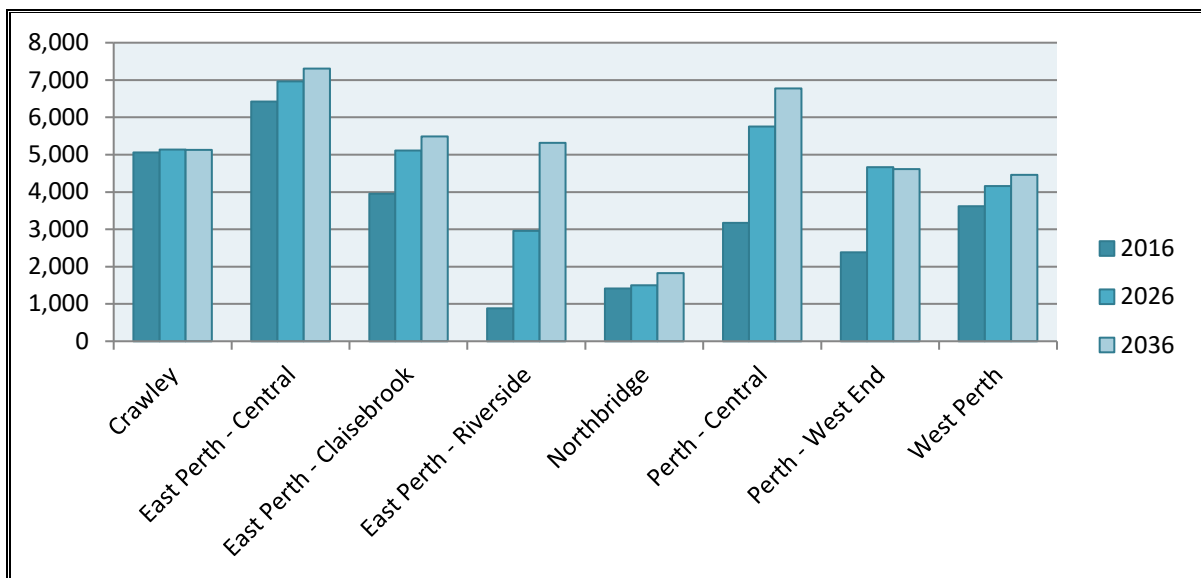
In addition to the resident population, around 205,750 workers and visitors are estimated to visit the CBD on a typical weekday<sup>19</sup> and around 25,000 students, workers and visitors attend the UWA<sup>20</sup> and the QEII on a daily basis<sup>21</sup>.

### 6.1.1 Population Change

New residential developments in Perth City have spurred residential population growth over the decade. Over the next 20 years, an additional 14,000 people are expected to make Perth City their home, at an average annual change of 2.1 %. This would bring the total population to over 40,000 people by 2036<sup>22</sup>.

Figure 11 and Table 10 shows the population projections to 2036 for local areas within Perth City. Further information is available at the City of Perth's population growth forecast website: [forecast.id.com.au/perth](http://forecast.id.com.au/perth).

**Figure 11: Residential Population Forecasts to 2036, City of Perth**



<sup>18</sup> Profile.ID (2016) City of Perth Estimated Resident Population 2015. Available from <http://profile.id.com.au/perth>

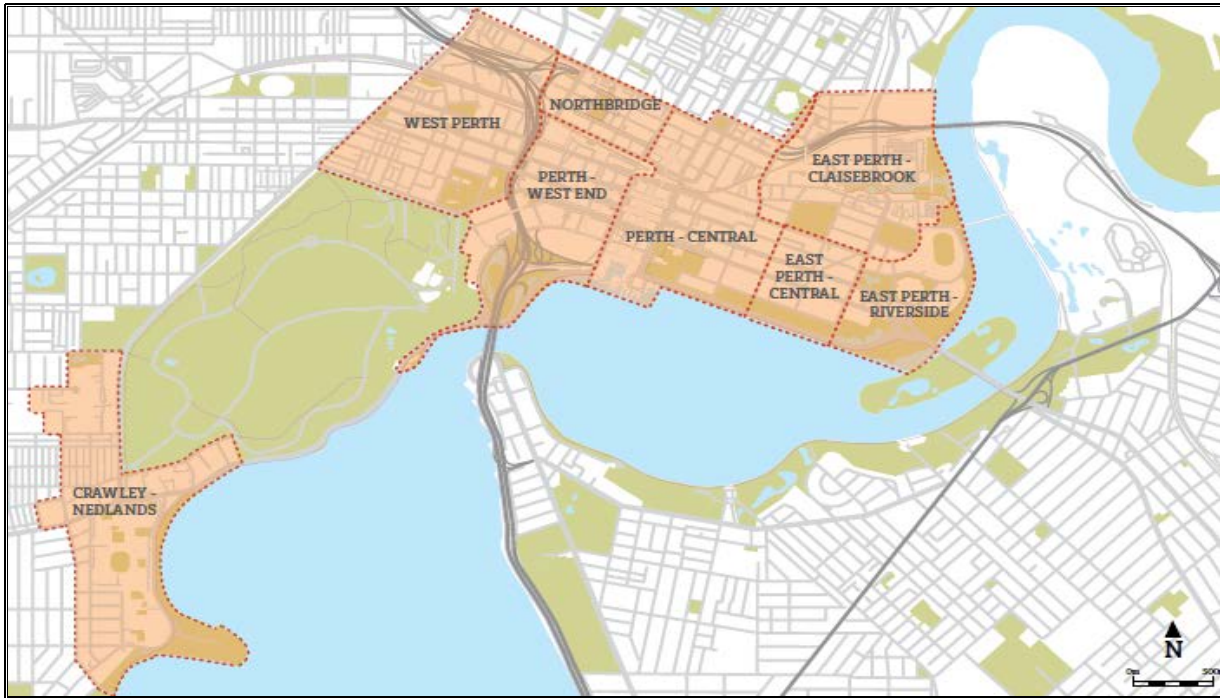
<sup>19</sup> Arup (2015) City of Perth Daytime Visitor Estimates (unpublished).

<sup>20</sup> Pers comms O'Brien, D August 2016

<sup>21</sup> Martin, J (2014) Parking Supply Restriction and Mode Shift at QEII Medical Centre – A Case Study

<sup>22</sup> Profile.ID (2016) City of Perth Population Forecast. Available from <http://forecast.id.com.au/perth>



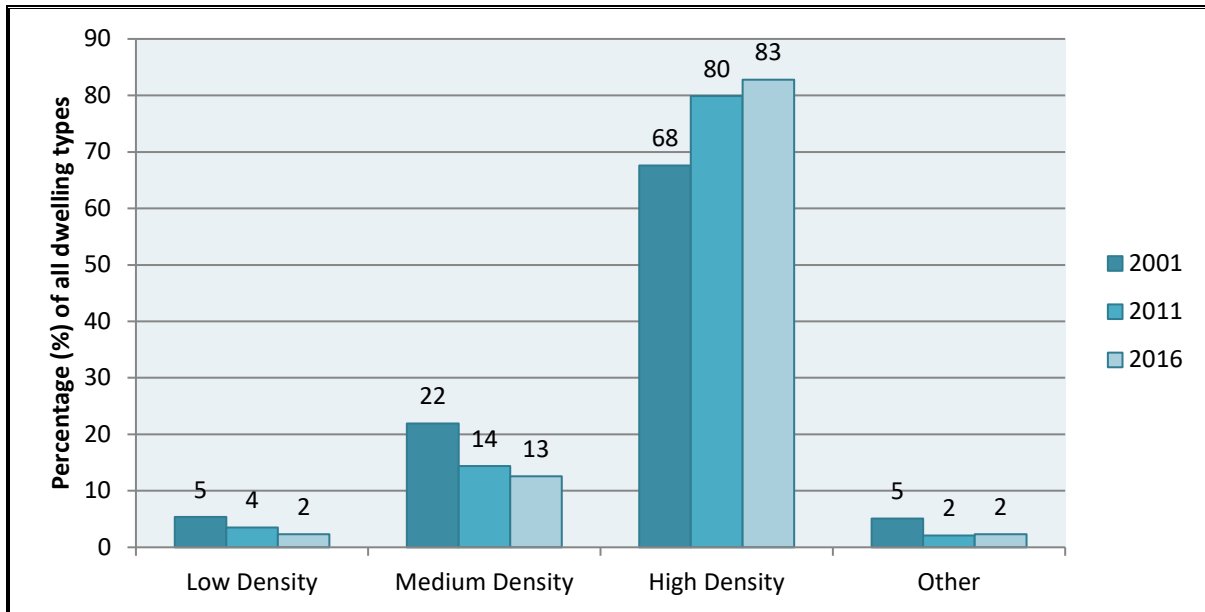
**Figure 12: Location Plan****Table 10: Residential Population Forecast**

City of Perth Area	Forecast year			Change between 2016 and 2036	
	2016	2026	2036	Total Change	Avg. Annual % Change
Crawley	5,058	5,135	5,127	+69	0.1
East Perth - Central	6,423	6,959	7,305	+882	0.6
East Perth - Claisebrook	3,949	5,107	5,484	+1,535	1.7
East Perth - Riverside	882	2,954	5,317	+4,435	9.4
Northbridge	1,413	1,496	1,829	+416	1.3
Perth - Central	3,175	5,755	6,773	+3,598	3.9
Perth - West End	2,387	4,666	4,609	+2,222	3.3
West Perth	3,615	4,161	4,459	+845	1.1

### 6.1.2 Residential density

In 2016, the majority (83%) of the City of Perth's 14,745 dwellings were high density apartments. As shown in Figure 13, the proportion of dwellings that are categorized as high density has increased over the past 15 years.

**Figure 13: Dwelling Type by Density Category, Perth City, 2001 - 2016**



In 2016, Perth City had 31 residents per hectare (excluding Kings Park), up from 25 per hectare in 2011, and 14 per hectare in 2001. Perth City is forecast to have 40 residents per hectare (excluding Kings Park) by 2036.

## 7 City Planning Strategy

The City of Perth released a new Strategic Community Plan in June 2017, which encapsulates the community's vision for the future of Perth City. The Strategic Community Plan was shaped by extensive community and stakeholder consultation carried out in early 2017.

Following the finalisation of the Strategic Community Plan, the City has commenced development of a new City Planning Strategy (the Strategy). Extensive background research and technical analysis is currently being undertaken. Two rounds of community consultation are also scheduled as outlined in Table 11.

The Strategy will establish a vision under the Strategic Community Plan to respond to social trends, economic drivers, environment, cultural change and population growth. It will guide the form, nature and function of the future physical development of the city and needs to take into account land use, built form, transport, sustainability, the environment, the economy and governance.

The Strategy will provide the strategic direction for the future planning and development of Perth City over the next 10 years and beyond. Any recommendations and direction established in the Strategy will be implemented through a new local planning scheme as discussed in Section 10.

The draft Strategy is expected to be ready for Council's consideration in July 2018. It will then be lodged with the Western Australian Planning Commission (WAPC) for certification and approval to formally advertise to the public for comment.

**Table 11: Timeline for Development of the City Planning Strategy**

Task	Timing
Technical Reports and background analysis	Jul 2017 – Jul 2018
Technical Steering Group Meetings	Monthly from Nov 2018
Community and Stakeholder Engagement	Nov 2017 – April 2018
Multi-stakeholder Collaborate Events	April 2018
Spatial Plan and Strategy Preparation	Feb – Jul 2018
Draft Strategy Lodgement with State Government	Aug-18
Formal Consultation	TBD -18/2019
Finalisation and Approval	TBD-18/2019

## 8 Future development demands

### 8.1 Capacity for future land development

The potential for development should align with the State Government's and the City's plans for future growth. In this regard, the State Government's recently endorsed 'Central Sub-Regional Planning Framework' (March 2018) forms an integral part of the 'Perth and Peel @ 3.5 Million' (March 2018) which aims to ensure that there will be sufficient suitable land available for future housing and employment to accommodate population growth to 2.9 million by 2031 and 3.5 million by 2050. Within this strategy, the State Government identified the need for an additional 213,130 infill dwellings and 831,960 new jobs within the Central Sub-Region by 2050 and has set an infill target for Perth City of 15,910 additional dwellings by 2050.

Major changes to the plot ratio provisions under the CPS2 were made in February 2013 and have helped to maximise the development potential of Perth City. Amendment 25 increased the maximum plot ratios across large parts of Perth City to provide for additional capacity for development in the CBD and maintain its prominence. Increases in plot ratio were also made to encourage a greater intensity of development around the city's train stations and town centres, helping the city to grow in a sustainable manner.

Amendment 25 provided the capacity for the development of an additional 1,124,000m<sup>2</sup> of floorspace across the parts of the Perth City governed by CPS2 (this excludes the State Government redevelopment area such as EQ, PCL and Riverside), taking the total potential for additional floorspace in Perth City (pre-July 2016) to 5,000,000m<sup>2</sup> which was considered in 2011 to effectively provide for any floorspace demand for the foreseeable future.<sup>23</sup>

To encourage more housing in the inner city core, a development incentive was introduced as part of Amendment 25 in the form of additional plot ratio for residential developments in this area. This is intended to help to extend the liveliness of the CBD beyond business hours.

Amendment 25 also introduced bonus plot ratio to encourage the provision of hotels and other short term visitor accommodation within the Perth City – which has worked well as highlighted in Figure 14 below. In particular, the area within Precinct Plan No.3 – Stirling to the north of McIver train station (which is currently an underutilised predominantly commercial area) is undergoing a period of transition as indicated by Figure 14 with the recent introduction of residential and special residential (including student accommodation) developments, in addition to mixed use developments.

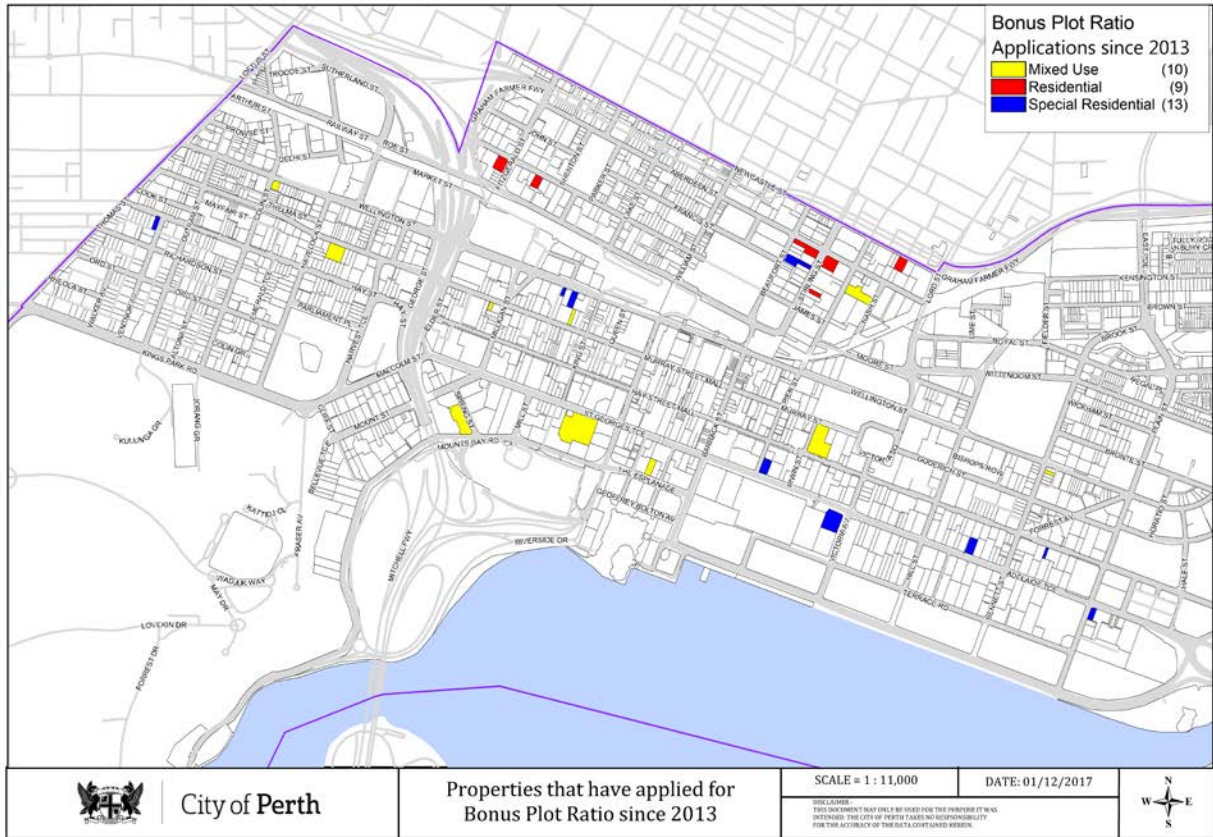
Amendment 25 was informed by the 'Perth City: Growth Needs for the Future - Plot Ratio and Built Form Study', completed in 2011. The Study included floorspace demand/supply forecasts for both office/commercial use and residential use over a 20 year period up until 2029. It is considered prudent that a review of these forecasts be undertaken as part of the Strategy to ensure that Perth City is able to accommodate the additional residential and commercial floorspace required by the State Government's planning policies.

Figure 15 highlights the number, location and types of major development applications received within Perth City (including MRA development applications) since 2013. Some of these

<sup>23</sup> Perth City Snapshot 2016

developments have been completed or are currently being constructed which will assist to transform Perth City into a more vibrant place to live, work and play.

**Figure 14: Bonus Plot Ratio Applications since 2013**



**Figure 15: Major Development Applications since 2013**

LEGEND	Special Residential (lilac)	Residential (blue)	Mixed Use (green)	Commercial (burgundy)	Other (orange)
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### 8.1.1 Utility services capacity

By 2036 the Perth City population is expected to reach over 40,000 people. It is important that the City's Strategy provides a coordinated infrastructure plan and framework for delivery to ensure that future growth can be adequately supported. This infrastructure is required for the community to maintain a high quality of living and to remain globally competitive as envisioned by the City's 'Strategic Community Plan'.

Under the 'Planning and Development Act 2005', the Western Australian Planning Commission (WAPC) is primarily responsible for strategic infrastructure planning and coordination to ensure alignment with growth forecasts and strategic plans. This responsibility is delegated to the Infrastructure Coordinating Committee (ICC) which is a statutory committee of the WAPC with representation from a range of government and infrastructure agencies. The State Government's 'Central Sub-Regional Planning Framework' (March 2018) stated that the service capacity of existing infrastructure to accommodate the proportion of the 3.5 million people who will live in the Perth and Peel in infill development within the next 30-40 years is adequate or provision has been made by the infrastructure agencies and utilities providers for the expansion of the system as demand for additional housing grows.<sup>24</sup>

<sup>24</sup> Central Subregional Planning Framework (March 2018)

Similar advice was received from the public utility providers in 2013 (in increasing plot ratios across the Perth City as part of the Amendment 25 process)<sup>25</sup>.

As part of the preparation of the Strategy, the City of Perth will be seeking to engage a suitably qualified and experienced consultant to undertake further research and analysis of the City's utility infrastructure and services. The study will provide suitable recommendations to ensure that utility infrastructure and services supports the long-term development and growth of Perth City.

### *8.1.2 Community service infrastructure*

Perth City has numerous essential services that residents and visitors can access. A desktop survey of community services in 2016 suggests that Perth City residents are well-serviced in some domains (e.g. large medical facilities), but are poorly-serviced in others (e.g. no primary school).

Accordingly, the City of Perth will be undertaking a 'Community Infrastructure Study' (addressing social, recreation and educational facilities) as part of the development of its Strategy to ensure that Perth City's community services will cater for population growth in the medium to long term.

### *8.1.3 Housing*

The City of Perth is currently undertaking a 'Housing Analysis Study' to inform the Strategy on Perth City's current and future housing needs; the effect current policy, legislation and funding have on housing supply and diversity in a capital city context; and to identify future target demographic groups and areas for housing.

The aim of the 'Housing Analysis Study' is to provide a 10-15 year plan to manage housing growth within Perth City.

Population and housing forecasts are to be investigated to identify future needs for the medium to long-term sustainable development of housing. This investigation is to be based on three (3) population scenarios up until 2036 to assist the City of Perth in policy preparation which can manage various urban growth situations.

The findings from the 'Housing Analysis Study' will inform the development of the Strategy as it seeks to respond to trends and challenges in order to create opportunities for future residential growth.

The City of Subiaco's 'Local Planning Strategy' which was endorsed by the WAPC in March 2015 indicated that higher densities may be acceptable in the Hollywood Precinct along Winthrop Avenue and Hampden Road. The Strategy acknowledged that building heights could be a contentious issue within the University Precinct and recommended that a site specific master plan be prepared in consultation with UWA to address future growth, density and building height issues. This is discussed in Section 8.1.5 below.

The City of Subiaco's Strategy also noted that a large amount of student accommodation was constructed adjacent to the UWA core campus as part of the 'National Rental Affordability Scheme, which is a joint Federal/State Government funded initiative.

<sup>25</sup> Perth City Snapshot 2016

#### *8.1.4 City Centre Analysis Study*

The City of Perth is also currently preparing a 'City Centre Analysis Study' for the development of the Strategy. The key purpose of this scope of work is to undertake a 'health check' of all of Perth City's neighbourhood centres via a multi-criteria assessment based upon an indicator set which spans across the themes of economic, built form, social, movement and accessibility, in addition to the environment. This is based on the premise that whilst the whole of Perth City is recognised as an 'activity centre' under the State Government's 'Perth and Peel @ 3.5 Million', a series of centres exist within the greater Perth City activity centre which play a different role regionally and locally.

Having an understanding of the centres and how they are performing will reveal where efforts should be focussed in the Strategy and the multi-criteria assessment method will allow the City of Perth to undertake a 'health check' every few years to monitor change.

#### *8.1.5 Structure Plan*

The WAPC's State Planning Policy No. 4.2- 'Activity Centres for Perth and Peel' (August 2010) identifies land around UWA/QEII as a 'Specialised Centre' for Health, Education and Research. These facilities are key drivers of innovation and information exchange and generators of employment. They provide significant opportunities for the development of business synergies and agglomeration of like activities.

The policy requires the preparation of an 'Activity Centre Structure Plan' for this centre to establish a detailed and integrated statutory planning framework for the future development of the area.

It is understood that both UWA and QEII are currently commencing masterplans for each of their individual landholdings. So it is timely for the broader 'Activity Centre Structure Plan' to also be prepared.

It is intended that this planning exercise will be jointly led by the City of Perth and the Department of Planning, Lands and Heritage (DPLH) in collaboration with UWA, QEII and the local community.



## 9 Consultation

As outlined above, extensive community engagement was undertaken in March and April 2017 in preparing the City's new Strategic Community Plan. This plan has since been endorsed by Council as its vision and guiding strategy for the next 10 years.

This community engagement, known as 'Share to Shape Our Capital' involved more than 1,900 citizens who shared over 10,000 ideas that will help shape the development of Perth City over the coming decade. These ideas were captured in the [Share to Shape Strategic Community Plan Synthesis Report](#) that provides an insight into the vision for the future of Perth City.

The key visioning topics are outlined in Table 12 below:

**Table 12: Key Visioning Themes**

Public Transport	- efficiently and effectively move people in and out of the city (for work, shopping and recreation).
A Happy, Connected Community	- a community that is happy, tolerant and friendly.
A Beautiful, Unique City	- unique aesthetics of buildings, natural landscape and public realm.
Flexibility and Choice	- a diverse range of events and recreation activities and longer trading hours (for retail and hospitality).
Culturally Diverse	- a multicultural and culturally engaged community, particularly with Aboriginal heritage and culture.
A Socially Conscious Community	- marginalized community members will have access to quality services and resources to improve their circumstances - great strides in addressing homelessness will have been achieved.
Safe and Clean	- a city that is safe and clean is a city that allows for a relaxed and worry-free experience.
A Place to Live, Work	- a city that nurtures a diverse community comprised of a range of ages, ethnicities, socio-economic status and family dynamics (with a mixture of housing options available).
Activation	- 'dead areas' in Perth will be a thing of the past as public spaces will be active and vibrant throughout the city.
Food and Beverage Culture	- people will be spoiled for choice of dining options and price points when they come to the city.
Public Open Space, Green Space and the River	- the public realm will be green, clean and bright. Parks and trees will be encountered wherever you walk as well as integrated green network across the cityscape.

The Share to Shape Collaboration Group (which was made up of 18 community members and City of Perth elected members and executives) distilled that vision into key themes and goals that formed the basis of the Strategic Community Plan.

In preparing the City Planning Strategy, the City has undertaken further local neighbourhood level engagement involving a combination of face to face and event based engagement, with a digital presence on 'Engage Perth' and the City of Perth website. A multi-stakeholder event is also planned for the 2<sup>nd</sup> quarter of 2018 which will bring together the City of Perth with the various government, non-government and community organisations that have a role in Perth City. The purpose of the event will be to seek solutions to address some of the planning and development issues facing Perth City and agree to a collaborative approach to implementation. Members of the public will also be invited to participate.

The City will also undertake formal public consultation (as outlined in Regulations 2015) as part of the preparations for the City Planning Strategy.

## 10 Comments

With the introduction of the City of Perth Act 2016, it is important that the planning provisions of the various local planning schemes are able to be applied to achieve its overall aim of ensuring that the City and its environ will be widely recognized as a viable world class city, as well as ensuring that the use and development of land is managed in an effective and efficient manner within a flexible framework.

The CPS2 has been considered to be an effective and flexible planning and development control instrument during its tenure and facilitated a period of significant growth in Perth City during the economic boom. A number of matters for further consideration however relating to the operability of the CPS2, (some of which have arisen as a result of the new Regulations 2015), have been identified and are discussed below.

A number of matters have also been identified as part of this review of LPS26 as requiring further consideration and are discussed in Section 10.1. These include a need to review the residential density controls within LPS26 to establish whether they need to be increased to align more closely with the State Government' housing infill strategies and to create a more vibrant urban environment.

The City of Subiaco's TPS4 and City of Nedlands TPS2 have already been reviewed and found to be outdated and not in accordance with current State Planning legislation, nor reflect the aspirations of the community. A number of other matters are also discussed below.

### 10.1 Matters for further consideration

There are a number of matters that have been identified as part of this review of the City's local planning schemes as requiring further consideration, many of which will be addressed through the City Planning Strategy currently under preparation. Please refer to Table 13 below.

**Table 13 – Local Planning Schemes - Matters for further consideration**

<b>Matters for further consideration relating to the City Planning Scheme No. 2</b>	
<b>Consolidation of the various local planning schemes</b>	<p>With the introduction of the City of Perth Act and the expansion of the City of Perth local government boundary, the City has to apply the City of Subiaco Town Planning Scheme No. 4 (TPS4), in addition to the City of Perth's City Planning Scheme No. 2 (CPS2), City of Perth's Local Planning Scheme No. 26 (LPS26), and several Minor Town Planning Schemes. The City of Nedlands Town Planning Scheme No. 2 (TPS2) has had limited application as the land transferred to the City of Perth is situated on MRS Reserves.</p> <p>As discussed in Section 3 of this report, there are inconsistencies between the local planning schemes in terms of objectives, terminology, zones/scheme use areas, land use categories, structure and format, in addition to the application of development standards. This situation is not considered ideal from an administrative perspective. In order to ensure consistency and best planning practice, it is recommended that these local planning schemes be repealed and a new local planning scheme (City Planning Scheme No. 3) be created – informed by the City's City Planning Strategy.</p> <p>It is acknowledged that incorporating LPS26 (in particular) into a new local planning scheme will be challenging given the existing planning framework is based on the MRA's 'Central Perth Redevelopment Scheme' and does not accord with Schedule 1 of the 'Planning and Development (Local Planning Schemes) Regulations 2015'. Any potential modifications will have to be carefully considered to ensure a smooth</p>

	transition of MRA areas (such as EQ and PCL) being 'Normalised' and transferred back to the City.
<b>Schedule 1 of the Regulation 2015 – Model Provisions</b>	<p>CPS2 does not accord with the Schedule 1 of the Regulations 2015 relating to Model Provisions for local planning schemes in terms of the following:</p> <ul style="list-style-type: none"> <li>- inconsistencies in the Use Group Categories. Additionally, within CPS2 land use permissibilities are assigned to the 'Scheme Use Areas' by way of broad land use categories.</li> <li>- terminology – Schedule 1 refers to zones and uses different Use Symbols such as 'P' (permitted use) and 'D' (discretionary use). By comparison CPS2 and LPS26 refer to 'P' (preferred use), and 'C' (contemplated use).</li> <li>- new provisions outlined in Schedule 1 (such as Developer Contributions) have yet to be incorporated into the City's local planning schemes.</li> <li>- general format and structure. However, it is recommended that any new local planning scheme maintain the more contemporary approach of CPS2 whereby the majority of the planning provisions are situated within local planning policies to enable greater flexibility as discussed in Section 3 of this report.</li> </ul>
<b>Schedule 2 of the Regulations 2015 - Deemed Provisions</b>  <i>Permitted ('P') Use Exemption</i>	<p>Clause 61(2)(b) of Schedule 2 (Deemed Provisions) of the 'Regulations 2015' allows the exemption from development approval of permitted uses in the zone in which the development is located <i>'where there is no works component; or development approval is not required for the works component of the development'</i>. Currently, the City is not applying this provision as it uses different terminology as outlined above.</p> <p>If clause 61(2) (b) were to apply to CPS2 it would have significant amenity implications. As the State Government is likely to require the City to use consistent terminology in its new local planning Scheme to that in the Model Provisions there will be a need for the City to ensure development approval is required for any land uses which may impact the amenity of other uses and vice versa. Accordingly the City will need to review its land use categories and associated use permissibilities for the following reason:</p> <ul style="list-style-type: none"> <li>- broad land use categories such as 'Entertainment' which is a preferred use in certain areas of Perth City such as Northbridge would be exempt from development approval which would remove the ability for Council to assess the impacts of these and to place standard conditions relating to noise attenuation, restrictive trading hours etc. on any change of use development application for 'Entertainment'.</li> </ul>
<b>Schedule 2 of the Regulations 2015 - Deemed Provisions</b>  <i>Internal Works Exempt from Development Approval</i>	<p>Clause 61(1)(b) of the Deemed Provisions states that development approval is not required for the 'carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is –</p> <ul style="list-style-type: none"> <li>- <i>included on a heritage list prepared in accordance with this Scheme and identified on that list as having an interior with cultural heritage significance;</i></li> </ul> <p>The State Government and City are currently working on developing design excellence standards. However, by removing the requirement for development approval for significant interior modifications of large scale developments, this may potentially compromise good interior design and reduce the internal amenity for the existing or future occupants of the affected buildings. The City is also unable to apply any relevant existing local planning and design policies such as the Residential Design Policy which provides guidance on minimum floor space, noise attenuation, cross ventilation, privacy, lighting, and the general layout. This will compromise a key objective of CPS2 which is to deliver a high level of amenity within buildings by providing for appropriate natural light access, natural ventilation, privacy and outlook.</p>

	<p>It is acknowledged that this issue needs to be addressed by changes to the Deemed Provisions as the City has no ability to modify these as part of a new local planning scheme.</p>
<p><b>Precinct Statements/Precinct Plans</b></p>	<p>It is recommended that the 15 Precinct Plan Statements contained within CPS2 be reviewed as many are out of date and do not reflect more recent development. This also has implications for the associated 'Use Group Table' which will need to be reviewed to reflect more accurately what types of development are preferred.</p> <p>There may also be an opportunity as part of the review of the Precinct Plans for consolidation to occur where appropriate. Additionally, it is important that there is no overlap between the planning provisions contained within the Precinct Plans and the local planning policies.</p>
<p><b>Review the Use Groups</b></p>	<p>It is considered that certain Use Groups such as 'Entertainment' are too broad and should be reviewed. For example the potential impact on local amenity within an area varies extensively between a small bar (with limited patron numbers) and a tavern.</p>
<p><b>Plot Ratio Provisions</b></p>	<p>Bonus Plot Ratio and Transfer of Plot Ratio provisions need to be reviewed to:</p> <ul style="list-style-type: none"> <li>- consider their application in split plot ratio areas;</li> <li>- the application of split plot ratio coding versus the application of bonus plot ratio;</li> <li>- review the floor area definition to ensure it meets the City's strategic intentions;</li> <li>- review the bonus plot ratio incentives to ascertain if these are still needed;</li> <li>- consider if there are other strategic objectives that the City may want to incentivise;</li> <li>- consider as to whether the bonus plot ratio and transfer of plot ratio provisions of CPS2 should be modified to apply to the 'Normalised' areas and the recently transferred areas of Crawley and Nedlands.</li> </ul>
<p><b>Special Control Areas</b></p>	<p>Review the wording of the various plot ratio provisions within the Special Control Areas to ensure the intent and application of the provisions, as well as the relationship with the CPS2 Plot Ratio Plan is unambiguous. This will minimise potential legal costs and challenges.</p>
<p><b>Protection of critical air ambulance flight paths</b></p>	<p>Any critical air ambulance flight paths within the Perth City will need to be protected in accordance with the Australian Government's draft 'Guideline on Protecting Strategically Important Helicopter Landing Sites' (which was out for comment late last year).</p> <p>The draft guideline focuses on the protection of strategic Helicopter Landing Sites (HLS) from other land uses and development. Whilst it does state that one of its purposes is to ensure that any new HLS are appropriately located, the guideline provides limited guidance around this. Equal focus needs to be provided on ensuring that both new and existing strategic HLS are appropriately located, taking into consideration the broader planning objectives and development controls already in place for the areas in which they are located.</p> <p>This matter will need to be explored as part of the City Planning Strategy.</p>
<p><b>Student Housing</b></p>	<p>The City has been receiving a significant number of development applications for student housing. Student housing is classified as a 'Special Residential' Use under the CPS2.</p> <p>'Special Residential' is defined within the CPS2 as meaning "<i>premises providing short-term, temporary or specialised residential accommodation</i>".</p> <p>Further consideration is required as to whether such a use should be defined as a separate use group and whether further guidance is needed on the size of rooms, types of facilities and servicing.</p>

<b>Noise Policy</b>	<p>The City's development standards with respect to noise management are currently spread across several CPS2 planning policies. This approach has resulted in a number of inconsistencies and it is not particularly user friendly.</p> <p>There are no noise management provisions for Special Residential development.</p> <p>The City has been advocating to the State Government for some time for changes to the 'Environmental Protect (Noise) Regulations 1997' and the planning framework to address the issues associated with noise mitigation and noise management in entertainment and mixed use areas within the city centre. The State Government has now undertaken to give this matter some priority, and the Department of Planning Lands and Heritage are working in collaboration with the Department of Water and Environmental Regulation on this with assistance from the City.</p>
<b>City Design Guidelines</b>	<p>The City's CPS2 design policies are currently being reviewed and will be amended to:</p> <ul style="list-style-type: none"> <li>- Provide provisions that reflect current best practice approaches;</li> <li>- Provide clarification / more detailed guidance where appropriate to ensure better understanding of the intent and purpose of provisions;</li> <li>- Improve usability by consolidating design matters into a reduced number of policies, removing minor and/or outdated policies;</li> <li>- Strengthen provisions that encourage excellence and innovation in design; and</li> <li>- Strengthen sustainable and environmentally sustainable design (ESD) requirements within the policy provisions.</li> </ul>
<b>Hotel Car Parking</b>	<p>Consideration is required as to whether a minimum number of staff/visitor parking and service bays are required. Hotel parking is currently treated as per commercial parking. Under the State Government's 'Perth Parking Policy' there are no minimum commercial parking requirements only maximum commercial parking provisions apply.</p>
<b>Residential Parking</b>	<p>A review of the residential parking provisions for the City of Perth is required to accord with both the State Government's 'Transport @3.5 Million – Perth and Peel Transport Plan' (October 2017) and the City's 'Transport Strategy' (December 2016) of promoting alternative forms of transport to ensure a vibrant, connected and productive city.</p> <p>In this regard it is considered that the maximum residential parking requirement of 1.5 bays per dwelling for residential development situated within the CBD area is too high. This has led to negative impacts with the introduction of podiums to accommodate the parking levels (which need to be screened), in addition to contributing to greater traffic congestion and development costs.</p>
<b>Key Housing Issues</b>	<p>All Capital Cities and inner city councils across Australia need to address housing diversity, housing affordability and housing stress. Further guidance will be provided following the outcomes of the 'Housing Analysis Study' as to how these critical issues may be addressed.</p>
<b>Developer Contributions</b>	<p>The need for all levels of government to leverage more on private investment in infrastructure to get projects off the ground is reflected in the Federal Government's 'Smarter Cities Plan' dated 2016. The Plan promotes innovative financial approaches such as value capture and the development of City Deals to improve infrastructure planning and delivery in Australian cities.</p> <p>The current City's CPS2 does not contain any Development Contributions provisions.</p>

	<p>Clause 27 of Schedule 1 of the Regulations 2015' (the Model Provisions) state that State Planning Policy 3.6 ('Development Contributions for Infrastructure') is to be read as part of the Scheme.</p> <p>However, the draft revised SPP 3.6 dated July 2016 still appears to be green field driven which is counter-intuitive to urban consolidation and the need for inner city areas to accommodate the infill targets set by the State Government. Further explanation and more detailed guidance is required on the implementation of developer contributions within the more complex inner city environments.</p>
<b>Bush Fire Regulations</b>	<ul style="list-style-type: none"> <li>• State Planning Policy No.3.7- 'Planning in bushfire prone areas' stipulates the need for the local government to consider relevant bush fire hazards when identifying land for future development. The SPP requires strategic planning proposals, subdivision and development applications within designated bushfire prone areas (and under certain ratings) to comply with the policy measures.</li> <li>• Schedule 2 Part 10A – 'Bushfire Risk Management' of the 'Planning and Development (Local Planning Schemes) Amendment Regulations' 2015 deals with the requirements for development in a bushfire prone area.</li> <li>• Each site that is located within the bushfire prone area needs to undertake a detailed BAL assessment. This will be required by the applicant each time a new DA is lodged.</li> </ul> <p>Further consideration is required on the development potential of properties situated within the designated bushfire prone area. For example based on the indicative BAL assessment undertaken by the City, the further intensification/redevelopment of some properties located on Mounts Bay Road, Kings Park Avenue, Park Avenue, Mount Street, Cliff Street will be restricted in terms of their location within the BAL 40 and BAL – Flame Zone area.</p>
<b>Disruptive Technology/Shared Economy</b>	<p>Further consideration is required on the impacts of disruptive technology on land use, the existing built form and parking requirements. There may be potential to reduce parking on site which in turn may reduce the need for podiums to be used for car parking and reduce traffic congestion. Additionally, the potential unbundling of parking bays from strata titles may assist to facilitate more affordable housing.</p> <p>Whilst types of uses such as 'Air B&amp;B' are covered in the City's Special Residential (Serviced &amp; Short Term Accommodation) Policy it is acknowledged that further education of the community may be required.</p>
<b>Building Adaptability</b>	<p>Further consideration needs to be given to ensuring the development of robust/adaptable buildings which are capable of changing in use over time without incurring exorbitant costs.</p> <p>Innovative ways to encourage upper floor activation of older building stock which still complies with other legislation and regulations such as the 'Building Code of Australia' and the 'Public Health Act 2016' is required.</p>
<b>Climate Change</b>	<p>The City recognises there are environmental, social and economic risks to its operations and the broader community from climate change. As a signatory to the Global Covenant of Mayors, the City is required to undertake a climate change risk assessment that considers both current and future climate conditions and consequently develop a climate change adaptation plan. The City has engaged a consultant to assist with undertaking a climate change risk assessment and developing an adaptation plan. This matter will also need to be considered by the City Planning Strategy and inform any new local planning scheme.</p>
<b>Matters for further consideration relating to the Minor Town Planning Schemes Nos 11,13,14,16,21,23,and 24</b>	

<b>Inconsistent terminology and application of the Plot Ratio Provisions</b>	<p>The MTPS were created prior to the introduction of CPS2 between 1974 and 2001. A number of the MTPS have inconsistent terminology and the application of their plot ratio provisions in relation to the CPS2 is unclear. This has led to an appeal at the State Administrative Tribunal. The MTPS should be repealed and the provisions of these should be reviewed and incorporated into a new local planning scheme to ensure a consistent approach.</p> <p>It should also be noted that since the gazettal of the CPS2 in 2004, the City has been incorporating Special Control Areas under CPS2 in preference to creating new MTPS to create site specific planning and development standards.</p>
<b>Matters for further consideration relating to Local Planning Scheme No. 26</b>	
<b>Planning Framework</b>	LPS26 has a similar framework to the 'MRA Central Perth Redevelopment Scheme' 2012. Whilst this is inconsistent with the Model Provisions of the Regulations 2015, it provides for an easy transition of the redevelopment areas back into the City's planning framework once normalised. This will continue to remain an important consideration in any further detailed review of the City's local planning schemes.
<b>Design Guidelines for the Normalised Areas</b>	It is considered that the detailed prescriptive planning provisions covering 36 areas, as well as individual lots, do not enable more innovative approaches which may produce better built form outcomes. Further consideration of the current approach is required – particularly as the majority of the area has been developed over the last 20 years.
<b>Density</b>	<p>A review of the existing densities in East Perth is required and should be informed by the findings of the City Planning Strategy. The principle of encouraging residential density within close proximity to services and facilities is well established within the State planning framework including 'Direction 2031 and beyond' (2010), 'Activity Centres for Perth and Peel' (2010) and the 'Capital City Planning Framework' (2013).</p> <p>A review of the Claisebrook Village Case Study released by the MRA in 2012 found that the project was rated as an overwhelming success with the exception <i>"with the benefit of twenty years of hindsight, it seems that Claisebrook Village lacks the density to be described as a vibrant urban village"</i>.</p>
<b>Matters for further consideration relating to the former City of Subiaco Town Planning Scheme No. 4.</b>	
<b>General Provisions</b>	<p>As previously mentioned the City of Subiaco has already undertaken a detailed review of the TPS4 and found it to be outdated and inconsistent with the new Regulations 2015 including the Model Provisions.</p> <p>Additionally, the intent of some of the provisions (such as the discretionary clauses) are unclear and the City of Perth has had to seek legal advice on their application.</p> <p>A review of the zonings and densities in Crawley will be required to assist the City to achieve a portion of the additional dwellings required under the State Government's planning framework. This review should be informed by the findings of the City Planning Strategy and the preparation of the 'Activity Centre Structure Plan'.</p>
<b>Discretionary Provisions</b>	A few development approval applications have recently been received by the City seeking larger scaled buildings in Crawley. Further guidance is required when a variation to the development standards (such as plot ratio and building height) is sought under clauses 28 and 42A of TPS4 to ensure good built form outcomes. Particular attention should be given to front setback and landscaping



	<p>requirements, in addition to open space requirements. A review of the parking provisions is also required.</p> <p>An interim policy may be required whilst the 'Activity Centre Structure Plan' for the area is being prepared to ensure the essential characteristics of the existing leafy suburb are not eroded.</p>
<b>Inconsistent Policies</b>	<p>As part of consolidation of TPS4 into a new Scheme, a review will also need to be undertaken of the associated planning policies as some – such as advertising are inconsistent with the Deemed Provisions as well as CPS2. Other policies such as the Hollywood and University Precinct Plans may need to be reviewed pending the findings of the City Planning Strategy and the 'Activity Centre Structure Plan'.</p>
<b>Matters for further consideration relating to the former City of Nedlands Town Planning Scheme No. 2.</b>	
<b>General Provisions</b>	<p>As previously mentioned the City of Nedlands has already undertaken a detailed review of the TPS2 and found it to be outdated and inconsistent with the new Regulations 2015 including the Model Provisions.</p> <p>The City of Perth has limited application of the Scheme. However the preparation of an 'Activity Centre Structure Plan' will assist to guide the future development of QE11.</p>

## 11 Recommendation

Overall, it is considered that CPS2 has been an effective planning tool which has provided flexibility to cater for different types of land uses as demand has changed over time. This has been an important factor to ensure the capacity for future growth. As such, it is considered that CPS2 has been achieving its key objectives.

There are however a number of matters that have been identified as part of this review of the City's local planning schemes as requiring further consideration, many of which will be addressed through the City Planning Strategy currently under preparation.

The City Planning Strategy will also set a new planning and development vision for Perth City in line with State Government planning objectives and the City's vision for Perth City as set out in its Strategic Community Plan.

Once prepared, it will be important to ensure that the City's future local planning scheme/s are in alignment with the Strategy.

With the introduction of the City of Perth Act and the expansion of the City's local government boundary, the City of Perth has had to apply a number of local planning schemes. These have inconsistencies in terms of objectives, terminology, land use zones and categories, structure and format, as well as development standards.

Whilst having numerous schemes is not optimal from an administrative perspective, it has not affected the City in its exercise of its local planning functions. The preparation of a new local planning scheme will provide the opportunity to reduce the number of local planning schemes operating in Perth City.

Accordingly, in order to ensure consistency and best planning practice, it is recommended in accordance with Regulation 66(1) and (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, that Council:

- approve the report of the review of the local planning schemes and forward this to the WAPC for its consideration; and
- upon finalisation of the City Planning Strategy, prepare a new local planning scheme and upon approval of this, repeal the existing local planning schemes.

## CITY PLANNING SCHEME NO. 2

Amend No.	Gazettal Date	Summary	Details
1	01/04/05	<p><b>Special Control Area - Metro Markets, CTA Building and West Street</b>  Special Control Areas added;  (a) Metro Markets Special Control Area  (b) CTA Building Special Control Area  (c) West Street Special Control Area</p> <p>Schedule 9 added "Special Control Areas"</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Add new clause "57A Special Control Areas".</li> </ul> <p><b>SCHEDULES</b></p> <ul style="list-style-type: none"> <li>New Schedule "Schedule 9— Special Control Areas".</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amend the Scheme Map and Precinct Plan accordingly.</li> </ul>
2	27/05/04	<p><b>Omnibus Amendment</b>  As part of the implementation of the Scheme, a number of amendments to the Scheme were identified that assisted its operation and clarified its intent. The nature of the amendments can be summarised as follows:</p> <ul style="list-style-type: none"> <li>Typographical –correction of spelling and cross referencing errors;</li> <li>Consequential –clarification of the town planning intent for the scheme; and</li> <li>Minor technical amendments.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Modify subclauses 8(1) (a) to 8(1) (K).</li> <li>Amend Clauses 26(2), 26(2) (b), 27(2), 28(2) (a) (ii), 39(c), 40(2) (a), 41 and 62.</li> </ul> <p><b>SCHEDULES</b></p> <ul style="list-style-type: none"> <li>Schedule 2 of the Scheme, in the description of Retail (general) after Laundromat insert a comma.</li> <li>Schedule 3 of the Scheme— in the Office use group in the Residential R160 Column delete "X" and insert "X/C(2)"; after footnote 1 insert "(2) Means contemplated in the residential area of the Adelaide Precinct where it complies with the Terrace Road Design Policy. Otherwise prohibited."</li> <li>Schedule 4 of the Scheme:— in the definition of Industry, in the use group column, delete i.e. "Industry (all categories)"; in the definition of car park, in the use group column, delete "Car park"; delete the definition of Central Area; Sections 1 and 2 of the Schedule are to be amalgamated into one table and sorted alphabetically and for each term that is currently defined in Section 1 insert "not applicable" in the use group column;</li> <li>Schedule 6 of the Scheme – delete "Clause 24(1) of the Scheme text";</li> </ul> <p><b>MAPS</b></p> <p><b>Scheme Map</b></p> <ul style="list-style-type: none"> <li>The land that does not currently have an Area designation to have an "City Centre" Area designation;</li> <li>Boundary between St Georges Precinct and the Foreshore Precinct amended so that all Public Purpose (Special Uses) zoned land is included within the St Georges Precinct.</li> </ul> <p><b>Building Heights Plan.</b></p> <ul style="list-style-type: none"> <li>Delete the "WEST PERTH Office/Residential Area";</li> <li>Insert a broken blue line around land within West Perth to show the land within the Parliament House Precinct Policy Area that does not have a building height restriction imposed by the Parliament House Precinct Policy as having the same height restriction as the nearest building height;</li> <li>Replace the words "Specific Policy Areas" with the words "Refer to specific Policy Requirements" in the legend;</li> <li>Insert the words "Policy Area" after the words "MRS Clause 32 Area Parliament House Precinct" and amend the broken pink line around the Parliament House Precinct Policy Area to the same colour as all other policy areas;</li> <li>Insert the words "Design Guidelines" after the words "King Street Heritage Precinct";</li> <li>Delete "Cultural Centre" and deleting the broken pink line around the Cultural Centre MRS Reserve;</li> <li>Show all land that is either a City of Perth Parks and Recreation Scheme Reserve or reserved as Parks and Recreation under the Metropolitan Region Scheme being indicated as a City Parks and Foreshore (i.e. coloured green);</li> <li>Amend the height restrictions within the area bounded by St Georges Terrace, Milligan Street, Hay Street and Barrack Street to coincide with the allotment boundaries, as far as possible.</li> </ul>

			<p><b>Plot Ratio Plan</b></p> <ul style="list-style-type: none"> <li>Delete the title "OFFICE/RESIDENTIAL AREA WEST PERTH PRECINCT" and insert a line between the area surrounded by a black dashed line within the West Perth Precinct;</li> <li>Show all allotment boundaries;</li> <li>Insert the following— "A building used solely for non-residential purposes will have a maximum plot ratio of 0.5:1.0. A building solely for residential purposes will have a maximum plot ratio of 1.5:1.0. A building used for both residential and non-residential purposes will have a maximum plot ratio of 2.0:1.0, provided that the plot ratio of the part of the building used for non-residential purposes does not exceed 0.5:1.0 and the part of the building used for residential purposes does not exceed 1.5:1.0." and Insert a line directing from the above text to the land that is bounded by a broken line around the Residential/Commercial area and within the area bordered by Wittenoom, Bennett and Wellington Streets and the precinct boundary line.";</li> <li>Insert the following—"A building used solely for non-residential purposes will have a maximum plot ratio of 2.0:1.0. A building used solely for residential purposes will have a maximum plot ratio of 4.0:1.0. A building used for both residential and non-residential purposes will have a maximum plot ratio of 4.0:1.0 provided that the plot ratio of the part of the building used for non-residential purposes does not exceed 2.0:1.0." and insert a line directing from the above text to the land that is bounded by a broken line around the Residential/Commercial area within the area bordered by Hay Street and Forrest Avenue.";</li> <li>Insert the following—"A building used solely for non-residential purposes will have a maximum plot ratio of 2.0:1.0. A building solely for residential purposes will have a maximum plot ratio of 3.0:1.0. A building used for both residential and non-residential purposes will have a maximum plot ratio of 3.0:1.0 provided that the plot ratio of the part of the building used for non-residential purposes does not exceed 2.0:1.0." and insert a line directing from the above text to the land that is bounded by a broken line around the Residential/Commercial area within the area bordered by Wellington, Hill and Bennett Streets and Bishops Row.";</li> <li>In the legend, replace "Plot ratios are to be in accordance with clause 27(2)" with "Refer to specific plot ratio requirements";</li> <li>Remove all reference to the City Centre Boundary on the Legend and from the Plan;</li> </ul>
3	16/06/06	<p><b>Special Control Area – 1299 -1305 Hay Street</b> The creation of a Special Control Area over the subject land to enable the area to be treated as one site for the purpose of determining plot ratio and the maximum tenant car parking allowance.</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 57(1) – insert after Clause 57A (1) (c) new clause (d).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 – insert "4.0 1299-1305 Hay Street Special Control Area".</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amend the Scheme Map and Precinct Plan accordingly.</li> </ul>
4	12/05/06	<p><b>Omnibus</b></p> <ul style="list-style-type: none"> <li>Amended the Building Heights Plan for lots fronting Adelaide Terrace between Victoria Avenue and Plain Street and for lots on the northern side of St Georges Terrace between Victoria Avenue and Pier Street.</li> <li>Amended the Plot Ratio Plan for the area bounded by Wittenoom, Bennett and Wellington Streets and the Goderich Precinct (P14) boundary.</li> <li>Administrative changes to clarify the town planning application and planning policy adoption processes.</li> <li>Minor technical amendments.</li> <li>Minor typographical changes to correct errors within the Scheme text.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Modify Clause 30(5).</li> <li>Clause 39 – modifying Clause 39(a).</li> <li>Clause 41 – inserting new subclause "41 (5)".</li> <li>Clause 52 – deleting existing Clause 42(1) and replacing with new text.</li> <li>Clause 56 – amending Clause 56(3) (a) and (b).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 4 – amending in part (b) of the definition of 'height', after the word 'used', delete the word 'or' and replace with 'for'.</li> <li>Schedule 6 – moving the heading and text relating to 'Policy 6.1 Mount Street Design Policy' to below the heading and text for 'Policy 5.4 – Bicycle Parking and End of Journey Facilities Policy' and above the heading and text for 'Policy 6.7 – Goderich Design Policy'.</li> <li>Schedule 7 – amend by deleting and replacing the Note at the bottom of the form to read "Note: Should the owner or applicant be aggrieved by this decision, an application may be made to the Council to revoke or amend this planning approval in accordance with Clause 52 of the City Planning Scheme, or a right of appeal may exist under the provisions of the City Planning Scheme or the Metropolitan Region Scheme."</li> <li>Schedule 9 – modify Clauses 1.2, 1.3, 2.2, 2.3, 2.4, 2.4(c) and replace 'Clause 39(2)' with 'Clause 39(a)'.</li> </ul> <p><b>MAPS</b></p>

5	11/09/07	<p><b>EPRA 'Normalised' Areas</b></p> <ul style="list-style-type: none"> <li>Incorporated the 'normalised areas' of East Perth into City Planning Scheme No. 2 (CPS2), providing the administrative framework for decision making and policy production.</li> <li>This amendment to be read in conjunction with the City of Perth Local Planning Scheme No. 26 and the development policies and design guidelines for East Perth.</li> </ul>	<ul style="list-style-type: none"> <li>Delete and replaced existing Building Heights Plan with new Plan.</li> <li>Delete and replace existing Plot Ratio Plan with new Plan.</li> </ul> <p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 3 added clause 3(3).</li> <li>Delete clause 4 Scheme Area and insert new clause "4(1) and 4(2)".</li> <li>Modify Clause 8 Minor Town Planning Schemes in clause 8(1) (j), 8(1) (k).</li> <li>Insert clause 8(1) (l) "City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)".</li> <li>Clause 57 inserted new clause 57(6).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 3 - in Use Group Table for Precinct 15 East Perth replace existing text to read "Refer to the relevant local planning scheme for the classification of uses within this Precinct."</li> <li>Schedule 4 Definitions - delete and replace existing definitions for "Scheme Text" and "Scheme map".</li> </ul>
6	19/10/06	<p><b>Additional Plot Ratio</b></p> <ul style="list-style-type: none"> <li>Amended clause 28 of the CPS2 to allow the Council to approve minor plot ratio bonuses above 20% where buildings were approved or built before the gazettal of CPS2 in January 2004.</li> <li>The minor plot ratio bonus applies in the following instances: <ul style="list-style-type: none"> <li>The refurbishment of existing buildings, where it does not involve an increase in the bulk, height or scale of the building;</li> <li>Development that is to be 'expressed' at street level, to encourage facilities and uses at street level that will promote pedestrian activity and interest.</li> </ul> </li> <li>Amended the Use Group Tables for the precincts where the Use Group 'Office' is a 'Preferred Use', so that the floor space approved at street level as a minor plot ratio bonus cannot be used as offices.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 28 - inserting after clause 28(2) (c) new clause 28(3).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 3 - amending Use Group Tables for Precincts 3, 6, 7, 13 &amp; 14 by inserting the symbol "(2)" next to the symbol 'P' for the Use Group 'Office' in Precincts 3 and 6 and also at the bottom of these Use Group Tables the words "(2) Means use cannot be located in floor space provided at street level, created through clause 28(3)".</li> <li>Schedule 3 - amending Use Group Tables for Precincts 7, 13 &amp; 14 by inserting the symbol 'P' next to the symbol 'P' for the Use Group 'Office' and also inserting at the bottom of these tables the words "(3) Means use cannot be located in floor space provided at street level, created through clause 28(3)".</li> </ul>
7	09/02/07	<p><b>Additional Use - 263 Adelaide Terrace</b></p> <p>This amendment to CPS2 incorporated the additional uses of 'Office' and 'Business Services' to the southern half of the subject site in order to allow for the development of office, commercial and retail land uses.</p>	<p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 5 - amending by adding additional use area A1 being "Southern portion of 263 Adelaide Terrace, Perth located at the corner of Terrace Road and Victoria Avenue" together with relevant particulars of land and permitted use.</li> <li>Amending Schedule 5 (Additional Use Schedule) of the Scheme Text to include the Preferred Uses of 'Office and Business Uses' to the southern portion of 263 Adelaide Terrace, Perth.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map by annotating the southern half of 263 Adelaide Terrace located at the corner of Terrace Road and Victoria Avenue, measuring 3,450m<sup>2</sup>, to include 'A1' within the boundary of the subject site, including an appropriate demarcation of the site.</li> <li>Adding to the legend located on the left hand side of the Scheme Map, the wording 'Additional Uses' and demarcation 'A1,' as detailed in part 1 above.</li> </ul>
8	10/07/07	<p><b>Special Control Area - Woodside</b></p> <p>Creation of a Special Control Area covering 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001).</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Delete Clause 8(1)(i)</li> <li>After Clause 9(c) insert "(d) town Planning Scheme No. 22 11 December 1998"</li> <li>After clause 57A(1)(d) insert "(e) 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area"</li> </ul>

		<ul style="list-style-type: none"> <li>The Special Control Area allocated a plot ratio floor area of 58,113m<sup>2</sup> over the two lots and further allocated the plot ratio floor area in the following manner: <ul style="list-style-type: none"> <li>Lot 3000 – 45, 294m<sup>2</sup></li> <li>Lot 3001 – 12, 819m<sup>2</sup></li> </ul> </li> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of calculating car parking allowance the area will be treated as one site.</li> </ul>	<p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 (Special Control Areas) - insert 240 St Georges Terrace (Lot 3000) and 899-915 Hay Street (Lot 3001) Special Control Area.</li> <li>Schedule 9 - insert Figure 5 - 240 St Georges Terrace &amp; 899 - 915 Hay Street Special Control Area.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul> <p><b>CORRECTION NOTICE:</b></p> <ul style="list-style-type: none"> <li>Relating to amd 8 gg 10/7/07 for the purpose of creating a special control area covering 240 St Georges Tce (Lot 3000) and 899-915 Hay Street (Lot 3001).</li> </ul>
9	30/11/07	<p><b>Special Control Area - City Square</b> Creation of a Special Control Area over 141 St Georges Terrace (Lot 11), 125-137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area.</p> <ul style="list-style-type: none"> <li>Introduced a maximum plot ratio floor area of 143, 000m<sup>2</sup> over the entire site.</li> <li>The Special Control Area will reflect, where appropriate, the existing provisions of minor Town Planning Scheme No. 18.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Deleting Clause 8(1) (f).</li> <li>After Clause 9(d) insert "(e) town Planning Scheme No. 18 - 30 March 1990".</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control Area No. 6 "141 St Georges Terrace (Lot 11), 125-137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot 12) Special Control Area.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
10	16/02/07	<p><b>Special Control Area - Ord Street</b> Creation of a Special Control Area covering 52-56 Ord Street, West Perth to enable the area to be treated as one site for the purpose of determining plot ratio and the maximum tenant car parking allowance.</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 57A - after Clause 57A (1) (f) insert "(g) 52-56 Ord Street Special Control Area".</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - insert Figure 7 map.</li> <li>Schedule 9 - insert "7.0 52-56 Ord Street Special Control Area".</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
11	15/04/08	<p><b>Special Control Area - Stirling Street</b> Creation of a Special Control Area covering 126 – 144 (Lot 123) Stirling Street, Perth.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Part 5 - amending Clause 57A by inserting clause "(h) 126 - 144 (Lot 123) Stirling Street Special Control Area".</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control Area "8.0 126 - 144 Stirling Street Special Control Area"</li> <li>Schedule 9 - insert Figure 8 map.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
12	27/01/09	<p><b>Special Control Area - Kings Park Road</b> Creation of a Special Control Area located at 60-70 Kings Park Road.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>After clause 57A (h) insert new Clause 57A (1) (i).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control Area "9.0 60-70 Kings Park Road Special Control Area".</li> <li>Schedule 9 - insert Figure 9 map.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>

13	24/08/10	<p><b>West Perth</b> The revised amendment details are summarised as follows:</p> <ul style="list-style-type: none"> <li>Modified the Building Heights Plan to allow a building height of 29 metres.</li> <li>Removed inappropriate uses from the definition of 'Landscaped Area', such as 'swimming pools, barbecue areas or children's playgrounds'.</li> <li>Differentiate between 'Open Space' and 'Landscaped Area' within the Scheme.</li> </ul>	<p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 4 - Removing inappropriate uses from the definition of Landscaped Area, such as 'swimming pools, barbecue areas or children's playgrounds'.</li> <li>Schedule 6 – Amended P10 West Perth of Schedule 6 – variations to Residential Design Codes.</li> </ul> <p><b>MAPS</b> Building Heights Plan</p> <ul style="list-style-type: none"> <li>to allow both residential and non-residential uses in a building on a variety of floor level configurations within the height restriction of 27 metres.</li> </ul>
14	10/03/09	<p><b>Transfer Plot Ratio</b> Inserted a reference to clause 34 Transfer of Plot Ratio in clause 47 Determination of Non-complying Applications in order to strengthen the Council's intent and ability to consider plot ratio bonuses as a result of plot ratio transfers.</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Amending Clause 47 by replacing Clause (3) (b) (ii) and inserting clause 34(3) (b) (iii).</li> </ul>
15	21/04/09	<p><b>Special Control Area - 208-210 Adelaide Terrace</b> Creation of a Special Control Area located at 208-210 Adelaide Terrace.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 57A - (1) (i) - inserting clause (f).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control Area 10.0 "208-210 Adelaide Terrace Special Control Area".</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
16	02/09/08	<p><b>Special Control Area - Bishop See</b> Creation of a Special Control Area covering 225 – 239 St Georges Terrace, Perth.</p> <ul style="list-style-type: none"> <li>The Special Control Area will replace the minor town planning scheme known as City of Perth Town Planning Scheme No. 19 (Bishops See).</li> <li>The Special Control Area (Area) seeks to consider the development of the Area as a whole, ensure the provision of pedestrian access ways through the site, preserve the significant improvements already made to the Area and ensure the maintenance of the significant heritage buildings in the Area.</li> <li>The Special Control Area states that for the purpose of determining plot ratio and the maximum car parking allowance, the area will be treated over two parcels of land.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Part 1 - delete Clause 8.1(g).</li> <li>Part 1 - modify Clause 9 by adding subclause 9(f).</li> <li>Part 5 - in Clause 57A adding subclause 57A (k).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control area 11 "225 - 239 St Georges Terrace (Bishops See)".</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
17	30/06/09	<p><b>Special Control Area - 298—316 Murray Street</b> Creation of a Special Control Area covering 298-316 Murray Street. The Special Control Area seeks to:</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Part 5 - after clause 57A (1) (k) insert clause 1(l).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Schedule 9 - inserting Special Control Area 12 "298-316 Murray Street".</li> </ul>

18		<ul style="list-style-type: none"> <li>o preserve the significant improvements to the facilities and amenities of the Citiplace Precinct provided by the development of the Special Control Area.</li> <li>o ensure all future development shall protect, restore and maintain several culturally significant buildings and structures.</li> <li>• The Special Control Area states that for the purpose of determining plot ratio area and the maximum car parking allowance the area will be treated as one site.</li> </ul>	<p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>• Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
19	26/10/10	<p><b>Exempted Development</b></p> <ul style="list-style-type: none"> <li>• Removed the incorrect and out dated reference to the Signs Local Law in Schedule 8 of the Scheme;</li> <li>• Improved and added to the exemptions from the requirement to obtain planning approval; and</li> <li>• Provided a more comprehensive approach to specifying exemptions listed by the Scheme.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>• Renumber clauses 37(a), 37(b), 37(c) to clauses 37(1) (a), 37(1) (b), 37(1) (c) respectively.</li> <li>• Delete clause 37(d).</li> <li>• Insert new clause 37(1) (d).</li> <li>• Insert new clause 37(2).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>• Delete "A sign that complies with the By-law relating to signs (Local Law No. 40)" from Schedule 8.</li> <li>• Insert new content into Schedule 8.</li> </ul>
19	16/03/10	<p><b>Special Control Area - 347 Hay Street</b> Creation of a Special Control Area covering 347 Hay Street.</p> <ul style="list-style-type: none"> <li>• The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>• Inserted Clause 57A (1) (l) (m).</li> <li>• Inserted addition Clause – Clause 13.0 in reference to 339 – 341, and 347 Hay Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>• Schedule 9 - inserting Special Control Area 12 "339 – 341, and 347 Hay Street".</li> <li>• Insert Figure (13)—339-341 and 347 Hay Street Special Control Area</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>• Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
20	06/08/10	<p><b>Special Control Area - 187-193 Adelaide Terrace and 82-94 Terrace Road (ABC Site)</b> Creation of a Special Control Area covering 187-193 Adelaide Terrace and 82-94 Terrace Road.</p> <ul style="list-style-type: none"> <li>• The Special Control Area seeks - <ul style="list-style-type: none"> <li>o the restoration and maintenance of the building(s) of considerable heritage significance; and</li> <li>o the development of an appropriate built form outcome which is responsive to its context.</li> </ul> </li> <li>• The Special Control Area states that for the purpose of determining – <ul style="list-style-type: none"> <li>o plot ratio the area shall be treated as one lot and the total plot ratio for the site to be restricted to 36,540m<sup>2</sup> of plot ratio floor area; and</li> <li>o the maximum car parking allowance the area will be treated as one site.</li> </ul> </li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>• Insert“(n)” after Clause 57A(1)(l) (n)</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>• Insert “14.0 – 187-193 Adelaide Terrace and 82-94 Terrace Road Special Control Area” into Schedule 9 – Special Control Areas.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>• Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>



21	23/11/10	<p><b>Special Control Area - 92-100 Roe Street</b> Creation of a Special Control Area covering 92-100 Roe Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area seeks the development of an appropriate built form outcome which is responsive to its context.</li> <li>The Special Control Area states that for the purpose of determining plot ratio and the maximum car parking allowance, the area shall be treated as one site.</li> <li>Vehicle entry and exit points for all on-site car parking should be from Roe Street.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert Clause 57A (1) (o).</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert "15.0 – 92-120 Roe Street Special Control area" into Schedule 9 – Special Control Areas.</li> <li>Insert Figure 15 relating to 92-100 and 116-120 Roe Street and 161 James Street Special Control Area.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
22	05/07/11	<p><b>Additional Use at 110 Goderich Street</b> Amended Schedule 5 (Additional Use Schedule) of the Scheme Text to include the Permitted Use of 'Office' to the lot at 110 Goderich Street, East Perth.</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert Additional Use No. 02 into Schedule 5 – Additional Uses.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Annotating the lot located at 110 Goderich Street, measuring 1,899m<sup>2</sup>, to include 'A2' within the boundary of the subject site.</li> </ul>
23	31/07/12	<p><b>Transfer of Plot Ratio</b></p> <ul style="list-style-type: none"> <li>Provided a more comprehensive approach to the transfer of plot ratio process;</li> <li>Revised clause 34 to establish a two-stage transfer of plot ratio process to allow the separate approval of a donor site, from approval of the use of the transferable plot ratio on a recipient site;</li> <li>Revised clause 35 to stipulate what is required to be recorded in the Register of Transferred Plot Ratio; and</li> <li>Included new definitions for a conservation plan, donor site, recipient site and transferable plot ratio in Schedule 4.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Replace clauses 34 and 35.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert 'conservation plan', 'donor site' and 'recipient site' into Schedule 4.</li> </ul>
24	26/02/13	<p><b>Special Control Area - Hamilton Precinct</b> Creation of a Special Control Area, which permits a higher plot ratio subject to the provision of public infrastructure and facilities.</p>	<p><b>SCHEME TEXT</b> Inserted (p) after Clause 57A (1) (o).</p> <ul style="list-style-type: none"> <li>Amending Clause 28 (2(a)(ii)) – Bonus Plot Ratio to allow any future developments within the Hamilton Precinct, to be given an opportunity to be considered by the Council to receive a bonus plot ratio bonus in accordance with CPS2 Clause 28 and Policy 4.6.1.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Listing 'P11 Hamilton' under 'Residential/Commercial' within Schedule 1.</li> <li>Amending the Use Group Table for the Hamilton Precinct P11 to reflect the proposed 'Residential / Commercial' use group;</li> <li>Modify Schedule 3: Use Group Table for P11 Hamilton.</li> <li>Insert '16. Hamilton Special Control Area' into Schedule 9 – Special Control Areas.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Plot Ratio Plan and Building Heights Plan, whereby new higher plot ratio provisions are proposed based on a split plot ratio approach;</li> <li>Amending the Scheme Map by deleting reference to 'Commercial' for the Hamilton Precinct and replacing with 'Residential/Commercial'.</li> </ul>

25	26/02/13	<p><b>Bonus Plot Ratio</b></p> <ul style="list-style-type: none"> <li>Increased the maximum plot ratios permitted across large parts of the city.</li> <li>Increased the overall maximum bonus plot ratio which may be granted in select areas of the city from 20% to 50%.</li> <li>Expanded the items eligible for bonus plot ratio to include residential development in the city core (up to 20%) and special residential development in select areas of the city (up to 20% for a special residential use or up to 40% for a high quality hotel).</li> <li>Removed the Normalised East Perth Redevelopment Area from eligibility to receive bonus plot ratio or transfer plot ratio.</li> <li>Restricted the change of a use granted bonus plot ratio.</li> <li>Amended land use permissibilities to reflect the proposed bonus plot ratio incentives for residential and special residential uses while ensuring appropriate street level activation and the protection of residential amenity.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert (c) – (i) into Clause 3(1).</li> <li>Modify clauses 6(3) (b), 16(2) and 27.</li> <li>Replace ‘Clause 28 – Bonus Plot Ratio’.</li> <li>Modify clauses 40(2) (a), 44, 47(3) (b) and 57(4).</li> <li>Insert clause 46A.</li> <li>Modify the Use Symbols for ‘Residential’ and ‘Special Residential’ within Schedule 3 - P1 Northbridge, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges, P7 Civic, P10 West Perth, P13 Adelaide and P14 Goderich.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert new footnotes within Schedule 3 - P1 Northbridge, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges, P7 Civic, P10 West Perth, P13 Adelaide and P14 Goderich in relation to ‘Residential’ and ‘Special Residential’ Use Symbols.</li> <li>Modify ‘office/residential scheme use area’ and ‘town centre scheme use area’ within Schedule 1.</li> <li>Insert new definitions in Schedule 4.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Deleting the Plot Ratio Plan and inserting a new Plot Ratio Plan.</li> <li>Inserting a new Maximum Bonus Plot Ratio Plan.</li> <li>Inserting a new Public Facilities Bonus Plot Ratio Plan.</li> <li>Inserting a new Heritage Bonus Plot Ratio Plan.</li> <li>Inserting a new Residential Bonus Plot Ratio Plan.</li> <li>6. Inserting a new Special Residential Bonus Plot Ratio Plan</li> </ul>
26	18/07/14	<p><b>Building Heights and Setbacks</b></p> <p>The amendment proposed changes in large parts of the city to the built form controls in order to:</p> <ul style="list-style-type: none"> <li>Refine the maximum height of buildings at the street, so that they align with city’s hierarchy of streets outlined in the Urban Design Framework.</li> <li>Specify maximum building heights only in select areas of the city, where there is a need to protect the public amenity of key pedestrian areas or public spaces and established character areas. Elsewhere, building heights will be indirectly controlled through plot ratio, street building height and setback controls as well as broader development objectives.</li> <li>Apply side/rear setback controls across the majority of the city, to protect both public and private amenity.</li> <li>Review street set back controls.</li> </ul> <p>Modifications to the relevant Precinct Plans and Planning Policies were also sought.</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 3(1) SCHEME DOCUMENTS by deleting ‘(c) the Building Heights Plan’, inserting ‘(i) the Maximum Building Height Plan; and’ and ‘(j) the Street Building Height and Setback Plan.’ and renumbering other listed documents to suit.</li> <li>Clause 6(3)(d) – multiple changes</li> <li>Delete Clause 26 BUILDING HEIGHTS AND SETBACKS and insert a new Clause 26</li> <li>Amend Clause 56(9) PLANNING POLICIES by deleting subclauses ‘(f) Newspaper House/Perth Technical College policy;’, ‘(i) Civic Precinct policy;’ and ‘(j) Cathedral Precinct policy;’ modifying existing subclause (g) to read ‘King Street Heritage Precinct Design Guidelines;’ and renumbering the remaining subclauses to suit.</li> <li>Amend Clause 57(4)(d) PRECINCT PLANS AND OTHER SCHEME DOCUMENTS by deleting the Building Heights Plan; renumbering existing subclauses to suit and inserting: <ul style="list-style-type: none"> <li>‘(j) the Maximum Building Height Plan; and</li> <li>(k) the Street Building Height and Setback Plan.’.</li> </ul> </li> </ul> <p><b>SCHEDULES</b></p> <ul style="list-style-type: none"> <li>Delete the definition of the term ‘height’ in Schedule 4 DEFINITIONS and insert a new definition</li> <li>Delete the term, definition and use group application of ‘height ratio’ in Schedule 4 DEFINITIONS.</li> <li>Delete the term, definition and use group application of ‘podium’ in Schedule 4 DEFINITIONS.</li> <li>Insert the term and definition of ‘setback’ in Schedule 4 DEFINITIONS</li> <li>Insert the term and definition of ‘street building height area’ in Schedule 4 DEFINITIONS</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amend the Scheme Map by reclassifying: Reserve 42786 Wellington Street, West Perth; Lot 75 (No. 9) Delhi Street, West Perth, Lots 37 (No. 5) Delhi Street, West Perth; Lot 36 (No. 7) Delhi Street, West Perth; and the adjoining portion of Wellington Street, from the Residential/Commercial Scheme Use Area to the Office/Residential Scheme Use Area.</li> <li>Delete the Building Heights Plan and insert the Maximum Building Height Plan and the Street Building Height and Setback Plan.</li> </ul>

27	17/01/14	<p><b>Special Control Area - St Martins</b> Creation of a Special Control Area at 40 (Lots 32 and 33), 44 (Lots 2, 3 and 123) and 50 (lot 3) St Georges Terrace, 625 (Lot 1) Hay Street Mall, McNess Royal Arcade 611 – 619 (Lots 9, 10 and 11) Hay Street Mall and the Right of Way on Lot 66 St Georges Terrace, Perth – (St Martins and McNess Royal Arcade).</p> <ul style="list-style-type: none"> <li>•The Special Control Area seeks the restoration and maintenance of the buildings of considerable heritage significance.</li> <li>•The Special Control Area seeks the retention of a landscape forecourt accessible to the public facing St Georges Terrace.</li> <li>•The Special Control Area states that for the purpose of determining plot ratio and the maximum car parking allowance the area will be treated as one site.</li> <li>•Provision of efficient vehicle access/egress to the Special Control Area.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>• Revoke St Martins Town Planning Scheme No. 7.</li> <li>• Insert text Clause 57A - (p) Saint Martins Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>• Insert text Schedule 9 SCA No. 16.</li> <li>• Schedule 9 – Inserted text - 16. Saint Martins Special Control Area.</li> <li>• Schedule 9 - Inserted Figure 16. – Saint Martins Special Control Area.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>• Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
28	17/3/15	<p><b>Normalised Redevelopment Areas</b> Changes to CPS2 to align with Amendment 1 to Local Planning Scheme 26 - Stage 2 and 3 normalisation of Claisebrook Village redevelopment area and Stage 1A normalisation of New Northbridge redevelopment area.  Modifications were also required to the Precinct Plans and Planning Policies;</p>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>• Deleting Clause 4 SCHEME AREA and replacing it with a new Clause 4 as follows— SCHEME AREA (1) This Scheme applies to the Scheme area which covers all the district of the City, apart from the area illustrated on the Scheme Map comprising the land that is in the Metropolitan Redevelopment Authority Area. The land depicted on the Scheme Map as the Normalised Redevelopment Area is subject to this Scheme and the City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas), and is not subject to the provisions of the Central Perth Redevelopment Scheme.</li> <li>• Amending Clause 8(1) MINOR TOWN PLANNING SCHEMES to— (a) delete reference to the ‘City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)’ in subclause (l) and replace it with the ‘City of Perth Town Planning Scheme No. 26 (Normalised Redevelopment Areas)’; and renumber subclauses (h), (j), (k) and (l) to (f), (g), (h) and (i).</li> <li>• Amending Clause 12(1) (d) RESERVES AND SCHEME USE AREAS to delete the ‘Normalised East Perth Redevelopment Area (City of Perth)’ and replace it with the ‘Normalised Redevelopment Area’.</li> <li>• Deleting the Use Group Table and associated notes for Precinct 2 Cultural Centre in Schedule 3 USE GROUP TABLES and inserting the following text— refer to the Metropolitan Redevelopment Authority for the classification of uses within this Precinct.</li> <li>• Deleting the definition of the term ‘exhibition centre’ in schedule 4 DEFINITIONS and inserting a new definition as follows – means premises used for the display and ancillary sale, of materials of an artistic, cultural, historical or scientific nature, such as a museum, art gallery, with or without facilities for the sale of refreshments and/or souvenirs; Community and Cultural.</li> </ul> <p><b>MAPS</b> <b>Scheme Map</b></p> <ul style="list-style-type: none"> <li>• Amending the Scheme Map to delete reference to— the ‘East Perth Redevelopment Scheme Area (EPRA)’ and replace it with the ‘Metropolitan Redevelopment Authority Area (MRA)’; the ‘Normalised East Perth Redevelopment Area (City of Perth)’ and replace it with the ‘Normalised Redevelopment Area’; and the ‘EPRA’ and replace it with the ‘MRA’. Reclassifying the land in the Normalised Stage 2 Claisebrook Village Project Area from the ‘East Perth Redevelopment Scheme Area’ to the ‘Normalised Redevelopment Area’.</li> <li>• Scheme Map - Reclassifying Lot 9 (No. 28) Arden Street, East Perth; Lot 1000 (No. 18) Arden Street East Perth; Lots 42-54 and 1197 (No. 2) Arden Street, East Perth; and Lot 1094 (No. 134) Royal Street, East Perth from the ‘East Perth Redevelopment Scheme Area’ to the ‘City of Perth Scheme Parks and Recreation Reserve’. Reclassifying Lot 1072 (No. 21) Brook Street, East Perth from the ‘Normalised East Perth Redevelopment Area (City of Perth)’ to the ‘City of Perth Scheme Parks and Recreation Reserve’.</li> </ul>

			<ul style="list-style-type: none"> <li>Amending the Scheme Map to delete the Metropolitan Region Scheme reservations and the City of Perth Scheme Use Areas from the Elizabeth Quay Project Area and include the land in the 'Metropolitan Redevelopment Authority Area (MRA)'.</li> <li>Amending the Scheme Map to realign the eastern boundary of Precinct 15—East Perth to follow the eastern Scheme Area Boundary and the southern boundary to follow the southern boundary of the 'Metropolitan Redevelopment Authority Area (MRA)'.</li> <li>Amending the Scheme Map to indicate the Metropolitan Redevelopment Authority Area (MRA).</li> </ul> <p><b>Plot Ratio Plan</b></p> <ul style="list-style-type: none"> <li>Amending the Plot Ratio Plan to delete reference to the 'East Perth Redevelopment Area Boundary' and replace it with the 'Metropolitan Redevelopment Authority Area Boundary (MRA)'; delete reference to the 'EPRA' and replace it with the 'MRA'; delete reference to the 'EPRA—Area Subject to <i>East Perth Redevelopment Act 1991</i>'; and modify the 'Metropolitan Redevelopment Authority Area Boundary (MRA)' to delete the Normalised Stage 1A New Northbridge Project Area and Stages 1, 2 and 3 Claisebrook Village Project Area, and to include the Elizabeth Quay Project Area.</li> </ul> <p><b>Maximum Bonus Plot Ratio Plan, Public Facilities Bonus Plot Ratio Plan, Heritage Bonus Plot Ratio Plan, Residential Bonus Plot Ratio Plan, Special Residential Bonus Plot Ratio Plan</b></p> <ul style="list-style-type: none"> <li>Amending the Plans to delete reference to the 'East Perth Redevelopment Area Boundary' and replace it with the 'Metropolitan Redevelopment Authority Area Boundary (MRA)'; delete reference to the 'EPRA' and replace it with the 'MRA'; delete reference to the 'EPRA—Area Subject to <i>East Perth Redevelopment Act 1991</i>'; and modify the 'Metropolitan Redevelopment Authority Area Boundary (MRA)' to delete the Normalised Stage 1A New Northbridge Project Area and Stages 1, 2 and 3 Claisebrook Village Project Area, and to include the Elizabeth Quay Project Area.</li> </ul> <p><b>Building Heights Plan</b></p> <ul style="list-style-type: none"> <li>Amending the Building Heights Plan to delete reference to the 'East Perth Redevelopment Area Boundary' and replace it with the 'Metropolitan Redevelopment Authority Area Boundary (MRA)'; delete reference to the 'EPRA' and replace it with the 'MRA'; delete reference to the 'EPRA—Area Subject to <i>East Perth Redevelopment Act 1991</i>'; and modify the 'Metropolitan Redevelopment Authority Area Boundary (MRA)' to delete the Normalised Stage 1A New Northbridge Project Area and Stages 1, 2 and 3 Claisebrook Village Project Area, and to include the Elizabeth Quay Project Area.</li> </ul>
29	17/3/15	<p><b>Omnibus Amendment</b></p> <p>The omnibus amendment was undertaken for the purpose of achieving greater accuracy and clarity throughout the Scheme as well as responding to State Government legislative changes by:</p> <ul style="list-style-type: none"> <li>reclassifying a portion of land in Northbridge, modifying the Scheme Area Boundary and updating references on the Scheme Map, Building Heights Plan, Plot Ratio Plan and Bonus Plot Ratio Plans; and</li> <li>clarifying provisions such as those relating to bonus plot ratio and transfer of plot ratio, correcting typographical errors, updating references, changing existing definitions including that for a floor area of a building and introducing new terms and associated definitions in the Scheme Text.</li> </ul>	<p><b>Scheme Text</b></p> <ul style="list-style-type: none"> <li>Amend Clause 8—MINOR TOWN PLANNING SCHEMES to delete the words— City of Perth Town Planning Scheme No. 7 (Saint Martins) and renumber the remaining subclauses accordingly.</li> <li>Amend Clause 9—REPEALS to insert the words— (g) Town Planning Scheme No. 7 17 January 2014</li> <li>Amend Clause 19—ADDITIONAL USES to delete all references to the word 'site' and replace it with the word 'lot'.</li> <li>Amend Clause 28—BONUS PLOT RATIO to delete the words— (1) Subject to this clause and clause 47, the Council may permit, by way of the grant of planning approval, an increase in the maximum plot ratio for development (in this clause referred to as 'bonus plot ratio') up to the maximum specified by the Maximum Bonus Plot Ratio Plan. Bonus Plot ratio may be comprised of one or more of the individual bonus plot ratio categories listed in subclause (2). and replace with the words— (1) Subject to this clause, the Council may permit, by way of the grant of planning approval, an increase in the maximum plot ratio for development (in this clause referred to as 'bonus plot ratio') up to the maximum specified by the Maximum Bonus Plot Ratio Plan. Bonus Plot ratio may be comprised of one or more of the individual bonus plot ratio categories listed in subclause (2). and replace with the words— (1) Subject to this clause, the Council may permit, by way of the grant of planning approval, an increase in the maximum plot ratio for development (in this clause referred to as 'bonus plot ratio') up to the maximum specified by the Maximum Bonus Plot Ratio Plan. Bonus Plot ratio may be comprised of one or more of the individual bonus plot ratio categories listed in subclause (2).</li> <li>Amend Clause 28—BONUS PLOT RATIO to delete the words (3) The Council may permit a combination of bonus plot ratio under subclause 2(a) and the transfer of unused plot ratio under clause 34 subject to the resulting increased plot ratio for the lot being no more than 20% above the maximum plot ratio. and replace with the words— (3) The Council may permit a combination of bonus plot ratio under clause 28 and transfer of transferrable plot ratio under clause 34 provided that the resulting increase in plot ratio does not exceed— (a) 20% above the maximum plot ratio specified for the lot or part of the lot due to a combination of bonus plot ratio under clause 28(2)(a) and transfer of transferrable plot ratio; and (b) the maximum plot ratio specified for the lot or part of the lot by more than the maximum bonus plot ratio for the lot or part of the lot, in all other cases.</li> <li>Amend Clause 28—BONUS PLOT RATIO to delete the words (5) That Council may only permit a bonus plot ratio where in addition to the requirements of this clause and clause 47, the Council is satisfied that the development would not— and</li> </ul>

	<p>replace with the words— (5) That Council may only permit a bonus plot ratio where in addition to the requirements of this clause, the Council is satisfied that the development would not—</p> <ul style="list-style-type: none"> <li>• Amend Clause 28—BONUS PLOT RATIO to delete the words (6) Notwithstanding subclause (1) and subject to subclause (5) and clause 47(3)(d), where an existing building has been developed pursuant to a planning approval granted prior to the gazettal date— (a) with a floor area which exceeds the current maximum plot ratio specified for the lot on which the building(s) is located by at least 20%; and (b) which is unable to receive a transfer of unused plot ratio under clause 34 because of the operation of subclause (3) or clause 47(3)(b)(iii). and insert the words— (6) Notwithstanding subclause (1) and subject to subclause (5), where an existing building has been developed pursuant to a planning approval granted prior to the gazettal date— (a) with a floor area which exceeds the current maximum plot ratio specified for the lot on which the building(s) is located by at least 20%; and (b) which is unable to receive a transfer of unused plot ratio under clause 34 because of the operation of subclause (3).</li> <li>• Amend Clause 34—TRANSFER OF PLOT RATIO to delete the words— (6) (d) the resulting increase in plot ratio of the recipient site due to— (i) a transfer of transferable plot ratio under clause 34; or (ii) a combination of a transfer of transferable plot ratio under clause 34 and any plot ratio bonus granted under clause 28; does not exceed the maximum plot ratio specified for the recipient site on the plot ratio plan by more than 20%. and replace with the words— (6) (d) the resulting increase in plot ratio of the recipient site due to— (i) the transfer of transferable plot ratio under clause 34 does not exceed the maximum plot ratio specified for the recipient site by more than 20%; and (ii) the combination of the transfer of transferable plot ratio under clause 34 and any bonus plot ratio under clause 28 does not exceed the limits referred to in clause 28(3).</li> <li>• Amend Clause 37(1) (c)—EXEMPTIONS FROM PLANNING APPROVAL to delete the words— ‘building or other work carried out by the City, a public authority or a Commonwealth agency in connection with any public utility; or’ and replace these with the words— ‘building or other work carried out by the City, a public authority or a Commonwealth agency in connection with any public utility; or’.</li> <li>• Amend Clause 47(1)(a)—DETERMINATION OF NON-COMPLYING APPLICATIONS and replace these with the words— (1) In this Clause— (a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy, the relevant precinct plan or minor town planning scheme), is called a ‘non complying application; (b) a non complying application does not include an application involving a prohibited use or an application to increase the maximum plot ratio which exceeds the limits set out in clause 28 and/or 34. (2) Subject to subclause (3), the Council may refuse or approve a non-complying application. (3) The Council cannot grant planning approval for a non-complying application unless (a) if so required by the Council under clause 41(2), the application has been advertised. (b) in respect of an application to which clause 42(1)(a) or (b) applies, the Western Australian Planning Commission has either notified the Council of its support for the application or has not responded within the 21 days, or the extended period, referred to in clause 42(3); and (c) the Council is satisfied by an absolute majority that— (i) if approval were to be granted, the development would be consistent with— (A) the orderly and proper planning of the locality; (B) the conservation of the amenities of the locality; and (C) the statement of intent set out in the relevant precinct plan; and (ii) the non-compliance would not have any undue adverse effect on— (A) the occupiers or users of the development; (B) the property in, or the inhabitants of, the locality; or (C) the likely future development of the locality.</li> <li>• Amend Clause 62—NOTICES AND EXPENSES UNDER SECTION 10 OF THE ACT to change the title to ‘NOTICES AND EXPENSES UNDER THE ACT’ and delete the words— ‘A notice required to be given by the Council under section 10(1) of the Act is to be a 60 day notice signed by the Chief Executive Officer and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.’; and replace these with the words— ‘A notice required to be given by the Council under Section 218 of the Act is to be a 60 day notice signed by the Chief Executive Officer and sent by registered post to the owner or any occupier or lessee of the premises affected by the notice.’</li> </ul>
	<p><b>SCHEDULES</b></p> <ul style="list-style-type: none"> <li>• Amend SCHEDULE 1 SCHEME USE AREAS and delete the words— ‘The City Centre Scheme use area applies to all non-reserved land in the city centre, and covers Precincts P1 Northbridge, P2 Cultural Centre, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges and P7 Victoria.’ and replace these with the words— ‘The City Centre Scheme use area applies to all non-reserved land in the city centre, and covers Precincts P1 Northbridge, P2 Cultural Centre, P3 Stirling, P4 Victoria, P5 Citiplace, P6 St Georges and P7 Civic.’</li> <li>• SCHEDULE 3 USE GROUP TABLES have been amended including Northbridge, Victoria, Citiplace, St Georges, Civic &amp; West Perth.</li> </ul>

			<ul style="list-style-type: none"> <li>Definitions in SCHEDULE 4—DEFINITIONS— have been amended including Act, Betting Agency, Club, day care centre, educational facility – lower, fast food outlet, floor area of a building, hotel, Metropolitan Region Scheme, night club, register of transferred plot ratio, Short term accommodation, tavern, Western Australian Planning Commission.</li> <li>Definitions in SCHEDULE 4—DEFINITIONS insertion of new definitions; public works, small bar, residential storeroom.</li> <li>Amend the following in SCHEDULE 7 – FORMS— Delete the existing ‘Metropolitan Region Scheme—(Form 1) Application for Approval to Commence Development’ and replace with a new ‘Metropolitan Region Scheme (Form 1) Application for Approval to Commence Development.’</li> <li>Amend the following in SCHEDULE 9—SPECIAL CONTROL AREAS to delete the words— 16. Saint Martins Special Control Area and replace with the words— 17. Saint Martins Special Control Area</li> </ul> <p><b>MINOR TOWN PLANNING SCHEMES</b></p> <ul style="list-style-type: none"> <li>Amend Minor Town Planning Schemes—How it Works to delete the words— ‘The following MTPS apply within the municipal area of the City of Perth (refer to map overleaf for location of each MTPS)— ‘TPS 7 City of Perth Town Planning Scheme No. 7 (Saint Martins) 7-1’ and replace with the words— ‘The following MTPS apply within the Scheme area of the City of Perth (refer to map overleaf for location of each MTPS):’</li> <li>Amend the Minor Town Planning Scheme Map to delete— (a) The blue hashed area indicating TPS 7—Saint Martins (b) On the right hand side column, under MINOR TOWN/LOCAL PLANNING SCHEME (TPS/LPS) delete the words ‘TPS 7—Saint Martins’.</li> <li>Amend the Minor Town Planning Scheme Map to adjust the precinct boundary so that Nos. 17, 19, 21 and 23 Bennett Street, East Perth are transferred from the Goderich Precinct (P14) to the Adelaide Precinct (P13).</li> </ul> <p><b>MAPS</b></p> <p><b>Scheme Map</b></p> <ul style="list-style-type: none"> <li>Amend the Scheme Map to reclassify Fitzgerald Street between Roe Street and the southern edge of James Street, and Lot 500 (No. 2) Fitzgerald Street Northbridge, from the Metropolitan Region Scheme ‘Other Regional Roads’ Reserve to City of Perth ‘City Centre Scheme Use Area’.</li> <li>Amend the Scheme Area Boundary on the Scheme Map to delete the areas bound by— Newcastle Street, Lindsay Street, Parry Street and Lord Street; The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; and Loftus Street, Newcastle Street and the Mitchell Freeway.</li> <li>Amend the Scheme Map to include the William Street Underground and Esplanade train stations.</li> <li>Amend the Scheme Map to delete reference to the— ‘Department for Planning and Infrastructure’ and replace it with the ‘Department of Planning’; contained within the Kings Park note, ‘Municipal Boundary’ and replace it with ‘District Boundary’; and ‘Town of Vincent’ and replace it with ‘City of Vincent’.</li> <li>Amend the Scheme Map to adjust the precinct boundary so that Nos. 17, 19, 21 and 23 Bennett Street, East Perth are transferred from the Goderich Precinct (P14) to the Adelaide Precinct (P13).</li> </ul> <p><b>Building Heights Plan, Plot Ratio Plan, Maximum Bonus Plot Ratio Plan, Public Facilities Bonus Plot Ratio Plan, Heritage Bonus Plot Ratio Plan, Residential Bonus Plot Ratio Plan, Special Residential Bonus Plot Ratio Plan</b></p> <ul style="list-style-type: none"> <li>Amend the Plans to delete the areas bound by— Newcastle Street, Lindsay Street, Parry Street and Lord Street; The Graham Farmer Freeway, Lord Street, Summers Street and the Swan River; Loftus Street, Newcastle Street and the Mitchell Freeway.</li> </ul>
30	12/06/15 and 30/06/15 correction	<p><b>Special Control Area - Beaufort Street</b> Creation of a Special Control Area at 30 Beaufort Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area states that for the purpose of determining plot ratio and the maximum car parking allowance, the area will be treated as one site.</li> <li>All car parking on site shall be provided below ground level. No vehicle access to the site shall be provided by Beaufort or Roe Streets.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert ‘(r) 30 Beaufort Street Special Control Area’ into Clause 57A.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert new Special Control Area No.18 into Schedule 9.</li> <li>Insert Figure 18- 30 Beaufort Street Special Control Area into Schedule 9.</li> <li>Remove the first sentence from Clause 18.4.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>

31	22/09/2015	<p><b>Special Control Area - Parker Street</b> Creation of a Special Control Area at 2-6 Parker Street, Northbridge. The objectives of the Special Control Areas included:</p> <ul style="list-style-type: none"> <li>to enable the development of Special Residential land uses through bonus plot ratio.</li> <li>to ensure that any development resulting from the granting of Special Residential bonus plot ratio exhibits design excellence and positively contributes to the architectural and urban design quality and character of Northbridge.</li> <li>to provide for the revitalisation of a unique site within Northbridge.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert '(s) 2-6 (Lot 40) Parker Street Special Control Area' into Clause 57A.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert new Special Control Area 2-6 (Lot 40) Parker Street into Schedule 9.</li> <li>Insert Figure 19 into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
32	24/02/15	<p><b>Special Control Area – 118 Bennett Street</b> Creation of a Special Control Area covering 118 Bennett Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance, the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Clause 57A insert - (t) 118 Bennett Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Insert new Special Control Area 2-6 (Lot 40) Parker Street into Schedule 9.</li> <li>Insert a new Special Control Area - . 118 Bennett Street SCA; and</li> <li>Insert Figure 20 - 118 Bennett St Special Control Area - Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
33	15/07/16	<p><b>Special Control Area – Melbourne Hotel</b> Creation of a Special Control Area covering 942 (Lot 651) and 950 (Lot 802) Hay Street and 33 (Lot 650) Milligan Street, Perth.</p> <ul style="list-style-type: none"> <li>The Special Control Area enables the Melbourne Hotel site to be subdivided from the proposed office building site and for plot ratio and tenant car parking to be distributed across the sites in accordance with the Approval to Commence Development (approved 17 July 2014).</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert (u) in Clause 57A (1) – Melbourne Hotel Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include Melbourne Hotel Special Control Area.</li> <li>Insert Figure 21 Melbourne Hotel Special Control Area into Schedule 9 - Special Control Areas of the Scheme.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
34	23/12/16	<p><b>Special Control Area - 396 , 370-372 and 378-392 Murray Street</b> Creation of a Special Control Area covering 396, 370-372 and 378-392 Murray Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance, the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert after Clause 57A (1) - (u) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.</li> <li>Insert Figure 22 – 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
35	24/02/17	<p><b>Amendments to the Scheme to accord with the Planning and Development (Local Planning Scheme) Regulations 2015.</b> Amendment No 35 to CPS2 proposed to:</p> <ul style="list-style-type: none"> <li>Remove those provisions of CPS2 that have been superseded by the Deemed Provisions;</li> </ul>	<p><b>SCHEME TEXT</b></p> <ol style="list-style-type: none"> <li>Deleting the following clauses from the Scheme Text 30(1)-(4), 31, 32, 33, 36, 37(1) (a), 37(2), 38, 39, 41(2) and (3), 43, 49(1), 50, 51, 52, 54, 55, 56(1)-(8), 57 (5), 58, 59 and 63(1).</li> <li>Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:</li> </ol>

<ul style="list-style-type: none"> <li>• Include existing clauses of CPS2 which are not covered in the Deemed Provisions but relate to these, in the Supplemental Provisions of CPS2; and</li> <li>• Amend the existing provisions of CPS2 to make them consistent with the Deemed Provisions.</li> </ul> <p>The new CPS2 structure comprises of the following:</p> <ul style="list-style-type: none"> <li>• Scheme text – this includes provisions similar to the Model Scheme Text, as well as other provisions;</li> <li>• Scheme map and other plans outlined in clause 3(1) of CPS2;</li> <li>• Supplemental Provisions – as outlined above these expand on the Deemed Provisions but cannot limit them; and</li> <li>• Deemed Provisions.</li> </ul>	<p>30(5), 37(1) (b)-(d), 40, 41(1), 41(4)-(5), 42, 44, 45, 46, 46a, 47, 48, 49(2) and (3), 53, 56(9), 57(1) – (4), 57(6), 60, 61, 62, 63(2)-(4) and 64.</p> <p>3. Inserting a number of provisions into Schedule A – Supplemental Provisions:</p> <p>4. Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the Deemed Provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2</i>:</p> <ul style="list-style-type: none"> <li>• <i>absolute majority</i>;</li> <li>• <i>Act</i>;</li> <li>• <i>advertisement</i>;</li> <li>• <i>Chief Executive Officer</i>;</li> <li>• <i>City</i>;</li> <li>• <i>City of Perth scheme reserve</i>;</li> <li>• <i>conservation area</i>;</li> <li>• <i>Council</i>;</li> <li>• <i>owner</i>;</li> <li>• <i>place</i>;</li> <li>• <i>premises</i>;</li> <li>• <i>register of places of cultural heritage significance</i>;</li> <li>• <i>Residential Design Codes</i>; and</li> <li>• <i>Scheme area</i>.</li> </ul> <p>5. Amending clauses 18(1), 18(2) (c), 25(1) and Schedule 8 by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to Deemed Provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2</i>.</p> <p>6. Amend clause 16(2) (b) by removing the cross reference to the clause deleted by the amendment and replacing with cross reference to Supplemental Provision 68D.</p> <p>7. Amend Schedule 8 by removing the cross reference to ‘section 37(1) (d)’ and replace with ‘Supplemental Provision 61(1A) (iii).</p> <p>8. Delete reference to the following terms and replace them with the corresponding term throughout the Scheme:</p> <ul style="list-style-type: none"> <li>• ‘City’ with ‘local government’;</li> <li>• ‘Council’ with ‘local government’;</li> <li>• ‘City of Perth’ with ‘local government’;</li> <li>• ‘Metropolitan Region Scheme’ with ‘Region Planning Scheme’;</li> <li>• ‘Residential Design Codes’ with ‘R-Codes’;</li> <li>• ‘planning approval’ with ‘development approval’;</li> <li>• ‘Register of places of cultural heritage significance’ with ‘Heritage List’;</li> <li>• ‘conservation area’ with ‘Heritage Area’;</li> </ul> <p>9. Update the following clauses and schedules:</p> <ul style="list-style-type: none"> <li>• Clauses 3(1), 3(2), 10, 19(3)(a), 28(2)(a)(i), 28(2)(c)(ii), 28(5)(a), 28(6)(b), 28(7)(a) and 57A .’</li> <li>• Schedule 1, 3, 4, 7, 8 and 9</li> </ul>
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			10. Renumber the remaining Scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
36	16/05/2017	<p><b>Special Control Area - 251, 255 and 267 St Georges Terrace</b> Creation of a Special Control Area covering 251, 255 and 267 St Georges Tce.</p> <ul style="list-style-type: none"> <li>The Special Control Area requires development over this land to be undertaken in a coordinated manner, and states that for the purpose of determining plot ratio and maximum car parking allowance, the area will be treated as one site.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert after Clause 57A (1) - (w) 251 (Lot 11), 255 (Lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 251 (lot 11), 255 (lot 412) and 267 (lot 10) St Georges Terrace Special Control Area.</li> <li>Insert Figure 23 – 251 (lot 11), 255 (lot 412) and 267 (lot 10) St Georges Terrace Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
37	16/05/2017	<p><b>Special Control Area - 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street</b> Creation of a Special Control Area covering 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area over the subject area accommodates a variation to the maximum permissible plot ratio and car parking provisions for the subject site. This is required to facilitate the development of a high quality hotel, office building, various commercial tenancies, public plaza, associated basement car parking and the retention of the State Heritage listed Fire Education and Heritage Centre, as well as the conservation and adaptation of the State Heritage listed Hibernian Hall.</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Insert after Clause 57A (1) - (x) 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area.</li> <li>Insert Figure 24 – 480 (Lots 23 and 350) Hay Street and 15 - 17 (Lot 500) Murray Street Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
38	In progress	<p><b>Special Control Area - 560 Hay Street and 101 Murray Street</b> <b>Special Control Area</b> Creation of a Special Control Area covering 560 Hay Street and 101 Murray Street.</p> <ul style="list-style-type: none"> <li>The Special Control Area over the subject area is proposed to facilitate the subdivision of the 560 Hay Street and 101 Murray Street Special Control Area, whilst ensuring compliance with the Scheme and associated planning policies.</li> <li>The Special Control Area will facilitate the ongoing maintenance of the state listed building (Criterion Hotel).</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Inserting after clause 39(1) - (y) 560 Hay Street and 101 Murray Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 560 Hay Street and 101 Murray Street Special Control Area.</li> <li>Insert Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
39	In progress	<p><b>Special Control Area - 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street</b> Creation of a Special Control Area covering 553 and 565 – 579A Hay Street, 38A St Georges Terrace and 28 Barrack Street - (commonly known as the Cathedral Square area).</p> <ul style="list-style-type: none"> <li>The Special Control Area over the subject area is proposed to facilitate the sharing of existing car parking bays within the Special Control Area amongst tenants and their guests as the different uses within the area generate parking demand at different times. The sharing of car parking bays is intended to</li> </ul>	<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Inserting after clause 39(1) - (z) 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.</li> <li>Insert Figure 26 – 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p>

40	In Progress	<p>occur at the discretion of the tenants within the Special Control Area through a private agreement.</p> <p><b>Special Control Area - 28 and 32 Troode Street and 196 Colin Place</b>          Creation of a Special Control Area over the subject area is proposed to enable the land to be treated as one site for the purposes of allocating plot ratio and tenant car parking.</p> <ul style="list-style-type: none"> <li>The Special Control Area will also allow for the built form outcomes proposed by the <i>Hamilton Precinct Urban Design Study</i> to be achieved whilst maintaining the integrity of CPS2 and the Approval to Commence Development on Lot 51.</li> </ul>	<ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>
			<p><b>SCHEME TEXT</b></p> <ul style="list-style-type: none"> <li>Inserting after clause 39(1) - (aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area.</li> </ul> <p><b>SCHEDULE</b></p> <ul style="list-style-type: none"> <li>Update Schedule 9 to include 28 and 32 Troode Street and 196 Colin Place Special Control Area.</li> <li>Insert Figure 27 – 28 and 32 Troode Street and 196 Colin Place Special Control Area into Schedule 9.</li> </ul> <p><b>MAPS</b></p> <ul style="list-style-type: none"> <li>Amending the Scheme Map and Precinct Plan accordingly.</li> </ul>