



Form 1 - Responsible Authority Report (Regulation 12)

Property Location:	Lots 29-31 (Nos 50-52) Melville Parade, South Perth
Development Description:	33 Level (107.62m) Mixed Use Development
DAP Name:	Metro Central JDAP
Applicant:	Hillam Architects
Owner:	NL Homes Melville Pty Ltd
Value of Development:	\$85 Million
LG Reference:	11.2017.326.1
Responsible Authority:	City of South Perth
Authorising Officer:	Vicki Lummer – Director Development and Community Services Erik Dybdahl – Senior Statutory Planning Officer
DAP File No:	DAP/17/01288
Report Due Date:	29 January 2018
Application Received Date:	22 September 2017
Application Process Days:	90 Days (plus extension / stop-the-clock)
Attachment(s):	<ol style="list-style-type: none">1. Revised and Latest Development Plans (latest revisions dated 15 January 2017): A2-01 through A2-20 and A3-01 through A3-042. Applicant's Supporting Development Application Report3. TPG Planning Compliance Report (dated 18 September 2017)4. Neighbour Submission Summary and Responses5. Infrastructure Services Comment (dated 1 November 2017)6. Environmental Health Comment (dated 27 October 2017)7. Final Waste Management Plan – Bowman and Associates – dated 11 December 20178. Cardno Traffic Modelling (8 September 2017)9. Cardno Peer Review of Applicant Traffic Impact Assessment (27 October 2017)10. Final Traffic Impact Assessment (Shawmac – dated 8 December 2017)11. Design Review Panel Pre-Lodgement Commentary – July 201712. Initially Submitted Development Plans –

	<p>dated 19 September 2018</p> <ol style="list-style-type: none"> 13. Design Review Panel Commentary – 8 November 2017. 14. Secondary Development Plans – dated 4 December 2017. 15. Applicant Responses to DRP Comments – dated 4 December 2017. 16. Final Review Panel Commentary – dated 12 December 2017. 17. Final Applicant Responses to DRP Comments – dated 22 December 2017 18. Initial Comment - Department of Biodiversity, Conservation and Attractions – dated 1 December 2017 19. Response to the City's Further Information Request – dated 15 December 2017. 20. Façade Reflectivity Report (Aurecom) – dated 1 December 2017. 21. Additional Overshadowing Diagrams. 22. Secondary Department of Biodiversity, Conservation and Attractions Comment – dated 15 December 2017. 23. Main Roads Comment – dated 18 October 2017. 24. Water Corporation Commentary – dated 5 October 2017. 25. Landscaping Report – CAPA. 26. Additional Landscaping Plans & Material – CAPA. 27. Acoustic Report – BESTEC – dated 14 September 2017. 28. Initial Wind Environment Report – Windtech – dated 1 August 2017. 29. Follow-up Wind Environment Report – Windtech – dated 21 December 2017. 30. Detailed Silver Level Liveable Housing Diagrams 31. Latest Perspective Visualisation of Proposed Development 32. View Corridor Diagrams and Information 33. CADDs Energy Green Star Letter
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Officer Recommendation:

That the Metro Central JDAP resolves to:

1. **Approve** DAP Application reference DAP/17/01288 and accompanying plans: A1-01 (dated 15 January 2018), A2-01, A2-02, A2-03, A2-04, A2-05, A2-06 (dated 20 December 2017), A2-07 (dated 5 December 2017), A2-08 (dated 15 January 2018), A2-09, A2-10, A2-11, A2-12, A2-13, A2-14, A2-15, A2-16, A2-17, A2-18, A2-19, A2-20 (dated 4 December 2017), A3-01, A3-02, A3-03 and A3-04 (dated 20 December 2017) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 7.9 of the City of South Perth Town Planning Scheme No. 6 subject to the following conditions:

Conditions

1. Prior to the issue of a building permit, a *Construction Management Plan* must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:
 - i. public safety and amenity;
 - ii. site plan and security;
 - iii. contact details of essential site personnel, construction period and operating hours;
 - iv. community information, consultation and complaints management Plan;
 - v. noise, vibration, air and dust management;
 - vi. dilapidation reports of nearby properties;
 - vii. traffic, access and parking management;
 - viii. waste management and materials re-use;
 - ix. earthworks, excavation, land retention/piling methods and associated matters;
 - x. stormwater and sediment control;
 - xi. street tree management and protection;
 - xii. asbestos removal management Plan; and
 - xiii. any other matter deemed relevant by the City.
2. Prior to the submission of a Building Permit, provision shall be made in the design of the floor and walls of the building for adequate protection against subsoil water seepage, and the applicant shall:
 - (i) Provide the City with certification from a consulting engineer that adequate water-proofing has been achieved; and
 - (ii) Satisfy the City that the proposed levels are acceptable, having regard to the 100 year flood levels applicable to the lot;

As required by Clause 6.9(3) of Town Planning Scheme No. 6.
3. Prior to the submission of a Building Permit, the developer is to provide a and enter into a formal indemnity agreement with the City, acknowledging the proposed ground floor levels are less than the minimum required per Clause 6.9 of the City's Scheme and preventing any recourse to the City should any potential future flood damage occur to the development.

4. Prior to the submission of a Building Permit, the applicant to provide a detailed *Car Parking Management Plan* addressing all general parking considerations including access to visitor bays.
5. Prior to the occupation of the approved development, a public art concept for the subject development, or elsewhere in the South Perth Station Precinct, with a minimum value of 1.0% of the total cost of development, be submitted to the City for endorsement. The approved public art concept shall be implemented to the satisfaction of the City prior to the occupation of the building.
6. The development is to achieve a 5 Star Green Star rating or the equivalent under another formally recognised ecologically sustainable rating system. At the building permit stage, the applicant is to submit a secondary sustainability report confirming the final green star strategy that will guide the construction stage of the development and beyond; this report shall clearly demonstrate that a 5 Star Green Star rating or equivalent sustainable design rating is to be achieved for the development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in documentation and plans submitted with the building permit application.
7. Prior to the submission of a building permit, should dewatering be required for the placement of footings or on-site storage tanks, the applicant will be required to prepare a Dewatering Management Plan to the satisfaction of the City. Special attention will need to be made in relation to the disposal of dewatering effluent.
8. In accordance with the requirements of clause 6.14 of Town Planning Scheme No. 6, no person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until the approved landscaping plan has been implemented. The landscaping shall be maintained in good order and condition in perpetuity.
9. Prior to the submission of a building permit, the applicant is required to pay a fee of \$7,961.80 for the removal and replacement of a street tree (ID 32811) located within the City's verge.
10. Prior to the submission of a building permit, the city requires a Significant Tree Protection Bond to be paid for each of the Norfolk Pines in the City's verge appurtenant to the development site with the following tree ID numbers: 10184 & 10185, the total combined bond is \$211,119.54 for the City assets. This bond is to be returned following construction should the trees be undamaged and in good health.
11. Prior to commencement of construction, to protect the significant trees in the City's verge, a Tree Protection Zone (TPZ) needs to be ascertained. An assessment by a qualified Arborist, agreed to by the City, is required to be undertaken by the applicant in order to record current tree details and health and to determine the required TPZ and tree management plan, and to provide advice regarding the canopy, prior to lodging a building permit application.
12. In accordance with written correspondence from the Department of Biodiversity, Conservation and Attractions (DBCA), dated 15th December 2017, the following conditions are to be satisfied by the applicant:

- (i) The applicant shall notify the Department of Biodiversity, Conservation and Attractions, in writing not less than seven (7) days prior to the commencement of works;
 - (ii) Unless agreed to in writing by the DBCA no development shall commence until all plans under condition 3 have been submitted and approved;
 - (iii) Prior to the submission of a building permit application, the applicant shall prepare and have approved a stormwater management plan to the satisfaction of the City of South Perth, on the advice of DBCA (see advice note 1).
 - (iv) The approved stormwater management plan is to be implemented by the proponent.
 - (v) No wastewater/backwash from the swimming pool or water features is to be discharged onto the land or into the local government drainage system, as the treated water may contain chemicals that are detrimental to riverine ecology.
13. Prior to the submission of a building permit, the applicant is to submit a report or statement detailing how recommendations within the wind impact analysis by Windtech (dated 1 August 2017) have been implemented. Where relevant, any measures should be reflected in development plans submitted with a building permit.
14. Waste Management shall occur in accordance with the waste management plans prepared by Bowman and Associates (dated 11 December 2017) and endorsed by the City, unless otherwise approved by the City.
15. The comprehensive new development shall incorporate illumination in accordance with the following Australian Standards:
- (a) AS 1680 regarding safe movement;
 - (b) AS 1158 regarding lighting of roads and public spaces; and
 - (c) AS 4282 Control of obtrusive effects of outdoor lighting.
16. To meet the intent of Clause 6.4.6 of the R-Codes, external fixtures such as air conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.
17. The applicant shall construct a crossover(s) between the road and the property boundaries. The crossover shall be constructed in accordance with the approved drawings, associated conditions and the requirements contained within Management Practice M353, which is available at the City's website. The existing verge levels at the front property boundary shall not be altered.
18. The car parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 6.3(10)(c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.

19. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of Clause 6.3 (10) of *Town Planning Scheme No. 6*.
20. The surface of the boundary wall(s) visible from the street shall be finished to be compatible with the external walls of the building and to a high quality standard. Details in this respect are to be included on the plans submitted with a building permit application.
21. External clothes drying facilities shall be screened from view from the street or any other public place.
22. All plumbing fittings on external walls shall be concealed from external view as required by Clause 7.5(k) of *Town Planning Scheme No. 6*.
23. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P352 "Final Clearance Requirements for Completed Buildings". As detailed in the policy, the applicant is to engage a licensed land surveyor to undertake survey measurements and to submit progress reports and the final report to the City for approval. The City will only issue the final clearance letter when all relevant requirements have been met.
24. The property shall not be used for the approval hereby granted until an inspection has been carried out by a Council Officer and the City is satisfied that the conditions of planning approval have been complied with.
25. Any planning approval granted for serviced apartments will be conditional upon the applicant registering on the Certificate of Title for the lot, a notification informing prospective purchasers that serviced apartments are not permitted to be occupied by the same temporary tenant for more than 6 months within any 12 month period, prior to occupation of the development.

The City will not issue an occupancy permit for proposed serviced apartments until such time as the applicants, at their cost, have registered the required notification on the Certificate of Title relating to the occupancy restriction. If the owner wishes to extend the period of occupancy it is the owner's responsibility to obtain approval from the City for a change of use of the premises.
26. Once a formal Serviced Apartment operator has been appointed for the development, a comprehensive Serviced Apartment Management Plan will be required to be developed and provided to the City for approval and be distributed to nearby landowners and occupiers for information purposes.
27. The applicant is to ensure suitable arrangements are made so that the Community Meeting Room is made available to members of the public and South Perth community in perpetuity for the life of the development. A management plan, including details of the booking process, will be required to be submitted to the City prior to occupation of the development.

Advice Notes

1. Prior to lodging a building permit, the owner is required to satisfactorily address the outstanding planning matters identified in the Conditions of approval. A planning condition matrix is to be submitted to the City outlining how each condition has been addressed.

The applicant / owner are advised that prior to submitting a building permit application, written confirmation is to be obtained from the City's Planning Services that all outstanding requirements relating to the submission of additional information have been met. A copy of this confirmation is to be submitted along with the building permit application. If associated actions are incomplete, Building Services will not accept the associated building permit application.

Therefore, to avoid delays in obtaining a building permit and a certificate of occupancy, it is important for the owner to commence the related processes at the earliest.

2. The stormwater management system should be designed in accordance with the Decision process for stormwater management in Western Australia (DWER, November 2017, water sensitive urban design principles and Policy 49 – Planning for stormwater management affecting the Swan Canning Development Control Area. Stormwater runoff from constructed impervious surfaces generated by 1 year, 1 hour average occurrence interval events (approximately a 15mm rainfall depth should be retained and/or detained and treated (where require), on the lot.
3. Stormwater and groundwater management is to occur in accordance with relevant requirements of the City's infrastructure Services and the Water Corporation alike.
4. The applicant is advised the principle followed by the Water Corporation for the funding of development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required and a contribution for water, sewerage and drainage headworks may also be required.
5. For vessel navigation and amenity purposes, the final building materials should be of a low reflective standard.
6. Any dewatering at the site will require approval from the Department of Water through a water abstraction permit.
7. The applicant is advised of the need to comply with any relevant requirements of the City's Infrastructure Services, including but not limited to those detailed in the memorandum, dated 1 November 2017, attached to this approval.
8. The applicant is advised of the need to comply with any relevant requirements of the City's Environmental Health Services, including but not limited to those detailed in the memorandum, dated 27 October 2017, attached to this approval.
9. Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
10. In relation to Condition 5, the City will be required to give final consent for the proposed public art, including any art fund contribution arrangement. The public art contribution must be in line with the guidelines as indicated in the City's Developer's Toolkit. Once the developer has sourced an artist, determined the design and artwork they are to lodge an 'Artwork Concept Application' form and supporting material to the City for assessment. See Appendix 1 of City Policy P316 – 'Developer Contribution for Public Art and Public Art Spaces' for the full Public Art Toolkit document

11. The applicant/developer and the owners are to comply with the requirements set out in Council Policy P352 "Final Clearance Requirements for Completed Buildings". As detailed in the policy, the applicant is to engage a licensed land surveyor to undertake survey measurements and to submit progress reports and the final report to the City for approval. The City will only issue the final clearance letter when all relevant requirements have been met.
12. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the *Health Act (Carbon Monoxide) Regulations 1975*.
13. Please ensure that all service and other equipment are compliant with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* in relation to other premises.
14. Any required filling or excavation of the site shall be retained by embankments or walls, details of which are to be incorporated in the working drawings submitted in support of a building permit application.
15. Any required retaining walls along lot boundaries shall be constructed immediately after excavation or filling has been carried out.

Details: outline of development application

Insert Zoning	MRS:	Urban
	TPS:	Special Control Area 1 – South Perth Station Precinct
Insert Use Class:		Multiple Dwelling, Café/Restaurant, Tourist Accommodation, Consulting Rooms, Convenience Store & Community Meeting Room
Insert Strategy Policy:		N/A
Insert Development Scheme:		City of South Perth Town Planning Scheme No. 6
Insert Lot Size:		2091m ²
Insert Existing Land Use:		Single Storey Office

As per the latest revised plans (dated 15 January 2018, and included at **Attachment 1**), the proposed development can be described as a comprehensive 33-Level (including two mezzanine levels) or 107.62m mixed use development which contains:

- Ground floor- a public plaza, community meeting room, café/restaurant, medical consulting rooms, convenience store, residential & serviced apartment entry and lobbies as well as end-of-trip facilities for cyclists and car/bicycle visitor parking;
- Levels 1 through 5 - the buildings podium, which includes an additional mezzanine parking level, 20 tourist accommodation (serviced apartment) units and residential and non-residential parking which is concealed from public view behind the façade and tenancies within the podium;
- Level 6 - residential amenity floor including a gym, exercise room, games room, lounge/bar, pool & spa as well as BBQ and landscaped seating areas for residents; and

- Levels 7 through 33 - a mezzanine residential store level, and a total of 123 residential dwellings made up of 25 one-bedroom units (20%), 50 two-bedroom units (41%), 35 three-bedroom units (28%) and 13 four-bedroom units (11%).

The proposal is described in further detail within the applicant's supporting report (**Attachment 2**) and in other supporting documentation attached to this report. For a perspective visualisation of the proposed development see **Attachment 31**.

Background:

The applicant requested an initial meeting with the City and a pre-lodgement meeting with the City's Design Review Panel (DRP) in July of 2017 while the design and concept of the proposal were in the preliminary stages. Following this meeting and in the subsequent months the proposal was developed and submitted to the City in September of 2017 as a formal development application. Being the first proposal for this particular site in recent years, no previous developments had been considered in this location within the City's South Perth Station Precinct – Special Control Area 1 (SCA1).

Consultation, assessment and discussion of all significant elements of the proposed development in relation to the compliance and appropriateness of the proposal in accordance with the provisions of the City's Town Planning Scheme No. 6 (particularly Schedule 9A – gazetted 21 February 2017 and guiding development within the SCA1), and any other relevant legislation/policy are discussed in detail in the following sections of this report.

Legislation & policy:

Legislation

- *Planning and Development Act, 2005*
- *Planning and Development (Local Planning Schemes) Regulations, 2015, specifically Schedule 2 [Regulations]*
- *City of South Perth Town Planning Scheme No. 6 [TPS6] specifically, Parts VII and IX, Schedule 1 and Schedule 9A.*

State Government Policies

- State Planning Policy 2.10 'Swan-Canning River System' (2006).
- State Planning Policy 3.1 'Residential Design Codes' (2013), specifically Part 6 and Appendix 1. [R-Codes]

Local Policies

- Local Policy P316 'Developer Contribution for Public Art'
- Local Policy P350.01 'Environmentally Sustainable Building Design'
- Local Policy P350.03 'Car Parking Access, Siting, and Design'
- Local Policy P350.05 'Trees on Development Sites and Street Verges'
- Local Planning Policy P312 'Serviced Apartments'
- Policy P318 "South Perth Station Precinct Application Requirements"

Consultation:

Public Consultation

Public consultation has been undertaken for this proposal to the extent and in the manner required by Local Planning Policy P301 'Community Engagement in Planning Proposals'. Under the "Area 3" consultation method in this policy, strata bodies as well as individual property owners and occupiers were invited to inspect the plans and to submit comments during a minimum 21-day period. In total 503 individual letters were sent and a physical sign was also required to be placed on each frontage of the site for the duration of the consultation period. All plans and associated documentation/reports were also placed on the City's *Your Say* web page and made available for public viewing.

The City received a total of 66 formal submissions and all submissions were summarised and provided to the applicant to formally respond to. Details of the summarised submissions and applicant responses are found as **Attachment 4** of this report. The submissions were grouped into primary issues and concerns including: *planning compliance, traffic impact/management, podium & building height/scale, side and rear setbacks, parking, design quality, overshadowing, sustainability, occupier/public benefits, noise, landscaping, serviced apartments and access*. City Officer responses to all relevant categories/topics of the submissions are discussed in detail in the following assessment sections of this report.

Revised plans and documents were provided by the applicant in response to the City's *Further Information Request* letter which included consultation submission summaries, officer assessment/compliance items, design review panel comments/recommendations and other internal and external referral comments necessary for the applicant to address. Once received, these revised plans and additional information were placed on the City's website and all those that submitted were advised accordingly and invited to view the documents. While submitters were given the chance to view the revised plans and documentation, the changes were not considered significant enough to warrant re-advertising of the proposal; all submissions were upheld where still relevant.

Where relevant, all submissions were considered in the recommendations for this proposal and many of the elements are discussed in much greater detail in the assessment and comment sections of this report

Consultation with other City of South Perth Departments

City Environment

City Environment provided commentary in relation to the City's verge and street tree assets. The applicant will be required to pay a fee for the removal and replacement/relocation of one of the trees within the City's verge as well as a bond for the protection of the two Norfolk Pines within the verge abutting the development site as well as establish a tree protection zone (TPZ) to ensure all retained verge trees are protected during construction.

It is considered that these requirements can be addressed through appropriate conditions and advice notes to be addressed to the City's satisfaction.

Infrastructure Services

The City's Infrastructure Services provided commentary on finished floor levels, developer contributions, the road reserves, work on verges, verge trees, stormwater drainage, and dewatering as detailed in **Attachment 5**.

Comments on traffic were addressed by the City's Network Operations section and are discussed in the relevant sections of the report, as well as further discussion on the proposed finished floor levels.

It is considered that all other matters raised can be addressed through the inclusion of appropriate planning conditions and advice, as outlined in the Officer recommendation, to be addressed to the City's satisfaction.

Environmental Health

The Environmental Health section provided commentary on ventilation, noise, aquatic facilities, health regulations and waste management detailed in **Attachment 6**.

The commentary provided required some amendments and modifications to the initially submitted waste management plan. Subsequently, the applicant has revised the waste management plan which can be found as **Attachment 6** and the revised plan was endorsed by the City.

It is considered that all other matters raised can be addressed through the inclusion of appropriate planning conditions and advice notes, as outlined in the Officer recommendation, to be addressed to the City's satisfaction.

Network Operations

The City's Network Operations evaluated the traffic implications of the proposed development and engaged the services of consultants, Cardno, to conduct independent traffic modelling of the proposed development (**Attachment 8**) and a peer review (**Attachment 9**) of the Traffic Impact Assessment (TIA) provided by the applicant's consultants, Shawmac (latest revision **Attachment 10**).

While the reviews did identify some minor discrepancies in the applicant's TIA, which was subsequently amended as per the latest revision **Attachment 10**, the traffic modelling concluded that:

The combined impact of the proposed 50–52 Melville Parade and 1–3 Lyall Street developments was found to be manageable as the development generated traffic is shown to 'spread' its impact over a number of intersections instead of being concentrated at a single intersection.

The modelling and review of the associated traffic impacts were found to be manageable and not to have adverse impacts with regard to traffic flow in the immediate and surrounding area. Traffic is discussed further in the Table B discussion and following sections of the report.

Design Review Panel (DRP)

The application was reviewed by the City's DRP at 3 formal meetings at the City's offices and some additional, informal follow-up review and commentary was also

sought outside of the meetings where amendments had taken place in response to recommendations.

The application, in its early stages, was reviewed by the DRP prior to lodgement at a meeting that occurred in July of 2017. The commentary from this meeting can be found as **Attachment 11**. Subsequently the formal application and development plans were developed further and submitted to the City in September with the initial development plans, **Attachment 12**, dated 19 September 2017. These plans were then taken to the DRP for review on the 8 November 2017 and the comments and recommendations from this meeting are detailed within **Attachment 13**.

The comments provided by the DRP did require some significant amendments to the proposal, in particular focus was on the podium height and scale on the side and rear boundaries, which was also a matter of planning compliance, as well as the ground floor interaction of entries, land uses, public plaza and the proposed canopy. The DRP also provided recommendations in relation to the materiality, landscaping, general design and internal useability and layout of some tenancies/dwellings as well as commending many aspects of the proposal (see detailed comments, **Attachment 13**).

In response to the City's *Further Information Request* (FIR) letter which included the DRP commentary and recommendations, the applicant produced revised plans and supporting documentation in response to the City's FIR and DRP commentary. The revised plans, dated 4 December 2017 (**Attachment 14**), demonstrated the following primary changes as well as other minor changes:

- Reduction in the overall building height by 3 levels;
- Reduction in the podium height on the side and rear boundaries, brought into compliance with statutory requirements as well as recommended design outcomes, discussed in greater detail in the following sections;
- Changes in colours, materiality and the design including the tower and crown, and canopy at ground level;
- Changes to landscaping design and functionality throughout the development;
- Changes to the ground floor design and functionality, including entrances;
- Internal design changes throughout the podium and tower.

Written responses were also provided to the DRP commentary by the applicant with reference to the amended plans, as detailed in **Attachment 15**.

The amended plans were again reviewed by the City's DRP in a third meeting which was held on 12 December 2017. While the DRP considered the applicant had addressed many of the previously highlighted issues some final commentary and recommendations were put forward as detailed in **Attachment 16**.

In response to these final comments, the applicant provided amended plans and some additional information to address the final DRP comments, see the detailed response and plans as part of **Attachment 17**. This led to the development of a final set of development plans, which are the subject of this determination, the latest of which revised on the 15 January 2018 (**Attachment 1**).

When asked to review the final plans and asked specifically whether the DRP now consider all recommendations to have been addressed adequately and if the building

were to be considered of exemplary design, the following responses were provided by DRP members:

“We discussed the meaning of “exemplary” at the last DRP. In my humble opinion, and based on Oxford Dictionaries meaning “Serving as a desirable model; very good”, I believe the architectural design of the proposed building will now be considered “exemplary, sensitive and sophisticated, contributing to the high quality of the inner urban environment being promoted within the Precinct”;

The other members agreed with the member’s response and also provided some additional commentary on the appropriateness of the podium design and scale which was requested by the City and shall be discussed further below.

Further discussion and information relating to the design quality of the building is provided in the Table B assessment below, however, it is concluded that as per the final revised plans, the DRP support the architectural design of the building and consider it to be exemplary.

Consultation with external Agencies and/or Consultants

Department of Biodiversity, Conservation and Attractions (DBCA)

The DBCA provided initial commentary on the initially proposed application essentially objecting to the proposal for a number of reasons relating to overshadowing of sea grass populations, excessive building height as well as the proposed colours and reflective materiality of the design as detailed in **Attachment 18**.

In response to these comments, as written in the Applicant’s Response to the City’s FIR (**Attachment 19**) the applicant made some amendments and provided additional information to address the DBCA concerns:

- Reducing overall building height by 3 levels;
- Change in colour and materiality of the design to reduce reflectivity impacts;
- Provided reflectivity report (**Attachment 20**); and
- Provided additional overshadowing diagrams (**Attachment 21**).

These changes and information were provided to the DBCA for review and in secondary commentary received while the DBCA still held reservations with regard to the height and reflectivity impacts, they were satisfied the overshadowing impacts were acceptable and provided a suite of recommended conditions and advice notes relating to storm and groundwater management should the City and JDAP determine to approve the development, see **Attachment 22**.

The conditions and advice notes provided by the DBCA are to be applied in full, as outlined in the recommended conditions and advice notes above.

Main Roads

Main Roads were invited to comment on the proposal given the developments proximity to the Freeway reserve. While the department had no objection to the proposal they provided some advice notes which are to be applied in full, as outlined in the recommended conditions above (see **Attachment 23**).

Water Corporation

The Water Corporation were invited to comment on the proposal and raised no objection to the proposal but simply advised that the proposed development can be provided with water and wastewater services by the developer undertaking extensions and upgrades of the existing network in the locality.

The principle followed by the Water Corporation for the funding of development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required and a contribution for water, sewerage and drainage headworks may also be required. Full details of the advice from the Water Corporation are contained within **Attachment 24**.

Comments from the Water Corporation will form recommended conditions and advice notes, as outlined above.

Perth Airport

The Perth Airport was invited to comment on the proposal in relation to the overall height of the building, however, advised of no objection to the proposal as the structures are not deemed to interfere or impact any navigation aids.

Planning assessment:

The proposed development is located within the City's South Perth Station Precinct (Special Control Area 1 – SCA1) and is therefore subject to the development controls of Schedule 9A of the City's Town Planning Scheme as well as any other relevant provisions of the Scheme and applicable local and state planning policy. Amendment No. 46, which contained the provisions of Schedule 9A, was gazetted in February of 2017 and therefore guides and provides development controls for development within SCA1.

Schedule 9A, TPS6

The proposal is a comprehensive new development within Special Control Area 1 – South Perth Station Precinct. Accordingly, the proposal shall comply with the development requirements in the first column of Table A of TPS6 Schedule 9A. No variation from those requirements is permissible unless the provisions of a particular development requirement provide the local government (DAP) with a discretionary power to approve a variation from that requirement.

The Guidance Statements in the second column of Table A explain the rationale for the development requirements in the first column; and guide the local government (DAP) in the exercise of discretion, where applicable, when considering applications for development approval for comprehensive new development.

In cases where the local government (DAP) 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.

As the site is within the Special Design Area and approval is sought for variations from Development Requirement 5.1 (Building Height), approval shall not be granted unless the proposed comprehensive new development satisfies the related Guidance Statements in Table A, and also complies with all Performance Criteria in Table B.

The following table evaluates the proposals compliance with Table A of Schedule 9A:

Element 1: Land Uses – Preferred and Discretionary		Proposed
<p>Development Requirements</p> <p>1.1 Mends Sub-Precinct</p> <p>1.2 Scott-Richardson Sub-Precinct</p> <p>1.2.1 <i>Preferred land uses:</i> Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling and Residential Building.</p> <p>1.2.2 <i>Discretionary land uses:</i> Child Day Care Centre, Civic Use, community exhibition gallery, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop.</p> <p>1.5 Uses not listed Any use not listed in Development Requirements 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use satisfies Element 1 Guidance Statements (a) and (b) and the related Guidance Statements for the relevant sub-precincts.</p> <p>1.6 Interaction of Elements 1 and 2 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>Guidance Statements</p> <p>(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination.</p> <p>(b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.</p> <p>(c) Mends Sub-Precinct</p> <p>(d) Scott-Richardson Sub-Precinct For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors.</p>	<p><u>Proposed Land Uses:</u></p> <ul style="list-style-type: none"> • 'Mixed Development' - Preferred • 'Multiple Dwelling' - Preferred • 'Serviced Apartments' (Tourist Accom.) – Preferred • 'Café/Restaurant' – Preferred • 'Consulting Rooms ('medical' – Discretionary • 'Convenience Store' ('Small Shop') – Discretionary • 'Community Meeting Room' – Use Not Listed <p>All proposed uses are preferred or discretionary and in some cases provided to satisfy Table B criteria</p> <p>Complies.</p>
Element 2: Ground Floor Land Uses – Preferred and Discretionary		Proposed
<p>Development Requirements</p> <p>2.1 Mends Sub-Precinct</p> <p>2.2 Scott-Richardson Sub-Precinct</p>	<p>Guidance Statements</p> <p>(a) The ground</p>	<p><u>Proposed Ground Floor Land Uses:</u></p>

<p>Precinct</p> <p>2.2.1 No residential dwellings are permitted on the ground floor.</p> <p>2.2.2 <i>Preferred ground floor land uses:</i> Café/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet.</p> <p>2.2.3 <i>Discretionary ground floor land uses:</i> Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment.</p> <p>2.5 Uses not listed</p> <p>Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use satisfies Element 2 Guidance Statements (a) and (b).</p>	<p>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. (To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1.)</p>	<p>No residential dwellings on ground floor</p> <p>Complies.</p> <p>Other Ground Floor Uses:</p> <ul style="list-style-type: none"> • Café/Restaurant (Ground) Preferred • Convenience Store (Small Shop) - Preferred • Community Meeting Room - Use not listed • Consulting Rooms - Discretionary <p>All proposed ground floor uses are preferred or discretionary within the sub-precinct and/or required via Table B as discussed below.</p> <p>Complies.</p>
<p>Element 3: Plot Ratio and Land Use Proportions</p>		<p>Proposed</p>

<p>Development Requirements</p> <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 <i>Not Applicable (Non-SDA)</i></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 1.0</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>Guidance Statements</p> <p>(a) To meet potential occupiers’ diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings.</p> <p>(b) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</p>	<p>3.1 Site Area = 2,091m² Total Plot Ratio: 17,739m² or 8.48</p> <p>Complies.</p> <p>3.2 Non-Residential Plot Ratio as per latest plans (15.1.18):</p> <table border="1" data-bbox="895 465 1238 745"> <thead> <tr> <th>Level</th> <th>Non-Res Plot Ratio</th> </tr> </thead> <tbody> <tr> <td>G</td> <td>446m²</td> </tr> <tr> <td>1</td> <td>339m²</td> </tr> <tr> <td>2</td> <td>335m²</td> </tr> <tr> <td>3</td> <td>355m²</td> </tr> <tr> <td>4(M)</td> <td>nil</td> </tr> <tr> <td>5</td> <td>339m²</td> </tr> <tr> <td>6</td> <td>334m²</td> </tr> <tr> <td>Total</td> <td>2148m² (1.03)</td> </tr> </tbody> </table> <p>Officer calculations were found to be within 5.0m² of applicant calculation over first 6 levels of non-residential uses (negligible difference) and the drafting software is to be more accurate than Officer electronic assessment software. Calculations included removal of toilet areas and kitchen islands within serviced apartments. Applicant to ensure kitchen area to the ground floor restaurant when developed and any other modification(s) does not reduce the non-residential plot ratio by more than 57m² to ensure it remains above 1.0 (see advice note above).</p> <p>Non-residential Plot Ratio: 1.03</p> <p>Complies.</p> <p>3.3 N/A – plot ratio exceeds 3.0</p> <p>3.5 As above, non-residential plot ratio exceeds 1.0 at 1.03</p> <p>Complies.</p> <p>3.6 <i>Refer to R-Codes 6.4.3</i></p> <p>3.7 <i>Refer to R-Codes 6.4.6</i></p>	Level	Non-Res Plot Ratio	G	446m ²	1	339m ²	2	335m ²	3	355m ²	4(M)	nil	5	339m ²	6	334m ²	Total	2148m² (1.03)
Level	Non-Res Plot Ratio																			
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<p>R-Codes Clause 6.4.3 - Dwelling size</p>		<p>Proposed</p>																		
<p>Deemed-to-Comply</p> <p>C3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows:</p> <ul style="list-style-type: none"> • minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and • minimum of 40 per cent 2 bedroom dwellings; <p>and</p> <p>C3.2 The development does not contain any dwellings smaller than 40m² plot ratio area.</p>	<p>Design Principles</p> <p>P3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.</p>	<p>C3.1 Total Dwellings: 123 dwellings</p> <ul style="list-style-type: none"> • Minimum 20% 1 bedroom dwellings 1 Bedroom dwellings: 25/123 = 20.3% <p>Maximum 50% 1 bedroom dwellings 1 Bedroom dwellings: 25 dwellings (20.3%)</p> <p>Complies.</p> <ul style="list-style-type: none"> • Minimum 40% 2 bedroom dwellings 2 Bedroom dwellings: 50 dwellings (40.6%) <p>Complies.</p>																		

		C3.2 Smallest Dwelling 61m ² Complies.
R-Codes 6.4.6 Utilities and Facilities		Proposed
Deemed-to-Comply	Design Principles	
<p>C6.1 An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m² shall be provided for each multiple dwelling.</p> <p>C6.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:</p> <ol style="list-style-type: none"> conveniently located for rubbish and recycling pick-up; accessible to residents; adequate in area to store all rubbish bins; and fully screened from view from the primary or secondary street. <p>C6.3 Clothes-drying areas screened from view from the primary or secondary street.</p>	<p>P6 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> convenient for residents; rubbish collection areas which can be accessed by service vehicles; screened from view; and able to be secured and managed. 	<p>C6.1 Total Dwellings: 123 Total Stores: GF : 6 1st : 10 2nd : 1 3rd : 1 4th : 3 5th : 3 6th : 3 7th : 91 (dedicated storeroom level) 26-28th :9 29-30th : 4 TOTAL: 131 Stores Enclosed, lockable, design, access, size: Complies.</p> <p>C6.2 <i>Waste Management Plan</i> Latest revised waste management plan endorsed by City (see Attachment 7)</p> <p>C6.3 Each residential unit provided drying facilities Complies.</p>
Element 4: Podium Height		Proposed
Development Requirements	Guidance Statements	
<p>4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum.</p> <p>4.2 <i>Not Applicable (Heritage)</i></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>	<p>4.1 <u>Podium Heights:</u> The initial plans, dated 19 September, submitted with the application (Attachment 12) demonstrated a podium height and scale to side/rear boundaries of a height that was unacceptable in terms of planning compliance, design review and amenity impact upon adjoining sites to the north and east of the development site. As per the latest revised plans (Attachment 1) the podium height has been reduced to 13.44 / 13.5m along northern and eastern lot boundaries, secondary podium levels are setback 4.775m from the northern boundary and 3.29m from the eastern boundary which complies with Schedule 9A (requiring heights above the podium to be setback 3.0m for non-residential development). Secondary podium setback areas are proposed to be heavily landscaped to further break up bulk (see Attachment 1 and landscaping plans at Attachments 25 & 26). However, the podium height still exceeds 13.5m along portions of the Bowman and Melville Street frontages. Utilising clause 4.3 the additional podium height along the street frontages is supported due to the fact the additional podium height is considered of an appropriate scale to the tower, the additional height supports the tower-to-floor design feature at the street corner, the additional height, where proposed, is not expected to impact adjoining sites as the podium height is compliant where abutting and within required setback areas and is supported by the DRP – the podium scale and appropriateness is to be discussed in further detail in the comment section of the report.</p>

		Considered to Comply – further discussion below.
Element 5: Building Height		Proposed
<p>Development Requirements</p> <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>Guidance Statements</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>	<p>As per the latest revised plans, the overall building height 107.62m (initially proposed 117.37m).</p> <p>As per Schedule 9A Plan 3, this site would generally be limited to 41 metres, however the applicant is seeking variation to this height given the corner site is located within the Special Design Area which as per guidance statement (b) are sites considered appropriate to allow for higher buildings provided all Table B performance criteria are met.</p> <p>Please refer to Table B assessment below and the following comment sections of the report for further discussion regarding building height.</p>
Element 6: Special Design Area		Proposed
<p>Development Requirements</p> <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 the development site has an area of not less than 1,700 sq. metres and a frontage of not less than 25 metres, unless otherwise approved by the Council.</p> <p>6.2 For sites within the Special Design Area comprising lots depicted on Plan 2 'Special Design Area', the requirements of Element 3 'Plot Ratio and Land Use Proportions' and Element 5 'Building Height' may be waived where it can be demonstrated to the satisfaction of the Council or other responsible authority that the development :</p> <p>(a) is consistent with the Guidance Statements applicable to those Elements;</p>	<p>Guidance Statements</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, the Council may support the under-sized lot area and frontage if the Council considers the variation to be minor.</p> <p>(b) The lots comprising the Special Design Area have been included in this</p>	<p>6.1 Site Area: 2091sqm. Frontages: 46.26m & 45.96m</p> <p>Complies.</p> <p>6.2 Guidance Statements</p> <p>(a) Element 3 Guidance Statements:</p> <p><i>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.</i></p> <p><i>And,</i></p> <p><i>For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.</i></p> <p>The proposed development provides the desired dwelling diversity and sufficient storerooms for residents as previously outlined in the assessment</p>

<p>and (b) satisfies all of the Performance Criteria in Table B of this Schedule.</p> <p>6.3 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirement 6.1 and 6.2, the applicant shall submit as part of the application for planning approval, a report demonstrating how the development satisfies all of the Performance Criteria in Table B.</p>	<p>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>	<p>(b) Please see Table B assessment and further discussion in the comment section below</p> <p>6.3 Report submitted from TPG & Applicant (see Attachments 2 & 3; to be evaluated in Table B assessment below.</p> <p>See Table B assessment below</p>
<p>Element 7: Relationship to the Street</p>		<p>Proposed</p>
<p>Development Requirements</p> <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</p>	<p>Guidance Statements</p> <p>(a) With the exception of sites fronting on to the streets listed in Development Requirements</p>	<p>7.1 Complies</p> <p>7.2 Nil setback to majority of podium, however; podium pulled back at street corner to enhance entry to building and tower-to-floor design feature at the street corner (Clause 4.3) and provide a public plaza, this design was supported by the DRP.</p>

<p>streets referred to in Development Requirements 7.3, 7.4 and 7.5, 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, 7.4 and 7.5, inclusion of a podium is optional.</p> <p>7.3 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 4 metres:</p> <ul style="list-style-type: none"> (a) Darley Street; (b) Ferry Street; (c) Frasers Lane; (d) Judd Street, north side; (e) Melville Parade, north of Judd Street; (f) Mill Point Road, west side between Judd Street and Scott Street, and east side between Harper Terrace and Frasers Lane; (g) Ray Street; (h) Scott Street; and (i) Stone Street. <p>7.4 Subject to Development Requirement 7.6.1(a)(ii), for properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 2.0 metres:</p> <p>(a) <i>Bowman Street, except those lots in the Special Design Area;</i></p> <p>7.5 South Perth Esplanade Sub-Precinct</p> <p>7.6 Scott-Richardson and Mends Sub-Precincts</p> <p>7.6.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements:</p> <ul style="list-style-type: none"> (a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for not less than 50% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a). A zero setback is not permitted for more than 60% of the frontage of the development site; and 	<p>7.3, 7.4 and 7.5, to achieve a high degree of continuity of the street edge, a portion of the width of the street façade of the podium should normally abut the street boundary, with the levels above the podium being set back in accordance with Element 8 'Side and Rear Setbacks'. However, the Council may approve a lesser portion of the street frontage having a zero street setback if design techniques are employed which visually maintain the continuity of the street edge.</p> <ul style="list-style-type: none"> (b) It is intended that the streets listed in Development Requirements 7.3, 7.4 and 7.5, will retain a different character from other streets in the precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees. (c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street. (d) The extent of blank or solid wall at ground level adjacent to the street should be 	<p>Will not impact future streetscape as tower to ground is at the street corner, podium at nil where abutting adjoining sites.</p> <p>Supported – see further discussion below.</p> <p>7.3 N/A – development not on streets listed</p> <p>7.4 N/A – subject site is within Special Design Area</p> <p>7.6.1a The adjoining site to the north is also on a street corner and could be developed similarly in the future. The site to the east on Bowman St will require a 2m street setback for the podium and as per the latest revised plans the applicant has pulled back the podium slightly (1.5m) where the sites interact to assist with transition. Furthermore the nil setbacks are considered more appropriate at the street corners to identify the street corner.</p> <p>Considered to Comply</p> <p>7.6.1b Primary pedestrian entry, servicing residential tower and serviced apartments opens to Bowman Street, all tenancies on the ground floor open to the street frontages and/or public areas. Full height clear glazing provided to all ground floor tenancies and entries, no obstructions, open to public along all frontages.</p> <p>Complies.</p> <p>7.6.1c Negligible blank walls provided, except support columns and vehicle entries, all ground floor tenancies provided with openings and the lobby provides openings as well</p> <p>Complies.</p> <p>7.6.2 Minimum 4m above-podium street setback:</p> <p>Minimum Street Setback - 4.1m to Melville Parade</p> <p>Minimum Street Setback - 4.2m to Bowman Street</p> <p>Complies.</p> <p>7.6.3 No cantilevered balconies proposed, all balconies setback >4.0m minimum</p> <p>Not Applicable</p> <p>7.6.4 Materials and interactions between podium and tower considered appropriate to differentiate and complement each other; supported by the DRP.</p> <p>Complies.</p>
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<p>(ii) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its high monetary value in relation to the current land value, and the Council is of the opinion that a podium with a street setback of less than 4.0 metres would adversely affect the amenity of the adjoining property, the Council shall specify:</p> <p>(A) for a lot where a 2.0 metre minimum street setback applies; and</p> <p>(B) for a lot where a zero street setback applies –</p> <p>(I) the maximum percentage of the lot frontage that may have a 2.0 metre or zero street setback, as applicable to that lot;</p> <p>(II) the positioning of the portion of the building with a 2.0 metre or zero street setback, as applicable to that lot; and</p> <p>(III) the required greater setback for the balance of the building. A minimum setback of two-thirds of the setback of the adjoining building to a maximum of 4.0 metres shall be required.</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>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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<p>7.6.2 For the portion of the building above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres.</p> <p>7.6.3 The Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site, provided that:</p> <p>(a) strong visual differentiation is maintained between the podium and the portion of the building above it;</p> <p>(b) the perceived scale of the building does not dominate public space;</p> <p>(c) the projecting elements have sufficient design merit and visual interest; and</p> <p>(d) solar access to the public footpath is not adversely affected.</p> <p>7.6.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features.</p>		
Element 8: Side and Rear Setbacks		Proposed
<p>Development Requirements</p> <p>8.1 (a) Where the Council is satisfied that a podium with a zero setback from a side or rear boundary would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback from the side or rear boundary is required unless the development satisfies Element 8 Guidance Statement (a); and</p> <p>(b) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its high monetary value in relation to the current land value, and the Council is of the opinion that a setback of less than 3.0 metres from a side or rear boundary would adversely affect the amenity of the adjoining property in any manner including, but not limited to, obstruction of light and solar penetration or prevention of adequate ventilation between buildings, the Council shall specify:</p> <p>(i) the portion of the building that is required to have a greater setback from the side or rear boundary; and</p>	<p>Guidance Statements</p> <p>(a) The podium levels of buildings will normally be required to have zero side setbacks 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</p>	<p>8.1 Nil setback of podium provided to side and rear (eastern and northern) boundaries as required by 8.1. Nil setback is supported due to non-contemporary nature of the existing adjoining developments and current land value and development potential provided by Schedule 9A</p> <p>See further discussion on the nil setback of the podium to side and rear boundaries in the comment sections below.</p> <p>Complies.</p> <p>8.2 Nil rear setback to podium provided</p> <p>Complies.</p> <p>8.3 Minimum Setbacks:</p> <ul style="list-style-type: none"> • South (Bowman St): 4.2m • West (Melville Pde):4.1m • East (Side/Rear – Res Tower): 7.7m • East (Side/Rear – Upper Podium):3.3m • North (Side/Rear- Res Tower): 5.8m • North (Side/Rear – Upper Podium): 4.75m <p>Complies.</p>

<p>(ii) the required greater setback for that portion of the building, which shall be:</p> <p>(A) a minimum of 2.0 metres, when the podium height is not more than 9.0 metres; and</p> <p>(B) a minimum of 3.0 metres, when the podium height is greater than 9.0 metres.</p> <p>No balcony shall protrude into the required minimum setback area.</p> <p>8.2 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls may have a zero setback from the rear boundary.</p> <p>8.3 Subject to Development Requirement 8.4, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Development Requirement 7.3 of Element 7, the setbacks from side and rear boundaries shall be:</p> <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><i>8.4 Not Applicable (Heritage)</i></p>	<p>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>Development Requirements</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</p>	<p>Guidance Statements</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</p>	<p>*See officer Car Parking assessment table below*</p> <p>9.1ai 0.75x 25 dwellings = 18.75 (19) car bay required 1 bedroom dwelling car bays: 19 Complies</p> <p>9.1aii 1.00x 98 dwellings = 98 car bays 2+ bedroom dwelling car bays: 152 Complies</p> <p>9.1aiii $\frac{1}{6}$ x 123 dwellings = 20.5 (21) car bays Visitor car bays: 21 Res Visitor Bays provided Complies.</p> <p>9.1aiv $\frac{1}{3}$x 123 dwellings = 41 bicycle bays Resident bicycle bays: 48 Complies $\frac{1}{10}$x 123 dwellings = 12.3 res vis bicycle bays Visitor bicycle bays: 12 res vis bays Complies.</p> <p><i>A number of residential parking bays provided as wide (28) or long (60) which allow users to store additional things or perhaps a motorcycle or even additional vehicles depending on vehicle sizes.</i></p>

<p>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</p>	<p>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>	<p>9.1bii 0.5 x (20) Service Apartments = 10 (10) required Provided: 10 Complies.</p> <p>9.1bii $\frac{1}{50} \times 500 \text{ m}^2 \text{ GFA} = 10 (10)$ Non-Residential car bays: 12 (2 visitor) Complies</p> <p>9.1biii 10% x 12 car bays = 1 (1) Non-Res Visitors required Non-Res Visitor car bays: 2 Complies</p> <p>9.1biv $\frac{1}{200} \times 585 \text{ m}^2 \text{ GFA} = 2.925(3)$ bicycle bays Provided: 3 non-res bicycle bays</p> <p>End Of Trip provision (Ground Floor)</p> <ul style="list-style-type: none"> • 1 x Male Shower and Change • 1 x Female Shower and Change • 8 Lockers <p>Complies.</p> <p>9.3 Visitor bays marked on plans Complies Most bays have an accessible path of travel for people with disabilities (no stairs), though some will require moving across or near vehicle access ways.</p> <p>9.4, 9.5 (a) & (b) non-residential visitor bays provided at ground floor and residential on subsequent 2 floors; visitor intercom provided at entry for guests.</p> <p>Complies.</p> <p>9.6 All Parking is concealed from public view. Complies</p>
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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.							
Floor	Car Bay Type	Residential	Res Visitor	Non-Res	Non-Res Vis.	Serviced Apartment	Total
Ground			2	8	2		12
1 st		20	12				32
2 nd		37	7				44
3 rd		44					44
Mezz.		27					27
4 th		27					27
5 th		16				10	26
Total		171	21	8	2	10	212
Bicycle Bays		48	12	3			
Scooter Bays (not req.)		7					
Element 10: Canopies							
Development Requirements			Guidance Statements				
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.			(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.			10.1 Extensive Canopy Proposed as part of public art contribution as well as a major architectural feature of the development. Canopy extends over footpath by an average depth of 2.5m and continues into the site where the building is setback to give continuous shelter to pedestrians. The canopy has also been amended in design and height as per DRP comment and serves to shelter not only the footpath but also the public plaza and is used to help define the primary entry to the tower. Complies.	
Element 11: Vehicle Crossovers							
Development Requirements			Guidance Statements				
11.1 Only one vehicle crossover per lot per street is permitted.			(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.			11.1 Single Crossover provided to each street frontage, the one to Melville Parade is intended for services only. Complies	
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.			(b) Shared crossovers are strongly encouraged.			11.2 6m two way crossover provided to primary vehicle entry from Bowman Street. Complies.	
11.3 For both the residential and non-residential components of a building, the 'deemed-to-comply' provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.						11.3 As per latest revised plans, 1.5m truncations for vehicle sight-lines provided to vehicle entry points. Complies	
11.4 Mends Sub-Precinct For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances: (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							

(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.		
Element 12: Landscaping and Outdoor Living Areas		
<p>Development Requirements</p> <p>12.1 Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for planning approval.</p> <p>12.2 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>12.3 All residential dwellings shall be provided with a balcony or equivalent outdoor living area with a minimum area of 10 sq. metres and a minimum dimension of 2.4 metres, accessed directly from a habitable room.</p>	<p>Guidance Statements</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>12.1 See landscaping plan and additional information as Attachments 25 & 26.</p> <p>Extensive landscaping proposed, particularly on amenity levels, public plaza, upper podium setback areas, vertical gardens, floating gardens and façade of tower spine and podium levels – see landscaping plans.</p> <p>Complies.</p> <p>12.2 All residential dwellings provided with balcony sizes in excess of the minimum requirements; all balconies achieve minimum 3.0m dimension and smallest balcony is 16m²</p> <p>Complies.</p> <p>12.3 As above – Complies.</p>
Element 13: Heritage		
<p>Development Requirements</p> <p>13.1 <i>Not Applicable</i></p> <p>13.2 <i>Not Applicable</i></p> <p>13.3 <i>Not Applicable</i></p>	<p>Guidance Statements</p> <p>(a) <i>Not Applicable</i></p> <p>(b) <i>Not Applicable</i></p> <p>(c) <i>Not Applicable</i></p> <p>(d) <i>Not Applicable</i></p>	<p>E13 Not Applicable</p>
Element 14: Designing Out Crime		
<p>Development Requirements</p> <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>(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>14.5 Any fence on the perimeter of the public realm shall be:</p> <p>(a) no higher than 0.9 metres; or</p> <p>(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>Guidance Statements</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>	<p>14.1 All pedestrian access points and entries clearly legible</p> <p>Complies.</p> <p>14.2 Illumination not shown on plans – insufficient detail provided, yet general condition applied.</p> <p>Recommended Condition outlined above.</p> <p>14.3 Storage areas contained within the building Complies</p> <p>14.4 Complies.</p> <p>14.5 No fencing proposed, simply hard and soft landscaping which complement the public square, does not prevent access or vision</p> <p>Complies.</p> <p>14.6 Security gate provided to primary vehicle entry but not seen to adversely affect</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).		appearance, setback and is not prominent. Complies.
Element 15: Road and Rail Transport Noise		Proposed
<p>Development Requirements</p> <p>15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for comprehensive new development containing noise sensitive land uses:</p> <p>(a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application;</p> <p>(b) if required by Council, the application shall include a noise management plan;</p> <p>(c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission's State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Consideration in Land Use Planning';</p> <p>(d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.</p>	<p>Guidance Statements</p> <p>(a) Comprehensive new development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</p>	<p>An Acoustic Report prepared by BESTEC accompanied the application (Attachment 27) and it concluded that the indoor ambient noise criteria set by SPP 5.4(3) will be met with the recommended acoustic treatments outlined in the report.</p> <p>A condition of approval is recommended as outlined above which will ensure the adoption of these recommendations are reflected in materials submitted with a building permit application.</p> <p>Considered to Comply – recommended condition of approval outlined above to ensure compliance.</p>

TPS6 Schedule 9A – Table B: Performance Criteria

Pursuant to Provision 3(1) of TPS6 Schedule 9A all comprehensive new development within SCA1 is required to comply with Design Consideration 1 'Design Quality' of Table B. The application is also located within the Special Design Area and seeking discretion on the development requirements of Element 3 'Plot Ratio and Land Use Proportions', Element 5 'Building Height' and Element 6 'Special Design Area'. The proposal is therefore required to satisfy all of the requirements of Table B. An assessment of Table B is provided below:

Design Consideration	Performance Criteria	Evaluation
1. Design Quality	<p>(a) In the opinion of the Council or other responsible authority, the architectural design of the proposed building is exemplary, sensitive and sophisticated, contributing to the high quality of the inner urban environment being promoted within the Precinct.</p> <p>(b) In arriving at an opinion referred to in (a), the Council or other responsible authority, shall:</p> <p>(i) have due regard to the advice of its nominated Design Review Panel or any other suitably qualified consultants appointed for the purpose of advising on building design;</p> <p>(ii) be satisfied that the proposed building -</p> <p>(A) exhibits exemplary levels of architectural design quality, as defined by any policy or guideline of the Western</p>	<p>(a) Considered to achieve criteria, see following discussion:</p> <p>(b)(i) As is discussed in the Design Review Panel section above, following 3 formal meetings with the DRP providing comment and recommendations on the initial and revised proposals as well as some final follow up in receipt of the final and latest development plans (Attachment 1) the DRP concluded that:</p> <p><i>We discussed the meaning of "exemplary" at the last DRP. In my humble opinion, and based on Oxford Dictionaries meaning "Serving as a desirable model; very good", I believe the architectural design of the proposed building will now be considered "exemplary, sensitive and sophisticated, contributing to the high quality of the inner urban environment being promoted within the Precinct".</i></p> <p>Other DRP members also agreed and had</p>

	<p>Australian Planning Commission relating to architectural design quality;</p> <p>(B) delivers a high level of amenity within the public realm by:</p> <p>(I) being of a scale along the street alignment which is conducive to creating a comfortable pedestrian environment;</p> <p>(II) allowing for appropriate levels of sunlight penetration into key pedestrian and public spaces;</p> <p>(III) minimising adverse wind impacts; and</p> <p>(IV) minimising impact on adjoining properties, maximising space between existing and potential future development on adjoining sites and contributing to an attractive skyline and outlook from the public realm within the South Perth Station Precinct and surrounding vantage points; and</p> <p>(C) delivers a high level of amenity within buildings by providing for appropriate natural light access, natural ventilation, privacy and outlook; and</p> <p>(iii) be satisfied that the Design Review Panel has had due regard to all relevant Development Requirements and Guidance Statements in Table A that apply to the precinct.</p>	<p>nothing further to add. Given this, as per the latest revised plans, the DRP consider that the proposal satisfies this criterion.</p> <p>(b)(ii)(A) With due regard to the draft WAPC Apartment Design Policy (SPP 7 – Design WA) the proposal was seen to generally satisfy the provisions and design objectives of this draft policy.</p> <p>(b)(ii)(B)(i) The podium has been pulled back from the street corner to provide for a large public and pedestrian plaza, the scale of the podium and development surrounding the public areas is supported by the DRP and City Officers as complementary to the scale of the tower, this is to be discussed in greater detail in the following comment section of the report (also see applicant justification in Attachment 15).</p> <p>(b)(ii)(B)(ii) The orientation of the lot and being on a south-western corner site has made it difficult to have great solar penetration to the public space and pedestrian areas which are forced to be on the southern side of the building, particularly in the morning hours, however, it is expected that in the afternoon the public plaza, pedestrian paths and ground floor tenancies shall receive excellent natural lighting. All public areas and abutting footpaths are expected to be upgraded and be of excellent quality. Furthermore, with virtually all dwellings having at least one east or west facing opening and/or balcony, and the favourable orientation of the tower, designed to maximise east-west and slightly opened north, all dwellings are expected to receive natural lighting throughout the day.</p> <p>(b)(ii)(B)(iii) The applicant provided an initial wind assessment report (Attachment 28) which provided recommendations on how to mitigate potential wind impacts throughout the development and particularly to public or amenity spaces. Following the submission of the final development plans and landscaping plans, the consultants were asked to provide a follow up report evaluating the effectiveness of the proposed wind mitigation features. The follow-up report (Attachment 29) concluded that: <i>“After review of the updated architectural drawings, these recommended treatments have been shown to generally be included in the revised drawings”.</i> The consultants advise that in order to further accurately assess wind conditions within and around the subject development, wind tunnel testing is planned to be undertaken. This will provide quantitative analysis of the wind conditions affecting the subject development, and determine the necessary extent of the advised wind mitigation treatments, in order to ensure suitable wind conditions will be achieved for the various outdoor trafficable areas of the development. A condition of approval will ensure that this further testing is completed and any further recommendations adopted</p>
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		<p>where appropriate.</p> <p>(b)(ii)C Discussions with regard to access to natural light, natural/cross ventilation and outlook within the building are detailed in the 'Occupier Benefits' in criterion 8 below. All of these aspects are considered to be in excess of desired.</p> <p>(b)(iii) The DRP are well aware of the provision of schedule 9A and the objectives of the area. The proposal has been thoroughly reviewed and been through significant recommended changes to now be considered exemplary by the DRP, as per the latest development plans.</p> <p>Satisfied.</p>
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.	<p>Overshadowing diagram provided, see section 4.6 of applicant report (Attachment 2), indicates 58% coverage of nearest adjoining southern site across the street (54 Melville Parade). Furthermore, the additional shadow diagrams (Attachment 17) requested by the City, DRP and DBCA demonstrate that for at least the first half of the day the shadow from the development will only fall upon the Kwinana Freeway, Swan River and Melville Parade road reserve with no shadow impact upon nearby development until the afternoon hours.</p> <p>Satisfied.</p>
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> <p>(a) the proposed building; and</p> <p>(b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed.</p> <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>	<p>With reference to the Network Operations section of the report above, the independent modelling and peer review of the applicants traffic assessment (see Attachments 8 & 9) concluded that :</p> <p><i>"The combined impact of the proposed 50–52 Melville Parade and 1–3 Lyall Street developments was found to be manageable as the development generated traffic is shown to 'spread' its impact over a number of intersections instead of being concentrated at a single intersection".</i></p> <p>It should be noted the City's traffic modelling does take into account the cumulative impact of all other buildings in the SCA1 where height variations have been granted.</p> <p>It can therefore be concluded that the proposed development in terms of traffic is manageable and will not have a significant adverse impact upon traffic flow and safety.</p> <p>Satisfied.</p>
4. Car Parking	<p>The maximum permissible number of on-site parking bays for residential uses is as follows:</p> <p>(a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings;</p> <p>(b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.</p>	<p>Maximum Car Parking Permissible :</p> <ul style="list-style-type: none"> • (1-2 Bed dwellings) 75 x 1.0 = 75 • (3+ bed dwellings) 48 x 2.0 = 96 • Total Permissible: 171 bays • Total res occupier bays provided: 171 bays <p>The long bays provided, cannot strictly cater for 2 vehicles as per Australian Standard car bay dimension requirements in a tandem arrangement and while some of the wide bays could potentially accommodate two vehicles, they cannot legally be counted as two bays as per the bay marking. Furthermore, the wide bays are allocated to dwellings which achieve a</p>

		<p>silver level liveable housing design as is required to be provided for no less than 20% of dwellings as per criterion 8(c) below. It is intended the long and wide bays are to offer residents additional space for storage or for the parking of alternative vehicles such as motorbikes etc.</p> <p>Satisfied.</p>
5. Sustainability	In order to demonstrate excellence in sustainable development, the building is to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent rating tool.	<p>Sustainability Statement provided indicating the proposed development is to achieve the required Green Star rating – Condition of Approval is recommended to ensure a supplementary report is provided at building permit and building permit documents reflect the report and desired green star rating (refer also Cadds Green Star Energy Document, Attachment 33).</p> <p>Condition to ensure satisfaction.</p>
6. Electric Car Charging Station	An electric car charging station with capacity to recharge 6 vehicles simultaneously.	<p>9 Electric Car Charging Stations provided next to or servicing residential visitor bays on 2nd and 3rd level.</p> <p>Satisfied.</p>
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.	<p>Extensive landscaping proposed throughout the developments public and private amenity areas, sky gardens and tower lobbies and facades including vertical and other innovative landscaping features, see landscaping plans and additional information as Attachments 25 & 26.</p> <p>49% of site area or 1023m² of landscaping is to be provided throughout the development on-site; any additional landscaping proposed in the City's verges is not included in this calculation.</p> <p>COMPLIES</p>
8. Benefits for Occupiers and Local and Wider Communities	<p>Occupier Benefits</p> <p>(a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June.</p> <p>(b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more.</p> <p>(c) The parking bays allocated to a minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, shall be not less than 6.0 metres in length and 3.8 metres in width. In addition, those dwellings are to incorporate the following core elements, designed to the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia:</p> <p>(i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level;</p> <p>(ii) at least one step-free, level entrance into the dwelling;</p> <p>(iii) internal doors and corridors that facilitate unimpeded movement between spaces;</p>	<p>8a – All residential dwellings achieve the required 15m² and all of which demonstrate the minimum 3.0m dimension.</p> <p>Building design and orientation of split towers designed to maximise exposure to the northern aspect of the eastern and western sides of the development. Furthermore, with virtually all dwellings having at least one east or west facing opening and/or balcony and most with a dual aspect, most if not all dwellings will have more than 2 hours of sunlight.</p> <p>COMPLIES</p> <p>8b Minimum 10% x 123 dwellings = 12.3(13) dwellings 13 dwellings provided floor areas >200 sqm. =10.5%</p> <p>COMPLIES</p> <p>8c 26 Wide bays provided with a minimum width of 3.8m and length 6.0m – 26/123 = 21%</p> <p>The 26 (21%) dwellings provided with the wide bays are also linked to the dwellings which achieve the silver level liveable housing design guidelines.</p> <p>Attachment 30 to this report provides detailed plans of the dwellings which are provided and</p>

	<p>(iv) a universally accessible toilet on the ground or entry level;</p> <p>(v) a bathroom which contains a step-free shower recess;</p> <p>(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and</p> <p>(vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre.</p> <p>(d) At least 50% of the dwellings are to be designed to provide:</p> <p>(i) effective natural cross-ventilation; and</p> <p>(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.</p> <p>Local Community Benefits</p> <p>(e) Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views.</p> <p>(f) 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> <p>(g) 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> <p>(i) Café/Restaurant;</p> <p>(ii) Cinema/Theatre;</p> <p>(iii) gymnasium;</p> <p>(iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or</p> <p>(v) an outdoor area designed for public entertainment performances.</p> <p>Wider Community Benefits</p> <p>(h) 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.</p> <p>(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.</p>	<p>achieve the silver level liveable housing design; these dwellings are also notated on the plans with a "LHDG – Silver Compliant".</p> <p>COMPLIES</p> <p>8di Minimum 50%x 140 dwellings = 70 dwellings</p> <p>92 dwellings provided operable windows on more than one elevation (dual aspect apartments) providing effective cross-ventilation to 65.7% of dwellings. See further discussion in section 5.2 of the DA report (Attachment 2).</p> <p>COMPLIES</p> <p>8dii Most if not all dwellings will have significant views of the City, River or both with many dwellings having dual aspects</p> <p>COMPLIES</p> <p>8e All views toward the City from other sites are maintained given the location of the development on the western edge of the precinct. The additional height is negligible in terms of the impact on views and the tower portions of the development particularly from the eastern and northern boundaries are setback well in excess of required. Within the applicant's report (Attachment 2) the applicant describes that the proposed development has been designed with respect to the view corridors of neighbouring buildings and future developments. The tower has been deliberately located close to the prominent (riverside) corner of the site to appropriately address the street intersection, resulting in wider setbacks to the eastern and northern boundary. This also serves to minimise the effect of overshadowing on lots to the south side of Bowman Street. (see also view corridor information and diagrams Attachment 32).</p> <p>COMPLIES</p> <p>8f Community Meeting Room provided to ground floor which is intended for use by the public</p> <p>COMPLIES</p> <p>8g A public plaza is provided at the street corner of the development with high quality landscaping including furniture and seating areas for use by the community and development alike. This plaza is also serviced by the proposed Restaurant at the ground floor.</p> <p>COMPLIES</p> <p>8h Medical 'Consulting Rooms' are provided at the ground floor of the development. This will provide an important service to the wider community.</p> <p>COMPLIES</p>
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		8j End of Trip Facilities provided at Ground Floor – to be made available to all visitors to the building. COMPLIES
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As is demonstrated in the table above it is the City’s assessment that the final revised plans and supporting documentation, satisfactorily address the performance criteria of Table B. The additional height proposed by the development is therefore capable of support. All items requiring further discussion, as identified in the tables above, are to be discussed further in the comment section below.

Officer Comment

Minimum Floor and Ground Levels (TPS6 Clause 6.9)

TPS6 cl. 6.9 prescribes the minimum floor and ground levels that a lot or building is to be developed at, summarised as follows. A lower level can be approved if the development is considered to satisfy the requirements of sub-clause (3).

Development Element	Minimum Required	Minimum Proposed	Compliance
Ground Level:	1.75m AHD.	Plaza: Approx. 1.75m AHD.	Compliant
Habitable Rooms Ground Floor Level:	2.30m AHD.	Non-Residential Tenancies: 1.75m AHD.	Not compliant.
Non-Habitable Rooms Floor Level:	1.75m AHD.	Lobby: 1.75m AHD.	Compliant.
Car Parking Floor Level:	1.75 m AHD.	Lower Ground Level: 1.6m AHD.	Not compliant.

As per the definition and looking at the table above, the ‘habitable’ spaces within the non-residential tenancies and car park and access toward the rear (north) of the development sit below the required minimum floor levels prescribed by clause 6.9.

Discretionary Provisions
<p>(3) <i>The local government may permit land to be developed with lower levels than prescribed in sub-clauses (1) and (2), if:</i></p> <p>(a) <i>provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;</i></p> <p>(b) <i>the applicant provides the local government with certification from a consulting engineer that adequate water-proofing has been achieved; and</i></p> <p>(c) <i>the applicant satisfies the local government in such manner as the local government may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.</i></p>

In relation to subsoil water seepage and water-proofing, the applicant has advised that the proposed floor level will not impact on the subsoil drainage design system and that an appropriate water-proofing system to Australian Standards will be applied to the ground floor slab preventing water seepage and leakage to the development. Specific details have not been supplied as part of this application, though it is considered acceptable for these technical details and certification be provided as part of the building permit documentation.

In relation to the 100 year flood level, the City has sought advice from the Department of Water and Environment Regulation as to the 1 in 100 Annual Exceedance Probability (AEP) for this site. The Department in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. The Department's Assessment of Swan and Canning River tidal and storm surge water levels has shown that the subject site is not currently affected by major flooding with the 1 in 100 AEP flood level, currently expected to be approx. 1.35m AHD. Should sea levels rise as expected, which is 0.9m over the next century, this flood level increases to approx. 2.20m AHD at the year 2110. Based on the Department's floodplain development strategy for the area, proposed developments are considered acceptable with regard to major flooding. However, a minimum habitable floor level of 2.70m AHD is recommended to ensure adequate flood protection. A failure to properly adhere to these recommendations will result in a greater exposure to risks of flood damage.

Based upon the Department's advice, the proposal would not be currently directly affected by the floodwaters from a 1 in 100 AEP flooding event, though in the long term the ground floor level is at risk of being affected by floodwaters should a 1 in 100 AEP flooding event occur based upon the higher sea level used in the modelling. The applicant has provided further justification to support the proposed levels (**Attachment 19**) which has been considered positively.

It is noted that the ground floor levels generally align with the existing verge levels and as such the proposed finished levels facilitates convenient building access and streetscape activation. Having regards to the risks and benefits of the proposed levels, there is scope to consider permitting the proposed floor levels. However, it is considered appropriate for an approval to be conditional on the implementation of strategies to reduce the impacts to the occupants and the building from a flood event, as well as to indemnify the City for future liability from flood damage (as the applicant/developer has indicated they are willing to do). For example, this could include protecting water-sensitive and critical infrastructure from floodwaters and establishing the necessary preparation and responses to a flood event for the future occupants. It is therefore considered that the proposed levels can be supported with the application and satisfaction of appropriate conditions.

Podium Height to Street Boundaries

Generally speaking, within the SCA1, podium heights are limited to a maximum of 13.5m except in the case of corner sites, where clause 4.3 and accompanying guidance statements of Table A provide:

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).

- (a) *The scale of the podium is an important contributory factor to the character and perceived integrity of the street; and*
- (b) *Corner podium with architectural design features is encouraged.*

Given the development site is on a corner, the clause does provide some scope for approving greater podium heights along these street frontages toward the street corner. Initially submitted plans had podium height in excess of 13.5m toward the side and rear boundaries; however, these were not supported on the basis of planning compliance, design review and expected adverse amenity impact on adjoining sites. The applicant was advised that no podium height above 13.5m would be supported along the side/rear (north/east) boundaries or within prescribed setback areas above 13.5m to the side and rear boundaries which abutted existing developments. Notwithstanding, it was highlighted that there was scope to potentially support higher podiums along the street frontages (excluding prescribed setback areas) toward the street corner where the guidance statements above could be satisfied.

As per the latest revised plans (**Attachment 1**) the podium heights have been reduced and made compliant alongside side and rear boundaries, though podiums along portions of the street frontage sit above 13.5m at 20.12m. Therefore these portions with additional podium height have to be considered in terms of the applicable guidance statements. The applicant provided justification toward this as part of **Attachments 15 & 19**. The scales of these particular portions of podium were considered appropriate and specific comment from the DRP was sought with regard to this element, with the following advice provided:

"In terms of the height of the podium at the street relative to the nominated height in the guidelines, there are several considerations here that contribute to creating 'scale' for the pedestrian:

- 1. simple height of the podium building at nil setback*
- 2. level of articulation and visual interest in the podium facade*
- 3. scale elements at ground floor such as awnings / canopies / landscape features / glazing treatment / entrances / materiality*

Another important design consideration that is related to this discussion is the proportions / interplay of the massing between the podium and tower. In this case, the tower is quite tall and a lower podium would look out of scale next to it, while perhaps a 20 storey building would balance out nicely with a podium that meets the guidelines. Podiums that are taller than the guidelines may be justifiable but they need to meet very high standards of design in addressing the above dot points 2 and 3".

The proposed podium is seen to address dot points 1 and 2 satisfactorily and the scale of the podium for these portions is considered appropriate given the scale of the building itself and the podium function as a design feature at the street corner. The primary design feature of the development, one highly commended and supported by the DRP was the tower-to-floor design at the street corner. By pulling back the podium from the street corner itself and increasing heights surrounding the tower-to-floor design this feature is enhanced and clearly defines the street corner and building features. The DRP provided the following commentary with regard to this feature as well:

“The option to increase the height of the podium at the corner in Clause 4.3 relates to the design intention of emphasising and celebrating street block corners, creating variety and improved legibility in an urban context. While this project does not increase the height of the podium at the corner (it deletes it in fact), the overarching intent to emphasise and celebrate the street block corner is achieved by the dramatic way in which the tower comes to ground in that location as well as the playful canopy and landscaped forecourt. So for me, this design intention is satisfied, just in different manner”.

Given the above, it is considered the proposed additional podium heights, as per the latest development plans, can be supported as it satisfies the relevant guidance statements. Furthermore, the portions of podium with additional height in the proposed locations are not expected to have any adverse impacts on adjoining sites as they are to street frontages/reserves and have been made compliant in height within prescribed side and rear setback areas. The podium is heavily articulated to break up perceived bulk through the use of varied materials including glass, steel framing and landscaping (see perspectives **Attachment 31**). Lastly, the increase in height where proposed is not expected to generate further overshadowing or restrict ventilation to adjoining sites.

It is therefore considered the additional height is capable of approval as it satisfies the applicable guidance statements for sites on a street corner.

Nil Setback of Podium to Side and Rear Boundaries

The adjoining property to the north (49 Melville) is also within special design area of the SCA1 and could be developed similarly to the proposed development in the future; currently containing aged multiple dwellings. The City’s records indicate the development was constructed in 1978, making it 40 years old and is therefore not considered a contemporary development. Furthermore, the orientation of the units are east-west facing with a large southern blank wall facing the proposed development. Given this, the nil setback of the podium will is not expected to have an adverse impact on the amenity on this existing development.

The adjoining site to the east of the proposed development (3 Bowman) also contains aged multiple dwellings. The City’s records indicate that the development was constructed in 1963, making it 55 years old and is therefore not considered a contemporary development. The site currently contains 18 multiple dwellings within a 3 storey building and is not considered to have a high monetary value in relation to the current land value. As per schedule 9A, this site has a height limit of 25 metres, measured to the finished floor level of the upper-most storey, meaning that the site could potentially cater for a 9 storey development, with significantly increased development potential.

The front section of the ‘T’ shaped development faces south with dwellings in this location having an outlook toward the street with a large blank western facing wall fronting the proposed development. The rear portion of the development does have a number of west facing dwellings and courtyard areas (facing the proposed development site). Given the diagonal lot shape, the minimum setback of these dwellings at the northern end is 4.7m from the lot boundary and at 8 metres toward the southern end of this portion of the development. While it is acknowledged, should the site not be redeveloped prior to the construction of the proposed development, these units will face a reduction in amenity, the setbacks of the existing building

exceed what would be required by the R-Codes and it is expected that due to this, ventilation of the site should remain adequate. Due to the north-south orientation of the lots, the development would only be affected by shadow in the mid to late afternoon (refer shadow diagrams). Furthermore, these dwellings are east-west orientated with openings on the eastern end of each apartment which will provide natural solar access in the morning hours.

The redevelopment of 3 Bowman Street is possible given the existing development is not contemporary (being 55 years old) and the existing development/land use is not optimising the significant development potential that Schedule 9A provides for this site. The City sees the acquisition and subsequent development applications for many similar sites throughout the SCA1 and it is expected that at some point, this site will be redeveloped to optimise its development potential provided by Schedule 9A.

Furthermore, if a 3.0m setback were imposed and then the adjoining site redeveloped in the future, this gap between developments would diminish the continuity of podium along the streetscape, which is an objective of the Schedule 9A (refer guidance statement 8.1(a)) and seen to be a desired design outcome.

Given the above considerations the City considers the nil setback of the podium to the side and rear boundaries to be appropriate.

Traffic and Parking

Concerns regarding traffic and parking were raised in the submissions provided through neighbour consultation.

Traffic impact and parking numbers have been assessed thoroughly and carefully in the case of this application as detailed in the Network Operations section of the report above and both the Table A and B assessment tables. The assessment and review of relevant documentation has determined that the associated (and cumulative) traffic impact this development is likely to pose is considered manageable and acceptable. This has been confirmed by the City's own traffic modelling and independent peer review of the applicants traffic impact assessment.

With regard to car parking, as is demonstrated in the assessment tables above and reflected in the latest development plans, the proposed development is compliant in all aspects of parking provision requirements including the maximum limit on residential occupier bays stipulated in Table B.

It is therefore concluded the parking provision and limits are entirely compliant with Schedule 9A and the cumulative traffic impact is considered acceptable.

Building Height

As is demonstrated in the Table B assessment above, the proposed development is considered to satisfy all of the relevant performance criteria and therefore providing scope to approve a variation in the prescribed heights of Plan 3 – 'Building Height' within Schedule 9A as the development is within the special design area. It should be noted that while Schedule 9A does not prescribe any maximum height for those developments which are in the special design area and satisfy Table B, however, it is also important to consider the scale and design of a building within the immediate and wider context of the SCA1. As detailed in **Attachment 13**, the City's DRP

concluded that they supported the height of the development and confirmed that as per the latest revised plans, the development exhibited exemplary design, satisfying this performance criterion and providing for the additional height.

Conclusion:

As detailed in the above report and discussion the City is of the opinion that as per the latest revised plans and with the application of appropriate conditions this development application is capable of approval and have therefore recommended it be conditionally approved.