

## Summary of Modifications - Amendment No. 14

(& Comparison with Council's Amendment)

<b><u>Modifications to Amendment No. 14</u></b> <b>(as directed by Minister)</b>	<b><u>Council Amendment No. 14</u></b> <b>(endorsed Council meeting 17 April 2018)</b>
<p><b>Variations to Site and Development Requirements:</b></p> <ul style="list-style-type: none"> <li>Decision maker <u>can approve an application that does not comply</u> with controls.</li> </ul>	<p><b>Variations to Site and Development Requirements:</b></p> <ul style="list-style-type: none"> <li><u>No variation permitted</u> under Council Amendment.</li> </ul>
<p><b>Exemption from Variations:</b> <u>The following controls are not open to variation by a decision maker for the 9-10 storey development proposal (refer to Figure 1 &amp; 2):</u></p> <ul style="list-style-type: none"> <li>Building height</li> <li>Setback</li> <li>Plot ratio (amount of building floor space permitted)</li> <li>Overshadowing provisions</li> </ul> <p><b>NOTE: the 'additional height provisions' <u>are not exempt from variation.</u></b></p>	<p><b>Exemption from Variations:</b></p> <ul style="list-style-type: none"> <li>No exemption. Decision maker cannot vary development controls.</li> </ul>
<p><b>Land Use and Density:</b> <u>Controls below open to variation by decision maker:</u></p> <ul style="list-style-type: none"> <li>Only residential development to front St Peters Road.</li> <li>Commercial development and vehicle parking are not permitted to front St Peters Road.</li> <li>Vehicle parking is not permitted to front Canning Highway.</li> <li>Non-residential development in a residential zone (cl. 5.3.4 of the Planning Scheme limiting density to R40) does not apply.</li> </ul>	<p><b>Land Use:</b> Controls repeated in modifications to Amendment <b><u>but the Council controls noted below have been deleted.</u></b></p> <ul style="list-style-type: none"> <li>Residential component mandatory (60%). Site cannot be redeveloped solely for commercial purposes.</li> <li>Setback area on St Peters Road is only to be used for the purpose of landscaping and/or private open space.</li> </ul> <p><b>NOTE: Council controls <u>cannot be varied or overridden.</u></b></p>

<p><b>Plot Ratio:</b></p> <ul style="list-style-type: none"> <li>• Maximum plot ratio of development is 3.0:1.</li> <li>• 'Additional height provisions' do not explicitly state a plot ratio figure and the 'additional height provisions' could be varied.</li> </ul>	<p><b>Plot Ratio:</b></p> <ul style="list-style-type: none"> <li>• Maximum plot ratio of development is 3.0:1 <b><u>cannot</u></b> be exceeded.</li> </ul>
<p><b>Building Height and Setback:</b></p> <ul style="list-style-type: none"> <li>• Maximum building envelope shown in Figure 1 and 2 is <b>capped at 45.0m AHD</b>. Equivalent of a 9-10 storey building (see note below).</li> <li>• AHD or Australian Height Datum is a measurement from sea level and the site is recorded as being 13.5m above sea level.</li> <li>• No variation of nil setback permitted. Cannot be varied.</li> </ul> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. Non-habitable resident amenities such as roof terraces, gardens and shade structures <u>may project above the maximum building height</u>.</li> <li>2. Solar collectors, air conditioning units, mechanical plant rooms and lift overruns <u>may project above the maximum building height</u>.</li> </ol>	<p><b>Building Height and Setback:</b> <u>Council's Building Height and Setback Table deleted.</u></p> <ul style="list-style-type: none"> <li>• Site divided into north and south sections. Overall height for each section <u>cannot be exceeded</u> with height measured from an AHD of 13.5m.</li> <li>• <b>Overall maximum height of 25.5m (north). This equates to 7 storeys (see additional height provision below).</b></li> <li>• <b>Overall maximum height of 18.5m (south). This equates to 5 storeys maximum.</b></li> <li>• Specified building heights and setbacks for each floor and frontage.</li> <li>• Difference in height at street corners - the lesser height requirement applies.</li> <li>• Balconies not to be forward of the building setback line.</li> </ul>
<p><b>Additional Height:</b></p> <ul style="list-style-type: none"> <li>• <b><u>No maximum 'capped' building height stated for 'additional height'.</u></b></li> <li>• <b><u>Not possible for the Town to determine the uppermost height of a building on the site.</u></b></li> </ul>	<p><b>Additional Height:</b></p> <ul style="list-style-type: none"> <li>• <b>Additional building height of 1 storey</b> (max 3.5m/storey) to a maximum height of 29.0m <b><u>may be considered</u></b> for the Canning Hwy and Sewell Street corner of the site.</li> </ul>

<p><b>NOTE: Town’s independent urban design analysis estimates a plot ratio of approximately 3.0:1 may enable a building up to 18 storeys to be constructed under the ‘additional height provisions’ (summarised) below.</b></p> <ul style="list-style-type: none"> <li>• A taller building is possible in the same location as the 9-10 storey section of Figure 1 and 2 where:</li> <li>• Lot 81 St Peters Road and Lot 423 King Street <b><i>or an area similar in size and location</i></b> is transferred to the local government free of cost for the purpose of public open space <b><i>or is to be maintained as gardens and landscaped communal open space for the use of occupants.</i></b></li> <li>• Where land is ceded it is to be maintained to the satisfaction of the local government.</li> <li>• Tree management plan to <i>identify and protect trees during the construction process.</i></li> <li>• Development incorporates residential dwellings, private open space or communal open space at ground level overlooking the area identified.</li> <li>• Development demonstrates design consistent with the sites design objectives.</li> <li>• Where land is ceded or developed as open space the same area of land is used in the plot ratio calculation.</li> </ul> <p><b>Note: Overshadowing provisions are only mentioned in the ‘additional height provisions’ section. ‘Additional height provisions’ can be varied.</b></p>	<ul style="list-style-type: none"> <li>• The 8<sup>th</sup> storey is not ‘as of right’. Must be contained within an area of 450m<sup>2</sup> (15m x 30m) and is for non-residential purposes to improve resident amenity.</li> </ul>
<p><b>Vehicle parking:</b></p> <ul style="list-style-type: none"> <li>• Not specifically addressed in modifications.</li> <li>• Parking controls revert to existing Planning Scheme provisions and the Town Centre Redevelopment Guidelines which can permit vehicle parking concessions.</li> </ul>	<p><b>Vehicle parking:</b> <i>Council parking and traffic provisions (as outlined below) deleted.</i></p> <ul style="list-style-type: none"> <li>• Parking for residential development shall be provided in accordance with the R-Codes.</li> </ul>

	<ul style="list-style-type: none"> <li>• Parking to be located behind street front tenancies or dwellings and below ground level when viewed from the street.</li> <li>• All vehicle parking for the residential component (residents and visitors) to be provided on-site.</li> <li>• Compulsory traffic and parking management plan to be submitted at development approval application stage.</li> <li>• No vehicle parking permitted in the setback area (4m) on St Peters Road.</li> </ul>
<p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>• Council provisions deleted.</li> </ul>	<p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>• ‘Noise Management Plan’ must be submitted with a development approval application and implemented to the satisfaction of the local government.</li> <li>• All development to comply with State Planning Policy - <i>Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>.</li> </ul>
<p><b>Access:</b></p> <ul style="list-style-type: none"> <li>• Council provisions deleted.</li> </ul>	<p><b>Access:</b></p> <ul style="list-style-type: none"> <li>• No access permitted to or from Stirling Highway and/or Canning Highway.</li> <li>• No access from Sewell Street within 30 metres of the truncation of Canning Highway and Sewell Street, unless otherwise approved by the local government in consultation with Main Roads WA.</li> <li>• Only one vehicle access point from St Peters Road unless otherwise approved.</li> </ul>

