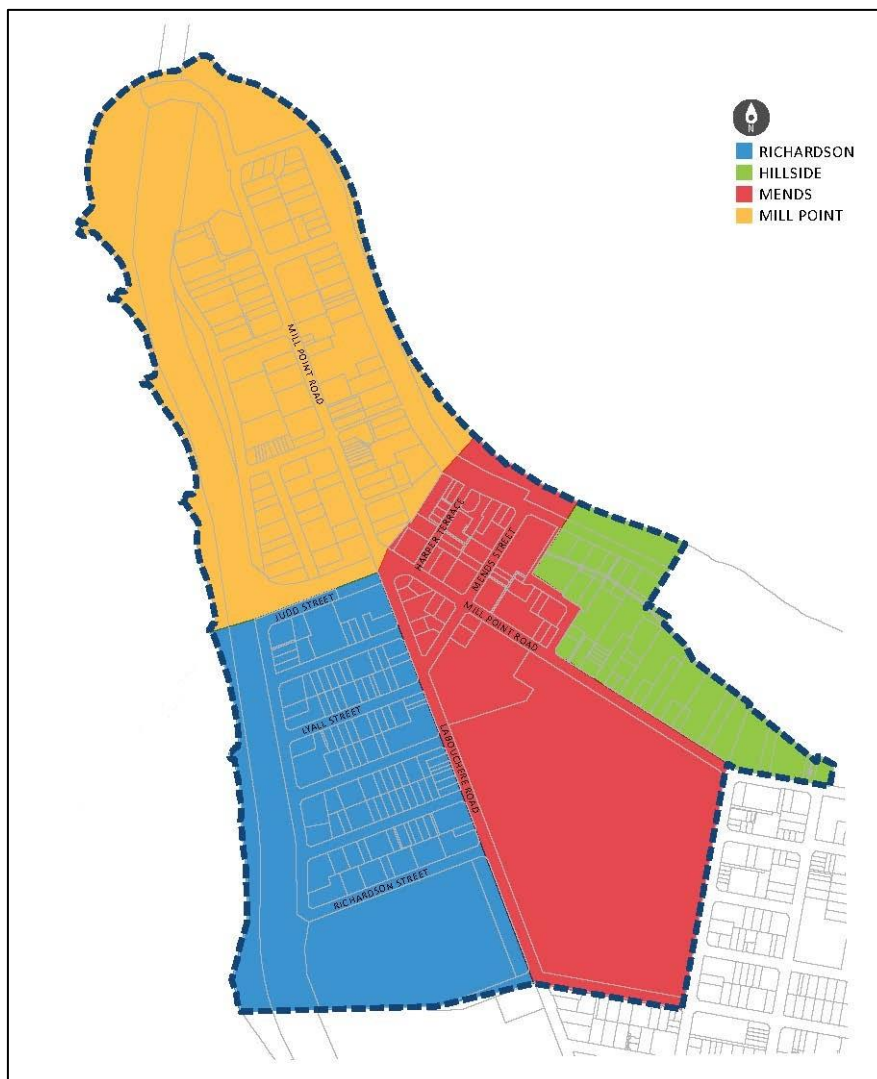


Schedule of Modifications

City of South Perth – Proposed Scheme Amendment No. 61 to Town Planning Scheme No. 6

The Proposed Scheme Amendment No. 61 shall be modified as follows:

1. Modify Map 1 to remove unnecessary detail from the underlying cadastral map and depict the boundary between the Mends and Hillside Character Areas to follow Darley Street, Ray Street and the laneway separating Lots 113 (No. 81-85) and 36 (No. 87) South Perth Esplanade as per the following map:



2. Add the following definition to Provision 3:
***'basement'** means a building floor level in which 50 per cent or more of its volume is below natural ground level.*

3. Modify the following definitions in Provision 3:
- 'plot ratio'** means the ratio of gross total area of all floors of buildings on a development site to the area of the development site. The gross total area of all floors of buildings ~~on a development site~~ includes:
- the area of any internal and external walls; and
 - vehicular manoeuvring space or visitor parking at or above ground level and located within buildings;
- but does not include:
- the areas of any lift shafts, stairs or stair landings common to two or more dwellings or tenancies;
 - machinery, air conditioning and equipment rooms;
 - ~~space that is wholly below natural ground level basements;~~
 - lobbies;
 - bin storage areas and passageways to bin storage areas;
 - amenities areas common to more than one dwelling or tenancy (for example, but not limited to, communal lounge areas, pool areas, communal gardens) ~~(excluding vehicular manoeuvring space or visitor parking at or above ground level and located within buildings);~~ or
 - balconies, eaves, verandahs, courtyards and roof terraces.
- 'podium base'** means the ground and lower levels of a multi-storey building that provide a clearly differentiated ~~base element~~, above which all higher parts of the building are situated.
- 'podium base site cover'** means the area of the development site which is covered by the ~~podium base of the building~~.
- 'tower'** means the part of a building above the ~~podium base~~ or, where the building does not include a ~~podium differentiated base~~, a free standing building that exceeds the height permitted for a ~~podium base~~.
4. Modify Provision 4 clause d. as follows:
- A largely residential area, with some opportunity for non-residential uses nearer to Mends Street and along Mill Point Road ~~and South Perth Esplanade~~.
 - Development along the South Perth Esplanade should generally reflect historic setbacks ~~but provide active commercial ground floors in appropriate locations that extend visitor based commercial activity to the waterfront.~~
5. Modify Provision 5 element 1.10 as follows:
- Hillside: Residential Uses (Multiple Dwellings), with ~~retail uses (Café/Restaurant, Shop) on South Perth Esplanade and~~ offices and retail uses (Café/Restaurant, Shop, Local Shop) on Mill Point Road
6. Modify Table 1 as follows:

Land Uses	Character Area			
	Mends	Richardson	Hillside	Mill Point
Non-Residential Land Uses				
Hotel	D	D	X	✗ DC
Indoor Sporting Activities	DC	DC	DC	✗ DC
Serviced Apartment	D	D	X	✗ DC
Consulting Rooms	P	P	D	DC

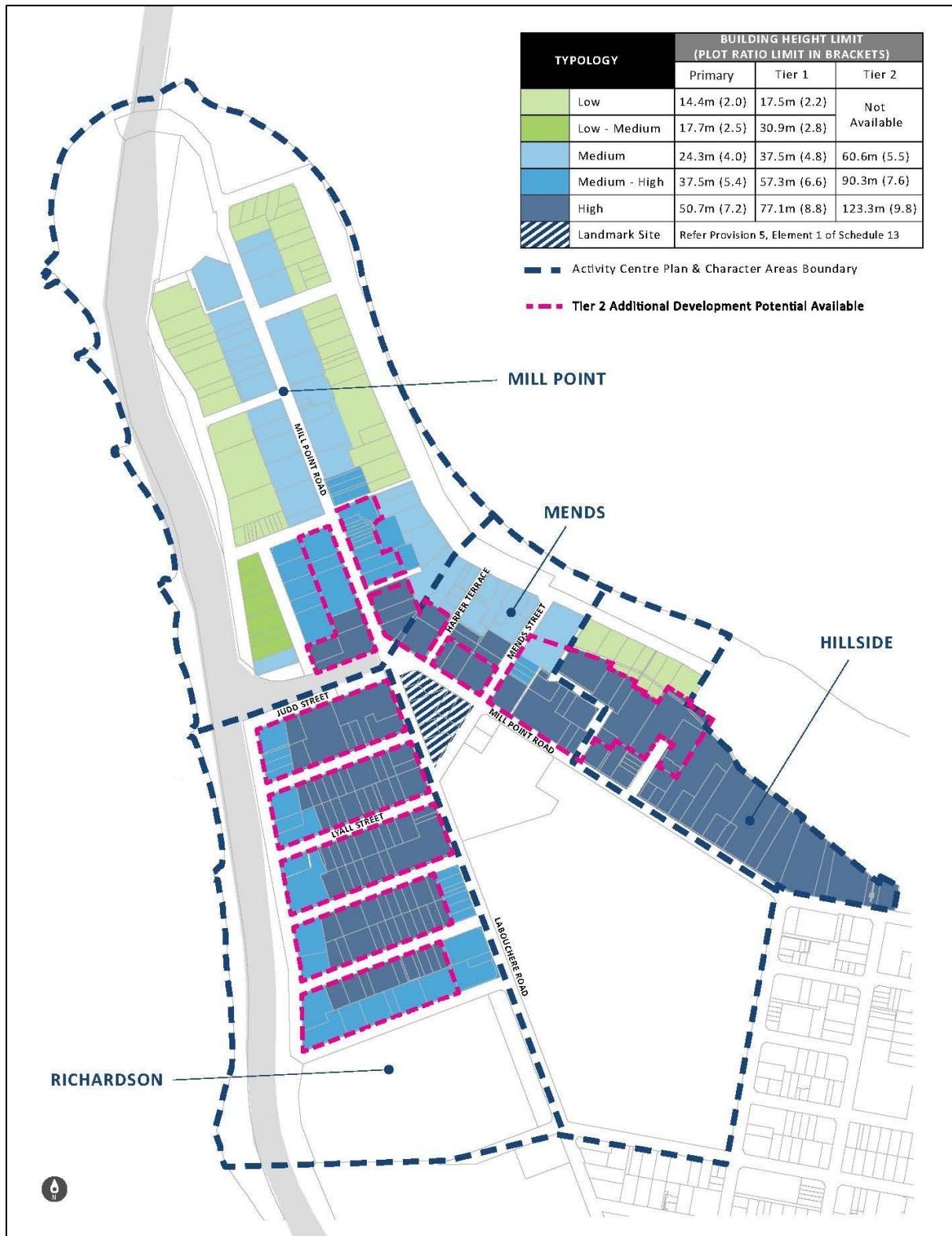
7. Modify element 2.1 as follows:
Subject to ~~clauses elements~~ 2.2 and 2.3, the building height of a building must not exceed the applicable ~~base primary~~ building height limit contained in Map 2 and Table 2.
8. Modify element 2.2 as follows:
Subject to ~~clause element~~ 2.3, a building may be approved with building height in excess of the applicable ~~base primary~~ building height limit but no greater than the applicable Tier 1 additional building height limit contained in Map 2 and Table 2 if the requirements of Elements 7 and 8 of this Schedule are satisfied.
9. Add a new element 2.4 as follows:
*2.4 (a) On Lot 113 (No. 81-85) South Perth Esplanade Tier 2 Additional Development Potential is available only on the portion of the lot that is set back not less than 50 metres from South Perth Esplanade;
(b) On Lot 2 (No. 53) South Perth Esplanade Medium-High Typology is only available on the portion of the lot that is set back not less than 53 metres from South Perth Esplanade at the southern boundary of the lot and 45 metres from South Perth Esplanade at the northern boundary of the lot.*

10. Modify table 2 as follows:

Height Type Typology	Base Primary Building Height Limit	Tier 1 Additional Building Height Limit	Tier 2 Additional Building Height Limit
---------------------------------	------------------------------------	---	---

11. Modify Map 2 to depict:
 - (a) Remove unnecessary detail from the underlying cadastral map;
 - (b) The words “Height Type” in the legend changed to “Typology”;
 - (c) The word “Base” in the legend changed to “Primary”;
 - (d) The orange dashed line showing “Tier 2 Additional Development Potential Available” as a pink dashed line;
 - (e) Lots fronting Mill Point Road on the western side of Mill Point Road and north of Scott Street changed from the Medium-High to the Medium typology;
 - (f) Lots fronting Mill Point Road on the eastern side of Mill Point Road and between Lot 102 (No. 14) Mill Point Road and Lot 35 (No. 62) Mill Point Road, inclusive, changed from the Medium-High to the Medium typology;
 - (g) Lot 113 (No. 81-85) South Perth Esplanade as having Tier 2 Additional Development Potential Available on the southern part of the lot only;
 - (h) The boundary between the Mends and Hillside Character Areas to follow Darley Street, Ray Street and the laneway separating Lots 113 (No. 81-85) and 36 (No. 87) South Perth Esplanade;
 - (i) The entirety of Lots 29 (No. 93), 30 (No.95), 31 (No. 97) and 100 (No. 99) South Perth Esplanade as Low typology;
 - (j) The entirety of Lot 501 (No. 9) Parker Street as High typology;
 - (k) All lots in the Hillside character area fronting Mill Point Road or Parker Street changed from the Medium-High to the High typology.

As per the following map:



12. Modify Element 3 and Table 3 to replace all instances of the word “podium” with the word “base”.

13. Modify element 3.3 as follows:

~~Podium~~ Base side and rear setbacks may be varied down to nil within the Mill Point, Hillside and Richardson character areas having due regard to the objectives set out in Provision 4 for the relevant character area and the requirements of Section 4.1.2.4 of Part 1 of the ACP.

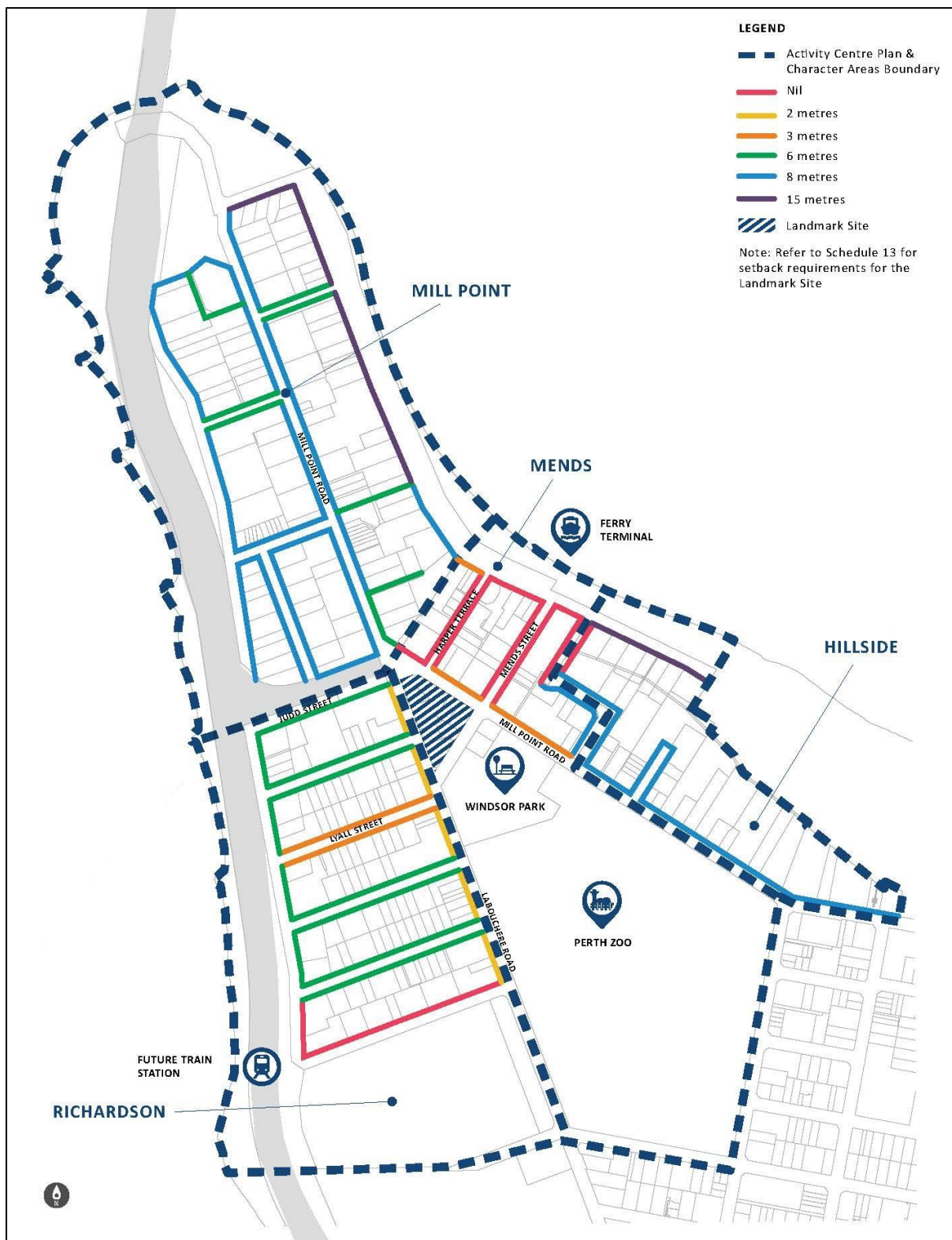
14. Modify Table 3 as follows:

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Base Setbacks	Podium Base Street Setback (Minimum)	3.0m behind street setback on Map 3 As per Map 3	5.0m from road carriageway kerb line or as per Map 3 (whichever is greater)	3.0m behind street setback on Map 3 As per Map 3	As per Map 3
	Podium Base Side Setback (Minimum)	4.0m (discretion to vary to nil in accordance with Element 3.3)	Nil	4.0m (discretion to vary down to nil in accordance with Element 3.3)	4.0m (discretion to vary down to nil in accordance with Element 3.3)
	Podium Base Rear Setback (Minimum)	4.0m (discretion to vary to nil in accordance with Element 3.3)	Nil	4.0m (discretion to vary to nil in accordance with Element 3.3)	4.0m (discretion to vary to nil in accordance with Element 3.3)
Podium Base Height and Boundary Walls	Podium Base element maximum number of storeys and building height (at street frontage)	Two storeys and 7.8 metres (Three storeys and 11.1 metres within “tier 2 additional height and plot ratio” area identified on Map 2)	Three storeys and 11.1 metres	Two storeys and 7.8 metres	Three storeys and 11.1 metres

	<i>Maximum number of storeys and building boundary wall height</i>	Two storeys and 7.8 metres	Three storeys and 11.1 metres	Two storeys and 7.8 metres	Two storeys and 7.8 metres
	<i>Maximum boundary wall length</i>	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.	No limit	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.	Two thirds the length of the boundary. Boundary walls shall be located behind the street and rear setback lines.
Podium Base Site Cover	<i>Podium Base Site Cover (maximum)</i>	70% (80% within "tier 2 additional height and plot ratio" area identified on Map 2)	90%	70%	80%

15. Replace Map 3 with a new Map 3 to depict Base Street Setbacks. The following locations have a modified base street setback:
- (a) The northern boundary of Lot 50 (No. 23) Mill Point Road with an 8 metre setback;
 - (b) Lots 36 (No. 49), 101 (No. 51), 2 (No. 53) and 77 (No. 59) South Perth Esplanade, and Lot 501 (No. 5) Ferry Street with an 8 metre setback to South Perth Esplanade;
 - (c) Lots 2 (No. 86), 15 (No. 88) and 16 (No. 90) Mill Point Road with a 6 metre setback to Mill Point Road;
 - (d) Remove the indication of a street setback from the southern portion of Lot 11 Stone Street (Stone Street Reserve)
 - (e) Lot 1 (No.s 1 and 5) Harper Terrace with a nil setback to Mill Point Road;
 - (f) All lots fronting Ray and Darley Streets with an 8 metre setback to Ray and Darley Streets;
 - (g) All lots fronting Mill Point Road east of Darley Street with an 8 metre setback to Mill Point Road;
 - (h) All lots fronting Judd Street with a 6 metre setback to Judd Street;
 - (i) All lots fronting Melville Parade between Judd Street and Charles Street with a 6 metre setback to Melville Parade;
 - (j) All lots fronting Lyall Street with a 3 metre setback to Lyall Street.

As per the following map:



16. Modify element 4.1 as follows:

Tower setbacks must be in accordance with Table 4 ~~and Map 4.~~

17. Modify element 4.2 as follows:

4.2 Tower street setbacks in Table 4 may be reduced to not less than the ~~podium base~~ street setback as per Map 3 within the Richardson character area where:

(a) the ~~podium base~~ setback requirement as per Map 3 is ~~5 metres or~~ 6 metres; and

(b) the ~~podium base~~ is set back from the street at a greater distance than the tower, to extend the tower element to the ground; and

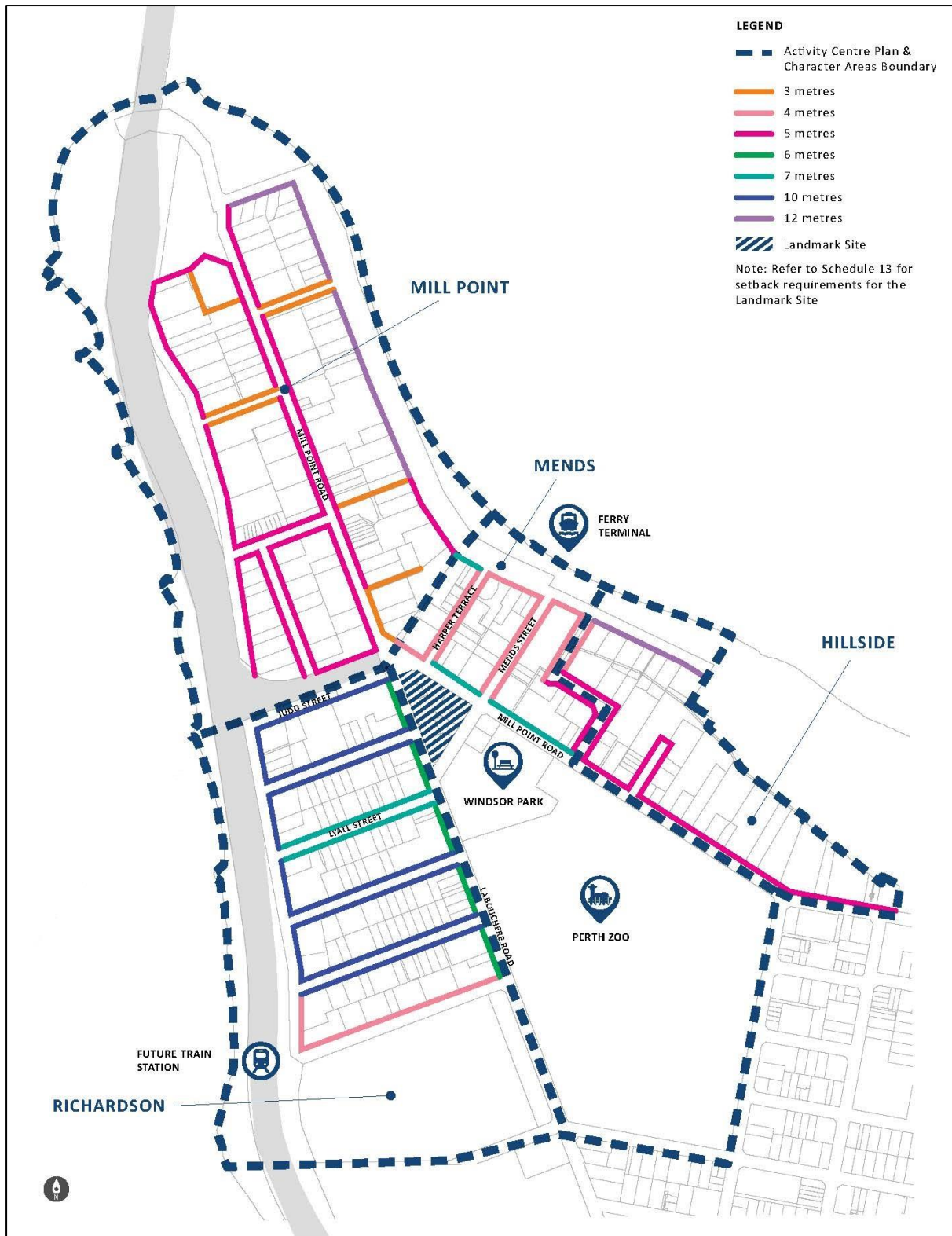
(c) if appropriate having due regard to the objectives and requirements of Section 4.1.3 of Part 1 of the South Perth Activity Centre Plan and advice from the Design Review Panel.

18. Modify Table 4 as follows:

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Element Street Setback	As per the street setbacks on Map 3 As per Map 4	As per the street setbacks on Map 3 As per Map 4	As per the street setbacks on Map 3 As per Map 4	As per the street setbacks on Map 3 As per Map 4 (discretion to reduce to not less than the podium street setback on Map 3 in accordance with Element 4.2)

19. Add a new Map 4 to depict Tower Street Setbacks. The following locations have a modified tower street setback:
- (a) The northern boundary of Lot 50 (No. 23) Mill Point Road with an 5 metre setback;
 - (b) Lots 36 (No. 49), 101 (No. 51), 2 (No. 53) and 77 (No. 59) South Perth Esplanade, and Lot 501 (No. 5) Ferry Street with a 5 metre setback to South Perth Esplanade;
 - (c) Lots 2 (No. 86), 15 (No. 88) and 16 (No. 90) Mill Point Road with a 3 metre setback to Mill Point Road;
 - (d) Remove the indication of a street setback from the southern portion of Lot 11 Stone Street (Stone Street Reserve)
 - (e) Lot 1 (No.s 1 and 5) Harper Terrace with a 4 metre setback to Mill Point Road;
 - (f) All lots fronting Ray and Darley Streets with a 5 metre setback to Ray and Darley Streets;
 - (g) All lots fronting Mill Point Road east of Darley Street with a 5 metre setback to Mill Point Road;
 - (h) All lots fronting Judd Street with a 10 metre setback to Judd Street;
 - (i) All lots fronting Melville Parade between Judd Street and Charles Street with a 10 metre setback to Melville Parade;
 - (j) All lots fronting Lyall Street with a 7 metre setback to Lyall Street.

As per the following map:



20. Modify Table 5 as follows:

Character Area	Maximum gross floorplate area where base primary building height limit is to apply	Maximum gross floorplate area where tier 1 additional building height limit is to apply	Maximum gross floor plate area where tier 2 additional building height is to apply
----------------	--	---	--

21. Modify element 6.1 as follows:

Subject to ~~clauses elements~~ 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable ~~base primary~~ plot ratio limit contained in Map 2 and Table 6.

22. Modify element 6.2 as follows:

Subject to ~~clause element~~ 6.3, a building may be approved with plot ratio in excess of the applicable ~~base primary~~ plot ratio limit, but not greater than the applicable Tier 1 additional plot ratio limit contained in Map 2 and Table 6, if:

23. Modify Table 6 as follows:

Height Type Typology (refer to Map 2)	Base Primary Plot Ratio Limit	Tier 1 Additional Plot Ratio Limit	Tier 2 Additional Plot Ratio Limit
--	--------------------------------------	------------------------------------	------------------------------------

24. Modify element 7.2 as follows:

In addition to 7.1, development seeking approval of additional height and/or plot ratio above the ~~Base Primary~~ limits and up to the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve at least an excellent standard of architectural design quality, as defined by any policy or guidelines of the Commission relating to architectural design quality and the relevant section of the South Perth Activity Centre Plan.

25. Modify element 8.1 as follows:

Approval of development with additional building height and/or plot ratio in excess of ~~base the Primary~~ building height limit and/or ~~base the Primary~~ plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless:

26. Modify element 8.1.4 as follows:

a public benefit contribution to the value of the additional plot ratio above the applicable ~~base Primary~~ building height or plot ratio limit (whichever is the greater amount of additional plot ratio) is provided in accordance with Provision 8.2 of this Schedule and having due regard to the relevant section of the South Perth Activity Centre Plan

27. Modify element 8.2.2 as follows:

*The value per square metre of the ~~base Primary~~ plot ratio applicable to the subject site shall be calculated as follows:
land value of the development site / (~~base Primary~~ plot ratio x site area) = value of plot ratio (\$/m²)*

28. Modify element 8.2.3 as follows:

The amount of plot ratio of a proposed development above the ~~base~~ Primary building height limit or ~~base~~ Primary plot ratio limit shall be calculated as follows:

(a) proposed plot ratio – ~~base~~ Primary plot ratio = additional plot ratio

or

(b) proposed plot ratio area above the ~~base~~ Primary building height limit / site area = additional plot ratio

29. Modify element 8.4 as follows:

Development which exceeds the maximum additional height, maximum tower gross floorplate area or maximum additional plot ratio which applies to the development ~~site~~ under Elements 2, 5 and 6 of this Schedule shall not be approved.