

**Item 13.2 – Initiation of Amendment No. 46 to City Planning Scheme No. 2 and Amendment No. 4 to Local Planning Scheme No. 26 and the preparation of Local Planning Policies to facilitate Normalisation**

<b>File reference</b>	P1039435#02 and P1039437#02
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<b>Reporting Service Unit and Alliance</b>	City Planning, Planning and Economic Development
<b>Report author disclosure of interest</b>	Nil
<b>Date of report</b>	4 September 2020
<b>Nature of Council’s role</b>	Legislative
<b>Voting requirement</b>	Absolute Majority
<b>Attachment/s</b>	Attachment 13.2A – Normalisation Location Plan Attachment 13.2B – Stage 1 Normalisation Location Plan Attachment 13.2C – CPS2 Amendment Report Attachment 13.2D – LPS26 Amendment Report Attachment 13.2E – Amended CPRS Heritage List Attachment 13.2F – Proposed Local Planning Policies

**Purpose**

The purpose of this report is for Council to consider the initiation of Amendment No. 46 to City Planning Scheme No. 2 (CPS2) and Amendment No. 4 to Local Planning Scheme No. 26 (LPS26) as well as endorsement for consultation of draft associated local planning policies. These scheme amendments and local planning policies will facilitate the ‘normalisation’ of several DevelopmentWA (DevWA) redevelopment precincts into the City of Perth’s local planning framework.

This report focuses exclusively on the planning aspects of normalisation. The handover of assets within normalised redevelopment precincts is undertaken through a separate process.

**Background**

**Normalisation Process**

Six Redevelopment Areas have been created across the City of Perth in which planning control was removed from the City and granted to DevWA. All planning provisions within the Metropolitan Region Scheme (MRS) and City’s local planning scheme applicable to these Redevelopment Areas were repealed and replaced with DevWA’s Central Perth Redevelopment Scheme (CPRS).

Once the majority of the land in a Redevelopment Area is developed, planning control for the area

is transferred back to the City, a process known as normalisation. Normalisation is facilitated by subtracting a portion of land from the Redevelopment Area and reintroducing it into the MRS and the City’s local planning schemes.

**Local Planning Scheme No. 26**

To facilitate the transfer of planning powers back to the City, LPS26 was introduced and operates in conjunction with CPS2. It is structured in accordance with DevWA’s CPRS to facilitate the seamless transfer of statutory planning provisions during normalisation. LPS26 already encompasses 12 normalised redevelopment precincts.

**Normalisation Commencement**

DevWA has reviewed its project areas and identified several precincts to be normalised between 2020 – 2023. On 22 November 2019, the Minister for Lands approved the commencement of the first of these stages of normalisation.

The *Metropolitan Redevelopment Authority Act 2011* (MRA Act) provides several processes for normalisation of redevelopment areas. The State Solicitor’s Office has confirmed that for the current stage of normalisation, the City’s local planning schemes will need to be amended to reintroduce the relevant zones, reserves and development requirements over a Redevelopment Area, while a redevelopment scheme continues to operate over the land. Once the local planning scheme has been amended, the change will not come into statutory effect until the land is subtracted from the Redevelopment Area and the redevelopment scheme no longer applies.

Amendment No. 46 to CPS2 in conjunction with Amendment No. 4 to LPS26 have been prepared to achieve this outcome.

**Details**

**Site Location and Context**

The land scheduled to be normalised between 2020 – 2023 (‘subject land’) encompasses 16 precincts across six DevWA project areas as listed below and illustrated in Attachment 13.2A – Normalisation Location Plan.

No	Development WA Project Area	Precincts
1	Claisebrook Village	Royal Street West Plain Street PTA Transport Corridor PTA Depot
2	New Northbridge	Museum Street Lake Street
3	The Link (Perth City Link)	Horseshoe Bridge Plaza (Yagan Square)
4	Perth Cultural Centre	James Street William Street
5	Elizabeth Quay	Barrack Square

No	Development WA Project Area	Precincts
6	Riverside	Queens Queens Gardens WACA Trinity College Gloucester Park Hillside

Stage 1 of the normalisation program encompasses: Plain Street; PTA Depot; PTA Transport Corridor; Lake Street; Museum Street; James Street; William Street; and Barrack Square. The remaining precincts are scheduled to be normalised in subsequent stages. Stage 1 normalisation areas are illustrated in Attachment 13.2B – Stage 1 Normalisation Location Plan.

**Local Planning Scheme Amendments**

Amendment No. 46 to CPS2 will:

- a) Amend the Scheme Map to broaden the Normalised Redevelopment Area to encompass the subject land;
- b) Reflect the MRS reservations over the subject land; and
- c) Make minor administrative amendments to the scheme text and maps.

Amendment No. 4 to LPS26 will:

- a) Amend the Scheme Map to encompass the subject land; and
- b) Introduce project area visions; precinct statements of intent, land use permissibility tables and maximum plot ratios (where relevant) over the subject land.

The proposed scheme amendment reports are provided in Attachment 13.2C and Attachment 13.2D.

**CPS2 Heritage List**

The CPRS Heritage Inventory identifies numerous heritage places across the subject land and divides these places into four management levels. All level 1-3 heritage places across the subject land will be included within the CPS2 Heritage List as illustrated in Attachment 13.2E. Further detail on the transfer of heritage places is provided in Attachment 13.2C.

**Local Planning Policies**

In addition to the proposed scheme amendments outlined above:

- a) CPS2 Local Planning Policy 5.1 Parking Policy will be amended to carry over the existing parking standards which apply to the subject land under the CPRS;
- b) DevWA’s design guidelines for the following precincts are proposed to be adopted by the City as new local planning policies:
  - o Precinct EP13 Plain Street;

- Precinct 22 Museum Street;
- Precinct 36 James Street;
- Precinct 37 William Street; and
- Precinct 40 Elizabeth Quay;

The design guidelines above apply to the stage 1 normalisation areas only as illustrated in Attachment 13.2B. Design guidelines for the remaining areas of the subject land will be introduced progressively when the normalisation of these areas occurs. Given that DevWA may rescind, amend or adopt new design guidelines prior to subsequent stages of normalisation, it is considered appropriate to defer the adoption of these documents until normalisation is confirmed; and

- c) The following DevWA development policies will be adopted by the City as a local planning policy which will apply over the stage 1 normalisation areas only:
- Green Building;
  - Public Art;
  - Affordable and Diverse Housing; and
  - Adaptable Housing.

The provisions of the policies above are proposed to remain as existing with the exception of the cash in lieu components of the Providing Public Art and Affordable and Diverse Housing policies which have been removed. These mechanisms have been omitted as the City currently lacks the capacity and operational framework to facilitate the delivery of Public Art and Affordable and Diverse Housing if cash in lieu funds were to be collected.

All proposed local planning policies are provided in Attachment 13.2F.

In accordance with section 58 of the MRA Act, the proposed scheme amendments, amended Heritage List and amended or new local planning policies will come into effect once the precincts are subtracted from the CPRS.

### **Stakeholder engagement**

The City has been liaising with DevWA to facilitate the transfer of the statutory planning framework, which currently applies to the subject land. Community consultation will occur subject to the initiation of the scheme amendments by the Council in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

### **Strategic alignment**

This item addresses the community's vision for the future and its implications on the Strategic Community Plan 2019 – 2029, Corporate Business Plan 2020/21 – 2023/24 and relevant Issue or Area Specific Strategies or Plans.

Strategic Community Plan

<b>Aspiration:</b>	Place
<b>Strategic Objective:</b>	Land use, transport and infrastructure planning that encourages and facilitates a wide range of public and private sector investment and development.

The scheme amendments and local planning policies maintain DevWA’s land use and built form provisions to achieve a high quality urban environment which is aligned with the City’s strategic vision.

Corporate Business Plan

<b>Aspiration:</b>	Place
<b>Number:</b>	N/A
<b>Operational Initiative:</b>	N/A

The proposed scheme amendments and local planning policies have been externally generated and do not relate to the operational initiatives of the Corporate Business Plan.

Issue and Area Specific Strategies or Plans

Nil.

**Legal and statutory implications**

- Sections 75, 81, and 84 of the *Planning and Development Act 2005* - outlines the process for amending a local planning scheme, including referrals to the Environmental Protection Authority and advertising.
- Regulations 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – assists to determine whether the amendment is basic, standard or complex.
- Clauses 4 and 8 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) – outlines the process for preparing and adopting local planning policies and heritage lists, including advertising.

**Risk implications**

<b>Impact of decision</b>	
Organisation	Low
Community	Low

Risk domain	Consequence	Likelihood	Risk rating
People	Minor	Possible	Low
Legal and Regulatory/Ethical	Minor	Possible	Low
Reputation and External Stakeholders	Minor	Possible	Low

The proposal has low risk implications as it proposes minimal changes to DevWA’s existing planning framework which currently applies to the subject land.

**Approval implications**

The Council’s adoption of the officer recommendation of the report will commence the process of establishing statutory planning provisions for the subject land in the City’s local planning schemes and local planning policies for application upon normalisation. Should Council not adopt the officer recommendation of the report, no statutory planning provisions will apply to the subject land upon normalisation.

**Financial implications**

Within existing budget

The financial implications associated with this report will result in an additional \$5,000.00 expenditure as there is no current budget allocation for the specific state government initiated scheme amendment.

<b>Account number:</b>	1079 100 50 10068 7243
<b>Description:</b>	Amendment No. 46 to City Planning Scheme No. 2 and Amendment No. 4 to Local Planning Scheme No. 26.
<b>Account type (Operating/Capital/Reserve):</b>	Operational.
<b>Current budget:</b>	\$0.00
<b>Adjustment:</b>	\$5,000.00
<b>Amended Budget:</b>	\$5,000.00
<b>Impact on the budget position:</b>	Decrease Budget Surplus

The costs associated with this amendment can be funded without adverse impact on the budget.

**Policy references**

There are no policy references related to this report.

**Comments**

**Scheme Amendment Classification**

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending local planning schemes - basic, standard and complex. The proposal is considered a standard amendment as it involves the transfer of an existing planning framework and will have minimal impact on the locality outside of the subject site. The proposal will therefore not result in any significant environmental, social, economic or governance impacts.

### **Planning Assessment**

The proposed scheme amendments and local planning policies involve the transfer of DevWA's existing planning provisions, which already apply to the subject land, into the City's local planning framework. The proposal is therefore largely administrative and maintains consistency with the City's approach to previous stages of normalisation.

Wherever possible, the normalisation process will not alter the statutory planning framework which currently applies to the subject land. Minor changes are proposed however to the planning provisions related to the following:

- a) Heritage;
- b) Land Use Permissibility;
- c) Northbridge Special Entertainment Precinct; and
- d) Development Policies.

A detailed assessment of the changes above is provided in the scheme amendment reports in Attachment 13.2C and Attachment 13.2D.

### **Conclusion**

Amendment No. 46 to CPS2 and Amendment No. 4 to LPS26, together with the associated local planning policies, will facilitate the normalisation of several precincts within the Central Perth Redevelopment Area. The amendments are largely administrative as they generally do not alter the existing planning provisions which apply to the subject land under the DevWA planning framework. Those provisions which are impacted by the proposal are considered minor and are consistent with the City's approach to previous stages of normalisation.

### **Further Information**

Resulting from discussion at the Agenda Briefing Session held on 22 September 2020, the following additional information is provided:

- The term 'normalisation' refers to the process of transferring town planning regulation power from DevelopmentWA to the City of Perth.
- With regards to the Perth Cultural Centre and the recently announced Perth City Deal and future masterplanning of the Perth Cultural Centre, this scheme amendment will not impact the masterplanning of the Peth Cultural Centre.

- There are two levels of planning scheme in the Perth Metropolitan Area relating to the Perth Cultural Centre:
  - Metropolitan Region Scheme
  - City of Perth CPS 2 and LPS 26, the later specific to DevelopmentWA areas.
- The ‘normalisation process will result in the Perth Cultural Centre being reserved as ‘Civic and Cultural Reservation’ under the Metropolitan Region Scheme.
- Figure 3 of Attachment 13.2C illustrates the area covered by the ‘Civic and Cultural Reservation’.
- The Western Australian Planning Commission will be the responsible planning authority.
- The Perth Cultural Centre will not come under the planning authority of the City of Perth.

**Recommendation and Council Resolution**

**Moved:** Commissioner Kosova  
**Seconded:** Commissioner McMath

That Council:

1. INITIATES Amendment No. 46 to the City Planning Scheme No. 2 and Amendment No. 4 to Local Planning Scheme No. 26, as detailed in Attachment 13.2C and Attachment 13.2D
2. RESOLVES that Amendment No. 46 to the City Planning Scheme No. 2 and Amendment No. 4 to the Local Planning Scheme No. 26 are standard amendments for the following reasons:
  - 2.1 the amendments would have minimal impact on land in the scheme area that is not the subject of the amendment
  - 2.2 the amendments would not result in any significant environmental, social, economic or governance impacts on land in the scheme area
3. ENDORSES for public consultation the amended City Planning Scheme No. 2 Heritage List, as detailed in Attachment 13.2E, for public inspection pursuant to clause 8 of the Regulations Deemed Provisions
4. ENDORSES for public consultation the local planning policies, as detailed in Attachment 6.2F, for public inspection pursuant to clause 4 of the Regulations Deemed Provisions.

**CARRIED 3 / 0**

**For:**

Commissioner Hammond

Commissioner McMath

Commissioner Kosova

**Against:**

Nil