

ORDINARY COUNCIL MEETING

26 April 2016

ALTERNATIVE MOTION

Councillor Colin Cala

Item 10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)

Alternative Motion

That:

- (a) the Officer's recommendation not be adopted; and
- (b) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) in respect of the proposed significant modification relating to the reduction in the geographic extent of the Special Design Area –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
 - (ii) in respect of the proposed significant modification relating to the introduction of absolute height limits within the Special Design Area –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
 - (iii) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in Bowman, Charles and Hardy Streets –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
 - (iv) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in the northerly portion of Mill Point Road –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;

- (v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vi) in the Special Design Area, in respect of the proposed significant modification relating to the introduction of a maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of an increase in building height above the limit shown on Plan 3 'Building Heights' of Schedule 9A –
 - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
 - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vii) in respect of comments relating to matters not related to the advertised significant modifications, Submissions 4.1 to 4.246 be **NOT UPHELD**.
- (viii) the Report on Submissions (**Attachment (a)**) be revised and designated as **Replacement Attachment (a)** to reflect the Council's changes from the officer's recommendations as identified in the further modified Amendment No. 46 text comprising **Replacement Attachment (d)**; and
- (ix) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted **with modifications** to the extent identified in the Report on Submissions (**Replacement Attachment (a)**);
- (c) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme to the extent identified in the modified 'Complex' Amendment No. 46 text (**Replacement Attachment (d)**);
- (d) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising a consolidation of **Attachments (b), (c) and Replacement Attachment (d)**;
- (e) the **revised** Report on Submissions (**Replacement Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents **including Replacement Attachment (d)**, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
- (f) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:
 - (i) the Council will be considering other possible modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment and / or policies; and
 - (ii) as part of the process towards implementing the new Scheme Amendment and / or policies, there will be further community engagement.

- (g) when dealing with the next Scheme Amendment for the South Perth Station Precinct, the following issues be considered for possible inclusion:
- (i) further height control; and
 - (ii) submitters' requested changes not related to the advertised significant modifications to Amendment No. 46.
- (h) The Western Australian Planning Commission be advised that, in order to provide a firm foundation underpinning the next Scheme Amendment for the South Perth Station Precinct and the related policies, Cardno Planning Consultants have been engaged to conduct appropriate investigations. When submitting the final Amendment No. 46 documents, the Commission be informed of the Council's intended time line for receiving the Cardno final report and for implementing the next Scheme Amendment.

Reasons for Alternative

I. Provision I Objectives of Special Control Area I

With the proposed removal of the discretion in Element 3.5: Plot Ratio and Land Use Proportions to reduce the plot ratio from 1.5 to 1.0 where Council is satisfied that the development meets the intent of Guidance Statement (a), there is no longer any practical need to have a guidance statement. However it is important to have in the Scheme Text a clear objective for the Special Control Area. The proposed revised part (a) of the Objectives, goes further than its previous broad statement by adding the guidance statement that was removed from 3.5.

The importance of this objective cannot be overstated as it was the one advertised and discussed over quite some time culminating in the preparation of a Precinct plan and further a report prepared by Allering and Associates for Amendment 25.

"A vibrant attractive business location featuring a rich choice of employment, public transport options, pedestrian friendly tree-lined streets and also including reminders of South Perth's heritage."

Further, when outlining the principles that will be employed to achieve this vision, the Allering Report says:

- A dynamic mix of office, retail and other non-residential land uses, providing an attractive employment centre that is supported by residential development and public transport; and
- A limited level of additional residential development to provide passive surveillance and to support the local services and street level activity.

The present guidance statement in Element 3 of TPS6 reflects this objective and a recent Supreme Court ruling upheld this intent.

- (a) *With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should consist of predominantly non-residential uses to ensure the precinct consolidates its role as an employment destination.*

What is clearly apparent in the Allering Report, is that any residential component was intended to be only complementary to the development of the Precinct as an employment generator. With the loss of this guidance statement in Element 3, it is necessary to strengthen part (a) of Provision I Objectives of the Special Control Area.

2. Element 3: Plot Ratio and Land Use Proportions

Considering the submissions in relation to Element 3.2 regarding all comprehensive new development in this Sub-Precinct requiring a minimum plot ratio of the non-residential component of 1.5, it is considered that this figure may be unreasonable given the proposed additional setbacks. The figure of 1.0, as is required under the present Scheme, is considered appropriate.

However, on sites in the Special Design Area, referred to in Element 3.5, it is proposed to remove the discretion whereby Council, but in reality the Joint Development Assessment Panel have the ability to lower the non-residential plot ratio from 1.5 to 1.0. This discretion has led to Table B being used in a manner that is far beyond the scope of the Precinct Vision and Community endorsement of Amendment 25 as discussed under Provision I Objectives of Special Control Area 1.

3. Element 6: Special Design Area

With respect to Element 6: Special Design Area, it is proposed to maintain the advertised position of the Council regarding the extent of variations above the height limit designated on the Scheme map. This would mean that for Element 6.2 (b) (i) (C), there would be a maximum height of 55 metres and for Element 6.2(b) (ii) (C), there would be a maximum height of 80 metres. This removes the ability to approve unlimited height in the 25 metre zone and the 41 metre zone.

The Council should maintain its position on this matter for several reasons:

- (a) Firstly, to provide the ability to have unlimited height in both the areas on Plan 3, designated as 25 metre and 41 metre removes the integrity and relevance of the Map. This is a fundamental flaw of Map 3 at present, as the SDA overrides the relevance and rationale of where the higher area on Map 3 is placed. The report by Allering and Associates provides the background to why this height map is the way it is. The quote from 3.3.2 of the Report demonstrates this.

“A substantial increase in height and built form will be encouraged in this sub-precinct. Along Melville Parade (south of freeway entry/exit ramp), building heights of 41 metres will be permitted to create an impressive frontage to the Precinct as seen from Kwinana Freeway and capitalise on the views of the Swan River. The array of taller buildings along Melville Parade, which wraps around to address Judd Street, will define a strong western and northern edge to the sub-precinct.”

Further, in clause 3.8:

“The main height emphasis in the Precinct will be along Melville Parade (south of freeway entry/exit point), Judd Street and part of Mill Point Road in order to establish a strong framework of built form along the Precinct’s “front door” and to address the regional movement corridor of the Kwinana Freeway and Southern Suburbs Rail Line.”

However this apparent contradiction in the Scheme is not something we can address in this Scheme Amendment, but should be followed up as part of a review process for the Precinct. However, in accepting the officers recommendation, is to perpetuate the existing anomaly.

- (b) The second issue is proper and orderly planning. Criticism from some submitters has been levelled at those opposed to height restrictions on the basis that the matter of height is subjective and one person’s opinion is as good as another. However any government, whether Local, State or Federal has the responsibility of planning for the future. In order to do this there is a need for population statistics to establish what infrastructure and community services will be required. Having a Town Planning Scheme that provides no basis for establishing the final number of occupants and workers in an area is not good governance. While the earlier work undertaken in the Allering Report was aimed at establishing this objective, the current and proposed scheme amendment makes this very

difficult if not impossible. An important plank for the development of the Precinct was the introduction of a developer contribution scheme. This has become virtually impossible because the City has no clear final outcome, therefore is unable to levy a contribution that reflects future needs. While state government agencies have expressed concern on this matter in their submissions, the City still appears to be ignoring the implications of an indeterminate outcome by suggesting that unlimited height may still be approved subject to meeting certain criteria that is more directed towards amenity and quality.

- (c) Thirdly, the subjectivity of table B has been an issue in providing an appropriate assessment of a Development Application. The fact is, that the existing criteria under the Scheme and even that being proposed under the re-advertised Amendment 46, are more or less just good practice and marketing. The graduated assessment scale being recommended goes some way to providing guidance, but to grant unlimited height for the sake of a few additional criteria being met within the 25 metre and 41 metre zone has no sound planning basis and ignores the issues discussed in points one and two.

4. Element 7: Relationship to the Street

With respect to Element 7: Relationship to the Street, it is acknowledged that while Bowman, Charles and Hardy Street may not be considered to be in the same category as those other streets recommended to have a 4 metre setback, the setback should be greater than those streets identified to be in the Special Design Area. This intent was obviously lost in the development of Amendment 25 as this is not what the Scheme outlines now. Clause 3.1 of the Allering Report provided the following guideline for assessing future planning.

"Creating street environments that are appropriate to the human scale as well as being comfortable, interesting and safe. Window and door openings will create 'eyes on the street' for passive surveillance. The busier and more open streets are designated as 'Special Design Areas' including; buildings situated on those streets will have a 3 to 4 storey high podium abutting the street boundary to maintain an appropriate scale which reflects the greater significance of those streets. On some streets, the podium is to be setback 4 metres, in order to maintain a more local and pedestrian scale to the street edge."

And, further in clause 3.3.2:

"The local streets within this sub-precinct (Bowman, Lyall, Hardy and Charles Streets) will have a slightly quieter and more leafy character than the streets that frame the sub-precinct (Melville Parade, Judd Street, Richardson Street and Labouchere Road), and as such, there may be less pressure to establish a strong street edge with nil front setbacks."

A 2 metre front setback from the street boundary for Bowman, Hardy and Charles Street is a compromise to the re-advertised Amendment 46. This will still allow a continuity of the street edge at the same time softening the edge and providing greater space for street tree canopies. Together with the reduced plot ratio, this should address the concern expressed by some submitters who own small sites.

With respect to Element 7.5.1, where a development is considered to not adversely affect the amenity of an existing adjoining property or where that property will in all likelihood be developed in the immediate future, it is considered that a hard edge with the street boundary should be not greater **less** than 50% of the site frontage **and not more than** rather than the requirement of at least 60% of the frontage. This change in emphasis will address the concern expressed by those opposed to a nil setback due to the visual impact of a 'canyon-like' affect this can have. A more articulated edge will still maintain the urban character and street canopies will provide the **desired** street continuity.

Some submissions have identified a situation where a development can adversely affect the amenity of an existing adjoining property where that property has no prospect of redevelopment for some indeterminate time into the future because of its relatively recent construction and or site value ratio. To address this issue it is proposed to require a minimum setback of two thirds the setback of the adjoining building to a maximum of 4 metres.

5. Element 8: Side and Rear Setbacks

With respect to Element 8.1(b), where a development can adversely affect the amenity of an existing adjoining property or by the obstruction of light and adequate ventilation between buildings where that property has no prospect of redevelopment for some indeterminate time into the future because of its relatively recent construction and or site value ratio, it is believed that rather than leave the proposed discretionary clause to determine an appropriate setback, there needs to be direction provided. It is proposed to have a minimum of 2 metres when the maximum podium height is 9 metres and a minimum of 3 metres when the podium height is greater than 9 metres. To not compromise this clear area, no balconies shall intrude into the setback.

Disclaimer

This Alternative Motion is at the request of Councillor Cala and is not a change that has been initiated by the author of the report. It does not represent a change of the Officer's recommendation.

MODIFIED AMENDMENT TEXT
endorsed for Minister's final approval
COUNCIL MEETING 26 APRIL 2016

City of South Perth
Town Planning Scheme No. 6

Amendment No. 46

**South Perth Station Precinct: Special Control Area SCA 1:
Rectifying anomalies and ambiguities in Schedule 9 and
strengthening criteria for building height variations**

REPLACEMENT MODIFIED TEXT
endorsed at Council Meeting
26 April 2016 for Minister's final approval



Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries:
Telephone: 9474 0777
Facsimile: 9474 2425
Email: enquiries@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

NOTE:

Throughout this document, text colours signify modifications considered by the Council at various stages of the Amendment No. 46 process, as follows:

Black text	Remnant text from the existing (Amendment No 25) Schedule 9 of TPS6
Red text	Amendment No. 46 text as originally advertised
Blue text	Officer's recommended proposed Amendment No. 46 text modifications after considering submissions received during original advertising of Amendment No. 46
Green text	Significant modifications to Amendment text endorsed at Special Council Meeting on 27 October 2015 for readvertising
Lilac text	Modifications to Amendment text endorsed at Council meeting on 26 April 2016 following 'second-round' advertising of significant modifications
Gold text	Further modifications to Amendment text following consideration of 'second-round' submissions and endorsed at Council meeting on 26 April 2016 for Minister's final approval

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

PLANNING AND DEVELOPMENT ACT 2005



**Town Planning Scheme No. 6
Amendment No. 46**

Modified Amendment text after ‘first-round’
advertising 27 January to 13 March 2015, and
‘second-round’ advertising 3 November 2015
to 5 February 2016

Council Meeting 26 April 2016

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above local planning scheme as follows:

1. Clause 4.3 (1)(c) is amended by deleting the first word, ‘The’, and replacing it with the following words:

“Other than in Special Control Area 1 ‘South Perth Station Precinct’, the”.

2. Clause 6.1A(10)(b) is amended as follows:

(a) the preamble to paragraph (b)(ii) is amended to read as follows:

“(ii) subject to (iii), on land which is not in the Special Design Area, where the assigned Building Height Limit is 25.0 metres: ”

(b) paragraph (b) is amended by the addition of a new part (iii), to read as follows:

“(b) (iii) for any comprehensive new development in the Special Design Area, where a proposed building is higher than the Building Height Limit shown on Plan 3 ‘Building Heights’ in Schedule 9A, the provisions of sub-clauses 6.1A (2), (3), (4), (5), (6), (7), (8) and (9) of the Scheme do not apply.” ;

3. Schedule 9 is deleted and the following new Schedule 9A is inserted in its place:

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

“Schedule 9A

*Special Control Area 1 –
South Perth Station Precinct*

Refer to Clause 10.1

NOTES

**NOTE ON
SCHEDULE 9A :**
*Schedule 9A added
by Amendment
No. 46*

Provision 1 Objectives of Special Control Area 1

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

- (a) promote more intensive commercial land use in developments which make a significant contribution towards consolidation of the precinct as an employment destination and the precinct will consist of predominantly non residential to provide greater employment self-sufficiency in the City and patronage for a future ‘destination’ rail station, while providing for the increased residential population;
- (b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation;
- (c) preserve portions of the precinct for predominantly residential, retail and office uses, as appropriate, by the creation of sub-precincts;
- (d) create a high quality inner-city urban character;
- (e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents;
- (f) allow buildings designed to maximise river and city views while maintaining view corridors;
- (g) permit additional building height within the Special Design Area in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits; and
- (h) preserve and protect the integrity of heritage places within the precinct.

Provision 2 Land comprising Special Control Area 1

Special Control Area 1 – South Perth Station Precinct as delineated on the Scheme Map as SCA1, includes land adjacent to portions, or all, of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

NOTES

Provision 3 Operation of Schedule 9A

- (1) Comprehensive new development within Special Control Area 1 – South Perth Station Precinct shall comply with the development requirements in the first column of Table A of this Schedule. No variation from those requirements is permissible unless the provisions of a particular development requirement provide Council with a discretionary power to approve a variation from that requirement.
- (2) The guidance statements in the second column of Table A explain the rationale for the development requirements in the first column; and guide the Council in the exercise of discretion, where applicable, when considering applications for planning approval for comprehensive new development.
- (3) In cases where the Council has discretionary power to approve a proposed variation from a particular development requirement in Table A, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements.
- (4) On sites within the Special Design Area where approval is sought for variations from Development Requirement 5.1, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements and also complies with all Performance Criteria in Table B.
- (5) Within Special Control Area 1 – South Perth Station Precinct:
 - (a) the provisions of this Schedule do not apply to development in the form of alterations or additions of the following kinds:
 - (i) additional habitable floor area which does not add new dwellings or provide space capable of accommodating additional people working in the non-residential portion of a building;
 - (ii) renovations or repairs which do not increase the plot ratio area of the building;
 - (iii) a non-habitable outbuilding;
 - (iv) an open-sided addition;
 - (v) any other non-habitable addition;
 - (vi) modifications to the façade; or
 - (vii) change of use.
 - (b) For alterations or additions of the kinds referred to in paragraph (a) there is no maximum plot ratio within Special Control Area 1 – South Perth Station Precinct, but such alterations or additions are subject to all other relevant provisions of this Scheme.

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

NOTES

Provision 4 Definitions

In this Schedule:

‘active street frontage’ means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

‘discretionary land use’ means a use which the Council may **approve in** the Sub-Precinct in which the use is proposed if it **is satisfied** that the use would not detract from the **amenity of the** Sub-Precinct **and would satisfy the** Sub-Precinct Guidance Statements **for Elements 1 and 2 in Table A.**

‘heritage place’ has the same meaning as the term ‘place’ in the *Heritage of Western Australia Act 1990*.

‘podium’ means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 7 and Element 8 of Table A of this Schedule.

‘preferred land use’ means a Use **that is permitted in a Sub-Precinct where the Use is indicated in Elements 1 and 2 in Table A as being a preferred land use.**

‘significant view’ means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a ‘significant view’ include views of the Perth City skyline, the Swan River, suburban townscape, parkland or treescape.

‘Small Shop’ means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

‘Special Design Area’ means the area identified as a special design area on Plan 2 - Special Design Area forming part of this Schedule.

**NOTE ON
PROVISION 4
‘DEFINITIONS’ :**

*Refer to Schedule 1
for definition of*

**‘comprehensive
new development’.**

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

Table A: Development Requirements for Comprehensive New Development

Development Requirements	Guidance Statements
Element 1: Land Uses – Preferred and Discretionary	
<p>1.1 Mends Sub-Precinct</p> <p>1.1.1 <u>Preferred land uses:</u> Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, Service Industry, Shop, Small Shop, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Residential Building and Single Bedroom Dwelling.</p> <p>1.1.2 <u>Discretionary land uses:</u> Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishments and Public Parking Station.</p> <p>1.2 Scott-Richardson Sub-Precinct</p> <p>1.2.1 <u>Preferred land uses:</u> Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling and Residential Building.</p> <p>1.2.2 <u>Discretionary land uses:</u> Child Day Care Centre, Civic Use, community exhibition gallery, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop.</p> <p>1.3 South Perth Esplanade Sub-Precinct</p> <p><u>Preferred land uses:</u> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building and Tourist Accommodation.</p> <p>1.4 Stone-Melville Sub-Precinct</p> <p>1.4.1 <u>Preferred land uses:</u> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building;</p> <p>1.4.2 <u>Discretionary land uses:</u> Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation.</p> <p>1.5 Uses not listed Any use not listed in Development Requirements 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use satisfies Element 1 Guidance Statements (a) and (b) and the related Guidance Statements for the relevant sub-precincts.</p>	<p>(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination.</p> <p>(b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.</p> <p>(c) Mends Sub-Precinct For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors.</p> <p>(d) Scott-Richardson Sub-Precinct For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors.</p> <p>(e) South Perth Esplanade Sub-Precinct For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</p> <p>(f) Stone-Melville Sub-Precinct For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.</p>

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p>1.6 Interaction of Elements 1 and 2</p> <p>With respect to ground floor uses, the provisions of ‘Element 2 Ground Floor Uses’ will prevail over the provisions of ‘Element 1 Land Use’ in the event of any inconsistency.</p>	
Element 2: Ground Floor Land Uses – Preferred and Discretionary	
<p>2.1 Mends Sub-Precinct</p> <p>2.1.1 No residential dwellings are permitted on the ground floor.</p> <p>2.1.2 <i>Preferred ground floor land uses:</i> Cafe/Restaurant, Convenience Store, Hotel, Office, Service Industry, Shop, Small Shop, and Tourist Accommodation.</p> <p>2.1.3 <i>Discretionary ground floor land uses:</i> Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</p> <p>2.2 Scott-Richardson Sub-Precinct</p> <p>2.2.1 No residential dwellings are permitted on the ground floor.</p> <p>2.2.2 <i>Preferred ground floor land uses:</i> Café/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet.</p> <p>2.2.3 <i>Discretionary ground floor land uses:</i> Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</p> <p>2.3 South Perth Esplanade Sub-Precinct</p> <p><i>Preferred ground floor land uses:</i> Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons’ Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation.</p> <p>2.4 Stone-Melville Sub-Precinct</p> <p><i>Preferred ground floor land uses:</i> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building, Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation.</p> <p>2.5 Uses not listed</p> <p>Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use satisfies Element 2 Guidance Statements (a) and (b).</p>	<p>(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface.</p> <p>(b) Within Element 2 ‘Ground Floor Land Uses’, the sole purpose of designating uses as either ‘preferred’ or ‘discretionary’ is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct.</p> <p>(To determine whether a land use is ‘preferred’ or ‘discretionary’ within a particular Sub-Precinct, refer to Element 1.)</p>

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
Element 3: Plot Ratio and Land Use Proportions	
<p>3.1 There is no maximum plot ratio for any comprehensive new development within Special Control Area 1 – South Perth Station Precinct.</p> <p>3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all comprehensive new development shall have a non-residential component with a minimum plot ratio of 1.0.</p> <p>3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5.</p> <p>3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component.</p> <p>3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5.</p> <p>3.6 The provisions of the Codes relating to dwelling size in activity centres shall apply.</p> <p>3.7 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to ‘Utilities and Facilities’ in activity centres shall apply.</p> <p>3.8 South Perth Esplanade and Stone-Melville Sub-Precincts Development Requirements 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.</p>	<p>(a) To meet potential occupiers’ diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings.</p> <p>(b) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</p>
Element 4: Podium Height	
<p>4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum.</p> <p>4.2 For properties that contain or abut a heritage place, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the Council after giving due consideration to Element 13 of Table A of this Schedule.</p> <p>4.3 On a corner site, in order to accommodate an architectural design feature, the Council may permit a variation from the maximum podium height prescribed in Development Requirement 4.1 where the podium satisfies Element 4 Guidance Statements (a) and (b).</p>	<p>(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street.</p> <p>(b) Corner podium with architectural design features is encouraged.</p>

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
Element 5: Building Height	
<p>5.1 With the exception of any variations that the Council may approve under Element 6 ‘Special Design Area’, comprehensive new development shall comply with the building height limits shown on Plan 3 ‘Building Heights’.</p>	<p>(a) In general, the building height limits shown on Plan 3 ‘Building Heights’, coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner-city atmosphere.</p> <p>(b) Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow higher buildings provided the performance criteria in Table B are met.</p>
Element 6: Special Design Area	
<p>6.1 In the case of a comprehensive new development in the Special Design Area with a plot ratio of more than 3.0, the Council may, subject to all of the provisions of Element 6, approve a variation from the Building Height Limits shown on Plan 3, provided that:</p> <p>(a) the development site has an area of not less than 1,700 sq. metres and a frontage of not less than 25 metres; or</p> <p>(b) where it is demonstrated that the development site cannot reasonably be amalgamated with any adjoining land in the Special Design Area due to the scale of development on, or form of tenure, or use of the adjoining land, the development site has both an area of not less than 1,530 sq. metres and a frontage of not less than 22.5 metres.</p> <p>6.2 On land in the Special Design Area, where comprehensive new development has a plot ratio of more than 3.0 and satisfies:</p> <p>(a) Development Requirement 6.1(a) or 6.1(b); and</p> <p>(b) all Performance Criteria in Table B for Design Considerations 1 to 7 inclusive;</p> <p>the Council may approve a variation above the height limit applicable to the development site as shown on Plan 3. In such a case, the maximum permissible building height is determined by satisfaction of the minimum number of Table B Performance Criteria for Design Consideration 8 specified below:</p> <p>(i) Where Plan 3 shows a Building Height Limit of 25 metres –</p> <p>(A) 5 Performance Criteria : 35 metres; or</p> <p>(B) 7 Performance Criteria : 40 metres; or</p>	<p>(a) For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots in order to achieve the prescribed minimum area and frontage, a 10% deficiency is allowed.</p> <p>(b) The lots comprising the Special Design Area have been included in this area because they front onto streets which have a high degree of visibility, either by virtue of their open aspect or proximity to high volumes of vehicle or pedestrian traffic. These streets offer the potential for higher buildings with a stronger visual presence than buildings in other streets. In return for this greater development potential, buildings need to demonstrate exceptional design quality, and meet a range of other performance criteria.</p> <p>(c) Table B contains a range of performance criteria aimed at promoting energy-efficient developments of exceptional, sensitive and sophisticated design quality and offering additional occupier and community benefits, among other design considerations. Subject to satisfying all of the Performance Criteria, on sites of sufficient area and frontage in the Special Design Area building height variations may be allowed to the limits specified in the development requirements.</p>

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p style="text-align: center;">(C) all Performance Criteria : 55 metres.</p> <p>(ii) Where Plan 3 shows a Building Height Limit of 41 metres –</p> <p style="padding-left: 20px;">(A) 5 Performance Criteria : 50 metres; or</p> <p style="padding-left: 20px;">(B) 7 Performance Criteria : 60 metres; or</p> <p style="text-align: center;">(C) all Performance Criteria : 80 metres.</p> <p>6.3 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirement 6.1 and 6.2, the applicant shall submit as part of the application for planning approval, a report demonstrating how the development satisfies the Performance Criteria in Table B.</p> <p>6.4 For the avoidance of doubt, the maximum building heights referred to in Development Requirement 6.2 are not subject to variation, and may not be exceeded in any circumstance whatsoever.</p>	
Element 7: Relationship to the Street	
<p>7.1 The street setbacks apply to both residential and non-residential components of buildings.</p> <p>7.2 Subject to Development Requirement 7.5.1, with the exception of comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, all comprehensive new development shall incorporate a podium with a nil street setback. For comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, inclusion of a podium is optional.</p> <p>7.3 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 4 metres:</p> <ul style="list-style-type: none"> (a) Darley Street; (b) Ferry Street; (c) Frasers Lane; (d) Judd Street, north side; (e) Melville Parade, north of Judd Street; (f) Mill Point Road, west side between Judd Street and Scott Street, and east side between Harper Terrace and Frasers Lane; (g) Ray Street; (h) Scott Street; and (i) Stone Street. 	<p>(a) With the exception of sites fronting on to the streets listed in Development Requirements 7.3 and 7.4, to achieve a high degree of continuity of the street edge, a portion of the width of the street façade of the podium should normally abut the street boundary, with the levels above the podium being set back in accordance with Element 8 ‘Side and Rear Setbacks’. However, the Council may approve a lesser portion of the street frontage having a zero street setback if design techniques are employed which visually maintain the continuity of the street edge.</p> <p>(b) It is intended that the streets listed in Development Requirements 7.3, 7.4 and 7.5 will retain a different character from other streets in the Precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees.</p>

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p>7.4 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 2 metres:</p> <ul style="list-style-type: none"> (a) Bowman Street, except those lots in the Special Design Area; (b) Charles Street, except those lots in the Special Design Area; and (c) Hardy Street, except those lots in the Special Design Area. <p>7.5 South Perth Esplanade Sub-Precinct</p> <p>7.5.1 For any part of the building including the podium, if any, the setback from South Perth Esplanade shall be not less than 6 metres.</p> <p>7.6 Scott-Richardson and Mends Sub-Precincts</p> <p>7.6.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements:</p> <ul style="list-style-type: none"> (a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for not less than 50% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a). A zero setback is not permitted for more than 60% of the frontage of the development site; and (ii) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its site value ratio and the Council is of the opinion that a podium with a zero street setback would adversely affect the amenity of the adjoining property, the Council shall specify: <ul style="list-style-type: none"> (A) the maximum percentage of the lot frontage that may have a zero street setback; (B) the positioning of the portion of the building with a zero setback; and (C) the required greater setback for the balance of the building. A minimum setback of two-thirds of the setback of the adjoining building to a maximum of 4 metres shall be required. 	<ul style="list-style-type: none"> (c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street. (d) The extent of blank or solid wall at ground level adjacent to the street should be minimised. (e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths. (f) Where cafés or restaurants are proposed, alfresco dining is encouraged.

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p>(b) Ground floor street façades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the adjacent footpath level. No obscure screening is permitted higher than 1.2 metres above the adjacent footpath level, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f).</p> <p>(c) Portions of ground floor street façades with no openings shall not exceed 5 metres in length, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f).</p> <p>7.6.2 For the portion of the building above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres.</p> <p>7.6.3 The Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site, provided that:</p> <p>(a) strong visual differentiation is maintained between the podium and the portion of the building above it;</p> <p>(b) the perceived scale of the building does not dominate public space;</p> <p>(c) the projecting elements have sufficient design merit and visual interest; and</p> <p>(d) solar access to the public footpath is not adversely affected.</p> <p>7.6.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features.</p>	

Element 8: Side and Rear Setbacks

<p>8.1 (a) Where the Council is satisfied that a podium with a zero setback from a side or rear boundary would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback from the side or rear boundary is required unless the development satisfies Element 8 Guidance Statement (a); and</p> <p>(b) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its site value ratio and the Council is of the opinion that a zero setback from a side or rear boundary would adversely affect the amenity of the adjoining property in any manner including, but not limited to, obstruction of light and solar</p>	<p>(a) The podium levels of buildings will normally be required to have zero side setback to ensure a high degree of continuity of the street edge. However, the Council may approve a greater side setback if such setback is:</p> <p>(i) integrated with an open forecourt or alfresco area, or the like, which is visible from the street; or</p> <p>(ii) concealed from view from the street by a portion of the podium which has a zero side setback.</p> <p>(b) The portion of a building above the podium is required to be set back from side and rear boundaries to allow light and solar penetration between buildings.</p> <p>(c) Any building constructed on a site</p>
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Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p>penetration or prevention of adequate ventilation between buildings, the Council shall specify:</p> <ul style="list-style-type: none"> (i) the portion of the building that is required to have a greater setback from the side or rear boundary; and (ii) the required greater setback for that portion of the building, which shall be: <ul style="list-style-type: none"> (A) a minimum of 2 metres, when the podium height is not more than 9 metres; and (B) a minimum of 3 metres, when the podium height is greater than 9 metres. <p>No balcony shall protrude into the required minimum setback area.</p> <p>8.2 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls may have a zero setback from the rear boundary.</p> <p>8.3 Subject to Development Requirement 8.4, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Development Requirement 7.3 of Element 7, the setbacks from side and rear boundaries shall be:</p> <ul style="list-style-type: none"> (a) For non-residential components: 3 metres minimum. (b) For residential components: Not less than the setbacks prescribed in Table 5 of the Codes which shall apply to both side and rear boundaries. <p>8.4 In the case of comprehensive new development on a site comprising or adjoining a heritage place, the minimum setbacks from the side and rear boundaries shall be as determined by the Council. The Council may require greater setbacks than those specified in Development Requirement 8.2, having regard to the preservation of the visual significance and integrity of the heritage place.</p>	<p>adjoining a heritage place must preserve the visual significance and integrity of the heritage place. To contribute to the achievement of this objective, the new building may need to be set back a greater distance from the side or rear boundaries of the development site.</p>
Element 9: Parking	
<p>9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows:</p> <ul style="list-style-type: none"> (a) For residential uses – <ul style="list-style-type: none"> (i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings; (ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings; (iii) 1 additional car bay per 6 dwellings for visitors; 	<ul style="list-style-type: none"> (a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments. (b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed comprehensive new development includes more than one

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
<p>(iv) in addition to the required car bays, 1 bicycle bay per 3 dwellings; and 1 bicycle bay per 10 dwellings for visitors, designed in accordance with AS2890.3 (as amended).</p> <p>(b) For non-residential Uses –</p> <p>(i) 0.5 car bays per Tourist Accommodation suite;</p> <p>(ii) 1 car bay per 50 square metres of gross floor area for uses other than Tourist Accommodation;</p> <p>(iii) 10%, or 2, of the total number of required car bays, whichever is the greater, marked for the exclusive use of visitors;</p> <p>(iv) in addition to the required car bays, for staff use, 1 bicycle bay per 200 square metres of gross floor area designed in accordance with AS2890.3 (as amended); together with 1 secure clothes locker per bay; and 1 male and 1 female shower per 10 bays.</p> <p>9.2 Notwithstanding Development Requirement 9.1 (b), for comprehensive new development consisting only of 2 or more non-residential uses, the Council may approve a lesser number of car or bicycle bays where it is demonstrated that the proposed number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site.</p> <p>9.3 All visitor parking bays shall be:</p> <p>(a) marked and clearly signposted as dedicated for visitor use only;</p> <p>(b) connected to an accessible path of travel for people with disabilities.</p> <p>9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier.</p> <p>9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed:</p> <p>(a) elsewhere on the development site if the proposed location of those bays would be more convenient for visitors; and</p> <p>(b) inside a security barrier where:</p> <p>(i) two of the visitor bays are provided outside the security barrier unless otherwise approved where Guidance Statement (c) is satisfied; and</p> <p>(ii) visitors have convenient access to an electronic communication system linked to each occupier of the building.</p>	<p>non-residential use and those uses have different periods of peak parking demand.</p> <p>(c) On-site visitor parking bays need to be provided in a conveniently accessible location without obstructing entry to, or egress from, occupiers’ parking bays.</p>

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Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
<p>9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement, or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street.</p>	
Element 10: Canopies	
<p>10.1 Where a building abuts the street boundary, a cantilevered canopy shall be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres, subject to a clearance distance of not less than 2.5 metres being provided from the face of the road kerb to the canopy.</p>	<p>(a) Where a building abuts the street boundary, a canopy should be provided that extends a sufficient distance over the footpath to provide a reasonable degree of shade and shelter to pedestrians, while maintaining a safe clearance from the road carriageway and infrastructure in the verge.</p>
Element 11: Vehicle Crossovers	
<p>11.1 Only one vehicle crossover per lot per street is permitted.</p> <p>11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking.</p> <p>11.3 For both the residential and non-residential components of a building, the 'deemed-to-comply' provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</p> <p>11.4 Mends Sub-Precinct</p> <p>For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances:</p> <p>(a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle access from the primary or secondary street is permitted; and</p> <p>(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.</p>	<p>(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/ pedestrian conflict points, in order to create a safer and more attractive pedestrian environment.</p> <p>(b) Shared crossovers are strongly encouraged.</p>
Element 12: Landscaping and Outdoor Living Areas	
<p>12.3 All residential dwellings shall be provided with a balcony or equivalent outdoor living area with a minimum area of 10 sq. metres and a minimum dimension of 2.4 metres, accessed directly from a habitable room.</p>	

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Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
Element 13: Heritage	
<p>13.1 In the case of a comprehensive new development involving additions or alterations to a heritage place, or on a site containing or adjoining a heritage place, the application for planning approval shall be accompanied by a heritage impact statement justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height.</p> <p>13.2 In the case of a comprehensive new development involving additions or alterations to a heritage place, the proposed development shall retain, re-use and maintain the integrity of the existing heritage place.</p> <p>13.3 The siting and design of any building on a site adjoining a heritage place shall respect the visual significance and integrity and not overwhelm or adversely affect the heritage place having regard to the design, size, scale, setbacks and proportion of the proposed building, particularly as viewed from the street.</p>	<p>(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these heritage places.</p> <p>(b) Any development on a site containing or adjoining a heritage place should respect the scale of that heritage place, particularly as viewed from the street.</p> <p>(c) Any new development on or adjoining a site containing a heritage place should be located so as to ensure that the character of the heritage place is not adversely affected.</p> <p>(d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.</p>
Element 14: Designing Out Crime	
<p>14.1 Primary pedestrian access points shall be visible from buildings and the street.</p> <p>14.2 Comprehensive new developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards:</p> <ul style="list-style-type: none"> (a) AS 1680 regarding safe movement; (b) AS 1158 regarding lighting of roads and public spaces; and (c) AS 4282 Control of obtrusive effects of outdoor lighting. <p>14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies.</p> <p>14.4 Public and Private areas shall be differentiated by the use of differing materials.</p> <p>14.5 Any fence on the perimeter of the public realm shall be:</p> <ul style="list-style-type: none"> (a) no higher than 0.9 metres; or (b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate. <p>14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device satisfies Guidance Statement (a).</p>	<p>(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement.</p> <p>(b) The design of comprehensive new developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.</p>

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Table A: Development Requirements for Comprehensive New Development (cont’d)

Development Requirements	Guidance Statements
Element 15: Road and Rail Transport Noise	
<p>15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for comprehensive new development containing noise sensitive land uses:</p> <ul style="list-style-type: none"> (a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application; (b) if required by Council, the application shall include a noise management plan; (c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission’s State Planning Policy 5.4 <i>‘Road and Rail Transport Noise and Freight Consideration in Land Use Planning’</i>; (d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified. 	<p>(a) Comprehensive new development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</p>

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Table B: Performance Criteria for Special Design Area

Note: Refer to the Development Requirements and Guidance Statements for Element 6 ‘Special Design Area’ within Table A: ‘Development Requirements for Comprehensive New Development’.

Design Consideration	Performance Criteria
1. Design Quality	<p>The architectural design, in the opinion of the Council, is exceptional, sensitive and sophisticated, contributing to the quality of the inner urban environment being promoted within the Precinct. In arriving at an opinion, the Council shall consider the following:</p> <ul style="list-style-type: none"> (a) The visual appearance of the podium façade and the extent to which it engages with the street, during both daytime and night time hours. (b) The visual presentation of all elevations of the portion of the building above the podium. (c) Integration of any proposed artwork with the design of the building as a whole. (d) The contribution of the external materials and finishes to the overall design quality of the building.
2. Overshadowing	Shadow diagrams at noon on 21 June, are to be submitted demonstrating that the shadow cast by the portion of the proposed building above the Building Height Limit, does not cover more than 80 percent of any adjoining lot.
3. Vehicle Management	<p>A traffic engineer is to conduct a study of the additional traffic resulting from a building height variation above the height limit shown on Plan 3 ‘Building Heights’ in Schedule 9A. The study is to assess the impact on traffic flow and safety, taking into account the cumulative effect of additional floor space above the Building Height Limit in:</p> <ul style="list-style-type: none"> (a) the proposed building; and (b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed. <p>A report on the findings of the traffic study is to be submitted with the development application verifying, to the satisfaction of the Council, that the cumulative increase in traffic resulting from the increased building height relating to buildings referred to in paragraphs (a) and (b) will not have significant adverse impacts on traffic flow and safety.</p>
4. Car Parking	<p>The maximum permissible number of on-site parking bays for residential uses is as follows:</p> <ul style="list-style-type: none"> (a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings; (b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.
5. Energy-Efficiency	In order to maximise energy-efficiency, the building is to be designed to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent.
6. Electric Car Charging Station	An electric car charging station with capacity to recharge 6 vehicles simultaneously.
7. Landscaped Area	Landscaped area comprising not less than 40% of the area of the development site. Components of the landscaped area may include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens.

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Table B: Performance Criteria for Special Design Area (cont’d)

Design Consideration	Performance Criteria
<p>8. Benefits for Occupiers and Local and Wider Communities</p>	<p>Note: Refer to Element 6 of Table A to identify the minimum number of Design Consideration 8 Performance Criteria which must be met according to the extent of building height variation sought by an applicant.</p> <p>Occupier Benefits</p> <p>(a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June.</p> <p>(b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more.</p> <p>(c) The parking bays allocated to a minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, shall be not less than 6.0 metres in length and 3.8 metres in width. In addition, those dwellings are to incorporate the following core elements, designed to the ‘Silver Level’ of the ‘Livable Housing Design Guidelines’ produced by Livable Housing Australia:</p> <p>(i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level;</p> <p>(ii) at least one step-free, level entrance into the dwelling;</p> <p>(iii) internal doors and corridors that facilitate unimpeded movement between spaces;</p> <p>(iv) a universally accessible toilet on the ground or entry level;</p> <p>(v) a bathroom which contains a step-free shower recess;</p> <p>(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and</p> <p>(vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre.</p> <p>(d) Contractual documentation is to be submitted confirming the intended transfer of ownership of a minimum of 5% of the total number of dwellings, rounded up to the next whole number of dwellings, to a community housing organisation registered with the Department of Housing, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building.</p> <p>(e) At least 50% of the dwellings are to be designed to provide:</p> <p>(i) effective natural cross-ventilation; and</p> <p>(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.</p> <p>Local Community Benefits</p> <p>(f) Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views.</p> <p>(g) One or more facilities such as a meeting room, boardroom, lecture theatre, function room, available for use by external community groups or individuals, or external businesses.</p>

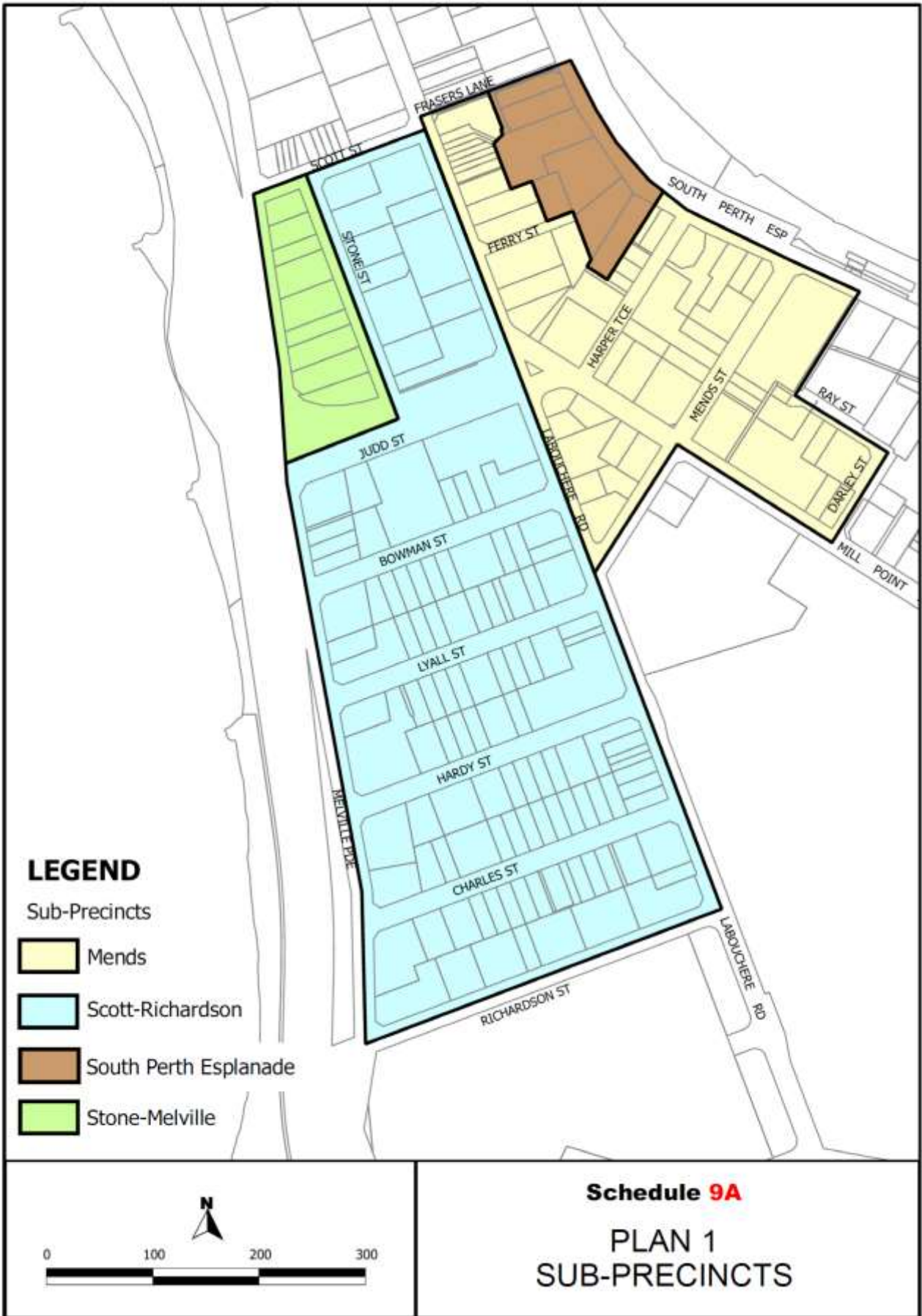
Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

**Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table B: Performance Criteria for Special Design Area (cont’d)**

Design Consideration	Performance Criteria
<p>8. Benefits for Occupiers and Local and Wider Communities <i>(cont’d)</i></p>	<p>(h) Public access to the building, terraces or gardens at ground level, or on the roof of the podium or tower, for leisure, recreational or cultural activities such as, among others:</p> <ul style="list-style-type: none"> (i) Café/Restaurant; (ii) Cinema/Theatre; (iii) gymnasium; (iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or (v) an outdoor area designed for public entertainment performances. <p>Wider Community Benefits</p> <ul style="list-style-type: none"> (i) A commercial use with wider community benefits such as Child Day Care Centre, after school care centre, Consulting Rooms, Educational Establishment, or other use having wider community benefits. (j) Visiting cyclists’ end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, for use by visitors to the proposed building. (k) A Public Parking Station forming part of a development, such Parking Station containing not less than 50 motor cycle bays and no car bays, allowing a maximum stay of 4 hours, in addition to the occupier and visitor parking required for the development.

Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct



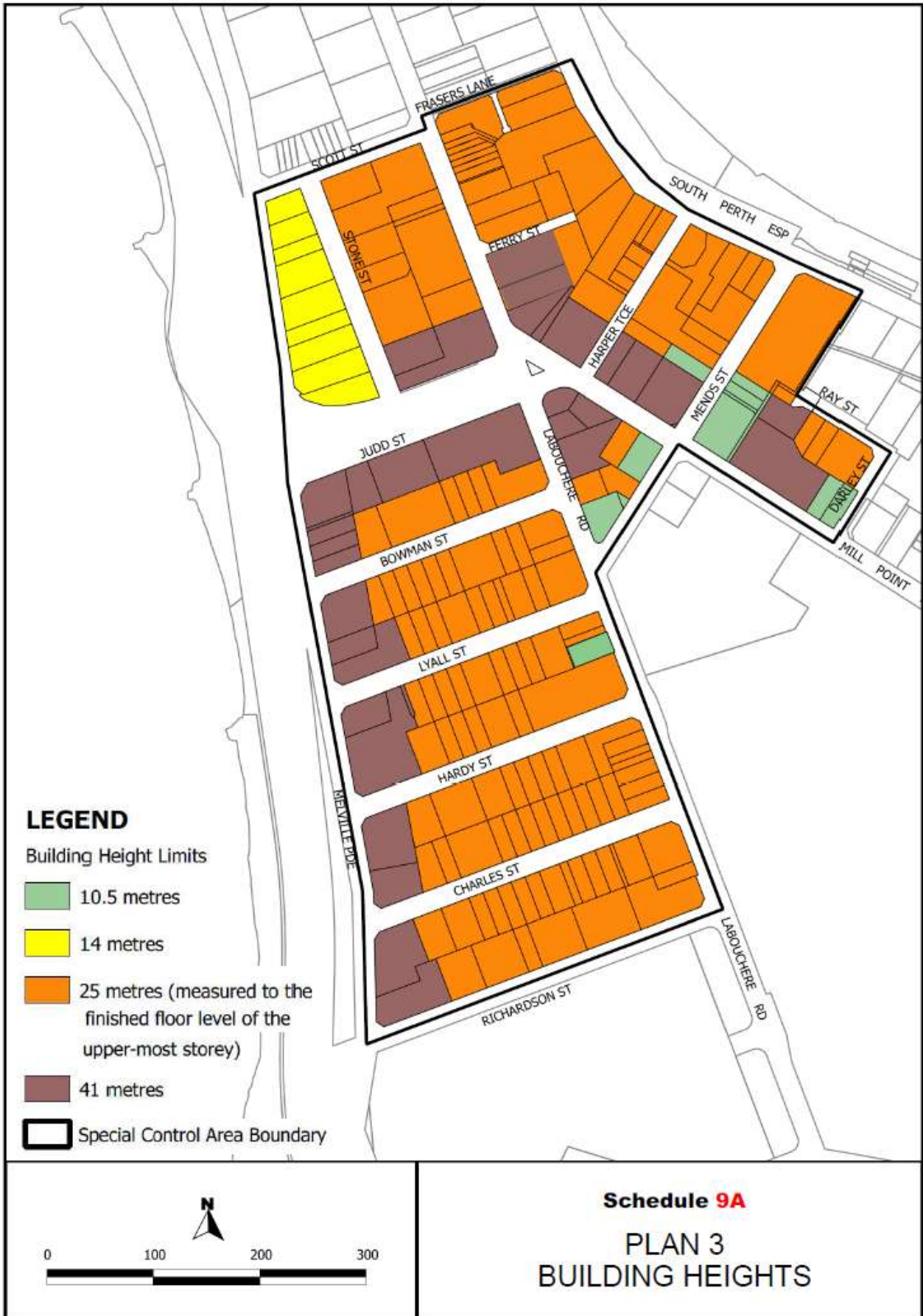
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Schedule 9A – Special Control Area 1 – South Perth Station Precinct



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Schedule 9A – Special Control Area 1 – South Perth Station Precinct

4. The following clauses are amended by deleting the term ‘Schedule 9’ and replacing it with the term ‘Schedule 9A’ wherever it occurs:

Clause 3.3 (9)
Clause 4.3 (1)(m) and (n)
Clause 4.7 (3)
Clause 5.1 (6)
Clause 5.2 (3)
Clause 5.3 (3)
Clause 6.1A (10)(b) and Note
Clause 6.3 (13)
Clause 6.3A (8)
Clause 6.4 (6)
Clause 7.8 (2)(d)
Clause 10.1 (1)(b)
Indexes of Schedules

