

**NO. 25 (STRATA PLAN LOT 1) THE ESPLANADE AND NO. 20 (STRATA LOT 2) HELM STREET, MOUNT PLEASANT - PROPOSED FOUR STOREY APARTMENT**

**Form 1 – Responsible Authority Report**  
(Regulation 12)

<b>DAP Name:</b>	Metro Inner South JDAP	
<b>Local Government Area:</b>	City of Melville	
<b>Applicant:</b>	Mr Trent Will, Planning Solutions	
<b>Owner:</b>	Mahmoud Omran, Mofida Omran & San Brolo Pty Ltd	
<b>Value of Development:</b>	\$12 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	City of Melville	
<b>Authorising Officer:</b>	Gavin Ponton- A/Director Urban Planning	
<b>LG Reference:</b>	DAP-2021-3	
<b>DAP File No:</b>	DAP/21/01967	
<b>Application Received Date:</b>	25 March 2021	
<b>Report Due Date:</b>	17 June 2021	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. Development Plans and Perspectives (25 May 2021) 2. Landscaping Plan (May 2021) 3. Applicant's Report (March & May 2021) 4. Design Review Panel Report (April 2021) 5. Transport Impact Statement (May 2021) 6. Waste Management Plan (March 2021) 7. Geotechnical Report (March 2021) 8. ESD Preliminary Green Star Report (March 2021) 9. Minutes Ordinary Meeting of Council (18 May 2021)	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes	<b>Complete Responsible Authority Recommendation section.</b> To be completed following the Council meeting.
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	<b>Complete Responsible Authority and Officer Recommendation sections.</b> To be completed following the Council meeting.

## Responsible Authority Recommendation

### Summary of issues.

The proposed four storey apartment building at 25 The Esplanade and 20 Helm Street, Mt Pleasant is considered to be consistent with the objectives, desired outcomes and requirements of the Canning Bridge Activity Centre Plan particularly in relation to height, bulk, scale and design quality and as such is recommended for approval subject to conditions.

At the 18 May 2021 Ordinary Council Meeting of the City of Melville, it was resolved to amend the boundary of the CBACP to exclude all properties south of Helm and Wren Street and to amend Local Planning Scheme No. 6 (LPS No.6) accordingly. This matter is discussed in more detail under the Legislation and Policy header of this report. The proposed changes to the CBACP and LPS No.6 are noted. Feedback from the State Administrative Tribunal and the Western Australian Planning Commission indicates that the proposed changes are not considered to be likely or imminent and as such have been given limited regard in the assessment of this proposal.

### Recommendation

That the Metro Inner South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01967 and accompanying plans (A120, A201, A202, A203, A203a, A204, A205, A206, A207, A301, A302, A303, A304, A311, A321, A330, A401, A403, A500, A501, A502, A503) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

### **Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Joint Development Assessment Panel.
4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.

5. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - a. a maximum width City's Crossover Guidelines, Standards and Specifications;
  - b. located a minimum of 2m away from the outside of the trunk of any street tree; and
  - c. a minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

6. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, or any other alternative agreed to by the City's Technical Services department.
7. Any street walls and fences (including the height of any retaining walls) constructed within the primary and secondary street setback areas shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.
8. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) or other buildings to the satisfaction of the City.
9. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include proposed details of (but is not limited to):
  - (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
  - (b) Any lawns to be established;
  - (c) Any existing vegetation and/or landscaped areas to be retained; and
  - (d) Any verge treatmentsThe approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City.
10. The development is to be constructed and operated in accordance with the Waste Management Plan dated March 2021 and Local Planning Policy *LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.
11. Prior to the initial occupation of the development, all vehicle and bicycle parking bays, manoeuvring areas and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City and shall be retained for the life of the development.

12. Within 12 months of occupation evidence shall be provided from a suitably qualified consultant, confirming that the building has been constructed in accordance with the Ecological Sustainable Design Report prepared by Cundall.
13. Prior to the commencement of development and in accordance with Local Planning Policy *LPP1.4 Provision of Art in Development Proposals* and Element 17 of the Canning Bridge Activity Centre Plan, a public art proposal shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the public art shall be installed prior to the initial occupation of the development and thereafter be maintained for the life of the development to the satisfaction of the City. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.
14. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
15. No less than 30 days prior to the commencement of development, a Construction Management Plan shall be prepared and provided to the City for consideration and approval. The Construction Management Plan shall detail how the construction of the development will be managed, and shall include, but not be limited to, the following:
  - public safety and site security;
  - hours of operation;
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted without an approval); and
  - any other matters likely to impact upon the surrounding properties or road reserve.Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.
16. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All

external lighting shall be provided such that the light source does not compromise safety and/or amenity.

17. No dewatering tailwater is to be discharged directly or indirectly (e.g. via the stormwater system) into the river unless the tailwater meets water quality discharge criteria approved via a dewatering management plan endorsed by the City of Melville and the Department of Biodiversity, Conservation and Attractions. (Refer dewatering Advice Note).
18. Prior to the commencement of the development, the applicant shall prepare and have approved, a groundwater management plan showing how groundwater will be managed post-development to the satisfaction of the City of Melville on the advice of the Department of Biodiversity, Conservation and Attractions (Refer groundwater Advice Note). Prior to initial occupation of the development a Certificate of Compliance certifying that the development has been constructed in accordance with the approved plan is to be submitted to the City.
19. Prior to the commencement of the development, the applicant shall prepare and have approved a stormwater management plan to the satisfaction of the City of Melville on the advice of the Department of Biodiversity, Conservation and Attractions ((Refer stormwater Advice Note).).
20. All approved management plans are to be implemented.
21. No wastewater/backwash from the water feature is to be discharged onto the land, into the river or the local government drainage system.

### **Advice Notes**

1. The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011, Geographic Information – Rural and Urban Addressing. It is recommended that the Applicant contact the City prior to the completion of construction at which point the City will allocate new street addresses to the dwellings. The City will also notify Landgate, Australia Post, Alinta Gas, Western Power and the Water Corporation of the new address details.
2. The applicant shall take appropriate measures to ensure that no woody debris, construction material, sediment, or rubbish enters the Parks and Recreation reserve, stormwater system, or river as a result of the works.
3. With regard to the dewatering condition, the applicant is advised that the dewatering management plan is to be endorsed by the Local Government and shall be prepared in accordance with Department of Biodiversity, Conservation and Attractions Policy 50 - Planning for dewatering in the Swan Canning Development Control Area, and include:
  - a. The location, extent and quality of groundwater at the site;
  - b. Proposed treatment and disposal methods of the tailwater discharge;
  - c. Dewatering commencement date, duration, frequency, flow rates and volumes; and

- d. Details of the proposed engineering construction methods which will be used to reduce the volumes of dewatering tailwater, and reduce the groundwater drawdown impact zone radius.
4. The applicant is advised that the Department of Biodiversity, Conservation and Attractions is unlikely to support the connection of subsoil drains, if required, to the local government stormwater system and the river without treatment onsite prior to discharge.
5. With regard to the stormwater management plan condition the following requirements from the City of Melville and the DBCA shall be taken into account:
  - a. Prior to the commencement of the development, a detailed stormwater design shall be undertaken by an accredited and registered Civil Engineer in accordance with the design criteria in below and submitted to the City for formal review and approval;
  - b. All stormwater generated on site is to be retained on site in accordance with a plan approved in writing by the City. Prior to the commencement of development, a stormwater design plan is to be submitted (an ARI of 1 in 100 year for a 24 hour storm duration is recommended) for the approval of the City.
  - c. The applicant is advised the stormwater management system shall be designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49 - Planning for storm water management affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Storm water Management Manual for Western Australia and Decision Process for Storm water Management in WA, and water sensitive urban design principles.
  - d. Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained at-source as much as practical and will not be permitted to enter the river untreated.
  - e. The applicant is advised to consider the incorporation of deep soil zones within the site to locate mature vegetation and assist with stormwater management as referred to in the Western Australian Planning Commission's draft Apartment Design Guidelines.
6. Notification of commencement of works and required management plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au)
7. The applicant is advised that the proposed works are located in a moderate to low risk acid sulphate soils risk area. The Acid Sulphate Soils Guideline Series provides guidance on the identification, assessment and management of acid sulphate soils in Western Australia, which is available from the Department of Water and Environmental Regulation website at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au). If any acid sulphate soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.

## Reasons for Responsible Authority Recommendation

To be completed following the Special Council meeting to be held on Tuesday 15 June 2021, if the Council resolution differs from the officer recommendation.

### Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Local Planning Scheme No. 6
Local Planning Scheme - Zone/Reserve	Centre C2 'RAC-0'
Structure Plan/Precinct Plan	Canning Bridge Activity Centre Plan
Structure Plan/Precinct Plan - Land Use Designation	H4 Residential Zone
Use Class and permissibility:	Multiple Dwelling- Permitted Use
Lot Size:	1287sqm
Existing Land Use:	Residential (Two Grouped Dwellings)
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	Subject lot abuts SCR Development Control Area

### Proposal:

The development application proposes the demolition of two existing grouped dwellings and the construction of a four storey apartment development at Lot 1 (No. 25) The Esplanade and Lot 2 (No. 20) Helm Street, Mt Pleasant (the subject site). The proposed development includes twelve apartments, four of which are specifically designed as dual-key apartments, a basement carpark communal roof terrace and extensive landscaping on site and in the adjacent verge.

Proposed Land Use	Residential Apartments
Proposed Net Lettable Area	N/A
Proposed No. Storeys	Four
Proposed No. Dwellings	Twelve apartments (incl. four dual-key apartments)

### Background:

The subject site sits within the Ogilvie Quarter of the Canning Bridge Activity Centre Plan (CBACP) area. The surrounding built form is primarily two and three storey

single and grouped dwellings, along with a growing number of apartment and mixed use development further north.

The subject site is a corner lot which also abuts the Canning River to the east. It sits approximately 330m south of Canning Highway and approximately 850m from the Canning Bridge Train Station.

At the 18 May 2021 Ordinary Council Meeting, it was resolved to amend the boundary of the CBACP to exclude all properties south of Helm and Wren Street, including the subject site and to amend Local Planning Scheme No. 6 (LPS No.6) accordingly. The proposed changes to the CBACP and LPS No.6 are noted. Feedback from the State Administrative Tribunal and the Western Australian Planning Commission indicates that the proposed changes are not considered to be likely or imminent and as such are required to given limited regard in the assessment of this proposal. This matter is discussed in more detail under the Legislation and Policy header of this report.



Figure 1- Aerial photo of subject lot

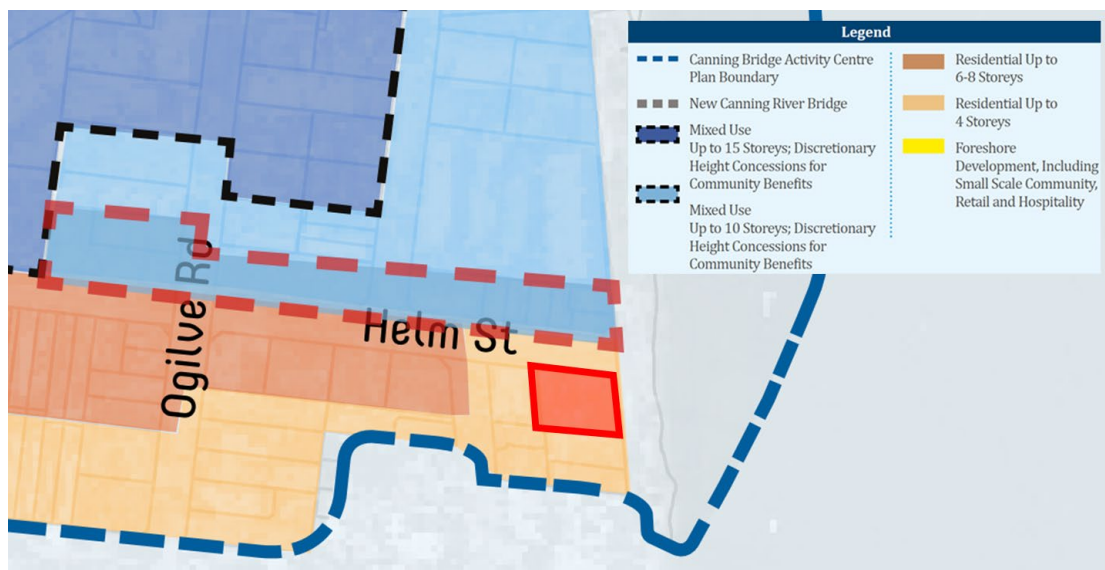


Figure 2- Subject lot within the CBACP

## **Legislation and Policy:**

### Legislation

- Planning and Development Act 2005
- City of Melville Local Planning Scheme No. 6
- Canning Bridge Activity Centre Plan
- Metropolitan Region Scheme (MRS)
- Swan Canning River Management Act 2006

### State Government Policies

- SPP3.2: Urban Growth and Settlement
- SPP4.2: Activity Centres for Perth and Peel
- Swan Canning River Management Regulations 2007
- DPAW Corporate Policy Statement 42: Planning for Land Use Development and Permitting Affecting the Swan Canning Development Control Area

### Local Policies

- LPP1.1: Planning Process and Decision Making
- LPP1.2: Design Review Panel
- LPP1.3: Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Developments
- LPP1.4: Provision of Public Art in Development Proposals
- LPP 1.8 Crime Prevention Through Environmental Design of Buildings
- LPP1.10: Amenity

### City of Melville Local Planning Scheme No 6

Under the provisions of Local Planning Scheme No. 6 (LPS6), the subject site is within a Centre Zone C2. This is consistent with the status of Canning Bridge as a District Centre in SPP4.2. Development controls for the Centre C2 zone are contained within the Canning Bridge Activity Centre Plan.

### Canning Bridge Activity Centre Plan (CBACP)

The CBACP was jointly prepared by the City of Melville and the City of South Perth in conjunction with State Government transport and planning agencies. The CBACP was adopted by the WAPC in April 2016.

Under the provisions of the CBACP, the subject site is located within the H4 zone of the Ogilvie Quarter. The Ogilvie Quarter or 'business' Quarter as its referred to in the CBACP is intended to attract a variety of commercial uses who can draw on the surrounding residential population. The H4 and H8 zones provide for some of this anticipated workforce but also serve to transition from the intensity within the core of the centre to the more conventional residential densities outside of the structure plan area. The proposed four storey development is considered to be consistent with the development controls for the H4 zone, in terms of land use, building height and building design. The dwelling mix, setbacks, finished floor levels and car parking all require a performance assessment having regard to the desired outcomes of the CBACP and are all considered to be acceptable.

At the Ordinary Council Meeting on 18 May 2021 Council determined to adopt an amendment to the CBACP to modify the southern boundary, to exclude the area south of Helm Street and Wren Street (see Figure 3 below) from the CBACP. The Council also resolved to proceed with an associated amendment to LPS6 to rezone the properties south of Helm Street and to Residential R20. Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, a copy of these amendments has been provided to the Western Australian Planning Commission for its consideration.

**Existing CBACP Zoning**



**Proposed Amendment Zoning**



**Figure 3- Proposed amendment to CBACP boundary**

The Council decision to progress Amendment 6 to the CBACP and Amendment 9 to LPS6 is noted. It is considered that the assessment of this proposal is required to give limited weight to the amendment for the following reasons:

- 1) Clause 3.2 of the *Development Assessment Panel Practice notes: Making Good Planning Decisions* prepared by the State Government of Western Australia sets out the guideline for the decision maker to consider a draft policy or scheme amendment. This document indicates that *Nicholls and Western Australian Planning Commission [2005] WASAT 40*, is the key case for considering the weight to apply to a draft document.
- 2) In the recent SAT case of *Ware and City of Melville (2021) WASAT 65*, the applicant sought a review of the Council decision to refuse a four storey apartment development in the H4 Residential Zone. This review was allowed and the proposed development was approved by the SAT subject to conditions. In making a decision on the proposed development, the SAT considered the proposed amendments to the CBACP and LPS No.6. The Members, Judge Parry and Member Connor found that:

*“In our view, applying the 'Nicholls principles', little if any weight should be given to proposed Amendment 9 and the corresponding proposed amendment to the CBACP in the circumstances of this case. This is because, although Amendment 9 and the corresponding amendment to the CBACP address the specific application in this case, by removing the site from the application of the CBACP, we are not satisfied that these amendments are based on sound town planning principles and it is neither relatively certain nor imminent that these amendments will be made.”*

- 3) In addition to the comments from SAT above, the Western Australian Planning Commission (WAPC) in approving a previous amendment to the CBACP in June 2020 wrote to the City to reiterate that it was their expectation that, “No further amendments are initiated for the Canning Bridge Activity Centre Plan, in lieu of undertaking a full review”.
- 4) In separate correspondence from the WAPC in response to Council initiating the aforementioned amendments it was stated that, “*The amendment is not consistent with the City’s Local Planning Strategy, endorsed by the WAPC in April 2016. Increased densities sought by the strategy for the Canning Bridge area were advanced through amendment of Local Planning Scheme No. 6 in May 2016. The boundary modification proposed, and its associated impact on densities, is not consistent with the strategy or outcomes advanced by the scheme for this area.*”

The letter went on to say that, “*The amendment does not consider the transition between zones within, and to land adjoining, the Canning Bridge Activity Centre Plan area. The amendment is inconsistent with CBACP Desired Outcome DO3 for Element 3 – Height which requires an interface between zones to be appropriately managed.*”

The advice in dot points 3 and 4 above, was summarised and provided to Council as a part of the report provided to the 18 May 2021 Ordinary Council Meeting. The proposed boundary change is not considered to be consistent with the planning objectives for the locality and is not supported by a wider precinct based study. A review of the CBACP is currently underway and a draft report on this is expected to be presented to Council in coming weeks.

Based on the advice of the WAPC and the findings of the SAT it is considered that a decision of the WAPC to accept the amendments is neither certain nor imminent. For those reasons whilst the proposed changes to the CBACP and LPS No.6, are noted, the application has been assessed against the existing provisions of the CBACP.

**Consultation:**

Public Consultation

In accordance with Local Planning Policy 1.1 - *Planning Process and Decision Making* (LPP1.1), the application was advertised for a period of 21 days concluding 25 May 2021. Consultation was undertaken via written correspondence to the owners/occupiers of the adjoining properties, two advertising signs on site and publication of the development plans and supporting documents on the City’s online engagement portal ‘Melville Talks’.

Comment was sought on the grounds that the development constitutes a major development (as defined in LPP1.1), and specific comment was also sought from the adjoining properties due to a performance assessment being sought in respect of side setbacks.

A total of 12 submissions were received during the advertising period – 11 comments objecting to the proposal and 1 submission in support. A summary of the concerns raised, along with the officer’s comments, is tabled below:

<b>Issue Raised</b>	<b>Officer comments</b>
The maximum building height should be restricted to three storeys as per the Council’s recent decision to amend the boundary of the CBACP.	As referenced under the Legislation and Policy header of this report while Council has resolved to change the southern boundary of the CBACP, this requires the approval of the WAPC, who have not indicated whether these amendments will be supported. The proposed development has been assessed having regard to the development controls outlined in the CBACP. The proposed building height is considered to be meet both the Desired Outcomes and the Requirements set out on Element 3 Building Height.
The proposal will contribute to existing traffic issues in the area.	A detailed Traffic Impact Statement (TIS) has been provided by Shawmac Pty Ltd in support of the development. The TIS has been reviewed by officers from the City’s Technical Services team who agree that the development will not create unacceptable traffic impacts on the immediate roads or broader road network.
No more high density which is affecting the leafy spacious suburban character &  The Development is incongruous with the surrounding landscape	The development proposal is considered to be consistent with the intent of the CBACP, a document specifically designed to guide the transformation of the Canning Bridge area from a suburban locality to an urban centre.

Apartment residents will use up the nearby on-street parking available for the public who recreate in the area	The on-site parking supply is considered to be consistent with the parking requirements in Clause 18.3 of the CBACP.  Further comment on the parking can be found under the planning assessment header of this report
Potential noise issues from the apartment balconies	The balcony and roof terrace spaces will enhance the amenity of the proposed apartments and subject to compliance with the Environmental Protection (Noise) Regulations 1997, noise will be managed appropriately.
Loss of river views if the development is approved at four storeys	The proposed building meets the Desired Outcomes and Requirements provided for by Element 3 Heights of the CBACP. In this context, the loss of views is not a material planning consideration.
Devaluing of property	This is not a material planning consideration =.
Side setbacks are closer than the CBACP requires	See officer comments under the planning assessment header of this report.
Potential damage to adjacent property during construction	Noted but does not constitute a material planning consideration. The structural details of the proposal will be considered at the building permit state of the development.
Balconies should be setback 6m	As per Clause 5.7 there are no privacy setback provisions in the CBACP.  Further clarification is provided in regarding the side setbacks under the planning assessment header of this report.
Street setbacks are closer than the CBACP	See officer comments under the planning assessment header of this report.
Shadowing	As per Clause 5.7 solar access and overshadowing do not apply within the CBACP.
Excellent design that will enhance the area	Noted

#### Referrals/consultation with Government/Service Agencies

The proposed development was referred to the Department of Biodiversity, Conservation and Attractions (DBCA) as the subject site abuts the Swan Canning River Development Control Area. The DBCA in its advice to the City expressed a preference for the building to be setback from the street in accordance with the provisions of the CBACP however acknowledged that the subject site is separated from the river by The Esplanade and has on that basis determined to defer the consideration of the proposed setbacks to the City of Melville. The CBACP is a performance based document and the front setbacks are considered acceptable having regard to the relevant desired outcomes as discussed in more detail in the planning assessment section of this report.

The conditions and advice notes recommended by the DBCA have been included as part of the recommendation for approval.

### Design Review Panel Advice

The initial proposal was presented to the Design Review Panel (DRP) in March 2021, prior to lodgement. The DRP supported the application and identified a number of opportunities to improve the outcome, as well as some concerns that needed to be addressed.

The applicant modified the initial plans to respond to the DRP's advice, and the lodged their application. In accordance with Local Planning Policy 1.2- *Design Review Panel* the updated plans were then considered by the DRP on the 7 April 2021. At this meeting, the applicant provided a breakdown of the changes to the plans in response to the DRP's comments. The DRP was complimentary of the work that had been undertaken and offered conditional support to the proposal, noting a number of strengths including the following;

- The proposal offers the opportunity for an active and engaged streetscape and public domain with active street frontages and a legible building entry.
- The Panel supports the provision of dual-key apartments that are flexible and support ageing-in-place principles and intergenerational occupation.
- The bulk form and scale are well managed and mediated through a series of sculpted volumes separated by strategically placed recesses and set back conditions.
- Encroachments into the setbacks are formed in order to improve privacy with adjoining properties by orienting view obliquely.
- The apartments are generally functional and well arranged with generous balconies. Except for the secondary/dual key units.
- The entrance approach is well considered, landscaped and legible when viewed from the street.
- Roof top communal terrace offers good amenity to building occupants.
- There is generous provision for deep soil planting, a well-considered verge design strategy that includes activation, community use and integration.
- The proposal incorporates a substantial PV array as well as natural light and ventilation to some bathrooms.

While the proposed was generally considered to be of a high quality, the DRP noted a number of concerns including;

1. Consider ways in which access to natural light, view and vista to the 'family' spaces in the dual key can be enhanced.
2. Consider exploring a reduction in bedroom numbers for the dual key dwellings to establish a better outcome for the principle living space and balcony.
3. Consider reorienting the master bedroom on the western ground floor apartment to improve its amenity.

4. The Proponent is encouraged to appoint an ESD Professional and explore a coordinated response to sustainability initiatives and ways in which the project can go above and beyond Section J Compliance including the inclusion of grey water reuse.
5. Consider ways in which access to natural light, view and vista to the 'family' spaces in apartments 2 and 3 can be enhanced.
6. Consider exploring a reduction in apartment 2 and 3 into 1-bedroom units to establish a better outcome for the principle living space and balcony.
7. Consider a more generous light well to the individual lift lobbies as well as a more generous and legible lift lobby at ground.

The applicant responded to the concerns raised above through a combination of amended plans and further clarification and justification where required. These changes are described below;

- 1) An increase in the size of the dual key apartment's secondary balcony, now 12sqm in accordance with Design WA and increasing the width of the opening from the living room onto the balcony =.
- 2) The southern apartments have been modified to no longer offer the dual key product.
- 3) The master suites of the west-facing apartments have been improved by providing a second major opening facing east to improve its amenity.
- 4) The DRP was not aware of the ESD report submitted with the DAP. This report determines that the development is capable of meeting the required 4-star green star rating.
- 5) The lift lobby has been changed to remove the pinch point by removing the water feature and setting the adjacent living room back. The light well has also been increased to provide more light to the space.

Based on the above, the proposed development is considered to have appropriately addressed the DRP's requirements.

Other Advice

*City of Melville Internal Referrals*

The assessment process undertaken included referrals to several internal departments. Each of these service areas is supportive of the proposal subject to the imposition of relevant conditions.

**Planning Assessment:**

The proposal has been assessed and is considered to satisfy the relevant provisions contained within the CBACP with the exception of the matters below which require a performance assessment:

<b>Element</b>	<b>Requirements</b>	<b>Proposed</b>
Cl.1.15- Dwelling Diversity	Min. 20% 1 bedroom apts Min. 40% 2 bedroom apts	One x 2 Bed Seven x 3 Bed Four x Dual Key dwellings Refer to comment section below.

Cl. 4.5- Street Setbacks	3m min	1.7m to 4.3m.  Refer to comment section below
Cl. 5.6- Side/Rear Setbacks	4m min	1.3m to 6.5m.  Refer to comment section below
CL. 9.7- Internal FFL	FFL max 500mm above verge	1m-1.3m  Refer to comment section below
Cl. 10.5- Communal Open Space	Minimum 40% common open space either at ground level or roof	Proposed 30%.  Refer to comment section below

## Officer Comments

### Dwelling Diversity

Clause 1.15 of the CBACP requires that any development containing 10 or more dwellings is to provide a minimum of 20% of the dwellings as one bedroom or studio apartments, and shall provide a minimum of 40% of the dwellings as two bedroom dwellings.

The proposed development does not meet this requirement and as such requires a performance assessment having regard to the desired outcomes. As noted in the table above, the proposed development contains 12 apartments comprising of three different dwelling types. In order to provide for housing diversity and flexibility, the applicant has opted to incorporate a number of dual-key apartments. Each of the four marked dual-key apartments is characterised by a common entrance lobby that services two separate residential wings affording their respective occupants the ability to live adjacent but with relative independence. Each wing of the apartment has its own bedroom, bathroom, communal living space and outdoor terrace. The smaller wing of each dual key apartment has a modest kitchen area but does not include a laundry.

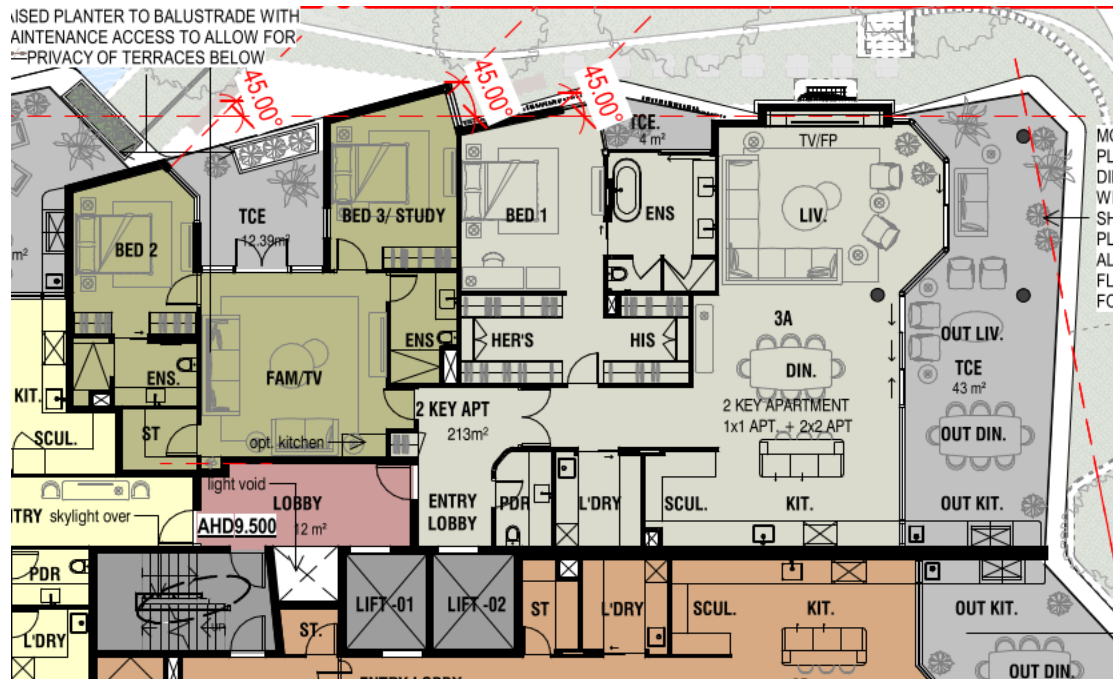


Figure 4- One of the dual-key apartments

The applicant has indicated that these dual-key apartments will be marketed at;

- People looking to age in place who may benefit from a live-in carer,
- Multi-generational families with adult children or elderly parents; or
- Downsizers who may regularly host extended/visiting family.

As a result the development is considered to comply with Desired Outcome (DO) 1.7 of the CBACP, because each of these dual-key apartments provides a level of dwelling diversity (on each floor of the development) by offering a combination of 1, 2 and 3 bedroom products. DO1.7 specifically encourages “innovative” land uses, as well as affordable housing. The ability to accommodate adult children with a degree of independence, or have multiple generations living together in this way is encouraged.

Linked to the dual-key product is the provision of car parking. In acknowledging that the dual-key apartments have the ability to function as two separate apartments, each occupied independently from one another, the applicant has included the provision for car parking for each of the two independent apartment elements. This is considered to align with the occupant’s needs, as they would likely require their own cars (i.e. a carer living with an older couple or a young family living adjacent to their middle-aged parents). For that reason the provision of parking is considered to be consistent with the maximum provision in Clause 18.3 of the CBACP.

### Street Setbacks

As described in the table above, portions of the development fronting both The Esplanade and Helm Street are setback less than three metres from the front boundary and as such require a performance assessment having regard to the relevant desired outcomes in Element 4. The desired outcomes seek to ensure that development makes a positive contribution to the street and is sensitive to pedestrian scale. The desired outcomes also promote alternative means to reduce building bulk such as articulation and green walls.

The proposed setbacks are considered to meet these desired outcomes on the basis that;

- 1) The encroaching elements of the building mainly constitute balconies which by their nature have reduced building bulk impact and are less likely to compromise river/city views from the adjoining properties. The balconies are also designed with clear glass balustrades which also serve to mitigate bulk impacts.
- 2) Both street frontages are articulated, through the use of varied materials, landscaping and public art. The design also incorporates a range of setbacks with elements that are setback in excess 3 metres.
- 3) Immediately to the north of the subject lot is the M10 Mixed Use zone of the CBACP. Aside from being potentially 10 storeys in height, development within the M10 zone is encouraged to have a street setback of 1.5m. A setback of proposed setback will sit appropriately in the transition of this streetscape.
- 4) The total height of the development sits below the 16 metre height limit associated with the H4 zone reducing the bulk impact of the building.
- 5) As discussed in the floor levels section below, the applicant has incorporated a range of landscape features along the Wren Street and The Esplanade frontages to ensure the building presents in a pedestrian friendly and human scale manner.

For these reasons the proposed street setback is considered to comply with Desired Outcomes 4 of the CBACP.

#### Side and Rear Setbacks

The proposed side and rear setbacks require a performance assessment having regard to the Desired Outcomes in Element 5 of the CBACP. These desired outcomes aim to provide continuity of frontage and to enable view corridors to be maintained between buildings. In addition, the desired outcomes encourage developers to consider the amenity of the precinct by minimising overlooking and overshadowing.

The proposed side and rear setbacks are considered to meet these desired outcomes for the following reasons:

- As demonstrated, by a hatched red line, on the floor plans contained in Attachment 1, the majority of the proposed building is setback a minimum of 4 metres from the side/rear setbacks as per the requirements established in Clause 5.6 of the CBACP. This ensures that the design provides for adequate separation between the subject site and the adjoining properties.
- , In the south west corner of the site the ground floor has been designed with setbacks as little as 1.3m. The associated apartment (1D) has been setback in order to make effective use of space whilst being avoiding any material impacts on the two adjoining properties.

- The ground floor setbacks are considered to be acceptable on the basis that they are on the ground floor of the development which ensures that the associated walls do not present as bulky, nor do they create overlooking or overshadowing issues for the adjoining properties as they will be largely screened by a dividing fence between properties. In addition, these sections of wall are setback from the street ensuring they do not impact on the streetscape or interfere with view corridors from adjoining properties.
- On the upper floors of the development, the building is designed to provide repeating angled feature walls along both the western and southern sides of the development, resembling a sawtooth pattern. These serve to provide articulation, but also help to angle the views from a number of major openings towards the river and Helm Street respectively. This design feature ensures that the windows of the associated rooms do not directly overlook the adjacent lot boundaries.

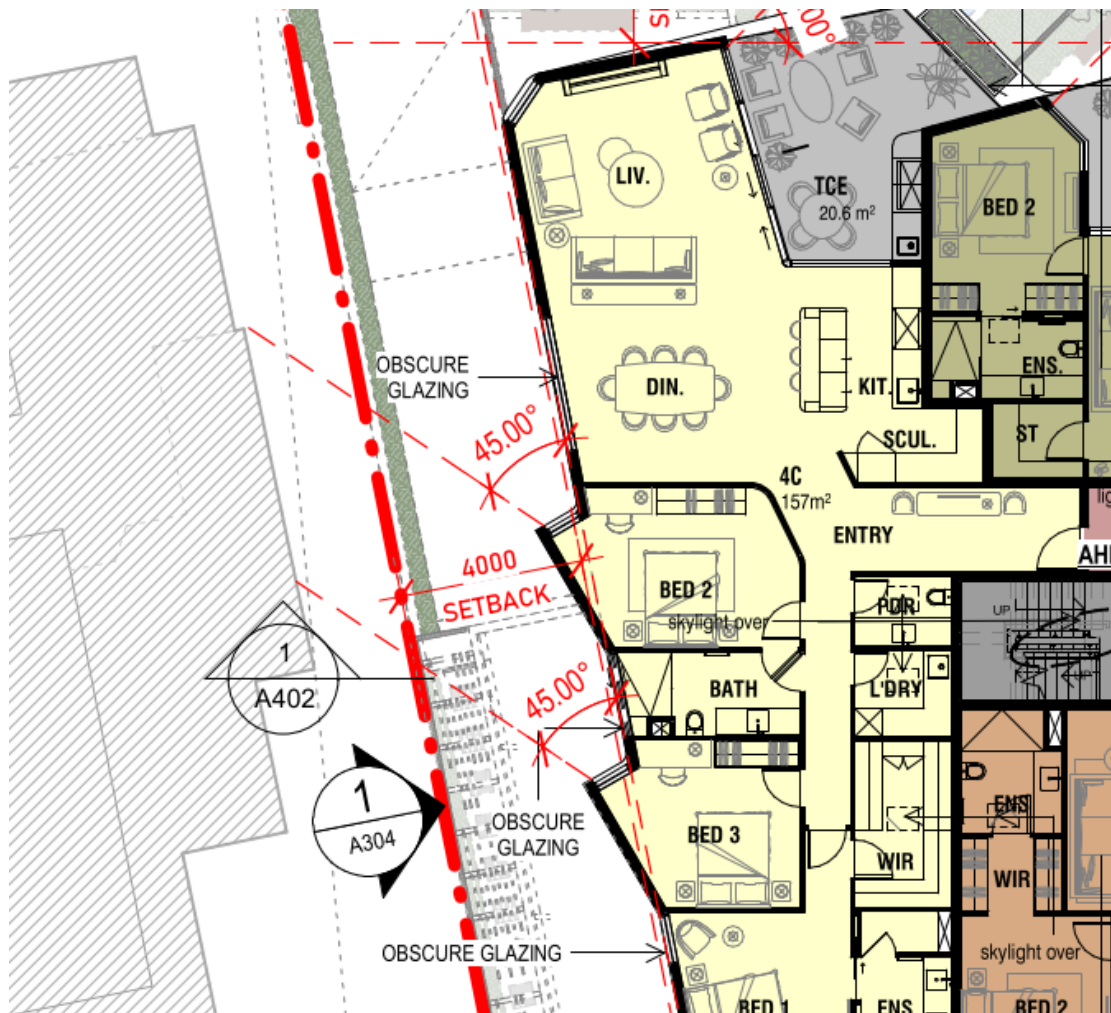


Figure 5- Example of the side setback encroachments running up the side of the building

- Whilst the CBACP specifically excludes consideration of visual privacy, these angled walls force a more oblique viewing angle onto and from the adjoining properties, without associated bulk impacts. They are therefore considered to be a positive building element and are supported on that basis. The DRP in

their comments also affirmed the positive impact these elements would have both to the aesthetic and function of the building.

The proposed side setbacks are considered to meet the Desired Outcomes contained in Element 5 and are supported on that basis.

#### Internal Finished Floor Level (FFL)

Clause 9.7 of the CBACP requires that, where possible, the finished ground floor level should be not more than 500mm above the level of the adjacent verge/footpath. In this instance the ground floor is between 1m and 1.3m above the verge, along The Esplanade, and is considered to meet the desired outcomes for the following reasons:

- The desired outcomes seek to ensure that development responds sensitively to the site. The raised floor levels have been incorporated into the design because of the need to elevate the habitable ground floor above the 1 in 100 year floodplain. Clause 5.29 of the DBCA's Corporate Policy Statement 42-*Planning for Land Use Development and Permitting Affecting the Swan Canning Development Control Area* requires all development within the flood fringe to have an FFL at least 0.5m above the 1 in 100 year ARI flood level.
- The desired outcomes also seek to ensure the development is visually attractive, functional and provides a high quality built form. The proposed design allows for a level entrance from Helm Street which is the primary entrance to the development. In addition, the applicant has used a combination of open-style fencing/balustrade and terraced garden beds to soften the change in levels between the ground floor terraces and the adjacent verge along The Esplanade, creating a visually attractive built form. Finally the proposal seeks to improve the public realm on both street frontages and has been specifically designed with a respite area scalloped into the setback area along The Esplanade which includes seating for the public to make use of along with extensive landscaping. While the landscaping plan is supported by the City in principle, a condition of approval has been recommended requiring a detailed landscaping plan be provided for the subject site and the street verge prior to the commencement of development. This will ensure all the hard and soft landscaping, particularly within the street verge, meets the City's specifications.

#### Communal Open Space

At 30%, the proposed development does not meet the minimum 40% communal open space required by Clause 10.5 of the CBACP despite the provisions of the rooftop terrace and landscaped setback areas. As such a performance assessment is required.

The provision of 30% communal open space, is considered to be adequate in this case as:

- 1) The majority of the private terraces are larger than the minimum required under the CBACP. The eastern units enjoy terraces that are 4.5 times larger than required. This puts less pressure on communal assets such as the roof terrace.
- 2) The subject lot is also immediately adjacent to the foreshore which offers opportunities for active and passive recreation.
- 3) There is also a space within the Helm Street verge and setback area designed to be used by residents and pedestrians alike.

The landscaping at the ground floor level and within the verge allows for the large trees to be planted allowing for meaningful canopy to be created around the building. As noted above, a condition has been recommended requiring the provision of a detailed landscaping plan prior to the commencement of development.

**Conclusion:**

For the reasons given above, the proposed development in its current form is supported by the City. It is considered that the development as proposed will make a positive contribution to the Canning Bridge Activity Centre Plan area and is consistent with both State and Local Planning Policy and Strategy which aims to deliver diversity and density. Accordingly, it is recommended that the Metro Inner South JDAP grant planning approval to the proposed development.