

21 August 2009

Draft Activity Centres Policy  
469 Wellington Street  
PERTH WA 6000

Dear Sir,

Draft State Planning Policy Activity Centres for Perth and Peel

Name: Marion Fulker, CEO  
Organisation: Committee for Perth  
Address: 996 Hay Street, PERTH WA 6000  
Interest: Community and Business Representation

We respond to your request for comments on the Draft State Planning Policy Activity Centres for Perth and Peel.

The Committee for Perth is an apolitical business sector think tank whose focus is to actively improve the liveability of Perth by providing visionary ideas and solutions that drive the sustainable development of Perth as a metropolitan area of rich cultural diversity, economic prosperity and world-class amenity. As such, we focus on all areas of life in the Perth metropolitan region with a view to developing solutions for topical issues.

This submission was prepared for the Committee for Perth by members of the Reshaping Working Group which has responsibility for developing initiatives, advocacy and monitoring programs in order to champion our vision related to sustainability, city making projects, public spaces and transportation.

This submission seeks to address some of the key questions arising from a review of the Draft State Planning Policy Activity Centres for Perth and Peel, which we request be considered in the preparation of the final policy.

Should you require any additional commentary, please do not hesitate to contact me.

Yours sincerely

Marion Fulker  
**CEO**

## 1.0 IMPLEMENTATION

- 1.01 Who produces the Centre Plan? If local government is called upon to assume this responsibility, the experience in Melbourne, as expressed by the Municipal Association of Victoria, should be noted: “the requirements to complete Structure Plans for Activity Centres has proved time consuming and costly for Councils.”<sup>1</sup>

This indicates a similar situation will exist with WA Local Government as:

- (a) they don't have the funds
- (b) many do not have the in-house expertise to either
  - (i) do it, or
  - (ii) manage the process with external consultants
- (c) they do not have the time to become involved

If private enterprise is called upon to assume this responsibility on behalf of the local authority:

- (a) how do they assume responsibility or get approval for the dealing with land and property they don't own?
- (b) what guarantees do they have that if they incur substantial cost in formulating a Centre Plan that Local Government or State Government will deal with the plan & initiate a planning process such as re-zoning which then provides the applicant with appeal rights?
- (c) who will determine the apportionment of costs for the development of a Centre Plan as there maybe a number of in the adoption of a Centre Plan?

- 1.02 Who defines the area and boundary configuration of the proposed Centre Plan?
- 1.03 If “Local Government has to prepare a Centre Plan for endorsement by the WAPC before approving major developments within Activity Centres”<sup>2</sup>
- (a) given the State and Federal Government initiative to stimulate investment, how long will this process take to get an approval, especially if a back log develops?  
Does local government and the WAPC have the professional capacity to expedite this approval process?
  - (b) will the State Government employ more people for this task?
  - (c) would the State Government consider removing Local Government from the process for Centres over a certain size?
- 1.04 The Model Centre Framework as a suggested on page 23 and detailed on pages 24 to 46, together with an Assessment Checklist from page 47 to 51 is:
- (a) Overly prescriptive and, in particular, the Assessment Checklist is bureaucratic in nature and as such is potentially open to inappropriate interpretation. It has the potential to be used similarly to the Appendix 1

<sup>1</sup> Municipal Association of Victoria [www.mav.asn.au](http://www.mav.asn.au) Land Use Planning: Activity Centres Structure Plan

<sup>2</sup> Draft State Planning Policy Activity Centres for Perth and Peel, page 22

in the Metropolitan Centres Policy SPP No.9 (2000), which was provided as a guide but became the planning floor space mantra.

- (b) Is heavily reliant on “main street” multi owner localities and does not acknowledge that:
  - (i) all streets can’t be “main streets”.
  - (ii) many existing centres have internal malls, external shops/offices, pad site locations e.g. Fast Food, Fuel Stations etc and they also provide ease of access & parking which provide amenity and convenience for the community.

All of the examples promoted in the Model Centre Framework are drawn from inner city urban examples and conveniently fail to acknowledge that many Activity Centres lie in suburban locations.

A suburban Model Centre Framework using a typical suburban mall may be required in order to assist Local Government in their assessments.

## 2.0 TABLE 2, page 5

- 2.01 There is no advice accompanying the table as to whether it is to be read in a retrospective manner or if the requirement for mixed use is applicable only to the proposed expansion. For example if a Regional Town Centre of an existing retail (shop) area of 50,000m<sup>2</sup> is desirous to expand a further 20,000m<sup>2</sup>, does the centre plan have to provide:
  - (a) 5,000m<sup>2</sup> of mixed use?
  - (b) 55,000m<sup>2</sup> of mixed use?
- 2.02 Depending on the answer (a) or (b) above, is the 1m<sup>2</sup> for each shop too high?
- 2.03 Does/will the blanket provision of mixed use be too high and difficult to reconcile with the market in particular localities?

What happens if the market demand for mixed use fails to materialise in a particular Activity Centre but the retail market demand continues to expand? How would a second updated Centre Plan be able to respond by suggesting additional mixed use when clearly there is no market demand?

## 3.0 ACTIVITY CENTRES

Does every centre really need a Centre Plan? Activity Centres have different characteristics to one another. Similar to the Melbourne experience<sup>1</sup>, the approach to Activity Centres for Perth and Peel by the WAPC and the Department for Planning and Infrastructure is “formulaic in its approach to structure planning requirements for Councils, which do not recognise location, difference, maturity, market readiness, scale or strategic work already done.”<sup>3</sup>

We don’t seem to be learning from the Melbourne experience that not all Centres are the same and that difference actually produces a better, more diverse city that allows choice.

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<sup>3</sup> Municipal Association of Victoria Submission to the Melbourne 2030 Audit, page 2

#### **4.0 HOW TO ENCOURAGE MIXED USE ACTIVITY OF SITES NOT OWNED BY THE APPLICANT**

An area that requires further consideration and enhancement is how to realise the vision of an Activity Centre where a centre plan identifies future development on land not owned by the applicant. Such an approach is to be endorsed as a planning outcome, however to realise this vision, particularly where centres are located in suburban areas, the function of Local Government in implementing this will need to be strengthened beyond that observed in the past.

A high degree of support and input between State and Local Government will be required, together with a commitment to work together. Consideration should be given to educating and communicating this to the affected community when a centre plan is developed such that it is seen as being led by Government rather than the developer / owner.

#### **5.0 ECONOMIC IMPACT ASSESSMENT**

Further detailed information is required on how EIAs will be evaluated. This is mentioned in the Draft Policy, however the guidelines should be the subject of comment given the critical importance that this will have in the assessment process. For instance, it is assumed that the travel distance as identified in Table 2 will be used extensively to support the catchment analysis, however strict use of this metric does not consider that people are more likely to visit a good Activity Centre regardless of the distance involved. This should not be a hindrance to future development for an owner. Also, the inclusion of social impacts will need careful consideration, as there will always be a party disadvantaged when a centre is developed or expanded. Therefore, social impacts should be considered in the broad context only.

#### **6.0 PUBLIC TRANSPORT UTILISATION**

The Policy document addresses minimisation of car travel, use of public transport and utilisation of local amenities throughout. While these concepts represent a move toward long-term sustainability and community-based development, it may be advisable for the document to address the following points in greater detail:

- (a) the interaction between the Policy and the future developments of Perth's public transport facilities.
- (b) the potential impact that development of forms of public transport other than bus and heavy rail in the Perth Metropolitan Region e.g. light rail and the increased accessibility light rail will have on Regional Centres.
- (c) the way in which the Policy intends to address constraints arising from Perth's largely radial public transportation network.

Point (c) is of particular interest given the discussion of secondary public transport precincts in Appendix 1:

##### **p.14 Appendix 1: Interpretations**

- *in the case of primary centres and strategic city centres, extending to include a secondary public transport precinct up to 800 m distance from rail stations, major bus transfer stations or stops located on high-frequency bus routes*

The predominantly radial layout of existing bus and train facilities provides excellent access to the Central Business District and other large centres, but does not cater well for journeys between neighbouring suburbs. Given this limitation, it may be difficult to broadly implement accessible secondary public transport precincts as described.

## 7.0 SHOPPING CENTRE DEVELOPMENTS

### p.20 Appendix 5: Proposed delegation under region planning schemes

1. *Development with a predominant shopping component which either the local government or the WAPC (after consulting the responsible local government considers;*

- *involves the development of a building/s with a gross floor area of more than 10,000 m<sup>2</sup> or an extension/s of more than 5000 m<sup>2</sup> gross floor area to an existing shopping development...*

Is it intended that 'the development of a building/s with a gross floor area of more than 10,000 m<sup>2</sup>' should apply to:

- only new structures with a gross floor area above the specified limit? or
- all further development of existing structures with a gross floor area above the specified limit?

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If (a), it may be appropriate to amend this paragraph for clarity; for instance, 'initial development' or 'new building/s'. If (b), minor additions (such as the addition of a kiosk to a large existing centre) will be captured by the requirement for referral to WAPC, which appears to be outside the intent of the Policy.

## 8.0 ASSESSMENT CHECKLIST

While the Assessment Checklist covers a broad range of relevant topics, it may benefit from hierarchical organisation and the addition of some further development around implementation, including consideration of the following:

- Is the intended user likely to have the expertise to comment on or assess each checklist item? (For instance, several of the items in 'Chapter 4: Urban form' are highly subjective and may be more appropriately assessed by a design professional than a local government administrator.)
- How much discretion is the assessor intended to exercise in the application of the checklist? Is it intended that there should be a large discretionary component, or are the checklist items intended to be applied prescriptively?



- (c) Is there any expectation around how many checklist items must be met before a proposal is passed? Is the checklist user expected to ensure compliance with every applicable checklist item before approving a proposal?
- (d) Are some items on the checklist more significant than others? Would particular items be considered 'deal breakers', and if so, should this be made clear to the checklist user?
- (e) Could the checklist be rearranged in a hierarchical form to indicate to the checklist user which items are critical, which are merely desirable and so forth?
- (f) In regard of the most subjective items on the checklist, how are disputes between the developer and the authority to be mediated effectively?

The addition of implementation guidance for the intended user, and the restructuring of the list to address the relative significance of checklist items will potentially create a comprehensive and practical assessment tool for local authorities.