

Transfer of Plot Ratio Local Planning Policy

Draft April 2026

Version Control

Version #	Date	Action
1	Date of Adoption (00/00/00)	Adopted
2	Date of Amendment	Amended
3	Date of Amendment	Amended

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1. Citation

This is a local planning policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as the *Transfer of Plot Ratio Local Planning Policy*.

2. Purpose and Application

2.1 Purpose

The purpose of this policy is to:

- (a) detail the requirements for a heritage-protected place to become a donor site for transfer of plot ratio under clause 32 and Table 4, No. ASD4 of the City of Perth Local Planning Scheme No. 3.
- (b) detail the method for determining the amount of transferable plot ratio that may be made available for transfer from a donor site.
- (c) detail the amount of transferable plot ratio that may be transferred to a recipient site.

2.2 Application

This policy applies to requests from owners of heritage-protected places to be approved as donor sites for the transfer of plot ratio, and applications for development approval that propose to use transferable plot ratio on a recipient site.

2.3 Relationship to other Planning Documents

This policy should be read in conjunction with *City of Perth Local Planning Scheme No. 3* (LPS3), the Residential Design Codes (R-Codes), and other relevant local planning policies, including:

- Building Heights and Setbacks Local Planning Policy
- General Design Local Planning Policy
- Residential Design Local Planning Policy
- Character Area Local Planning Policies
- Heritage Local Planning Policy.

Where this policy is inconsistent with LPS3, the provisions of LPS3 prevail to the extent of any inconsistency.

3. Objectives

- (a) To offer the owners of heritage-protected places an alternative to maximising the development potential of those places, where maximising development would have adverse impacts on their cultural heritage significance.
- (b) To facilitate binding commitments for the conservation of heritage-protected places.
- (c) To ensure that the development and adaptation of heritage-protected places is appropriate.

- (d) To make provision for the use of transferable plot ratio on appropriate recipient sites.

4. General Provisions

- (a) Where the development of a heritage-protected place to the plot ratio specified on the LPS3 Maximum Base Plot Ratio Plan would adversely affect its cultural heritage significance, the owner or authorised agent may, in accordance with clause 32(1) and Table 4, No. ASD4 of LPS3, lodge a request with the local government for approval of the place as a donor site for transferable plot ratio.
- (b) A proportion of the unused maximum base plot ratio, being not less than 10%, is to be retained on the donor site to accommodate development or adaptive reuse of the heritage-protected place, guided by a Conservation Management Plan.
- (c) Only the balance of the unused maximum base plot ratio may be made available for transfer from the donor site.
- (d) Transferable plot ratio may be used on a recipient site in conjunction with bonus plot ratio granted under the Bonus Plot Ratio Local Planning Policy, up to that specified on the LPS3 Maximum Bonus Plot Ratio Plan.

5. Donor Sites

5.1 Requests for Approval

- (a) All requests for approval of a heritage-protected place as a donor site for transferable plot ratio are to be accompanied by:
 - i. plans and details of the place as existing and proposed;
 - ii. details of:
 - a. the proportion of plot ratio required to accommodate any proposed works;
 - b. the proportion of plot ratio for which approval is sought to transfer to a recipient site;
 - iii. a statement prepared by a suitably qualified heritage professional detailing how development of the site to the plot ratio specified in the Maximum Base Plot Ratio Plan would adversely affect the cultural heritage significance of the place; and
 - iv. unless the place is located within a heritage area and has been assessed as having no cultural heritage significance, a Conservation Management Plan prepared by a suitably qualified heritage professional in accordance with the Heritage Council of Western Australia's Conservation Management Plan Standard Brief.
- (b) Where a heritage-protected place is located within a heritage area and has been assessed as having no cultural heritage significance, a request for approval may require an archaeological assessment of the place.

5.2 Conditions of Approval

- (a) In granting approval of a heritage-protected place as a donor site for transferable plot ratio, the local government may impose conditions in addition to those specified in Table 4, No. ASD4 (2)(b) of LPS3, requiring that:
 - i. a minimum of 10% of the unused plot ratio is retained on the donor site in all circumstances.
 - ii. a greater proportion of unused plot ratio is retained on the donor site where it may be used for the development or adaptive reuse of the place, in accordance with an approved Conservation Management Strategy or Plan, where applicable.

5.3 Return of Transferable Plot Ratio

- (a) The owner of an approved donor site, or authorised agent, may lodge a request with the local government for approval of the transferable plot ratio recorded in the Register of Transfer of Plot Ratio to be returned to the donor site, unless that transferable plot ratio:
 - i. is under consideration for transfer to a recipient site; or
 - ii. has been approved for transfer to a recipient site.
- (b) Notwithstanding any approval for return of transferable plot ratio to a donor site, the heritage agreement applied to the donor site shall remain in place and may only be amended with the consent of all signatories.

6. Recipient Sites

6.1 Available Proportion of Transferable Plot Ratio

- (a) The proportion of transferable plot ratio that may be transferred to a recipient site shall not exceed that specified on the LPS3 Maximum Bonus Plot Ratio Plan.

6.2 Applications for Development Approval

- (a) Applications for development approval seeking to utilise transferable plot ratio shall be accompanied by:
 - i. a copy of the contract of sale of the transferable plot ratio; and
 - ii. an application for development approval form signed by the owners of both the donor and recipient sites.

6.3 Conditions of Approval

- (a) In granting development approval, the local government may impose a condition requiring that a Notification of Change of Ownership Transfer of Plot Ratio form, signed by the owners of the donor and recipient sites, is submitted to the local government prior to the commencement of development.

6.4 Changes of Ownership and Expiry of Approval

- (a) Should the local government be in receipt of a Notification of Change of Ownership Transfer of Plot Ratio form and the ownership of the recipient site subsequently changes or the development approval lapses, the transferable plot ratio shall remain with the recipient site.

7. Register of Transfer of Plot Ratio

7.1 Registration of Donor Sites

- (a) On approval of a donor site for transferable plot ratio, details of the donor site and proportion of transferable plot ratio shall be recorded in the Register of Transfer of Plot Ratio and made available for transfer to another site.

7.2 Registration of Recipient Sites

- (a) On receipt of a Notification of Change of Ownership Transfer of Plot Ratio form signed by the owners of the donor and recipient sites:
 - i. the recipient site and proportion of transferable plot ratio allocated to it shall be recorded in the Register of Transfer of Plot Ratio; and
 - ii. the Register of Transfer of Plot Ratio updated to reflect the proportion of transferable plot ratio remaining on the donor site.

7.3 Return of Transferable Plot Ratio to Donor Sites

- (a) On approval of the return of transferable plot ratio to a donor site, the Register of Transferable Plot Ratio shall be updated to remove the donor site, or to reflect the new proportion of transferable plot ratio available for transfer to another site.

8. Definitions

Conservation Management Plan means a document that sets out what is significant about a place and what policies are appropriate to enable that significance to be retained in its future use and development.