

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



**Civic Centre**  
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## Proposal to Amend a Town Planning Scheme

1. **Local Authority:** City of South Perth
2. **Description of Town Planning Scheme:** Town Planning Scheme No. 6
3. **Type of Scheme:** District Zoning Scheme
4. **Serial No. of Amendment:** Amendment No. 46
5. **Proposal:** To rectify anomalies and ambiguities in the special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1 by replacing Schedule 9 with a new Schedule 9A



RESOLUTION DECIDING TO AMEND  
CITY OF SOUTH PERTH  
TOWN PLANNING SCHEME NO. 6

PLANNING AND DEVELOPMENT ACT 2005



**Resolution Deciding to Amend  
City of South Perth  
Town Planning Scheme No. 6**

**Amendment No. 46**

**RESOLVED ...**

That the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by deleting Schedule 9 and inserting a new Schedule 9A in its place in order to rectify anomalies and ambiguities in the special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1.

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GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

**Minutes of Council Meeting dated:** 28 October 2014



# AMENDMENT REPORT



## **Report on Amendment No. 46 to Town Planning Scheme No. 6**

### **INTRODUCTION**

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003. At a meeting held on 28 October 2014, the Council resolved to amend the Scheme in the manner described in this Report, and at the same meeting, the Council endorsed the draft Amendment for advertising purposes. A copy of the Council resolution to amend the Scheme and the text of the draft Amendment are included as part of these Amendment documents. The proposal is to amend the Scheme for the purpose of rectifying anomalies and ambiguities within Schedule 9 of the Scheme Text, being special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1. Schedule 9 was introduced by way of Scheme Amendment No. 25 which became operative on 18 January 2013. The required changes will be made by deleting Schedule 9 and inserting a new Schedule 9A in its place.

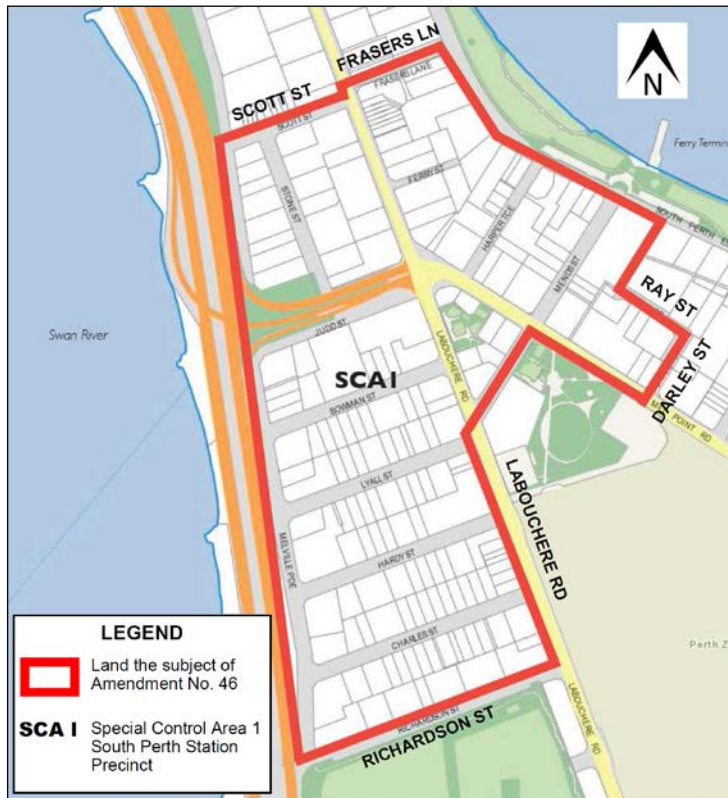
The special provisions in Schedule 9 (and in the replacement Schedule 9A) are designed to promote transit oriented development by allowing more intensive commercial redevelopment and therefore significantly increasing employment opportunities adjacent to major public transport routes. These provisions have been formulated in anticipation of the future construction of the planned South Perth train station as a 'destination' station. The land use controls for the South Perth Station Precinct are designed to ensure that a substantial portion of any new development will be non-residential, so as to provide patronage for the future train station. The objective is for large numbers of train commuters to disembark at the South Perth station in the morning to go to work, and return in the evening.

More intensive multiple residential development is also being promoted by way of the special provisions in Schedule 9 being carried forward by the replacement Schedule 9A.

The lots fronting onto major and 'high visibility' streets within the precinct comprise the 'Special Design Area' (refer to Plan 2 in Schedule 9A). For development on these lots, the requirements relating to building height limits may be varied subject to the proposed development meeting the intent of the related guidance statement and specifically meeting all of the relevant performance criteria in Table B of Schedule 9A. As part of Amendment No. 46, it is proposed that Table B will be modified to create a three-tiered scale of increasingly demanding performance criteria, tied to progressively more generous building height concessions.

## AMENDMENT NO. 46 PROPOSALS

The location of the land affected by Amendment No. 46 is shown below:



Through assessment of development applications since the special provisions for the South Perth Station Precinct were introduced, a number of anomalies and ambiguities in these provisions have come to light. Amendment No. 46 will rectify these, and ensure that the objectives for the precinct are met on every occasion when a proposed development is approved.

Amendment No. 46 will insert a new Schedule 9A in place of the existing Schedule 9. The Scheme Amendment will implement the following changes:

**1. New Provision 1: Objectives**

Expansion and clarification of the existing 'Purpose of SCA1' at the commencement of Schedule 9, now presented as a new set of 'Objectives'.

**2. New Provision 2: Description of affected land**

Reformatting of an untitled table in Schedule 9 as a new provision containing a description of the land comprising Special Control Area 1.

**3. New Provisions 3 (1), 3(2), 3(3) and 3(4): Operation of Table A**

Clarification of the respective functions of 'Development Requirements' and 'Guidance Statements' in Table A.

**4. New Provision 3(5): 'Minor Additions and Alterations'**

Clarification as to what constitutes 'minor additions and alteration' to which the special provisions in Schedule 9A do not apply.

**5. Provision 4: Schedule 9A Definitions**

- (a) Reformatting of 'Definitions' in Schedule 9 as a new provision in Schedule 9A.
- (b) Deletion of definition of "comprehensive new development". Schedule 9A only applies to the South Perth Station Precinct whereas the term "comprehensive new development" is now used in other parts of the district as well. The definitions in Schedule 1 of the Scheme Text have City-wide application and therefore, by way of Scheme Amendment No. 30, the definition of "comprehensive new development" has been inserted in Schedule 1. Consequently, in the new Schedule 9A this term has been deleted.
- (c) Minor changes to the definitions of "discretionary land use" and "preferred land use" to further clarify the meaning and operative effect of each.
- (d) Insertion of a new definition of "heritage place" in Schedule 9A.
- (e) In place of the definition of "Specialty Retail", insertion of a definition "Small Shop", being a shop with a 250 sq. metre limit on gross floor area and excluding a supermarket or department store.

**6. Table A, Element 1: Land Use – Preferred and Discretionary**

- (a) In Mends Sub-Precinct 'Preferred land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".
- (b) In Scott-Richardson Sub-Precinct 'Preferred land uses', insertion of "Service Industry".
- (c) In Scott-Richardson Sub-Precinct 'Discretionary land uses', deletion of "Specialty Retail" and insertion of "Small Shop".

**7. Table A, Element 2: Ground Floor Land Uses – Preferred and Discretionary**

- (a) In Mends Sub-Precinct 'Preferred ground floor land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".
- (b) In Scott-Richardson Sub-Precinct 'Preferred ground floor land uses', deletion of "Specialty Retail" and insertion of "Service Industry" and "Small Shop".
- (c) Insertion of new Guidance Statement (b) to clarify that, within Element 2, 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, not to indicate the appropriateness of the identified land uses within a particular Sub-Precinct, the latter being the function of Element 1.

**8. Table A, Element 3: Plot Ratio and Land Use Proportions**

Modification of the development requirements and guidance statements to clarify that a Mixed Development may contain predominantly residential development provided that, in the Mends and Scott-Richardson Sub-Precincts, the non-residential component has a minimum plot ratio of 1.0, as currently required.

In the Special Design Area, where the plot ratio of a development is more than 3.0, the non-residential component must have a plot ratio of at least 1.5 unless the Council is satisfied that, with a lower non-residential plot ratio (but not less than 1.0), the proposed development will still make a significant contribution towards consolidating the precinct as an employment destination.



**9. Table A, Element 6: Special Design Area**

- (a) For more convenient reference, the current Element 13: Special Design Area has been brought forward to immediately follow Element 5: Building Height.
- (b) The existing Element 13 states that both 'Plot Ratio and Land Use Proportions' and 'Building Height' may be varied where the Table B performance criteria are satisfied. However for land use mix i.e. residential vs non-residential, the discretion for Council to allow variations is now accommodated within Element 3. Therefore the new Element 6 (currently Element 13) only relates to 'building height' variations.

**10. Table A, Element 7: Relationship to the Street**

Street setback for portions of a building above the podium: The new Development Requirements 6.5.2 and 6.5.3 and Guidance Statement (f) clarify that there is discretionary power to permit reductions below the prescribed 4 metre street setback, to a minimum of 3 metres, but only to accommodate cantilevered balconies or decorative elements on the street elevation.

**11. Table A, Element 8: Side and Rear Setbacks**

Setback of portions of a building above the podium: Modification to Development Requirements 8.2 and related Guidance Statement (b) to clarify that no discretionary power is available to approve any lesser setbacks than those prescribed.

**12. Table A, Element 9: Parking**

- (a) Modification to to clarify that visitor parking bays are not additional to the prescribed minimum number of occupiers' bays.
- (b) Modifications in relation to discretionary power to allow a lesser number of parking bays than normally required. The current provisions allow for variations where neighbouring buildings have under-utilised parking bays. This would be an extremely rare occurrence and in any event is not an appropriate circumstance for granting parking concessions for new development. However, as is currently the case, the Council may grant a parking concession where a proposed development includes non-residential uses that have different periods of peak parking demand; and the Council is satisfied that the proposed number of bays is sufficient.
- (c) Addition of Development Requirements 9.3, 9.4 and 9.5 to regulate where visitor parking bays are to be placed on a development site.

**13. Other Elements in Table A**

To achieve greater clarity, Amendment No. 46 will also improve the wording of development requirements and guidance statements in Elements 4, 5, 11, 12 and 13 of Table A without changing the operative effect of those provisions.

**14. Table B 'Performance Criteria'**

Table B has been restructured to create a three-tiered scale of increasingly demanding performance criteria, coupled with progressively more generous building height concessions.

**15. Table B, Design Consideration 1: Minimum Lot Area and Frontage**

To guide discretionary Council decisions regarding approval of variations from the prescribed minimum lot area and frontage, introduction of a qualification relating to inability to amalgamate with an adjoining lot.

**16. Table B, Design Consideration 6: Car Parking**

In relation to car parking, a new performance criterion has been added which imposes a maximum limit on the provision of parking bays for residential dwellings.

**17. Table B, Design Consideration 7: Additional Community Benefits**

- (a) Deletion of reference to 'street art' and 'public art' from Performance Criteria (a) and (b) because the Council has adopted a new Policy P316 with wider application, dealing with applicants' obligations concerning public art.
- (b) Re-naming this design consideration as "Additional Community Benefits and Sustainable Design Elements". Design Consideration 7 now includes the performance criterion relating to sustainable design, relocated from the existing Design Consideration 8 "Resource Efficiency".
- (c) Table B has been restructured as referred to in Item 14 above. The restructuring affects only Design Consideration 7.

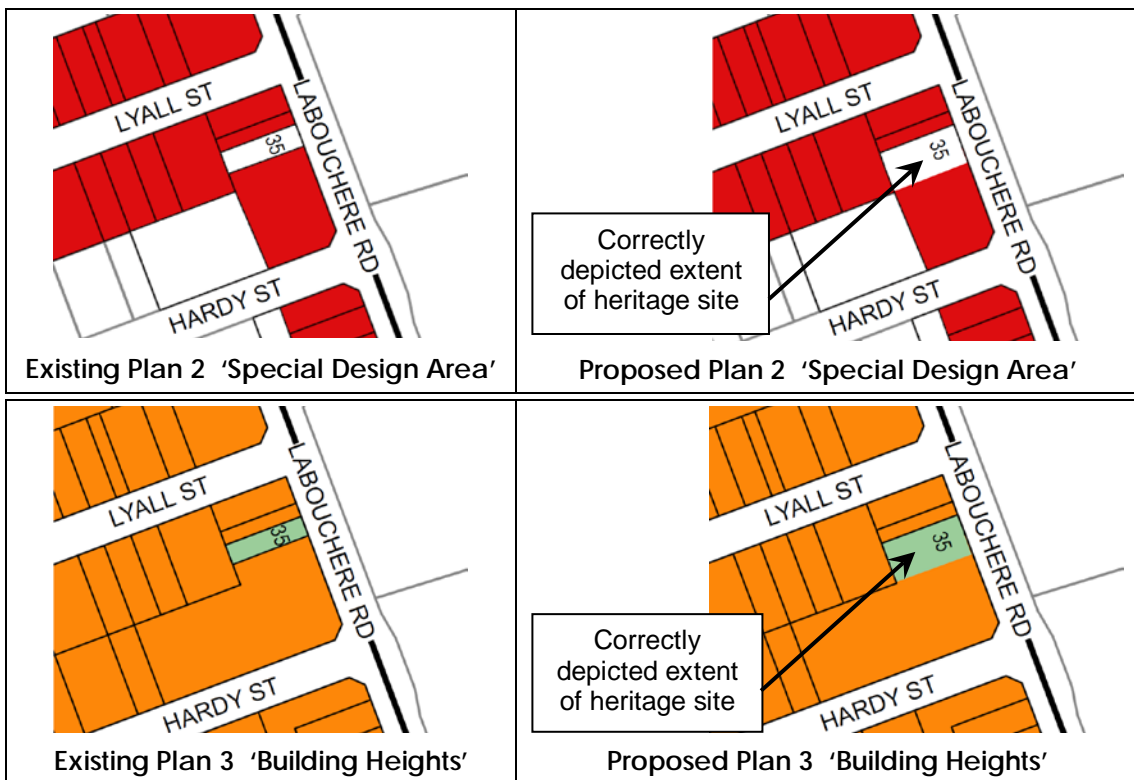
**18. Table B, Design Consideration 8: Resource Efficiency**

- (a) The Council has recently adopted a revised version of its Policy P350.1: 'Environmentally Sustainable Building Design'. Policy P350.1 imposes demanding 'sustainability' requirements on all development elsewhere throughout the City. Therefore, for Design Consideration 8, the wording of the performance criterion has been strengthened in order to exceed the requirements in Policy P350.1. The revised performance criterion is linked to the requirements of the 'Green Star' rating system. 'Five-star' compliance is required for buildings up to 60 metres above the height limit shown on Plan 3 'Building Heights'. Above that height, '6-star' compliance is required.
- (b) As referred to in Item 16(b) above, Design Consideration 8 has now been consolidated with Design Consideration 7 and re-named accordingly.

**19. Plan 2 'Special Design Area' and Plan 3 'Building Heights'**

Correction relating to the heritage-listed property at No. 35 Labouchere Road. The extent of the required correction is shown in **Figure 1** below.

**Figure 1 Correction of extent of heritage site at 35 Labouchere Road – Plan 2**



The most significant change being introduced by Amendment No. 46 is the restructuring of Table B to create a graduated scale of increasingly demanding performance criteria, tied to progressively more generous building height concessions. This change is necessary because at present, there is no limit on the extent of possible variations from prescribed building height

limits. For properties in the Special Design Area, an applicant who meets all relevant performance criteria in Table B may seek a height variation of perhaps one or two storeys, while another applicant in the same situation may seek a far greater height variation without the development being of a higher standard or offering more community benefits. The proposed restructuring of Table B will make the performance criteria more equitable according to the extent of height concession being sought.

The current provisions within Schedule 9 may seem to indicate that, on sites in the Special Design Area where an applicant seeks a concession regarding building height, the proposal must be predominantly non-residential although legal advice to the contrary has been obtained. The legal advice is to the effect that in such cases, the Council may approve a predominantly residential development if satisfied that the development will also make a significant contribution towards consolidation of the South Perth Station precinct as an employment destination, provided that all relevant Table B performance criteria are met. However as there is a degree of ambiguity regarding the required land use proportions i.e. 'residential' vs 'non-residential' the current provisions need to be modified. Amendment No. 46 will clarify the position. Where an applicant is seeking a concession regarding the land use mix or building height, Amendment No. 46 requires a minimum non-residential plot ratio of 1.5, but this may be reduced where the Council is satisfied that the proposed development still makes a significant contribution towards consolidating the precinct as an employment destination.

Apart from the necessary changes outlined above, the Council is satisfied that the special provisions for the South Perth Station Precinct are operating effectively and fostering satisfactory built form, based on the developments approved to date. The Council considers that it is too soon to make radical changes at this stage because the new provisions have not been sufficiently tested yet.

## **CONCLUSION**

Having regard to all of the matters discussed above, the proposed Amendment No. 46 is consistent with the orderly and proper planning of the City. It retains the original intent of the special provisions for the South Perth Station Precinct, while presenting the Schedule 9 provisions in a clearer manner. This is achieved by inserting a new Schedule 9A in its place.

The Council now requests that the Western Australian Planning Commission and the Minister for Planning favourably consider the proposals contained in Amendment No. 46.

### **Report prepared by:**

ROD BERCOV  
STRATEGIC URBAN PLANNING ADVISER

**Council meeting dated:** 28 October 2014



# AMENDING DOCUMENTS

Endorsed by Council for community advertising  
Council Meeting : 28 October 2014

PLANNING AND DEVELOPMENT ACT 2005



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

Endorsed by Council for community advertising  
Council Meeting : 28 October 2014

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

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

Refer to Clause 10.1

### **Provision 1. Objectives of Special Control Area 1**

**NOTE ON  
SCHEDULE 9A :**

*Schedule 9A added  
by Amendment No.  
46 (GG ....)*

*[Note added ....]*

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

- (a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;
- (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 on the most prominent streets within the precinct 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.

## 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 second column of Table A of this Schedule. No variation from those requirements is permissible unless a particular development requirement refers to a discretionary power expressly vested in the Council.
- (2) The guidance statements in the third column of Table A explain the rationale for the development requirements in the second 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 Council is satisfied that the proposed development meets the intent of the related guidance statements.
- (4) On sites within the Special Design Area where approval is sought for variations from Development Requirements 3.4 and 5.1, approval shall not be granted unless the Council is satisfied that the proposed development meets the intent of the related guidance statements and also complies with all relevant 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 alterations or additions of the following kinds:
    - (i) additional habitable floor area which does not add new dwellings or accommodate 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.

## 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 land use which the Council may consider suitable for the Sub-Precinct in which the use is proposed if it can be demonstrated that the use would not detract from the **amenity of the Sub-Precinct and would meet the intent of the Sub-Precinct** guidance statements for **Elements 1 and 2 in Table A**.

**‘heritage place’** has the same meaning as the term ‘place’ as defined 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 6 and Element 7 of Table A of this Schedule.

**‘preferred land use’** means a use which contributes to the vision of the Sub-Precinct.

**‘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’.*

**Table A: Development Controls for Comprehensive New Development**

Development Requirements	Guidance Statements
<b>Element 1: Land Uses – Preferred and Discretionary</b>	
<p><b>1.1 Mends Sub-Precinct</b></p> <p>1.1.1 <i>Preferred land uses:</i> Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, <b>Service Industry, Shop, Small Shop</b>, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Single, Residential Building and Bedroom Dwelling.</p> <p>1.1.2 <i>Discretionary land uses:</i> Consulting Rooms, Educational Establishments and Public Parking Station.</p> <p><b>1.2 Scott-Richardson Sub-Precinct</b></p> <p>1.2.1 <i>Preferred land uses:</i> Café/Restaurant, Mixed Development, Office, <b>Service Industry</b>, 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 <i>Discretionary land uses:</i> Civic Use, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre <b>and Small Shop</b>.</p> <p><b>1.3 South Perth Esplanade Sub-Precinct</b></p> <p><i>Preferred land uses:</i> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building and Tourist Accommodation.</p> <p><b>1.4 Stone-Melville Sub-Precinct</b></p> <p>1.4.1 <i>Preferred land uses:</i> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building;</p> <p>1.4.2 <i>Discretionary land uses:</i> Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation.</p> <p><b>1.5 Uses not listed</b> Any use not listed in clauses 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use <b>meets the intent of the related Element 1</b> guidance statements.</p> <p><b>1.6 Interaction of Elements 1 and 2</b> 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>	<p>(a) It is intended that this development area is to consolidate its role as an employment destination.</p> <p>(b) Non-residential uses should predominantly comprise offices, <b>shops and other</b> commercial land uses, Educational Establishments <b>and</b> tourist-oriented development.</p> <p><b>(c) Mends Sub-Precinct</b> For the Mends Sub-Precinct, <b>shops and other commercial</b> 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><b>(d) Scott-Richardson Sub-Precinct</b> For the Scott-Richardson Sub-Precinct the traditional Office and small scale <b>shops and other commercial</b> uses are encouraged on the ground and lower floors with residential on the upper floors.</p> <p><b>(e) South Perth Esplanade Sub-Precinct</b> For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</p> <p><b>(f) Stone-Melville Sub-Precinct</b> For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.</p>



**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 2: Ground Floor Land Uses – Preferred and Discretionary</b>	
<p><b>2.1 Mends Sub-Precinct</b></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, <b>Service Industry, Shop, Small Shop</b>, and Tourist Accommodation.</p> <p>2.1.3 <i>Discretionary ground floor land uses:</i> Consulting Rooms, Educational Establishment.</p> <p><b>2.2 Scott-Richardson Sub-Precinct</b></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, <b>Service Industry, Small Shop</b> and Take-Away Food Outlet.</p> <p>2.2.3 <i>Discretionary ground floor land uses:</i> Consulting Rooms, Educational Establishment.</p> <p><b>2.3 South Perth Esplanade Sub-Precinct</b></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><b>2.4 Stone-Melville Sub-Precinct</b></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><b>2.5 Uses not listed</b></p> <p>Any land use not listed in clauses 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use <b>meets the intent of the related Element 2</b> guidance statement.</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>
<b>Element 3: Plot Ratio and Land Use Proportions</b>	
<p>3.1 There is no maximum plot ratio <b>for any development within Special Control Area 1 – South Perth Station Precinct.</b></p> <p>3.2 <b>Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct</b>, all development shall have a non-residential component with a minimum plot ratio of 1.0.</p> <p>3.3 <b>In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct</b>, 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>(a) With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should <b>make a significant contribution towards consolidation of the South Perth Station Precinct</b> as an employment destination.</p> <p style="text-align: right;"><i>(cont'd)</i></p>

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 3: Plot Ratio and Land Use Proportions (continued)</b>	
<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 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a).</p> <p>3.6 The provisions of the Codes relating to dwelling size in activity centres shall apply.</p> <p>3.7 For development that includes residential dwellings, the provisions of the Codes relating to 'Utilities and Facilities' in activity centres shall apply.</p> <p><b>3.8 South Perth Esplanade and Stone-Melville Sub-Precincts</b></p> <p>Clauses 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>(b) To meet potential occupiers' diverse needs, all developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings.</p> <p>(c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</p>
<b>Element 4: Podium Height</b>	
<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 <b>heritage place</b>, 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 <b>prescribed</b> in clause 4.1 <b>where the development meets the intent of the related guidance statements.</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>
<b>Element 5: Building Height</b>	
<p>5.1 With the exception of any variations that the Council may approve under Element 6 'Special Design Area', buildings shall comply with the 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. Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow taller buildings provided the performance criteria in Table B are met.</p>

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 6: Special Design Area</b>	
<p>6.1 In the case of a development in the Special Design Area with a plot ratio of more than 3.0, the Council may approve a variation from the Building Height Limit shown on Plan 3, where the Council is satisfied that the development meets:</p> <p>(a) all relevant Performance Criteria in Table B; and</p> <p>(b) the intent of the guidance statement for Element 5 'Building Height'.</p> <p>6.2 Where a variation from the prescribed Building Height Limit is sought under Development Requirement 6.1, as part of the application for planning approval a report shall be submitted demonstrating how the development meets the performance criteria in Table B and the intent of the guidance statement for Elements 5.</p>	<p>(a) The lots comprising the Special Design Area front onto streets which have a high degree of visibility, either by virtue of their aspect or proximity to high volumes of vehicle or pedestrian traffic. All developments in the Special Design Area should be designed to display a strong visual presence and landmark qualities.</p> <p>(b) Table B contains a range of performance criteria aimed at promoting developments of exceptional design quality and sustainability and offering additional community benefits, among other design considerations. Subject to meeting all of the relevant performance criteria in Table B and the intent of the guidance statement for Element 5, sites in the Special Design Area have the potential to achieve greater development yields than permissible in accordance with the requirements of Table A.</p>
<b>Element 7: Relationship to the Street</b>	
<p>7.1 The street setbacks apply to both residential and non-residential components of buildings.</p> <p>7.2 Subject to clause 7.5.1, with the exception of development on sites fronting the streets referred to in clauses 7.3 and 7.4, all development shall incorporate a podium with a nil street setback. For 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 fronting the following streets, the street setback for any part of the building including the podium, if any, shall be 4 metres unless otherwise approved by the Council:</p> <p>(a) Darley Street;</p> <p>(b) Ferry Street;</p> <p>(c) Frasers Lane;</p> <p>(d) Judd Street (north side);</p> <p>(e) Melville Parade, north of Judd Street;</p> <p>(f) Ray Street;</p> <p>(g) Scott Street; and</p> <p>(h) Stone Street.</p> <p><b>7.4 South Perth Esplanade Sub-Precinct</b></p> <p>7.4.1 The setback from South Perth Esplanade shall be 6 metres unless otherwise approved by the Council.</p>	<p>(a) With the exception of sites fronting on to the streets listed in clauses 7.3 and 7.4, to achieve a high degree of continuity of the street edge, the podium should abut the street boundary, with the upper levels above the podium being set back in accordance with Element 8 'Side and Rear Setbacks'.</p> <p>(b) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street.</p> <p>(c) The extent of blank or solid wall at ground level adjacent to the street should be minimised.</p> <p>(d) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</p> <p>(e) Where cafés or restaurants are proposed, alfresco dining is encouraged.</p>

(cont'd)

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 7: Relationship to the Street (continued)</b>	
<p><b>7.5 Scott-Richardson and Mends Sub-Precincts</b></p> <p>7.5.1 The following requirements apply unless otherwise approved where the Council is satisfied that the proposed development meets the intent of the related guidance statements:</p> <p>(a) For properties in all streets not referred to in Development Requirements 7.3 and 7.4, the street setback to the podium shall be zero for a minimum of 60% of the street frontage.</p> <p>(b) Ground floor street facades 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.</p> <p>(c) Portions of ground floor street facades with no openings shall not exceed 5 metres in length.</p> <p>7.5.2 For storeys 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>7.5.3 Where satisfied that the intent of the related guidance statement is met, 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.</p>	<p>(f) To achieve strong visual distinction between the podium and the storeys above it, the main external wall above the podium is to be set back a minimum of 4.0 metres from the street boundary. However, to enhance the overall built form, a lesser setback may be allowed for cantilevered balconies or decorative elements on the street elevation provided that:</p> <p>(i) strong visual differentiation between the podium and the upper storeys is maintained;</p> <p>(ii) the perceived scale of the building does not dominate public space;</p> <p>(iii) the projecting elements have sufficient design merit and visual interest; and</p> <p>(iv) solar access to the public footpath is not adversely affected.</p>
<b>Element 8: Side and Rear Setbacks</b>	
<p>8.1 Subject to Development Requirement 8.3, for both residential and non-residential components of a building, podium walls shall have a zero setback from side and rear boundaries. The Council may approve a greater setback where the development meets the intent of the related the guidance statement.</p> <p>8.2 Subject to Development Requirement 8.3, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Element 7, the setbacks from side and rear boundaries shall be:</p> <p>(a) For non-residential components: 3 metres minimum.</p> <p>(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> <p>8.3 In the case of a development involving additions or alterations to a heritage place, or on a site adjoining a heritage place, the minimum setback from the side and rear boundaries shall be as determined by the Council having regard to the preservation of the visual significance and integrity of the heritage place.</p>	<p>(a) The podium levels of buildings will normally be required to have zero side and rear setbacks to ensure a high degree of continuity of the street edge.</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 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 needs to be set back appropriate distances from the side and rear boundaries of the development site.</p>

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 9: Parking</b>	
<p>9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows:</p> <p>(a) For residential uses –</p> <p>(i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings;</p> <p>(ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings;</p> <p>(iii) 1 additional car bay per 6 dwellings for visitors;</p> <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, for non-residential Uses only, the Council may approve a lesser number of car or bicycle bays where it is demonstrated to the satisfaction of the Council 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 style="text-align: right;"><i>(cont'd)</i></p>	<p>(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.</p> <p>(Note: Maximum car parking requirements may be applied in the future.)</p> <p>(b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed development includes more than one 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>

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 9: Parking (continued)</b>	
<p>9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed:</p> <ul style="list-style-type: none"> <li>(a) elsewhere on the development site if the Council considers that the proposed location of those bays would be more convenient for visitors; and</li> <li>(b) inside a security barrier where: <ul style="list-style-type: none"> <li>(i) two of the visitor bays are provided outside the security barrier unless otherwise approved where the Council is satisfied that the intent of Guidance Statement (c) is met; and</li> <li>(ii) visitors have convenient access to an electronic communication system linked to each occupier of the building.</li> </ul> </li> </ul>	
<b>Element 10: Canopies</b>	
<p>10.1 Where a building abuts the street boundary, a canopy with a minimum projection depth of 2.5 metres shall be provided over the street footpath.</p>	<p>(a) Where a building abuts the street boundary, a canopy should be provided that extends sufficiently over the footpath to provide a reasonable degree of shade and shelter to pedestrians.</p>
<b>Element 11: Vehicle Crossovers</b>	
<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 development that includes residential dwellings, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</p> <p><b>11.4 Mends Sub-Precinct</b></p> <p>For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.</li> </ul>	<ul style="list-style-type: none"> <li>(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.</li> <li>(b) Shared crossovers are strongly encouraged.</li> </ul>

**Table A: Development Controls for Comprehensive New Development (continued)**

Development Requirements	Guidance Statements
<b>Element 12: Landscaping and Outdoor Living Areas</b>	
<p>12.1 Where landscaping is proposed, a landscaping plan meeting the intent of the related guidance statement shall be submitted as part of the application for planning approval.</p> <p>12.2 For development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply.</p>	<p>(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'.</p> <p>(b) All residential dwellings should be provided with outdoor living areas.</p>
<b>Element 13: Heritage</b>	
<p>13.1 In the case of a development involving additions or alterations to a heritage place, or on a site 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 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 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 development, 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 abutting a heritage place should respect the scale of that building, particularly as viewed from the street.</p> <p>(c) Any new development on or abutting 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>
<b>Element 14: Designing Out Crime</b>	
<p>14.1 Primary pedestrian access points shall be visible from buildings and the street.</p> <p>14.2 Developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards:</p> <p>(a) AS 1680 regarding safe movement;</p> <p>(b) AS 1158 regarding lighting of roads and public spaces; and</p> <p>(c) AS 4282 Control of obtrusive effects of outdoor lighting.</p> <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 style="text-align: right;"><i>(cont'd)</i></p>	<p>(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement.</p> <p>(b) The design of developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.</p>

**Table A: Development Controls for Comprehensive New Development (continued)**

<b>Development Requirements</b>	<b>Guidance Statements</b>
<p>14.5 Any fence on the perimeter of the public realm shall be:</p> <ul style="list-style-type: none"> <li>(a) no higher than 0.9 metres; or</li> <li>(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.</li> </ul> <p>14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the Council is satisfied that the device meets the intent of the <b>relevant</b> guidance statements.</p>	
<b>Element 15: Road and Rail Transport Noise</b>	
<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 development containing noise sensitive land uses:</p> <ul style="list-style-type: none"> <li>(a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application;</li> <li>(b) if required by Council, the application shall include a noise management plan;</li> <li>(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>';</li> <li>(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.</li> </ul>	<p>(a) Development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</p>



## 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 Controls for Comprehensive New Development.

Design Consideration	Performance Criteria
1. Minimum Lot Area and Frontage	The development site is to have a minimum area of 1,700 sq. metres and a minimum lot frontage of 25 metres unless the Council <b>approves</b> a minor variation <b>where it is demonstrated that amalgamation with an adjoining site cannot reasonably be achieved due to the density, tenure and / or use of the adjoining sites.</b>
2. Design Quality	The proposed development is of an exceptional architectural design quality as determined by Council.
3. Overshadowing	The proposed development has been designed with regard for solar access for neighbouring properties taking into account ground floor outdoor living areas, major openings to habitable rooms, solar collectors and balconies.
4. Dwelling Density and Type	Residential development must have a minimum residential density of 100 dwellings per gross hectare or provide a minimum of 20% single bedroom dwellings (rounded up to the next whole number of dwellings).
5. Vehicle Management	The applicant shall submit a traffic engineer's impact assessment report confirming that additional traffic and on-street parking demand resulting from the additional floor space produced by the variation of Elements 3 and 5 does not cause an unacceptable impact on the surrounding street network.
6. Car Parking	<p>(a) <b>The maximum permissible number of on-site parking bays for residential uses shall be as follows:</b></p> <ul style="list-style-type: none"> <li>(i) <b>1 car bay per dwelling for occupiers of Single Bedroom Dwellings and dwellings containing 2 bedrooms;</b></li> <li>(ii) <b>2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.</b></li> </ul> <p>(b) The development site shall not have car parking bays at the ground level within 10 metres of a road frontage, unless <b>otherwise approved by</b> the Council.</p> <p>(c) At least 60% of the primary street frontage is to be an active street frontage.</p>
7. Additional Community Benefits and Sustainable Design Elements	<p><b>(1) For building height to a maximum of 30 metres above height limit shown on Plan 3 'Building Heights'</b></p> <p>(a) all of the following are required:</p> <ul style="list-style-type: none"> <li>(i) High quality active street frontages, furniture and landscape features.</li> <li>(ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment.</li> <li>(iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both.</li> <li>(iv) At least a 5-star Green Star rating, or equivalent.</li> </ul> <p><b>PLUS</b></p> <p>(b) at least 3 of the following:</p> <ul style="list-style-type: none"> <li>(i) Improvements to pedestrian networks and public security.</li> <li>(ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms.</li> <li>(iii) Charging station for electric cars within the development.</li> </ul>

	<ul style="list-style-type: none"> <li>(iv) Minimum of 20% of the residential units are to meet the Adaptable House Class C of Australian Standard AS 4299 (Adaptable Housing).</li> <li>(v) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, 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.</li> <li>(vi) A green travel plan to be developed and implemented for the development.</li> <li>(vii) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.</li> </ul>
	<p><b>(2) For building height more than 30 metres above, to a maximum of 60 metres above height limit shown on Plan 3 'Building Heights'</b></p> <ul style="list-style-type: none"> <li>(a) all of the following are required: <ul style="list-style-type: none"> <li>(i) High quality active street frontages, furniture and landscape features.</li> <li>(ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment.</li> <li>(iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both.</li> <li>(iv) At least a 5-star Green Star rating, or equivalent.</li> <li>(v) Charging station for electric cars within the development.</li> <li>(vi) A green travel plan to be developed and implemented for the development.</li> </ul> <p>PLUS</p> </li> <li>(b) at least 3 of the following: <ul style="list-style-type: none"> <li>(i) Improvements to pedestrian networks and public security.</li> <li>(ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms.</li> <li>(iii) Minimum of 20% of the residential units are to meet the Adaptable House Class B of Australian Standard AS 4299 (Adaptable Housing).</li> <li>(iv) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, 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.</li> <li>(v) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.</li> </ul> </li> </ul>

**(3) For building height more than 60 metres above height limit shown on Plan 3 'Building Heights'**

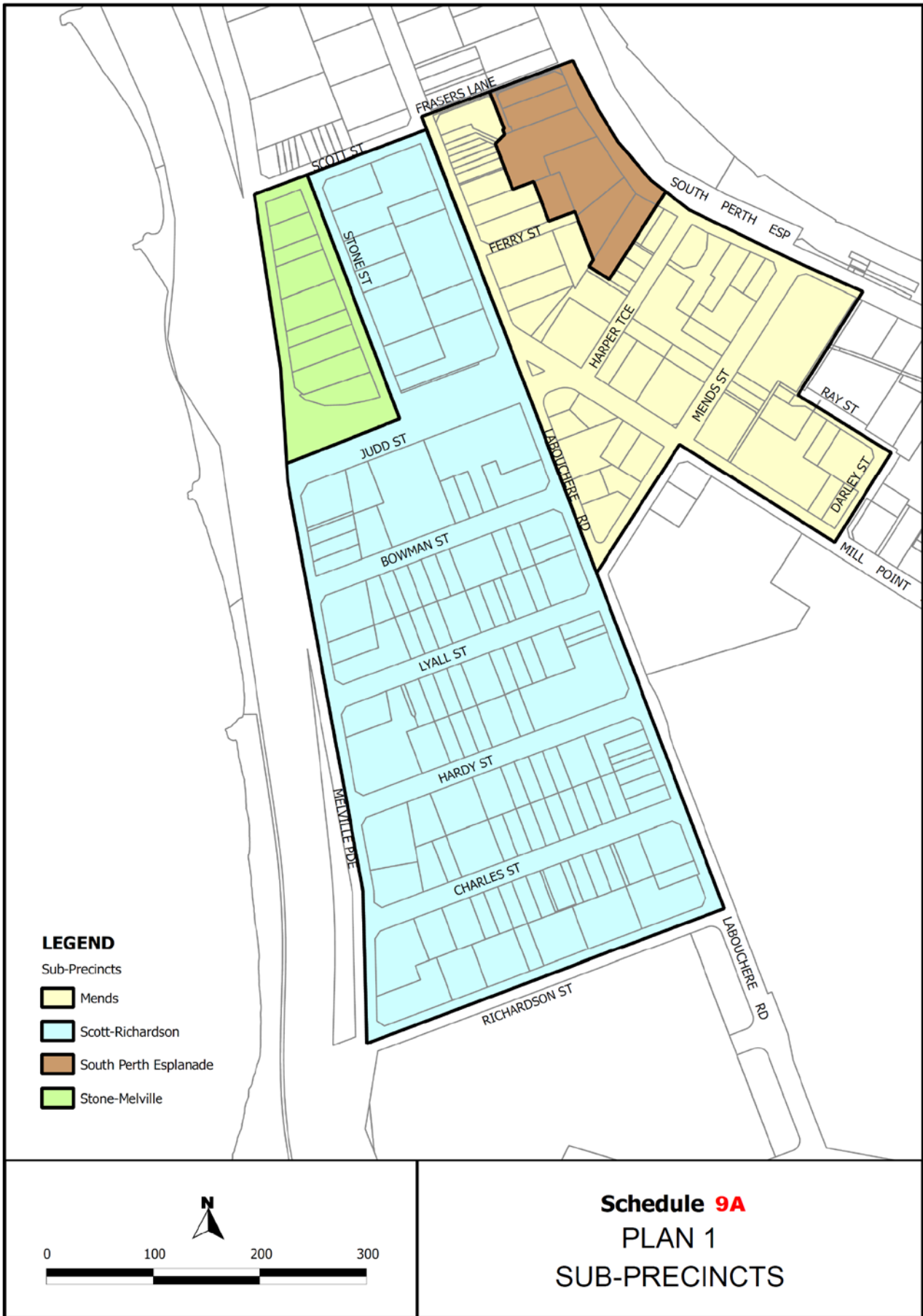
(a) all of the following are required:

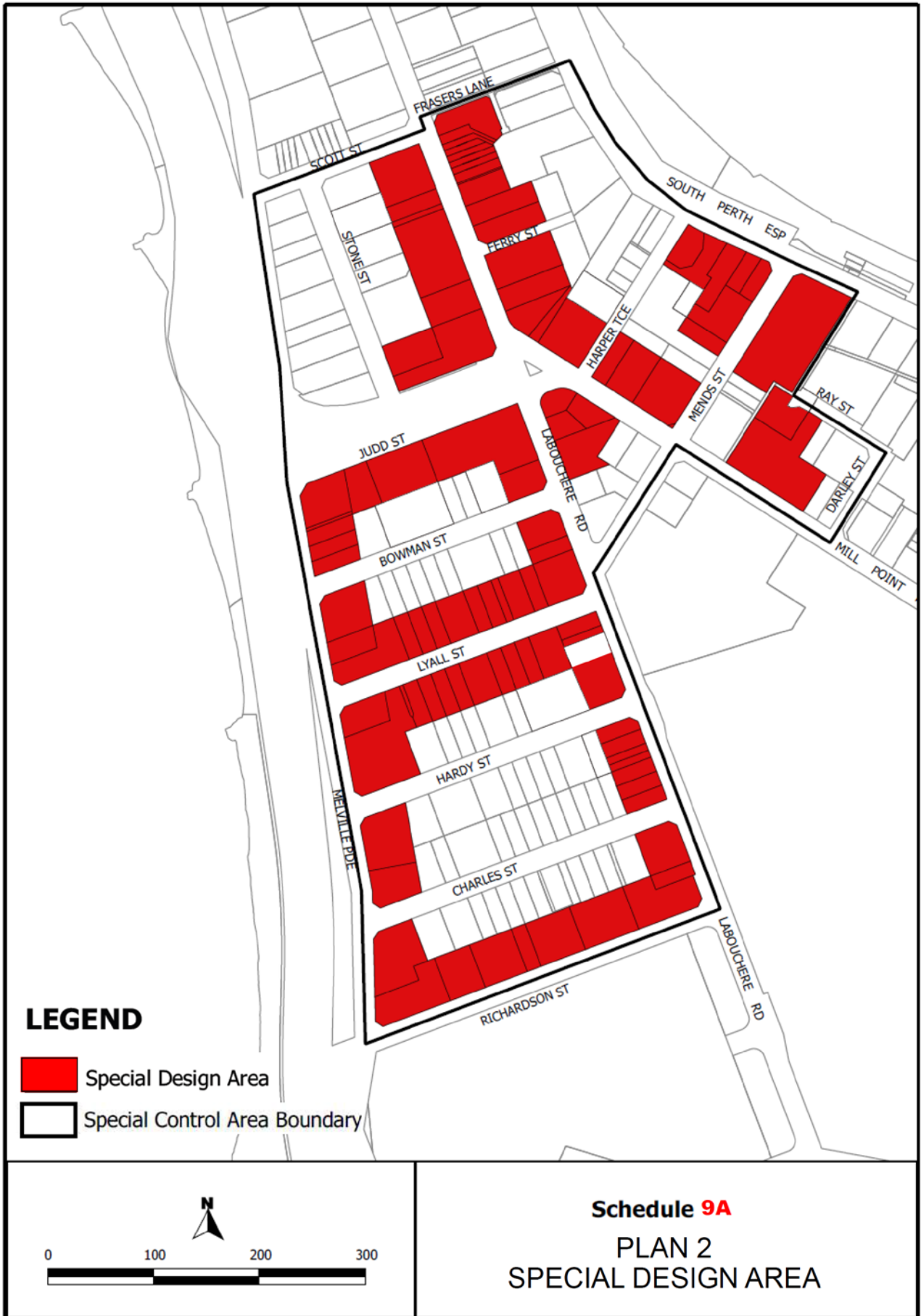
- (i) High quality active street frontages, furniture and landscape features.
- (ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment.
- (iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both.
- (iv) 6-star Green Star rating, or equivalent.
- (v) Charging station for electric cars within the development.
- (vi) A green travel plan to be developed and implemented for the development.

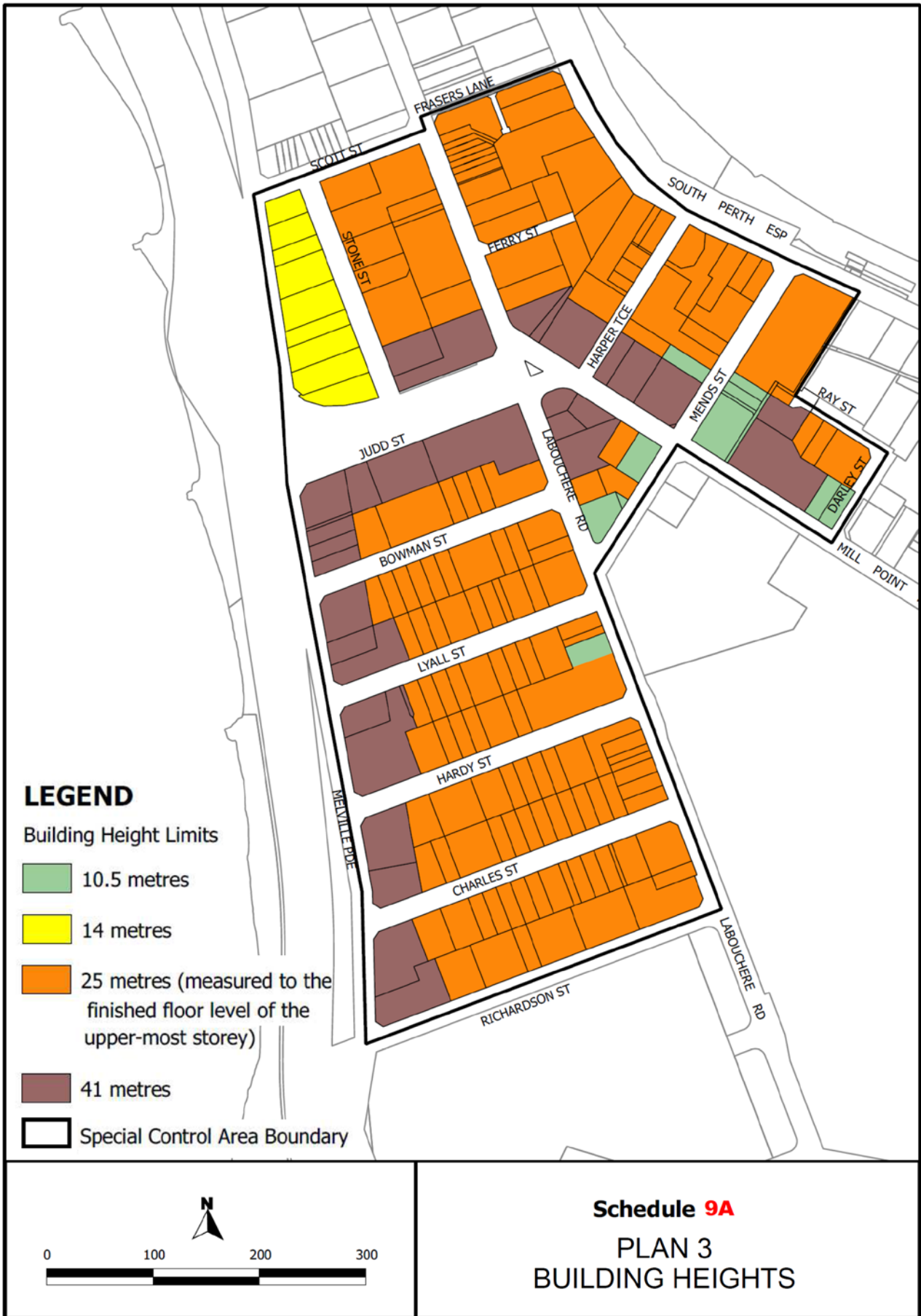
PLUS

(b) at least 4 of the following:

- (i) Improvements to pedestrian networks and public security.
- (ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms.
- (iii) Minimum of 20% of the residential units are to meet the Adaptable House Class B of Australian Standard AS 4299 (Adaptable Housing).
- (iv) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, 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.
- (v) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.







2. The following clauses are amended by deleting the term 'Schedule 9' and replacing it with the term 'Shedule 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

# Adoption

**ADOPTED** by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 28 October 2014.

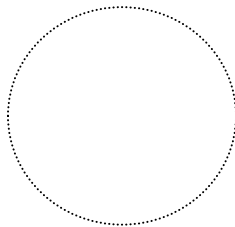
\_\_\_\_\_  
SUE DOHERTY  
MAYOR

\_\_\_\_\_  
A C FREWING  
CHIEF EXECUTIVE OFFICER

# Final Approval

**ADOPTED** by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on ..... 2015 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH PERTH  
SEAL



\_\_\_\_\_  
SUE DOHERTY  
MAYOR

\_\_\_\_\_  
A C FREWING  
CHIEF EXECUTIVE OFFICER

**RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:**

\_\_\_\_\_  
*Delegated under S.16 of the PD Act 2005*

Dated \_\_\_\_\_

**FINAL APPROVAL GRANTED**

\_\_\_\_\_  
JOHN DAY  
MINISTER FOR PLANNING

Dated \_\_\_\_\_



**COUNCIL MODIFICATIONS**  
**endorsed for readvertising**  
**FROM: 3 NOVEMBER 2015 TO 15 JANUARY 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

**MODIFIED TEXT**  
endorsed at Special Council Meeting  
27 October 2015 for readvertising



**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](mailto:enquiries@southperth.wa.gov.au)  
Web: [www.southperth.wa.gov.au](http://www.southperth.wa.gov.au)

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**NOTE:**

Throughout this document, coloured lettering signifies the following:

<b>Black lettering</b>	Remnant text from the existing (Amendment No 25) Schedule 9 of TPS6
<b>Red lettering</b>	Amendment No. 46 text as originally advertised
<b>Blue lettering</b>	Officer's recommended proposed Amendment No. 46 text modifications after considering submissions received during original advertising of Amendment No. 46
<b>Green lettering</b>	Significant modifications to Amendment text endorsed at Special Council Meeting on 27 October 2015 for readvertising

Amendment text identifying significant modifications endorsed for readvertising

PLANNING AND DEVELOPMENT ACT 2005



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

Modified by Council after considering submissions  
Special Council Meeting 27 October 2015

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

*"Schedule 9A*

*Special Control Area 1 –  
South Perth Station Precinct*

Refer to Clause 10.1

NOTES

**Provision 1 Objectives of Special Control Area 1**

**NOTE ON  
SCHEDULE 9A :**  
*Schedule 9A added  
by Amendment  
No. 46 (GG ....)*  
*[Note added ....]*

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

- (a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;
- (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;

**Amendment text identifying significant modifications endorsed for readvertising**

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

NOTES

- (f) allow buildings designed to maximise river and city views while maintaining view corridors;
- (g) permit additional building height on the most prominent streets within the precinct 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.

## **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;**

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

#### NOTES

- (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.

## 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’**.

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### 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><b>1.1 Mends Sub-Precinct</b></p> <p>1.1.1 <u>Preferred land uses:</u> Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, <b>Service Industry, Shop, Small Shop</b>, 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> <b>Child Day Care Centre, community exhibition gallery</b>, Consulting Rooms, Educational Establishments and Public Parking Station.</p> <p><b>1.2 Scott-Richardson Sub-Precinct</b></p> <p>1.2.1 <u>Preferred land uses:</u> Café/Restaurant, Mixed Development, Office, <b>Service Industry</b>, 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> <b>Child Day Care Centre</b>, Civic Use, <b>community exhibition gallery</b>, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre <b>and Small Shop</b>.</p> <p><b>1.3 South Perth Esplanade Sub-Precinct</b></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><b>1.4 Stone-Melville Sub-Precinct</b></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><b>1.5 Uses not listed</b> Any use not listed in <b>Development Requirements</b> 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use <b>satisfies Element 1 Guidance Statements (a) and (b) and the related</b> Guidance Statements for the relevant sub-precincts.</p>	<p>(a) It is intended that <b>the South Perth Station Precinct</b> is to consolidate its role as an employment destination.</p> <p>(b) <b>In the Mends and Scott-Richardson Sub-Precincts</b>, non-residential uses should predominantly comprise offices, <b>shops</b> and <b>other</b> commercial land uses, Educational Establishments <b>and</b> tourist-oriented development. <b>Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.</b></p> <p><b>(c) Mends Sub-Precinct</b> For the Mends Sub-Precinct, <b>shops and other commercial</b> 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><b>(d) Scott-Richardson Sub-Precinct</b> For the Scott-Richardson Sub-Precinct the traditional Office and small scale <b>shops and other commercial</b> uses are encouraged on the ground and lower floors with residential on the upper floors.</p> <p><b>(e) South Perth Esplanade Sub-Precinct</b> For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</p> <p><b>(f) Stone-Melville Sub-Precinct</b> For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.</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)**

<b>Development Requirements</b>	<b>Guidance Statements</b>
<p><b>1.6 Interaction of Elements 1 and 2</b></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><b>2.1 Mends Sub-Precinct</b></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, <b>Service Industry, Shop, Small Shop</b>, and Tourist Accommodation.</p> <p>2.1.3 <i>Discretionary ground floor land uses:</i> <b>Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</b></p> <p><b>2.2 Scott-Richardson Sub-Precinct</b></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, <b>Service Industry, Small Shop</b> and Take-Away Food Outlet.</p> <p>2.2.3 <i>Discretionary ground floor land uses:</i> <b>Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</b></p> <p><b>2.3 South Perth Esplanade Sub-Precinct</b></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><b>2.4 Stone-Melville Sub-Precinct</b></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><b>2.5 Uses not listed</b></p> <p>Any land use not listed in <b>Development Requirements 2.1, 2.2, 2.3 and 2.4</b> is not permitted unless the use <b>satisfies Element 2 Guidance Statements (a) and (b).</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>

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

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

<b>Development Requirements</b>	<b>Guidance Statements</b>
<b>Element 3: Plot Ratio and Land Use Proportions</b>	
<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 1.5.</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 The provisions of the Codes relating to dwelling size in activity centres shall apply.</p> <p>3.6 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><b>3.7 South Perth Esplanade and Stone-Melville Sub-Precincts</b></p> <p>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) The provisions relating to land use proportions are designed to ensure that any comprehensive new development in the Scott-Richardson and Mends Sub-Precincts will make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination.</p> <p>(b) 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>(c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</p>
<b>Element 4: Podium Height</b>	
<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>(C) 9 Performance Criteria : 55 metres.</p> <p>(ii) Where Plan 3 shows a Building Height Limit of 41 metres –</p> <p>(A) 5 Performance Criteria : 50 metres; or</p> <p>(B) 7 Performance Criteria : 60 metres; or</p> <p>(C) 9 Performance Criteria : 80 metres.</p>	<p>(a) 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>(b) 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> <p>(c) 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>

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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>6.3 For the purpose of a building height variation under Development Requirement 6.2, in every case, the height of the proposed building shall be measured in the manner prescribed in clause 6.1A(3) of the Scheme.</p> <p>6.4 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirements 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>6.5 For the avoidance of doubt, the maximum building heights referred to in Development Requirements 6.1 and 6.2 are not subject to variation and may not be exceeded in any circumstance whatsoever.</p>	
<p>Element 7: Relationship to the Street</p>	
<p>7.1 The street setbacks apply to both residential and non-residential components of buildings.</p> <p>7.2 <b>Subject to Development Requirement 7.5.1</b>, with the exception of <b>comprehensive new</b> development on sites fronting the streets <b>referred to in Development Requirements 7.3 and 7.4</b>, all <b>comprehensive new</b> development shall incorporate a podium with a nil street setback. <b>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.</b></p> <p>7.3 For properties <b>abutting</b> the following streets, the street setback for any part of the building including the podium, if any, shall be <b>not less than 4 metres</b>:</p> <p>(a) <b>Bowman Street, except those lots in the Special Design Area;</b></p> <p>(b) <b>Charles Street, except those lots in the Special Design Area;</b></p> <p>(c) Darley Street;</p> <p>(d) Ferry Street;</p> <p>(e) Frasers Lane;</p> <p>(f) <b>Hardy Street, except those lots in the Special Design Area;</b></p> <p>(g) Judd Street, north side;</p> <p>(h) Melville Parade, north of Judd Street;</p> <p>(i) <b>Mill Point Road, west side between Judd Street and Scott Street; and east side between Harper Terrace and Frasers Lane;</b></p> <p>(j) Ray Street;</p> <p>(k) Scott Street; and</p> <p>(l) Stone Street.</p> <p><b>7.4 South Perth Esplanade Sub-Precinct</b></p> <p>7.4.1 For any part of the building including the podium, if any, the setback <b>from</b> South Perth Esplanade shall be <b>not less than 6 metres</b>.</p>	<p>(a) With the exception of <b>sites fronting on to the streets listed in Development Requirements 7.3 and 7.4</b>, to achieve a high degree of continuity of the street edge, the <b>major portion of the width of the street façade of the podium should normally about the street boundary</b>, 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 and 7.4 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> <p>(c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a <b>public</b> entrance directly accessible from the street.</p> <p>(d) The extent of blank or solid wall at ground level adjacent to the street should be minimised.</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)**

<b>Development Requirements</b>	<b>Guidance Statements</b>
<p><b>7.5 Scott-Richardson and Mends Sub-Precincts</b></p> <p>7.5.1 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"> <li>(a) For properties in all streets not referred to in Development Requirements 7.3 and 7.4.1, the street setback to the podium shall be zero for a minimum of 60% of the street frontage, unless the development satisfies Element 7 Guidance Statement (a).</li> <li>(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).</li> <li>(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).</li> </ul> <p>7.5.2 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>7.5.3 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> <ul style="list-style-type: none"> <li>(a) strong visual differentiation is maintained between the podium and the portion of the building above it;</li> <li>(b) the perceived scale of the building does not dominate public space;</li> <li>(c) the projecting elements have sufficient design merit and visual interest; and</li> <li>(d) solar access to the public footpath is not adversely affected.</li> </ul> <p>7.5.4 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>	<ul style="list-style-type: none"> <li>(e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</li> <li>(f) Where cafés or restaurants are proposed, alfresco dining is encouraged.</li> </ul>

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

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

<b>Development Requirements</b>	<b>Guidance Statements</b>
Element 8: Side and Rear Setbacks	
<p>8.1 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls shall have a zero setback from side boundaries. The Council may approve a greater setback where the comprehensive new development satisfies Element 8 Guidance Statement (a).</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> <p style="margin-left: 20px;">(a) For non-residential components: 3 metres minimum.</p> <p style="margin-left: 20px;">(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> <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>(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 style="margin-left: 20px;">(i) integrated with an open forecourt or alfresco area, or the like, which is visible from the street; or</p> <p style="margin-left: 20px;">(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 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> <p style="margin-left: 20px;">(a) For residential uses –</p> <p style="margin-left: 40px;">(i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings;</p> <p style="margin-left: 40px;">(ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings;</p> <p style="margin-left: 40px;">(iii) 1 additional car bay per 6 dwellings for visitors;</p> <p style="margin-left: 40px;">(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>(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.</p> <p>(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 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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*Schedule 9A – Special Control Area 1 – South Perth Station Precinct*

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

<b>Development Requirements</b>	<b>Guidance Statements</b>
<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>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>	

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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
<b>Element 10: Canopies</b>	
10.1 Where a building abuts the street boundary, a canopy with a projection depth of 2.5 metres shall be provided over the street footpath.	(a) Where a building abuts the street boundary, a canopy should be provided that extends sufficiently over the footpath to provide a reasonable degree of shade and shelter to pedestrians.
<b>Element 11: Vehicle Crossovers</b>	
<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 <b>comprehensive new</b> development that includes residential dwellings, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</p> <p><b>11.4 Mends Sub-Precinct</b></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 <b>access from the primary or secondary street</b> 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>
<b>Element 12: Landscaping and Outdoor Living Areas</b>	
<p>12.1 <b>Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for planning approval.</b></p> <p>12.2 For <b>comprehensive new</b> development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply.</p> <p>12.3 <b>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.</b></p>	(a) Where a street setback is provided, landscaping in the setback area should <b>be based on</b> water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'.

**Amendment text identifying significant modifications endorsed for readvertising**

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

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

<b>Development Requirements</b>	<b>Guidance Statements</b>
<b>Element 13: Heritage</b>	
<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>
<b>Element 14: Designing Out Crime</b>	
<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> <p style="margin-left: 20px;">(a) AS 1680 regarding safe movement;</p> <p style="margin-left: 20px;">(b) AS 1158 regarding lighting of roads and public spaces; and</p> <p style="margin-left: 20px;">(c) AS 4282 Control of obtrusive effects of outdoor lighting.</p> <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> <p style="margin-left: 20px;">(a) no higher than 0.9 metres; or</p> <p style="margin-left: 20px;">(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> <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>

## Amendment text identifying significant modifications endorsed for readvertising

### 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 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 <b>comprehensive new</b> development containing noise sensitive land uses:</p> <ul style="list-style-type: none"> <li>(a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application;</li> <li>(b) if required by Council, the application shall include a noise management plan;</li> <li>(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>;</li> <li>(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.</li> </ul>	<p>(a) <b>Comprehensive new</b> development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</p>



## Amendment text identifying significant modifications endorsed for readvertising

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

## 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"> <li>(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.</li> <li>(b) The visual presentation of all elevations of the portion of the building above the podium.</li> <li>(c) Integration of any proposed artwork with the design of the building as a whole.</li> <li>(d) The contribution of the external materials and finishes to the overall design quality of the building.</li> </ul>
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"> <li>(a) the proposed building; and</li> <li>(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.</li> </ul> <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"> <li>(a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings;</li> <li>(b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.</li> </ul>
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.

**Amendment text identifying significant modifications endorsed for readvertising**

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</p>	<p><b>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.</b></p> <p><b>Occupier Benefits</b></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) A minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, are to be allocated parking bays measuring 6.0 metres x 3.8 metres and 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> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) at least one step-free, level entrance into the dwelling;</li> <li>(iii) internal doors and corridors that facilitate unimpeded movement between spaces;</li> <li>(iv) a toilet on the ground or entry level that provides easy access;</li> <li>(v) a bathroom which contains a step-free shower recess;</li> <li>(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and</li> <li>(vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre.</li> </ul> <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> <ul style="list-style-type: none"> <li>(i) effective natural cross-ventilation; and</li> <li>(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.</li> </ul> <p><b>Local Community Benefits</b></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>

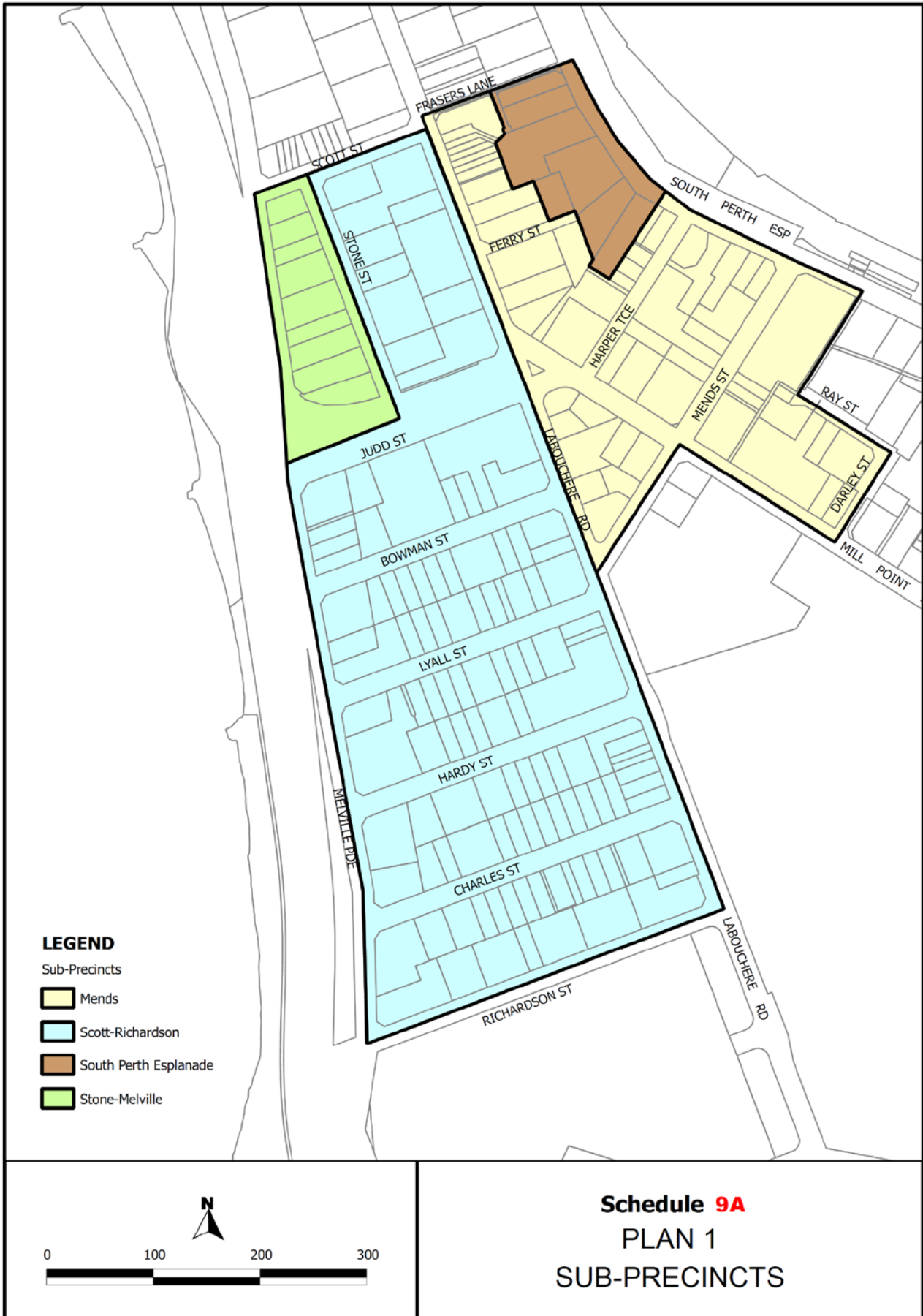
**Amendment text identifying significant modifications endorsed for readvertising**

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

<b>Design Consideration</b>	<b>Performance Criteria</b>
<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"> <li>(i) Café/Restaurant;</li> <li>(ii) Cinema/Theatre;</li> <li>(iii) gymnasium;</li> <li>(iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or</li> <li>(v) an outdoor area designed for public entertainment performances.</li> </ul> <p>(i) A Child Day Care Centre.</p> <p><b>Wider Community Benefits</b></p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul>

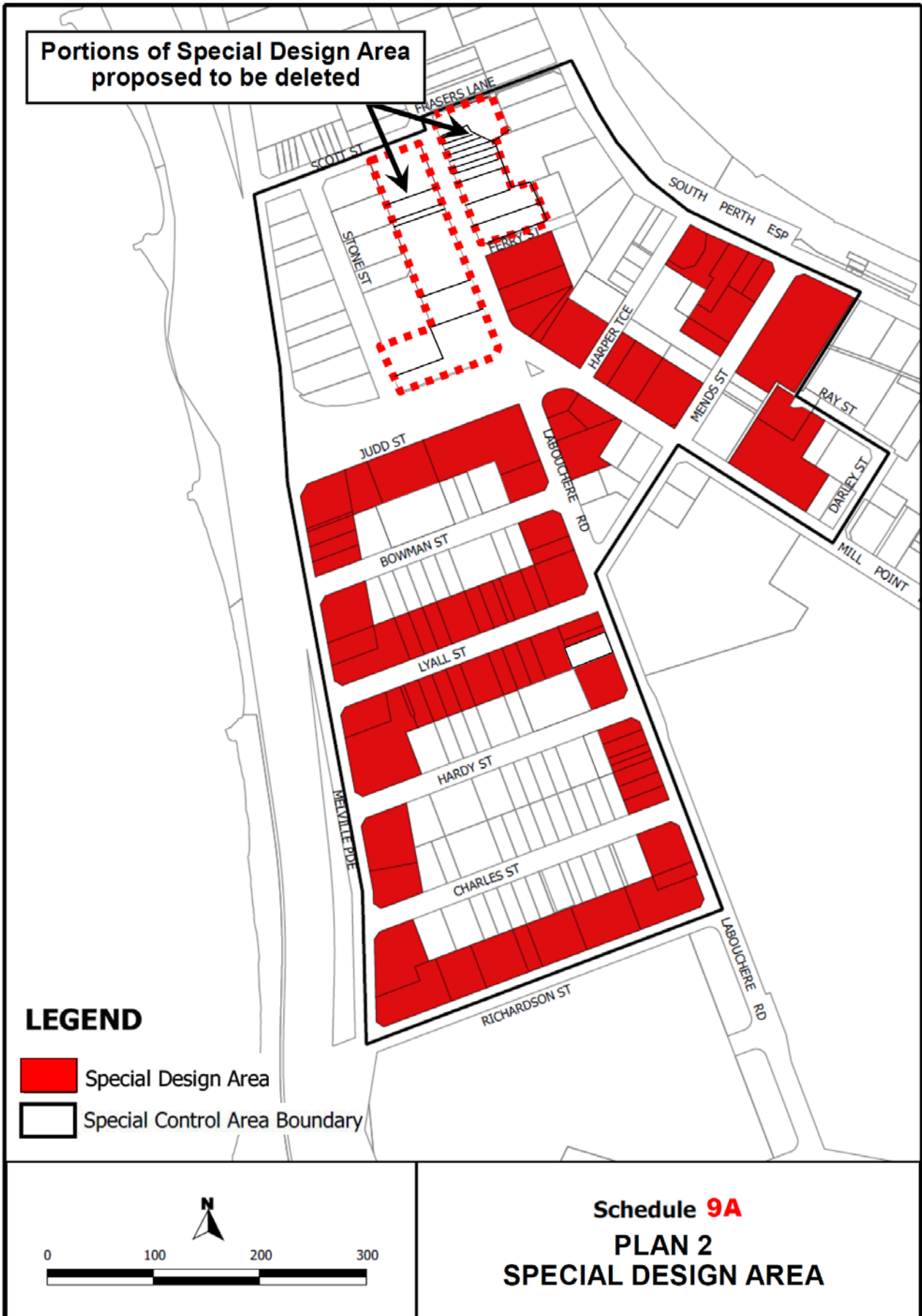
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Schedule 9A – Special Control Area 1 – South Perth Station Precinct



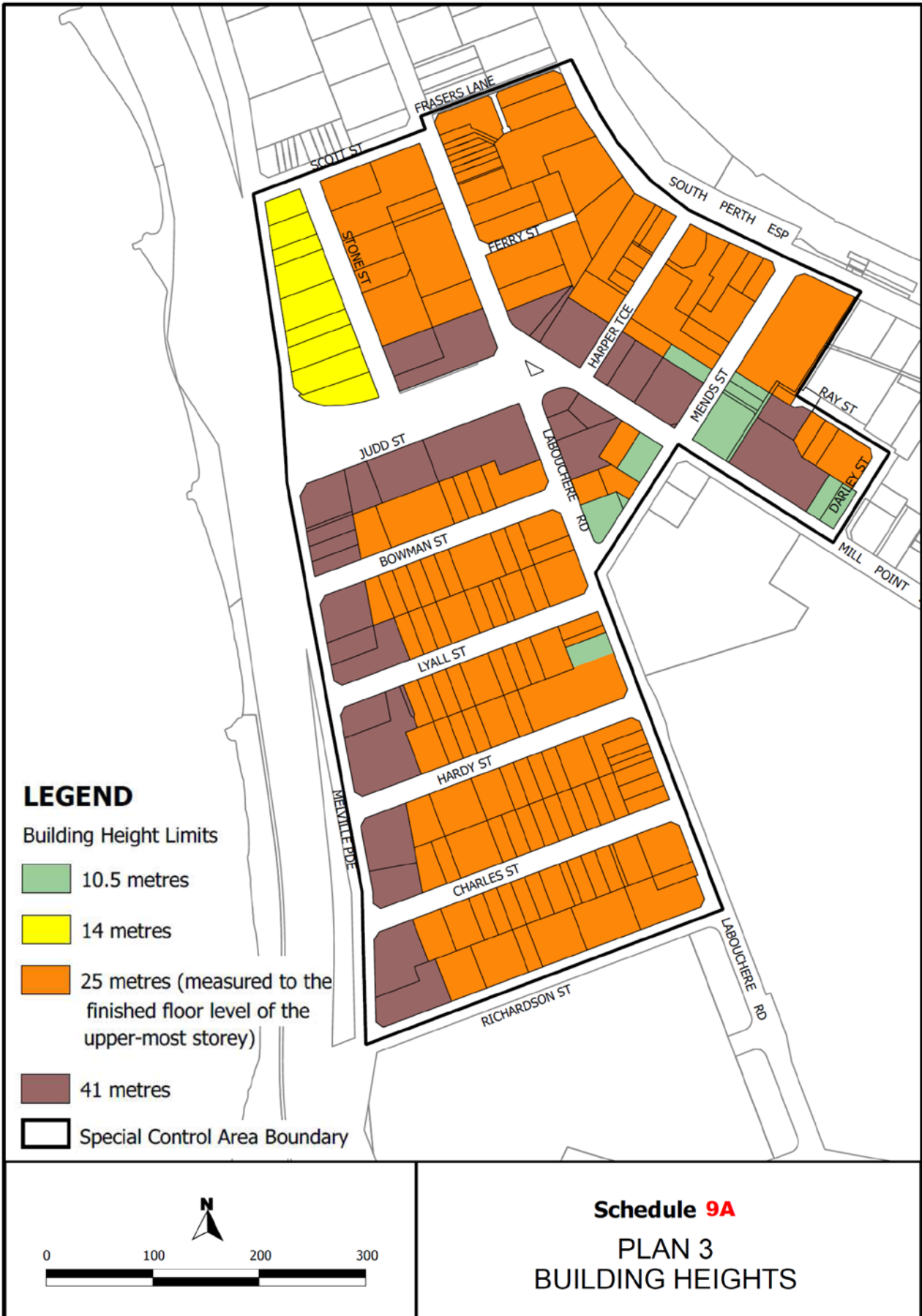
Amendment text identifying significant modifications endorsed for readvertising

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



**Amendment text identifying significant modifications endorsed for readvertising**

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



**Amendment text identifying significant modifications endorsed for readvertising**

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

3. 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

**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

**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

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Web: [www.southperth.wa.gov.au](http://www.southperth.wa.gov.au)



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**NOTE:**

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

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

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 to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future ‘destination’ rail station;
- (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><b>1.1 Mends Sub-Precinct</b></p> <p>1.1.1 <i>Preferred land uses:</i> Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, <b>Service Industry, Shop, Small Shop</b>, Tourist Accommodation; Aged or Dependent Persons’ Dwelling, Grouped Dwelling, Multiple Dwelling, Residential Building and Single Bedroom Dwelling.</p> <p>1.1.2 <i>Discretionary land uses:</i> <b>Child Day Care Centre, community exhibition gallery</b>, Consulting Rooms, Educational Establishments and Public Parking Station.</p> <p><b>1.2 Scott-Richardson Sub-Precinct</b></p> <p>1.2.1 <i>Preferred land uses:</i> Café/Restaurant, Mixed Development, Office, <b>Service Industry</b>, 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 <i>Discretionary land uses:</i> <b>Child Day Care Centre</b>, Civic Use, <b>community exhibition gallery</b>, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre <b>and Small Shop</b>.</p> <p><b>1.3 South Perth Esplanade Sub-Precinct</b></p> <p><i>Preferred land uses:</i> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building and Tourist Accommodation.</p> <p><b>1.4 Stone-Melville Sub-Precinct</b></p> <p>1.4.1 <i>Preferred land uses:</i> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building;</p> <p>1.4.2 <i>Discretionary land uses:</i> Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation.</p> <p><b>1.5 Uses not listed</b> Any use not listed in <b>Development Requirements</b> 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use <b>satisfies Element 1 Guidance Statements (a) and (b) and the related</b> Guidance Statements <b>for the relevant sub-precincts</b>.</p>	<p>(a) It is intended that <b>the South Perth Station Precinct</b> is to consolidate its role as an employment destination.</p> <p>(b) <b>In the Mends and Scott-Richardson Sub-Precincts</b>, non-residential uses should predominantly comprise offices, <b>shops</b> and <b>other</b> commercial land uses, Educational Establishments <b>and</b> tourist-oriented development. <b>Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.</b></p> <p><b>(c) Mends Sub-Precinct</b> For the Mends Sub-Precinct, <b>shops and other commercial</b> 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><b>(d) Scott-Richardson Sub-Precinct</b> For the Scott-Richardson Sub-Precinct the traditional Office and small scale <b>shops and other commercial</b> uses are encouraged on the ground and lower floors with residential on the upper floors.</p> <p><b>(e) South Perth Esplanade Sub-Precinct</b> For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</p> <p><b>(f) Stone-Melville Sub-Precinct</b> 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><b>1.6 Interaction of Elements 1 and 2</b></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>	
<p>Element 2: Ground Floor Land Uses – Preferred and Discretionary</p>	
<p><b>2.1 Mends Sub-Precinct</b></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, <b>Service Industry, Shop, Small Shop</b>, and Tourist Accommodation.</p> <p>2.1.3 <i>Discretionary ground floor land uses:</i> <b>Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</b></p> <p><b>2.2 Scott-Richardson Sub-Precinct</b></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, <b>Service Industry, Small Shop</b> and Take-Away Food Outlet.</p> <p>2.2.3 <i>Discretionary ground floor land uses:</i> <b>Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</b></p> <p><b>2.3 South Perth Esplanade Sub-Precinct</b></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><b>2.4 Stone-Melville Sub-Precinct</b></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><b>2.5 Uses not listed</b></p> <p>Any land use not listed in <b>Development Requirements 2.1, 2.2, 2.3 and 2.4</b> is not permitted unless the use <b>satisfies Element 2 Guidance Statements (a) and (b).</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) <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.</b></p> <p><b>(To determine whether a land use is ‘preferred’ or ‘discretionary’ within a particular Sub-Precinct, refer to Element 1.)</b></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)**

<b>Development Requirements</b>	<b>Guidance Statements</b>
<b>Element 3: Plot Ratio and Land Use Proportions</b>	
<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 style="background-color: #e0e0ff;">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 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a).</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><b>3.8 South Perth Esplanade and Stone-Melville Sub-Precincts</b></p> <p>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) In the Scott-Richardson and Mends Sub-Precincts, any comprehensive new development should make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination.</p> <p>(b) 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>(c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</p>
<b>Element 4: Podium Height</b>	
<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
<b>Element 5: Building Height</b>	
<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>
<b>Element 6: Special Design Area</b>	
<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 : No height limit.</p> <p>(ii) Where Plan 3 shows a Building Height Limit of 41 metres –</p> <p style="text-align: center;">(A) 5 Performance Criteria : 50 metres; or (B) 7 Performance Criteria : 60 metres; or (C) all Performance Criteria : No height limit.</p> <p><b>6.3</b> 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><b>6.4</b> 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>	
<b>Element 7: Relationship to the Street</b>	
<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> <p>(a) Darley Street;</p> <p>(b) Ferry Street;</p> <p>(c) Frasers Lane;</p> <p>(d) Judd Street, north side;</p> <p>(e) Melville Parade, north of Judd Street;</p> <p>(f) Mill Point Road, west side between Judd Street and Scott Street, and east side between Harper Terrace and Frasers Lane;</p> <p>(g) Ray Street;</p> <p>(h) Scott Street; and</p> <p>(i) Stone Street.</p>	<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, the major 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 and 7.4 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><b>7.4 South Perth Esplanade Sub-Precinct</b></p> <p>7.4.1 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><b>7.5 Scott-Richardson and Mends Sub-Precincts</b></p> <p>7.5.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements:</p> <p>“(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 at least 60% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a); and</p> <p>(ii) where there is no prospect of imminent redevelopment of an adjoining site 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:</p> <p>(A) the maximum percentage of the lot frontage that may have a zero street setback;</p> <p>(B) the positioning of the portion of the building with a zero setback; and</p> <p>(C) the required greater setback for the balance of the building.”</p> <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>7.5.2 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>7.5.3 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>(c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street.</p> <p>(d) The extent of blank or solid wall at ground level adjacent to the street should be minimised.</p> <p>(e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</p> <p>(f) Where cafés or restaurants are proposed, alfresco dining 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
<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>7.5.4 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>	
<p><b>Element 8: Side and Rear Setbacks</b></p>	
<p>8.1 (a) Where the Council is satisfied that a podium with a zero setback from a side 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 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 and the Council is of the opinion that a zero setback from a side boundary would adversely affect the amenity of the adjoining property, the Council shall specify:</p> <p>(i) the portion of the building that is required to have a greater setback from the side boundary; and</p> <p>(ii) the required greater setback for that portion of the building.</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> <p>(a) For non-residential components: 3 metres minimum.</p> <p>(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>	<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 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>

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

Development Requirements	Guidance Statements
<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>Element 9: Parking</p>	
<p>9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows:</p> <p>(a) For residential uses –</p> <p>(i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings;</p> <p>(ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings;</p> <p>(iii) 1 additional car bay per 6 dwellings for visitors;</p> <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>(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.</p> <p>(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 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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### 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>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>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 provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</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>

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

<b>Development Requirements</b>	<b>Guidance Statements</b>
<p><b>11.4 Mends Sub-Precinct</b></p> <p>For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle <b>access from the primary or secondary street</b> is permitted; and</li> <li>(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.</li> </ul>	
<b>Element 12: Landscaping and Outdoor Living Areas</b>	
<p><b>12.1</b> Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for planning approval.</p> <p><b>12.2</b> For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply.</p> <p><b>12.3</b> 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>	<ul style="list-style-type: none"> <li>(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'.</li> </ul>
<b>Element 13: Heritage</b>	
<p><b>13.1</b> 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><b>13.2</b> 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><b>13.3</b> 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>	<ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.</li> </ul>

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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
<b>Element 14: Designing Out Crime</b>	
<p>14.1 Primary pedestrian access points shall be visible from buildings and the street.</p> <p>14.2 <b>Comprehensive new</b> developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards:</p> <ul style="list-style-type: none"> <li>(a) AS 1680 regarding safe movement;</li> <li>(b) AS 1158 regarding lighting of roads and public spaces; and</li> <li>(c) AS 4282 Control of obtrusive effects of outdoor lighting.</li> </ul> <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"> <li>(a) no higher than 0.9 metres; or</li> <li>(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.</li> </ul> <p>14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device <b>satisfies</b> Guidance Statement (a).</p>	<ul style="list-style-type: none"> <li>(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement.</li> <li>(b) The design of <b>comprehensive new</b> developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.</li> </ul>
<b>Element 15: Road and Rail Transport Noise</b>	
<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 <b>comprehensive new</b> development containing noise sensitive land uses:</p> <ul style="list-style-type: none"> <li>(a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application;</li> <li>(b) if required by Council, the application shall include a noise management plan;</li> <li>(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>’;</li> <li>(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.</li> </ul>	<ul style="list-style-type: none"> <li>(a) <b>Comprehensive new</b> development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</li> </ul>



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

## 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"> <li>(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.</li> <li>(b) The visual presentation of all elevations of the portion of the building above the podium.</li> <li>(c) Integration of any proposed artwork with the design of the building as a whole.</li> <li>(d) The contribution of the external materials and finishes to the overall design quality of the building.</li> </ul>
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"> <li>(a) the proposed building; and</li> <li>(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.</li> </ul> <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"> <li>(a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings;</li> <li>(b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.</li> </ul>
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.

**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
8. Benefits for Occupiers and Local and Wider Communities	<p><b>Note:</b> 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><b>Occupier Benefits</b></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) <b>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:</b></p> <p style="margin-left: 20px;">(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 style="margin-left: 20px;">(ii) at least one step-free, level entrance into the dwelling;</p> <p style="margin-left: 20px;">(iii) internal doors and corridors that facilitate unimpeded movement between spaces;</p> <p style="margin-left: 20px;">(iv) a toilet on the ground or entry level that provides easy access;</p> <p style="margin-left: 20px;">(v) a bathroom which contains a step-free shower recess;</p> <p style="margin-left: 20px;">(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and</p> <p style="margin-left: 20px;">(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 style="margin-left: 20px;">(i) effective natural cross-ventilation; and</p> <p style="margin-left: 20px;">(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.</p> <p><b>Local Community Benefits</b></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>

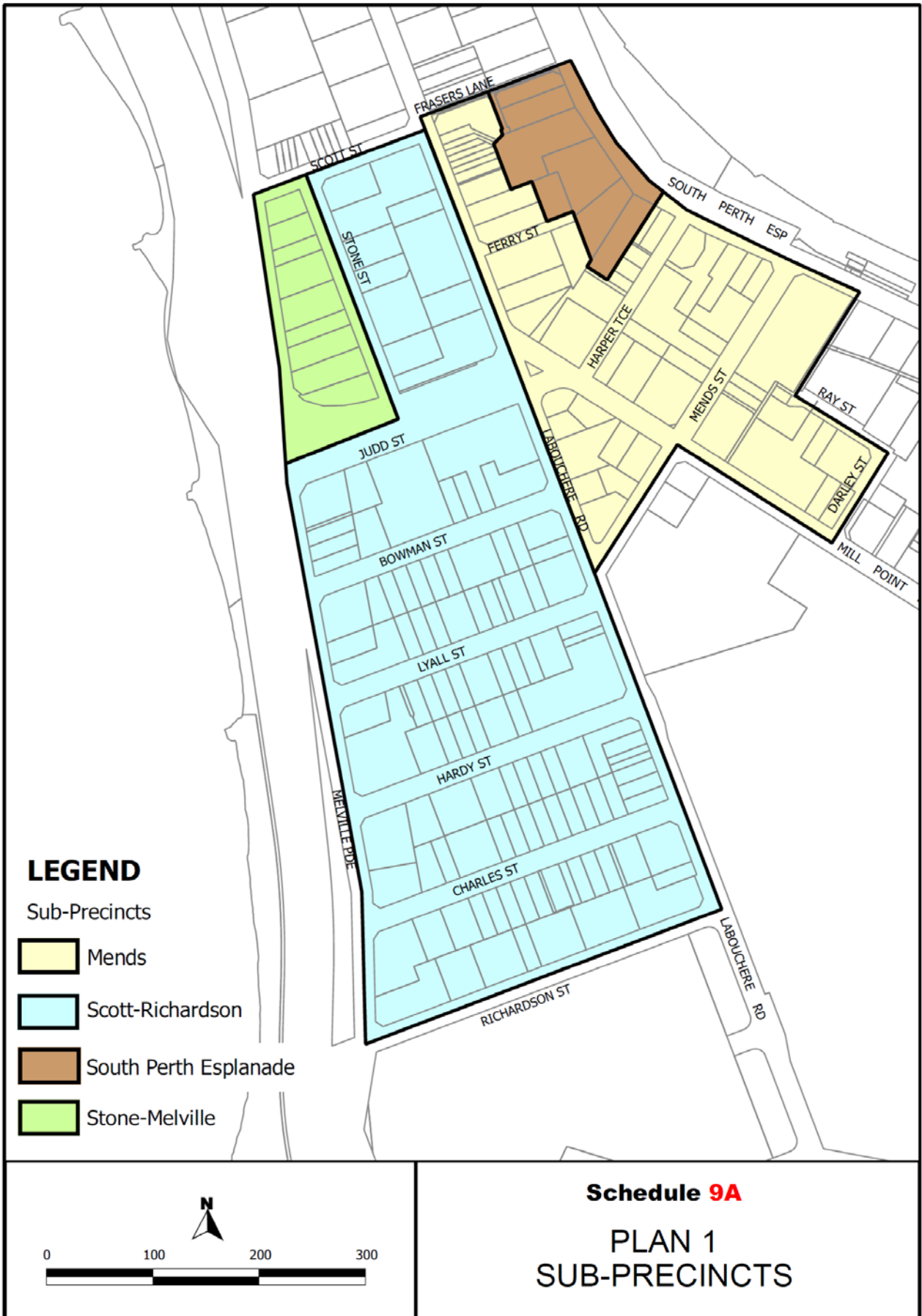
**Amendment text – Modifications endorsed 26 April 2016 for Minister’s final approval**

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

<b>Design Consideration</b>	<b>Performance Criteria</b>
<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"> <li>(i) Café/Restaurant;</li> <li>(ii) Cinema/Theatre;</li> <li>(iii) gymnasium;</li> <li>(iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or</li> <li>(v) an outdoor area designed for public entertainment performances.</li> </ul> <p><b>Wider Community Benefits</b></p> <ul style="list-style-type: none"> <li>(i) <b>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.</b></li> <li>(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.</li> <li>(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.</li> </ul>

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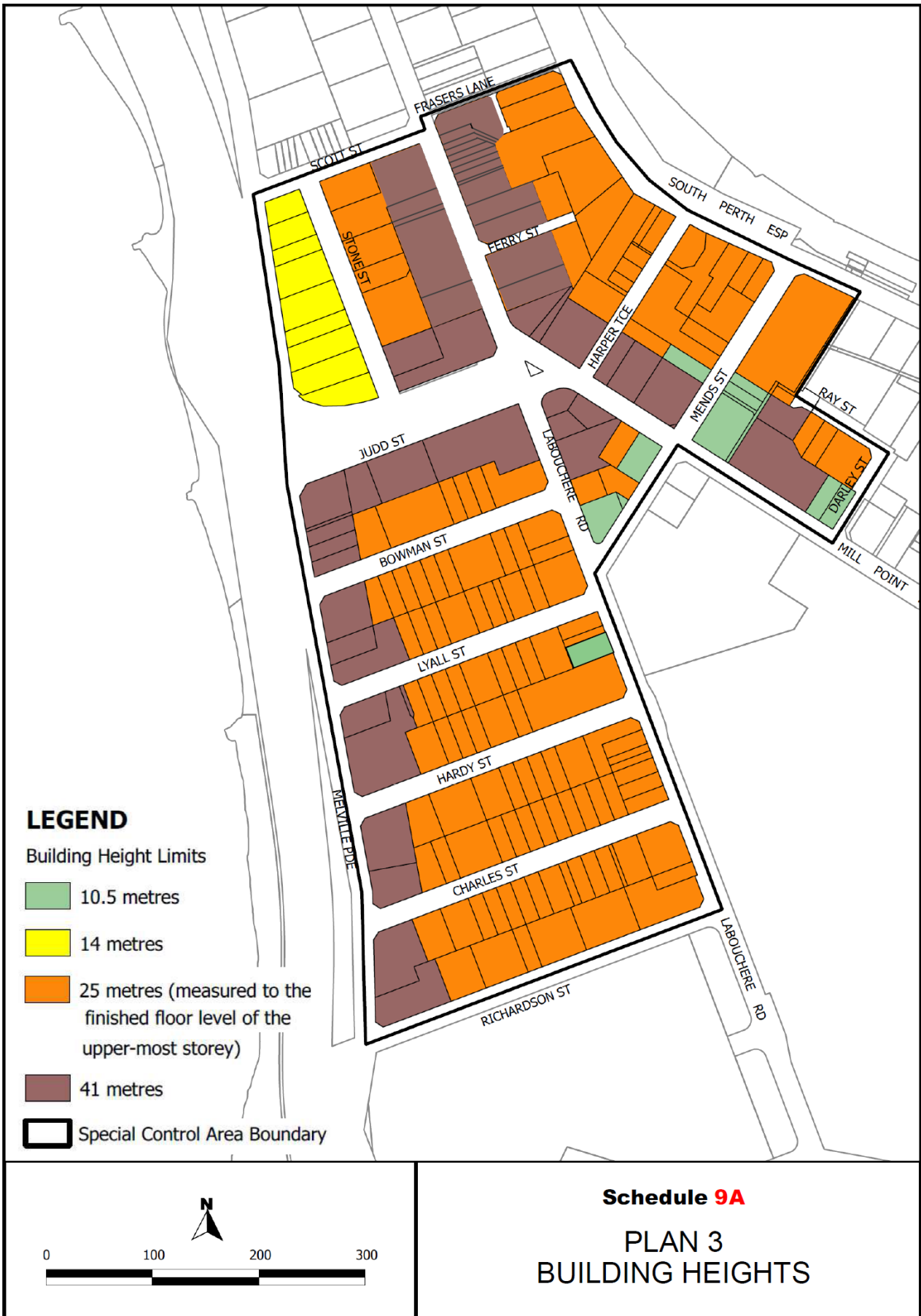
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*Schedule 9A – Special Control Area 1 – South Perth Station Precinct*

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