

ATTACHMENTS.

Special Council Meeting

13 June 2018

Attachment A



Form 1 - Responsible Authority Report
(Regulation 12)

Property Location:	Lots 29-31 (Nos 50-52) Melville Parade, South Perth
Development Description:	31 Level (103.1m) 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 Stevan Rodic – Manager of Development Services Brendan Philipps –Statutory Planning Officer
DAP File No:	DAP/17/01288
Report Due Date:	8 June 2018
Application Received Date:	22 September 2017
Application Process Days:	90 Days (plus extension / stop-the-clock / deferral)
Attachment(s):	1. Revised and Latest Development Plans (latest revisions dated 4 May 2018): A2-00 through A2-19 and A3-01 through A3-04 2. Applicant's Supporting Documents and Reports 3. Previous RAR dated 9 February 2018

Officer Recommendation:

That the Metro Central JDAP resolves to:

- Approve** DAP Application reference DAP/17/01288 and accompanying plans: A2-00, A2-01, A2-02, A2-03, A2-04, A2-05, A2-06, A2-07, A2-08, A2-09, A2-10, A2-11, A2-12, A2-13, A2-14, A2-15, A2-16, A2-17, A2-18, A2-19, A3-01, A3-02, A3-03 and A3-04 (dated 4 May 2018), 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

- 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:
 - public safety and amenity;
 - 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, 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, 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 2 May 2018) have been implemented. Where relevant,

any measures should be reflected in development plans submitted with a building permit.

14. Prior to submission of a building permit, the applicant is to submit an updated Waste Management report. Upon endorsement by the City, waste management shall occur in accordance with the updated waste management plans submitted, to the satisfaction of 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, to the satisfaction of the City.
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. Prior to the submission of a building permit application, the applicant shall supply certification confirming the design of all car parks and vehicle access-ways are compliant with Australian Standard AS2890.1.
20. 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*.
21. 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.
22. External clothes drying facilities shall be screened from view from the street or any other public place.
23. 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*.
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 3 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.
28. Prior to submission of a building permit, Lots 29, 30 and 31 (Nos 50, 51 and 52) Melville Parade are to be amalgamated, to the satisfaction of the City.
29. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) with an elevation to Melville Parade. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."

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. In relation to the requirement for an updated waste management report, it is recommended that the applicant liaises with the City's Waste and Fleet Coordinator via enquiries@southperth.wa.gov.au or 9474 0777.

3. In relation to the construction management plan, the applicant is advised to contact the City's Network Operations and Engineering Infrastructure departments to ensure that pedestrian safety is maintained and to negotiate the occupation / use of surrounding on-street parking bays during the construction process. These departments can be contacted via enquiries@southperth.wa.gov.au or 9474 0777.
4. 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.
5. Stormwater and groundwater management is to occur in accordance with relevant requirements of the City's infrastructure Services and the Water Corporation alike.
6. 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.
7. Any dewatering at the site will require approval from the Department of Water through a water abstraction permit.
8. The applicant is advised of the need to comply with any relevant requirements of the City's Infrastructure Services.
9. The applicant is advised of the need to comply with any relevant requirements of the City's Environmental Health Services.
10. 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.
11. 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
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

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

In response to the reasons of deferral provided by the Metro-Central JDAP at its meeting held on 9 February 2018, another revised set of plans (dated 4 May 2018) has been submitted by the applicant (included at **Attachment 1**). The proposed development can be described as a comprehensive 31 level (including two mezzanine levels) or 103.1m mixed use development which contains:

- Basement level – vehicle parking spaces (cars, bicycles and scooters), store room units, servicing areas and lifts.
- Ground floor - a public plaza, community meeting room, café/restaurant, medical consulting rooms, convenience store, bin storage, residential & serviced apartment entry and lobbies as well as end-of-trip facilities for cyclists and car/bicycle visitor parking;
- Levels 1 to 5 - the buildings podium, which includes 16 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 to 31 - 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. A copy of the previous Responsible Authority Report (RAR) presented to JDAP on 9 February 2018 can be found at **Attachment 3** in this report.

Background:

At its meeting held on 9 February 2018, the Metro-Central JDAP resolved to:

Defer consideration of the Metro Central JDAP application, DAP/17/01288 for a period of 3 months from 9 February 2018 to allow Council Administration to discuss the following with the applicant:

1. *The potential to make modifications to the podium on the eastern side of the property, such as to significantly reduce its impact on the adjoining property. Such consideration could involve a reduction in the height and scale of the podium and setback from Bowman Street and inclusion of an underground parking component that would reduce the need for a podium of the nature proposed.*
2. *The modification of the existing wind impact assessment to include the specific assessment of the impact on the adjoining properties.*

Reason: To allow Council administration to discuss the potential to make further modifications to the proposal with the applicant. An amended Responsible Authority Report for the proposed development is to be presented to the Metro Central JDAP by no later than 3 months from 9 February 2018.

On 4 May 2018, the City received an amended set of plans in response to the abovementioned reasons for deferral. In terms of the main differences between the current set of development plans and the previous set of plans presented to JDAP, these can be summarised as follows:

Element		Previous	Current	Difference
Overall Building Height		107.6m (33 storeys)	103.1m (31 storeys with basement level)	4.5m (2 storeys)
Lower Podium Height	Eastern elevation	13.5m	13m	0.5m
	Northern elevation	13.5m	13m	0.5m
Upper Podium Height		21.1m	18.9m	2.2m
Upper Podium Setbacks	Eastern lot boundary setback	3m	Between 3.3m to 9.8m	Between 0.3m to 6.8m
	Northern lot boundary setback	4.4m	3.2m	1.2m reduction
Plot Ratio Area (non-residential)		1.03 (2148m ²)	0.93 (1936.28m ²)	0.1 (211.72m ²)

A detailed overview of the changes has been provided by the applicant (refer to **Attachment 2**). Additional changes to the development not listed in the table above are outlined below:

- Addition of basement level parking;
- Relocation of vehicle entrance from Bowman Street to Melville Parade;
- Increased street setback on Bowman Street to improve sight lines;
- Reconfiguration of commercial tenancies on ground floor;
- Landscaping and further design treatments to the eastern elevation of the podium.

The applicant has also updated the wind impact assessment so as to address reason 2 of the deferral by the Metro-Central JDAP.

For further detail relating to the background of the application, refer to the previous RAR (**Attachment 3**).

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 350.18 – 'Short Term Accommodation'
- Policy P318 "South Perth Station Precinct Application Requirements"

Consultation:

Public Consultation

In accordance with the previous procedure for advertising revised plans in relation to this application, submitters that have made comment on the proposal were invited to inspect the latest set of amended plans dated 4 May 2018. Previous submitters were provided with a period of 21 days in which to make comment on the revised development plans.

In total, the City received 19 submissions in relation to the revised set of plans, with the general feedback reiterating concerns identified in former neighbour consultation periods. The predominant concerns raised can be categorised into the following themes:

- *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*
- *Waste management/vehicle access*

Where relevant, all submissions were duly considered in the recommendation 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

Network Operations

The City's Network Operations department did not provide additional commentary relating to traffic generation on the revised plans, as the amendments were not considered to necessitate a comprehensive re-assessment of the proposal, given the number of vehicle parking bays is only varied by an increase of two (2) bays. Some advice notes have been recommended in respect to pedestrian access and some logistical considerations as part of the construction process. These comments have been recommended as advice notes where appropriate.

Waste Management

The applicant provided an updated waste management plan due to the revised access point from Melville Parade. The waste management plan addressed logistical matters such as the waste collection process, overall storage capacity and types of waste generated, among other considerations. This particular document has been reviewed internally by the City's Waste and Fleet Coordinator with some feedback provided to the applicant's consultant. An additional response has been provided by the applicant with most of the outstanding matters resolved, however some further information will need to be provided in an updated waste management report, prior to submission of a building permit. An advice note is recommended to suggest that the applicant discusses the requirement for an updated waste management plan further with the City's Waste and Fleet Coordinator.

Design Review Panel (DRP)

The application has been presented to 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 revisions to the plans were not considered to warrant another referral to the DRP given that, in general terms, the design of the building largely remains consistent with the previous set of plans. It is noted that the DRP previously concluded that the development is considered to constitute 'exemplary design'. The alterations to the podium are considered to result in an improvement to the overall aesthetic and presentation of the building and, on this basis, referral to the

DRP was not conducted again. The DRP comments relating to former iterations of the development plans can be found at **Attachment 3**.

Previous referral comments from other internal departments can also be found at **Attachment 3** of this report.

Consultation with external Agencies and/or Consultants

Main Roads WA (MRWA)

MRWA were invited to comment on the revised proposal given the change in the access point (to Melville Parade), as well as the developments proximity to the Freeway reserve. The advice provided from MRWA confirms that no objection is made in relation to the development application. Some advice notes relating to a notification informing prospective purchasers of noise associated with a major transport corridor and the inclusion of a noise barrier are outlined the referral response from MRWA. These advice notes have been addressed as appropriate.

Perth Airport

A copy of the revised plans was presented to Perth Airport for comment in regards to the height of the building and any potential impact on navigation aids or flight paths. As the building height has been reduced from the previous scheme, Perth Airport raised no concern in regards to the revised plans.

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 policies. 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 3.2 (Plot Ratio) and 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' – considered to represent an incidental use / facility to the overall mixed use development (ie. not of a scale to warrant consideration and assessment as an independent land use). It is noted the size of this tenancy has been reduced in the revised plans. <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 floors of</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>buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface.</p> <p>(b) Within Element 2 'Ground Floor Land Uses', the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct.</p> <p>(To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1.)</p>	<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 • 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>																		
Element 3: Plot Ratio and Land Use Proportions	Proposed																			
<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</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</p>	<p>3.1 Site Area = 2,091m² Total Plot Ratio: 18,364m² or 8.48</p> <p>Complies.</p> <p>3.2 Non-Residential Plot Ratio as per latest plans:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Level</th> <th>Non-Res Plot Ratio</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>Not included as per definition</td> </tr> <tr> <td>G</td> <td>617.9m²</td> </tr> <tr> <td>1</td> <td>331.6m²</td> </tr> <tr> <td>2</td> <td>331.6m²</td> </tr> <tr> <td>3</td> <td>331.6m²</td> </tr> <tr> <td>4(M)</td> <td>nil</td> </tr> <tr> <td>5</td> <td>323.6m²</td> </tr> <tr> <td>Total</td> <td>1936.28m² (0.926)</td> </tr> </tbody> </table> <p>Non-residential Plot Ratio: 0.93 (1936.28m²)</p>	Level	Non-Res Plot Ratio	B	Not included as per definition	G	617.9m ²	1	331.6m ²	2	331.6m ²	3	331.6m ²	4(M)	nil	5	323.6m ²	Total	1936.28m² (0.926)
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<p>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>collection and clothes drying areas should be provided.</p>	<p>Does not comply. Refer to Officer Comment- Plot ratio can be varied if all elements of Table B are considered to be met.</p> <p>Refer to Table B Assessment below.</p> <p>3.3 N/A – plot ratio exceeds 3.0</p> <p>3.5 Does not comply – refer to Officer Comment</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>
R-Codes Clause 6.4.3 - Dwelling size		Proposed
<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> <p>C3.2 Smallest Dwelling 61m²</p> <p>Complies.</p>
R-Codes 6.4.6 Utilities and Facilities		Proposed
<p>Deemed-to-Comply</p> <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"> i. conveniently located for rubbish and recycling pick-up; ii. accessible to residents; iii. adequate in area to store all 	<p>Design Principles</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 	<p>C6.1 Total Dwellings: 123 Total Stores: B : 28 GF: 0 1st :1 2nd :1 3rd :1 4th : 0 5th : 9 6th : 0 7th : 72 (dedicated storeroom level) 25-27th :9 29-30th : 4 TOTAL: 125 Stores Enclosed, lockable, design, access, size: Complies.</p> <p>C6.2 <i>Waste Management Plan</i> Latest revised waste management plan submitted by applicant dated 4 May 2018 and</p>

<p>rubbish bins; and</p> <p>iv. fully screened from view from the primary or secondary street.</p> <p>C6.3 Clothes-drying areas screened from view from the primary or secondary street.</p>	<p>managed.</p>	<p>largely supported by the City's Waste and Fleet Coordinator, with an updated version to be submitted prior to lodgement of a building permit.</p> <p>C6.3 Each residential unit provided with drying facilities</p> <p>Complies.</p>
<p>Element 4: Podium Height</p>		<p>Proposed</p>
<p>Development Requirements</p> <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>Guidance Statements</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></p> <p>As per the latest revised plans (Attachment 1) the podium height has been reduced to 13m along northern and eastern lot boundaries. Secondary podium levels are setback 3.2m from the northern boundary and a minimum of 3.3m 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. Additional landscaping has also been included in the revised plans submitted on 4 May 2018.</p> <p>The podium height however, 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 'Officer Comment' section of the report.</p> <p>Considered to Comply – further discussion below.</p>
<p>Element 5: Building Height</p>		<p>Proposed</p>
<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</p>	<p>As per the latest revised plans, the overall building height 103.1m.</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>

	appropriate to allow higher buildings provided the Performance Criteria in Table B are met.	
Element 6: Special Design Area		Proposed
Development Requirements	Guidance Statements	
<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; and</p> <p>(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>(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 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</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>(b) Please see Table B assessment and further discussion in the comment section below</p> <p>6.3 Report provided by applicant and included in previous RAR (refer to Attachment 3).</p> <p>See Table B assessment below</p>

	<p>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>	
Element 7: Relationship to the Street		Proposed
<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 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</p>	<p>Guidance Statements</p> <p>(a) With the exception of sites fronting on to the streets listed in Development Requirements 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>	<p>7.1 Complies</p> <p>7.2 Nil setback to majority of podium, although the amended plans offset the podium from the eastern boundary, to include additional landscaping. The podium is retracted at the 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>It is considered that the design would not have an adverse impact on the 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 be require a 2m street setback for the podium and as per the latest revised plans the applicant has retracted the podium to allow for a 2 metre offset . 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.</p>

<p>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><i>(a) 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> <p>(a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for 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> <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>(b) It is intended that the streets listed in Development Requirements 7.3, 7.4 and 7.5, will retain a different character from other streets in the precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees.</p> <p>(c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street.</p> <p>(d) The extent of blank or solid wall at ground level adjacent to the street should be minimised.</p> <p>(e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</p> <p>(f) Where cafés or restaurants are proposed, alfresco dining is encouraged.</p>	<p>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 - 4.3m to Melville Parade</p> <p>Minimum Street Setback - 4.1m 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) 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>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</p>		
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and design features.		
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>(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</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 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>	<p>8.1 Nil setback of podium is provided to the majority of the side and rear (eastern and northern) boundaries as required by 8.1, with the exception of an offset from these boundaries toward the north-eastern section of the site.</p> <p>The podium layout 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 podium layout to side and rear boundaries in the comment sections below.</p> <p>Complies.</p> <p>8.2 Nil rear setback to portions of side and rear boundaries.</p> <p>Complies.</p> <p>8.3 Minimum Setbacks:</p> <ul style="list-style-type: none"> • South (Bowman St): 4.1m • West (Melville Pde):4.3m • East (Side/Rear – Res Tower): 6.9m • East (Side/Rear – Upper Podium):3.3m • North (Side/Rear- Res Tower): 5.7m • North (Side/Rear – Upper Podium): 3.3m <p>Complies.</p>

<p>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>		
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 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</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 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>*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: 147 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: 41 Complies $\frac{1}{10}$x 123 dwellings = 12.3 res vis bicycle bays Visitor bicycle bays: 21 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 items or perhaps a motorcycle or even additional vehicles depending on vehicle sizes.</i></p> <p>9.1bii 0.5 x (16) Service Apartments = 8 (8) required Provided: 8 Complies.</p> <p>9.1bii $\frac{1}{50}$x 617 m² GFA = 12.34 (12) Non-Residential car bays: 14 (2 visitor) Complies</p> <p>9.1biii 10%x 14 car bays = 1.4 (1) Non-Res Visitors required Non-Res Visitor car bays: 2 Complies</p> <p>9.1biv $\frac{1}{200}$x 617 m² GFA = 3.085(3) bicycle bays Provided: 11 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 • 11 Lockers <p>Complies.</p> <p>9.3 Visitor bays marked on plans Complies</p>

<p>number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site.</p> <p>9.3 All visitor parking bays shall be:</p> <p>(a) marked and clearly signposted as dedicated for visitor use only;</p> <p>(b) connected to an accessible path of travel for people with disabilities.</p> <p>9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier.</p> <p>9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed:</p> <p>(a) elsewhere on the development site if the proposed location of those bays would be more convenient for visitors; and</p> <p>(b) inside a security barrier where:</p> <p>(i) two of the visitor bays are provided outside the security barrier unless otherwise approved where Guidance Statement (c) is satisfied; and</p> <p>(ii) visitors have convenient access to an electronic communication system linked to each occupier of the building.</p> <p>9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street.</p>	<p>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 within basement, as well as the first floors; visitor intercom provided at entry for guests.</p> <p>Complies.</p> <p>9.6 All Parking is concealed from public view.</p> <p>Complies</p>
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Floor	Car Bay Type	Residential	Res Visitor	Non-Res	Non-Res Vis.	Serviced Apartment	Total
Basement		22	3	12		8	45
Ground				2	2		4
1 st		26	21				47
2 nd		40					40
3 rd		40					40
Mezz.		17					17
4 th		21					21
Total		166	24	14	2	8	214
Bicycle Bays		14	62	11			87
Scooter Bays (not req.)		14					

Element 10: Canopies		
Development Requirements	Guidance Statements	
10.1 Where a building abuts the street boundary, a cantilevered canopy shall	(a) Where a building abuts the street boundary, a	10.1 Extensive Canopy Proposed as part of public art contribution as well as a major architectural feature of the

<p>be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres, subject to a clearance distance of not less than 2.5 metres being provided from the face of the road kerb to the canopy.</p>	<p>canopy should be provided that extends a sufficient distance over the footpath to provide a reasonable degree of shade and shelter to pedestrians, while maintaining a safe clearance from the road carriageway and infrastructure in the verge.</p>	<p>development.</p> <p>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.</p> <p>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.</p> <p>Complies.</p>
Element 11: Vehicle Crossovers		
<p>Development Requirements</p> <p>11.1 Only one vehicle crossover per lot per street is permitted.</p> <p>11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking.</p> <p>11.3 For both the residential and non-residential components of a building, the 'deemed-to-comply' provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</p> <p>11.4 Mends Sub-Precinct For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances:</p> <p>(a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle access from the primary or secondary street is permitted; and</p> <p>(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.</p>	<p>Guidance Statements</p> <p>(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/ pedestrian conflict points, in order to create a safer and more attractive pedestrian environment.</p> <p>(b) Shared crossovers are strongly encouraged.</p>	<p>11.1 One crossover is provided on Melville Parade.</p> <p style="text-align: center;">Complies</p> <p>11.2 6m two way crossover provided to primary vehicle entry from Melville Parade.</p> <p style="text-align: center;">Complies.</p> <p>11.3 As per latest revised plans, 1.5m truncation for vehicle sight-lines provided to vehicle entry point.</p> <p style="text-align: center;">Complies</p>
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 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. Additional landscaping has also been provided to the eastern boundary.</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>
<p>Element 13: Heritage</p>		
<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>
<p>Element 14: Designing Out Crime</p>		
<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>14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device satisfies Guidance Statement (a).</p>	<p>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</p> <p>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 appearance, setback and is not prominent.</p> <p>Complies.</p>

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>Refer to previous RAR – acoustic report provided has been endorsed and recommendations will need to be adhered to.</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
<p>1. Design Quality</p>	<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 Australian Planning Commission relating to architectural design quality;</p> <p>(B) delivers a high level of amenity within the public realm by:</p>	<p>(a) Considered to achieve criteria, see following discussion:</p> <p>(b)(i) As is discussed in the previous RAR, following 3 formal meetings and additional correspondence, the City's 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 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</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>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.</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 updated wind assessment report (Attachment 2) which includes specific detail in regards to the wind impact on adjoining properties, in response to reason 2 of the deferral from JDAP. The main recommendations and outcomes from the wind report are as follows:</p> <p><i>The results of the study indicate that the majority of trafficable outdoor locations within and around the development will experience suitable wind conditions. Results indicate that with the inclusion of the proposed development there are no adverse wind conditions measured within the eastern neighbouring development. With the inclusion of the proposed development, the results of the study indicate that some treatments are necessary to be implemented to achieve the desired wind speed criteria for pedestrian comfort and/or safety. The suggested treatments, which have been tested in the wind tunnel to verify their effectiveness, are summarised as follows:</i></p> <p><i>Ground Level:</i></p> <ul style="list-style-type: none"> • <i>Recommended inclusion of the proposed densely foliating evergreen trees (as indicated in the Ground Floor architectural drawing) capable of growing to a height of 3-5 metres with a 3-5 metre wide canopy.</i> • <i>Recommended inclusion of densely foliating evergreen shrubs along the south-western aspect, in front of the public plaza areas. These shrubs should be capable of growing to a height of 1.0 metre above a 0.5 metre planter box.</i> <p><i>Level 5:</i></p>
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		<ul style="list-style-type: none"> • <i>Recommended inclusion of densely foliating evergreen shrubs located along the perimeter of the podium, as shown in Figure 7b. These shrubs should be capable of growing to a height of 1.0 metre above a 0.5-1.2 metre planter box.</i> • <i>Recommended inclusion of a screen divider (minimum height of 3.0 metres to full height) at the north-east corner of the terrace. Treatment recommended in-principle based on results of alternative designs implemented and tested during treatment testing.</i> • <i>Recommended inclusion of a screen divider (minimum height of 3.0 metres to full height) with return screens at the south-east corner of the terrace. Treatment recommended in-principle based on results of alternative designs implemented and tested during treatment testing.</i> <p>It is recommended that a condition of approval is imposed so as to reflect the amended advice provided in the wind impact assessment.</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.	The overshadowing percentage onto the nearest southern adjoining property, being 54 Melville Parade, is lessened from 58% due to the reduction in overall building height.
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</p>	<p>Refer to previous RAR</p> <p>Satisfied.</p>

	not have significant adverse impacts on traffic flow and safety.	
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: 166 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 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>Refer to comments provided in previous RAR.</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>6 Electric Car Charging Stations provided next to or servicing residential visitor bays within level 1.</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.	Complies as per comments provided in previous RAR.
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>	Complies as per comments provided in previous RAR. Wide bays provided in revised scheme still comply with 8 (c).

	<ul style="list-style-type: none"> (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; (ii) at least one step-free, level entrance into the dwelling; (iii) internal doors and corridors that facilitate unimpeded movement between spaces; (iv) a universally accessible toilet on the ground or entry level; (v) a bathroom which contains a step-free shower recess; (vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and (vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre. <p>(d) At least 50% of the dwellings are to be designed to provide:</p> <ul style="list-style-type: none"> (i) effective natural cross-ventilation; and (ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building. <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> <ul style="list-style-type: none"> (i) Café/Restaurant; (ii) Cinema/Theatre; (iii) gymnasium; (iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or (v) an outdoor area designed for public entertainment performances. <p>Wider Community Benefits</p> <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>	
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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 building height and plot ratio 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

Previous officer comment relating to Building Height, Podium Height to Street Boundaries and Traffic has not been reiterated, as these design elements have either been reduced in scale or remain relatively consistent with the former set of development plans. For comment on these design elements, refer to the previous RAR (**Attachment 3**). In regards to the review of these particular design elements, it is considered that it would not be reasonable to revisit and raise issue with design elements that, largely, remain consistent with the previous set of plans presented to the Metro-Central JDAP. To this end, careful consideration should be given to the two reasons for deferral listed in Metro-Central JDAPs decision on 9 February 2018. For clarity, these reasons are provided below:

- 1. The potential to make modifications to the podium on the eastern side of the property, such as to significantly reduce its impact on the adjoining property. Such consideration could involve a reduction in the height and scale of the podium and setback from Bowman Street and inclusion of an underground parking component that would reduce the need for a podium of the nature proposed.*
- 2. The modification of the existing wind impact assessment to include the specific assessment of the impact on the adjoining properties.*

Changes to Podium

In relation to reason 1 identified above, the following changes have been adopted in the amended set of plans:

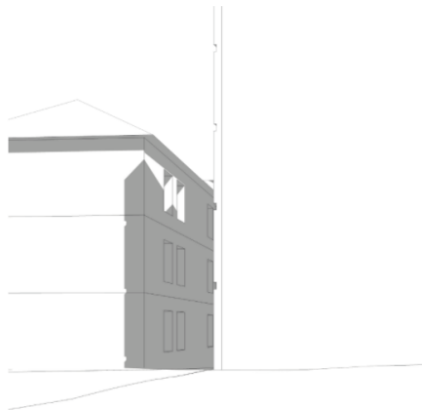
- Reducing the height of the lower podium wall from 13.5m to 13m on the eastern elevation;
- A substantial portion of the podium wall has also been offset from the eastern boundary to allow for additional landscaping treatments;
- Additional setback to the façade of the building fronting Bowman Street, with a setback increase from 1.5m to 2m.
- Included basement level car parking to enable abovementioned podium changes.

In insolation, some of the abovementioned modifications may not appear to contribute towards 'significantly reducing the impact' on the eastern adjoining properties. However, in conjunction, the cumulative alteration is considered to substantially reduce the impact on the eastern adjoining property. This position has been formed for the following reasons:

- The reduction in the lower podium wall height facilitates greater sunlight penetration to the eastern adjoining property throughout the day, with images below comparing the changes:

5.0 OVERSHADOWING DIAGRAMS

5.5 SHADOWS ON 21ST MARCH / 23RD SEPTEMBER - REVISED SCHEME



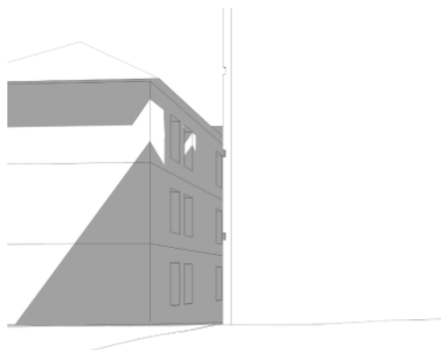
PREVIOUS
OVERSHADOWING AT 3:00PM



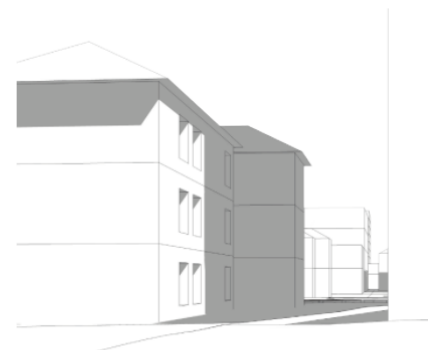
REVISED PROPOSAL
OVERSHADOWING AT 3:00PM

5.0 OVERSHADOWING DIAGRAMS

5.4 SHADOWS ON 22ND DECEMBER - COMPARISON



PREVIOUS
OVERSHADOWING AT 3:00PM



REVISED PROPOSAL
OVERSHADOWING AT 3:00PM

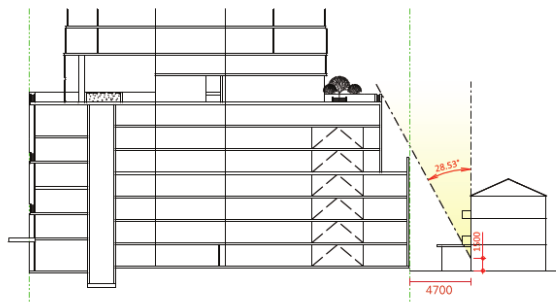
Further to the above, in reviewing the impact to the east, it is recognised the southern-most portion of the western elevation of the building at 3 Bowman Street has a blank wall, which is where the predominant extent of shadow would be cast from the proposed development. It is also noted that the revised proposal is adjusting the podium height to below the allowable limit of 13.5m specified in Schedule 9A specifically to reduce the impact on the neighbouring properties and to accommodate a more sensitive design compared with the previous scheme.

- Comparative podium setback diagrams have also been submitted by the applicant which illustrates the wider angle of sunlight penetration afforded.

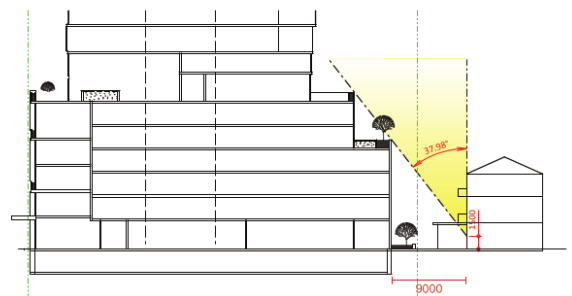
4.0 SETBACK COMPARISON DIAGRAMS

4.1 SETBACK - SECTIONAL COMPARISON

The lower podium has been setback and then reduced to 13m to improve sightlines and amenity of 3 Bowman Street.



PREVIOUS



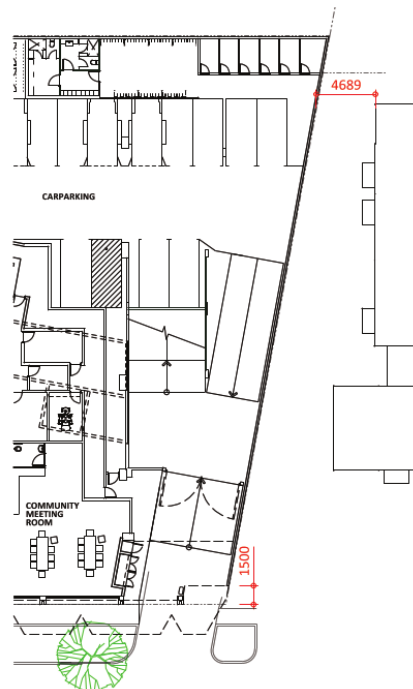
REVISED PROPOSAL

4.0 SETBACK COMPARISON DIAGRAMS

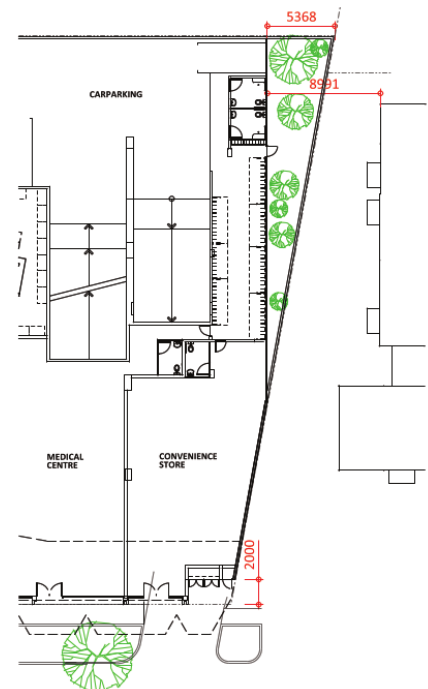
4.2 SETBACK - PLAN COMPARISON

The lower podium has been setback at the northeastern corner to create a consistent 9m setback area, parallel to 3 Bowman Street.

The southeastern corner has also been setback to further improve sightlines.



PREVIOUS



REVISED PROPOSAL

The setback from the proposed podium to the western elevation of the building at 3 Bowman Street has been increased to 8.9m in the revised proposal, allowing for a comparative improvement in ventilation and access to sunlight for the eastern adjoining site. As explained in the previous RAR, 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, the eastern adjoining dwellings are east-west orientated with openings on the eastern end of each apartment which will provide natural solar access in the morning hours.

Consideration should also be given to achieving a balance between providing a more acceptable amenity impact on the eastern neighbouring site by way of increased podium setback(s) and the risk of diminishing 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. The southern component of the eastern elevation of the podium still maintains a nil setback which is considered to meet the intent of guidance statement 8.1 (a). Setting back this portion of the podium from the boundary is considered to be contrary to the desired vision encapsulated within Schedule 9A, and therefore the proposed podium layout is supported on this basis.

The increased street setback to Bowman Street from 1.5m to 2m is also considered to assist in providing an adequate transition from the corner site and potential development that may occur at 3 Bowman Street.

Refer to the previous RAR (**Attachment 3**) for comment on the age of the building at 3 Bowman Street and the development potential of the site.

- It is acknowledged that the changes to the podium have been facilitated through the incorporation of a basement level for vehicle parking, addressing part of reason 1 of the deferral from JDAP.

Wind Impact Assessment

In relation to the 2nd reason for deferral, an updated Wind Impact Assessment has been provided by the applicant (refer to **Attachment 2**), with specific detail and analysis in respect to the impact on adjoining properties. The recommendations and findings of the updated wind report have been discussed with another Local Government who process development applications of a comparable scale. The discussions held with the independent third party suggest that, in the absence of prescriptive requirements or a specific policy relating to wind assessments, the review of wind reports can at times be a subjective exercise. Schedule 9A of TPS6 simply states that *'In arriving at an opinion referred to in (a), the Council or other responsible authority, shall be satisfied that the proposed building minimises adverse wind impacts.'* There are no specific requirements outlined in this provision in terms of the preparation of a certain wind assessment report addressing specific criterion. Instead, the provision simply refers to the responsible authority being satisfied that that the building minimises adverse wind impacts. Further still, classifying what is deemed to be 'adverse' in respect to a wind impact is also subjective and difficult to classify. Notwithstanding, the report submitted by the applicant includes an overview of various studies which provide criteria in regards to safety, comfort and the ability to conduct certain activities (exercise) with exposure to different levels of wind speed. These studies and criteria have informed the assessment and analysis conducted by the applicant's consultant.

It is generally accepted that 'Wind Tunnel' assessments provide a more comprehensive analysis of wind impacts at a pedestrian scale and environment. The applicant's report does outline extensive detail on wind tunnel assessment and various modelling undertaken in reference to development proposed and subsequent impacts on surrounding properties. In undertaking this particular analysis, the report makes reference to numerous other studies and Australian and New Zealand Standard, AS/NZS 1170.2 'SSA Wind Loading Standard, Part 2: Wind Actions'. The report is considered to place a particular emphasis on the impacts onto adjoining properties.

In summary, the report generally and modelling undertaken is deemed to be satisfactory in providing a comprehensive analysis of the impact of the development on internal and surrounding amenity. The various points of advice included in the executive summary of the report are recommended to be imposed as a condition of approval. Overall, this additional information from the applicant is considered to address reason 2 of the deferral from the Metro-Central JDAP.

Plot Ratio (SCA1 Element 3 & SCA1 Element 6: Special Design Area)

The development plans as presented (1936.3m² of non-residential plot ratio area proposed) do not comply with the minimum 1.0 non-residential plot ratio requirement (2091m² plot ratio area required).

Areas such as kitchens, lunch rooms and storage areas are required to be excluded, as per the definition in TPS6 Schedule 1. Element 3 does not provide any ability to vary the development requirements.

Development Requirement 6.2 states that the requirements of Element 3 may be waived if the local government (DAP) is satisfied the proposal is consistent with the Element 3 Guidance Statements (a) and (b) and all of the Table B performance criteria. The proposal is considered to be compliant with Element 3 Guidance Statements (a) and (b) and compliant with the Table B performance criteria. The proposed diversity of dwellings is seen to be sufficient to be consistent with Element 3 Guidance Statement (a). The proposed provision of residential utilities and facilities is considered to be consistent with Element 3 Guidance Statement (b). Comments on the assessment of Table B Performance Criteria assessment are outlined earlier in this report and are considered to be adequately satisfied.

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.	Crossover entry: 1.6m AHD	Not compliant
Habitable Rooms Ground Floor Level:	2.30m AHD.	Non-Residential Tenancies: 1.75m	Not compliant.

		AHD.	
Non-Habitable Rooms Floor Level:	1.75m AHD.	Lobby: 1.75m AHD.	Compliant.
Car Parking Floor Level:	1.75 m AHD.	Basement: -1.05m AHD.	Not compliant.

As per the definition and having regard to the above table, 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. It is of course noted that the now proposed basement level car parking requires further consideration in the context of the below discretionary provisions outlined in clause 6.9 of TPS6.

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> <ul style="list-style-type: none"> <i>a. provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;</i> <i>b. the applicant provides the local government with certification from a consulting engineer that adequate water-proofing has been achieved; and</i> <i>c. 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>

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. 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.

In regards to the basement level parking proposed, it is necessary for the development to ensure sufficient protection from subsoil water seepage and to demonstrate and subsequently provide a basement level that can withstand a 1 in 100 AEP flooding event. 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.

Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the Local Government (JDAP) is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the Local Government, those matters are relevant to the development the subject of the application. The detailed provisions and requirements of Schedule 9A – Special Control Area are considered to satisfactorily address the matters relevant to the assessment of this proposal. An assessment of the proposal, as outlined throughout this report, is therefore is considered to address relevant matters in clause 67 as outlined below:

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

For reasons outlined in the original RAR and this report, the development is considered appropriate in consideration of the objectives of Schedule 9A and the intended built form as part of this planning framework.

(n) the amenity of the locality including the following —
(i) environmental impacts of the development;
(ii) the character of the locality;
(iii) social impacts of the development;

The existing amenity of the locality will change as a result of this development, however the development satisfies the planning requirements of Schedule 9A which have been developed to address amenity concerns taking into consideration development of a scale and intensity as proposed.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

This matter is addressed in the report.

(s) *the adequacy of —*

- (i) the proposed means of access to and egress from the site; and*
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

Waste management for the development and access is considered acceptable subject to the lodgement of an updated waste management plan, which is a condition of approval.

(t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

The traffic resulting from the additional building height can be accommodated within the existing road network as detailed in the original RAR.

Conclusion:

As detailed in the above report and discussion the City is of the opinion that as per the latest revised plans, the application has addressed the reasons of deferral provided by the Metro-Central JDAP at its previous meeting. Additionally, the proposed development is considered to satisfy the requirements of Schedule 9A in the City's Town Planning Scheme No. 6. With the application of appropriate conditions, this development application is considered to be capable of approval and the City has therefore recommended it be conditionally approved.

Attachment 1: Revised and Latest Development Plans (latest revisions dated 4 May 2018): A2-00 through A2-19 and A3-01 through A3-04

Attachment 2: Applicant's Supporting Documents and Reports

Attachment 3: Previous RAR dated 9 February 2018