

Job Ref: 8850
21 January 2022

City of Melville
Locked Bag 1
BOORAGOON WA 6954

Attention: Mr Ben Ashwood – Senior Planning Officer

Dear Sir

Amended Application under Regulation 17 – Amendments Requested to Development Approval (DAP Ref: DAP/19/01638) (LG Ref: DAP-2019-4/B) Lot 522, 1, 2, 13, 3 and 1 (No. 55, 57, 57A, 57B, 59, 61 and 61A) Canning Beach Road and Lots 521 and 12 (No. 2 and 6) Moreau Mews, Applecross

Rowe Group acts on behalf of Edge Holdings the owner of Lots 522, 1, 2, 13, 3 and 1 (No. 55, 57, 57A, 57B, 59, 61 and 61A) Canning Beach Road and Lots 521 and 12 (No. 2 and 6) Moreau Mews, Applecross (the 'site'). This letter has been prepared in response to a request for further information from the City of Melville (the 'City') and to support the proposed Amended Development Application prepared by Hillam Architects (the 'Project Architect') and Edge Visionary Living (the 'Development Manager') for the previously approved development at the site.

Background

The Development Assessment Panel ('DAP') approved the original development application at the site on 23 December 2019. An amended development application comprising a number of minor amendments was approved by the City on 1 April 2021. This primarily included a variety of floor layout adjustments to improve functionality and occupant amenity. The City acted under Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011* (the 'Regulations'), in approving this application.

The amended development application the subject of this correspondence was submitted on 2 November 2021.

Proposed Amendments

Further to recent correspondence with the City, the Project Architect has altered the plans as originally submitted on 2 November 2021 and have confirmed the proposed modifications that comprise the amended application. These are



ROWE
GROUP

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au



confirmed in the 'Development Application Form 2' report. The primary amendments now include the following, from that approved by the City in April 2021:

- A number of modifications at ground and upper floor levels, to improve functionality of floor plates and amenity for occupants. This includes expansion of the Level 14 mezzanine;
- Amalgamation of two apartments and subdivision of two others, which retains a total of 224 apartments as approved. This results in one (1) additional resident bay being proposed that meets with the maximum ratio enabled under the local planning framework. The additional bay is the subject of further information from the project's traffic consultant; and
- Minor increases in the height of a number of the levels to improve occupant amenity and ensure service infrastructure is located within ceiling spaces as intended by the original approval, which results in a total additional height of 1,955mm.

Ability to Amend a DAP Approval

The ability to amend an approval granted by a DAP is outlined in Clause 17 of the Regulations. Clause 17 of the Regulations states the following:

An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following:

- a. To amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- b. To amend or delete any condition to which the approval is subject;*
- c. To amend an aspect of the development approved which, if amended, would not substantially change the development approval;*
- d. To cancel the approval.*

The DAP Practice Notes provide decision makers guidance on how to consider amendments proposed under Regulation 17, which include whether or not the amendments would alter the essence of the design and whether or not the circumstances behind why the development was originally approved remain in play.

In this regard, it is considered the proposed amendments would not substantially change the development approval and would be consistent with the essence of the design of the approved development, and amendments approved by the City. This will be summarised briefly below, with relevant points explained in more detail within the remainder of this correspondence:

- The design of the development is considered to remain consistent with or improve upon the exemplary design status granted by the City's Design Review Panel (DRP), which ensures the essence of the approved design remains proposed as part of this application. Importantly:
 - › the additional overall height sought will improve upon the amenity afforded to occupants by ensuring floor to ceiling heights are not eroded by provision of necessary services and that these services can be located within ceiling spaces, consistent with the approved design, rather than externally.



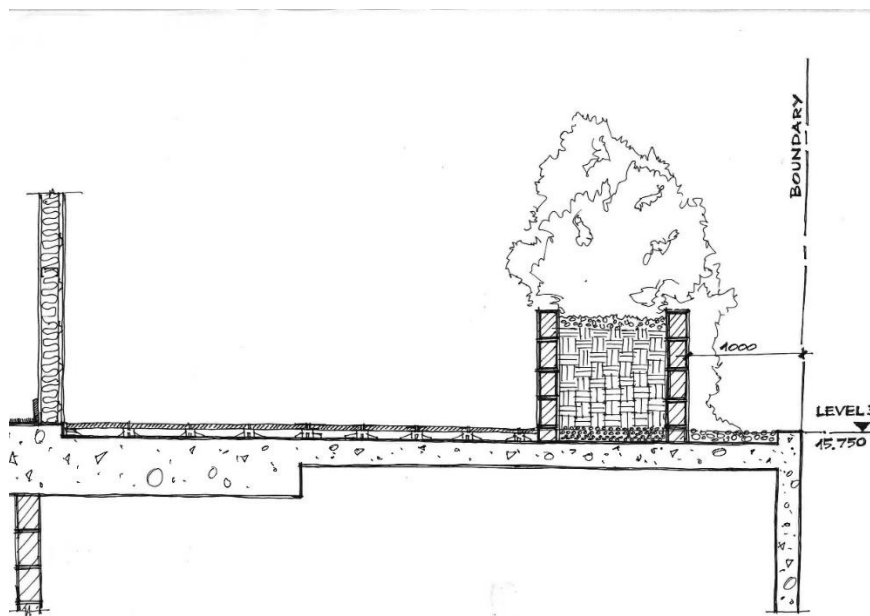
- › The additional overall height will ensure the development is more universally accessible;
- While the amendments require the level 14 mezzanine to be considered a storey, which technically results in a 16th storey being proposed (rather than a practical change in storeys), the overall additional height represents only a three percent (3%) (approx.) increase to the approved development.
- While the original approved application included community benefits in excess of what was required, the owner had subsequently confirmed the provision of additional community benefit via extended foreshore reserve treatments. This is being undertaken in liaison with the City and other related authorities to better tie in the foreshore treatments to the remainder of the foreshore. While this will be provided irrespective of the outcome of this application, it is considered that the additional community benefit offsets the additional height proposed. Both aspects are important as these form part of the circumstances behind why the development was originally approved, with the additional benefits providing a reason to consider the amendments proposed.
- When considering the proposed amendments in totality, the large majority of the alterations are considered minor in nature and could arguably be considered via the conditions clearance process. This includes relocation of store rooms, a number of service infrastructure related amendments and layout alterations, which are anticipated to occur for a development of this size and value.

The key amendments, and which form the main component of this amended application (and are subject to discussion in this correspondence), relate to the alterations and additions to the Level 14 Mezzanine, which result in it being defined as a storey and the floor by floor alterations that result in an overall height increase of less than 2m. As noted above, and will be discussed further below, it is considered these do not materially change the approved development.

Amended Podium Building Height

The proposed amendment represents a 450mm variation to the height of the approved podium, with a maximum total height of 14.65m above natural ground level now proposed within the north-east corner of the site and a minimum height of 13.25m above natural ground level within the south-western corner. When considering the natural ground level across the site, the average podium height is presently 13.55m.

This is primarily because of the increased podium slab necessary to provide greater planting depth to retain moisture and enable root systems to grow accordingly for the substantial landscaping proposed (and approved). Importantly, the additional height (the planter bed) is set back 1m from the podium edge (lot boundary) to reduce its visibility, particularly from adjoining properties, and ensure the podium edge itself remains consistent in height with the podium slab level most recently approved in April 2021. The proposed podium edge is set out in the figure (section) below.



This is considered to represent a minor amendment and one that is consistent with the essence of the approved design and local planning framework for the following reasons:

- The additional height is critical to achieve the outcomes sought by the City, particularly its DRP, for significant exemplary planting across the podium levels.
- In its report to the DAP, the City previously acknowledged that visual amenity (and other amenity impacts) were not likely to be undue or adverse for the adjoining property to the east as this section of the development abuts a 4.5m wide driveway and the adjoining apartments are primarily orientated north towards the river. This was further softened by the inclusion of recessed landscaping.
Given the maximum height continues to be located adjacent to the driveway and that the amendments will continue to soften the elevations of the podium, it is considered that the context of the City's earlier findings remain applicable and that the additional height is acceptable in its context to the eastern boundary.
- Importantly, due to the minor height increase and that it is set back 1m from the podium edge, it is likely the amendment would not be perceptible from adjoining properties or the public realm. This will help mitigate building bulk impacts to the adjoining properties.
- The proposed amendments would not impact on overshadowing to the adjoining properties to the south at 12 noon on 21 June as this section of the development is set back from the podium edge such that shadow is cast is obstructed by the development itself. It is important to note that one recess on the eastern elevation has been reinstated, from that approved by the City in April 2021.
- The recessed landscaping inserts to the eastern and southern elevations of the development have been retained, albeit in slightly different configurations reflecting changes to apartment layouts, which softens and provides relief to adjoining properties.



- It is considered that the proposed amendments will not impact on adjoining property ventilation access or privacy.
- The amendments, while not likely to be perceptible, continue to ensure integration with properties the opposite side of Moreau Mews are managed appropriately.
- As will be explained within the section of this correspondence concerning the amended overall height, the additional podium height can be considered when having regard to the community benefits provided as part of the original application and extended as part of this amended application. In this regard, and as will be demonstrated below, it is considered that the provision of community benefits exceed what was necessary for the discretion previously sought, which then offsets the additional height proposed as part of this application.

Amended Overall Height

The Canning Bridge Activity Centre Plan (Centre Plan) enables consideration for bonus height within the M10 area, which the site is located within. It is noted that the Centre Plan states a maximum height bonus of five (5) storeys (up to 15 storeys) for lots in the M10 zone interfacing with the H4/H8 area is able to be considered.

Notwithstanding, the Centre Plan is not a statutory instrument such as a local planning scheme that cannot be varied and is only required to be given due regard by the decision maker when considered the context and merit of any such application. For this specific matter, the key aspect to consider will be that the interface with the H4/H8 area continues to be positively managed and that the proposed development continues to respond to the wider context of the future amenity of the locality sought, in that transitions in height between lower and higher order areas is maintained.

In this regard, whilst the proposal does, technically, include an additional storey (16 storeys now proposed in lieu of 15) as defined by the Centre Plan, resulting from modifications to the Level 14 mezzanine to improve amenity for occupants, this in itself does not amend the height of the building.

The proposed height increase is as a result of marginal increases to a number of the storeys (between 75mm to 300mm), which result in an overall height increase of less than 2 metres (1.955m). The Project Architect has provided explicit reasons for the proposed marginal height increases, with this primarily to ensure service provision is hidden from view of occupants and the public realm and to deliver increased amenity for the development. This is detailed below:

Levels 1 and 2 (75mm per floor increase)

This relates principally to the podium apartments below the Level 2 mezzanine. The approved design includes a 2,775mm clear space between the structural floor and slab soffits between Levels 1 and 2, and 2,800mm between Level 2 and Level 2 mezzanine.

The requested increase in height provides adequate clearance to ensure that ducted air-conditioning, mechanical exhaust, plumbing and fire services are within the ceiling voids.



Level 2 Mezzanine (300mm increase)

As above, this relates principally to the space above the podium apartment in the Tower 1 area. Accounting for a typical slab thicknesses of 275mm, plus balcony slab set-downs, a clear space of only 2,150mm exists in areas where storerooms are proposed is provided. This is insufficient to accommodate services, including fire sprinklers. Furthermore, this is diminished to 1925mm by transfer beams.

Between the towers, the slab thickness increases to 375mm, plus 100mm set-down, to accommodate more expansive areas of deep planting. The resultant headroom of 2,235mm does not provide for sufficient clearance beneath suspended carpark ventilation and exhaust ductwork. Transfer beams and associated pedestal thickenings above load-bearing columns further reduce this clearance in places to 2,055mm.

An increase in this floor volume as proposed will also allow stair pressurisation ductwork to be combined vertically, thereby allowing the intakes for Tower 3 to be limited to the void along the southern elevation.

In this regard, the requested increase in height:

- accommodates the additional slab thickness required for loads resulting from deep planting;
- provides adequate clearance to ensure that minimum headroom is achievable for access and services; and
- eliminates a significant air intake grille on the western façade.

The increase in height across the entire podium also ensures that access to communal facilities at Level 3 remain at-grade, as well as providing a practical depth for the pools, which is presently lacking.

Levels 4 to 12 (95mm increase per floor)

Slab thicknesses are typically 250mm throughout the towers, leaving a clear space of 3,000mm below habitable areas and 2,900mm beneath balconies (including overlapping structural slab folds).

Proposed changes in apartment layouts throughout the towers mean that wet areas exist over habitable rooms.

The requested increase in height provides adequate clearance for services and acoustic separation treatments within ceiling voids to accommodate a diverse apartment mix / variety of layouts.

Level 13 (250mm increase)

Penthouse terraces and deep planting at Level 14 require a structural slab thickness of 380mm above habitable spaces within Level 13. In addition, rigid thermal insulation is required under Level 14 terrace areas.

As with the typical levels 4-12, the proposed change of layouts between levels 13 and 14 also places wet areas over habitable areas.

The nature and extent of these elements, along with the desire not to compromise the sub-penthouse ceiling volumes, accounts for the additional increase in floor-to-floor height between Levels 13 and 14, as proposed.



The requested increase in height provides adequate clearance for the additional slab thickness unique to Level 14, plus the necessary rigid insulation beneath the Level 14 terrace spaces.

Level 14 (200mm increase)

Similar to the increase in Level 13, thermal insulation is required beneath the upper penthouse terraces (Level 14 mezzanine).

The requested increase in height provides adequate clearance for the additional slab thickness unique to the Level 14 mezzanine (Level 15), plus the necessary rigid insulation beneath the terrace spaces.

Level 14 mezzanine (200mm increase)

As with Levels 13 and 14 below, the roof slabs carry plant and equipment for each tower and are thicker than the typical floors. These slabs also require rigid thermal insulation to their undersides.

The requested increase in height provides adequate clearance for the additional roof slab thickness, plus the necessary rigid insulation beneath these roof slabs.

Consideration of Local Planning Framework and Planning Merit

The amendments (and the additional overall height) are considered to represent a minor change that remains consistent with, or improves upon, the essence of the approved design and continues to respond positively to the local planning framework for the following reasons:

- While the proposed amendments result in the development being technically defined as including 16 storeys, the minor 1,955mm overall height increase is not considered to affect the City's previous consideration that the development is consistent with the intended scale of the centre in this location. This is further supported by the proposed scale enabling height to continue to transition from the core of the Centre Plan area to other locations, such as the site, particularly given other approved, under construction or completed developments include building height beyond the bonus height provisions considered under the Centre Plan.
- The interface between the site and adjoining properties continues to be positively managed by the exemplary design of the building. Specifically, and as noted by the City in its original report to the DAP, the slender offset towers offer substantial separation to one another and from other properties allowing for view corridors and relief from uniform building bulk. In other words, the approved development offers increased separation than that required under the Centre Plan. This is important as the additional height sought under this application, is more than offset by the substantial setbacks previously approved and that continue to be employed. Further, where the largest variation is present, the tower elements include the greatest setbacks, well in excess of that required, to manage the interface with the adjoining and lower order building area.
- The proposal continues to meet or exceed Elements 21 and 22 of the Centre Plan, as outlined below, which ensures the proposed additional height can be considered:



- › The City's DRP previously awarded exemplary design status for the proposed development, specifically stating the project represents an important example of how to design a building of this scale in this location. This is considered to represent an acknowledgement that the proposal does not simply meet with exemplary design status, but rather goes above and beyond the DRP requirements particularly via the process undertaken with the City, the DRP itself, and the wider community. It is considered the proposed amendments maintain consistency with the DRP's earlier findings.
- › The proposed amendment marginally increases overshadowing caused by the development to adjoining properties, however continue to fall primarily over road reserve at 12 noon on 21 June. It is acknowledged that additional overshadowing would fall on properties the other side of Kintail Road at 12 noon, however this was proposed previously and the extent of change is not considered undue or adverse. Importantly, existing large verge trees would obstruct overshadowing in this location and cause existing overshadowing to these properties to a greater extent than resulting from the proposed development.
- › The proposal continues to manage the interface of the adjoining properties to the south and east via articulations to the podium levels.
- › The developments exceeds the provision of landscaping that was previously approved. A total of 2,971m² public landscaping and upgrades to road and foreshore, 1,313m² verge landscaping upgrades and 840m² public landscaping within the site are now proposed, which represents an increase of 402m² overall to that previously approved. This not only ensures the development exceeds its earlier response to the heat island effect as required by Element 21 of the Centre Plan, but also exceeds the provision of community benefits relating to landscaping and pedestrian networks previously considered under Element 22 of the Centre Plan.
- › As confirmed by the City and agreed to by the DAP in granting the original development approval, the approved development exceeded the requirements of Element 22 of the Centre Plan, with up to seven (7) community benefit items provided when only four (4) were required to be achieved. This is important as this demonstrates the development was giving more back to the community than it needed to in proportion to the additional development potential being realised.

These community benefit items continue to be proposed and as referred to above, three (3) of the community benefits items listed under Element 22, are proposed to be enhanced via the additional public landscaping and road and foreshore works proposed. This ensures landscaping which contributes to the character of the area (clause 22.1.1), landscaping and recreational spaces accessible to the public (clause 22.1.2) and improvements to pedestrian networks and linkages, which contribute to the overall character and connectivity of the area (clause 22.1.5) are enhanced to the benefit of the community and offset the proposed amendments, including the additional height sought.

- › All other provisions under Element 21 are not impacted by the proposed amendments.

Local Planning Policy 1.20 – Canning Bridge Activity Centre Plan Densities and Bonus Provisions

It is important to note that Local Planning Policy 1.20 – Canning Bridge Activity Centre Plan Densities and Bonus Provisions (LPP 1.20) has been adopted by the City's Council since the original application was considered and



determined by the DAP. In this regard, the following is noted, as was noted by City staff when Council considered LPP 1.20 for adoption:

- The proposed cap on bonus height is inconsistent with the April 2020 decision by the Western Australian Planning Commission (WAPC) in response to a proposed amendment to the Centre Plan. Any proposal such as this would require support of a built form study and then inclusion in the Centre Plan, rather than via a policy.
- Introduction of maximum densities is inconsistent with the Centre Plan and the Residential Design Codes and would require amendment to the City's Local Planning Scheme No. 6.
- Design and site area requirements exceed what is currently prescribed in the Centre Plan.
- Community benefit requirements, to enable bonus height, are more prescriptive than those currently in the Centre Plan and would need to be informed by a community needs assessment.

Policy 1.20 has been in operation since 4 March 2021. However, it is of little or no affect as under the local planning framework it needs to maintain consistency with "higher order" planning instruments, such as the Centre Plan.

In view of this, the higher order documents have primarily been given regard when considering the amended proposal.

Conclusion

The proposed amendments continue to provide an exemplary design response to the site and will enhance the surrounding locality and foreshore for the benefit of the community. This ensures the proposal continues to respond positively to the local planning framework for the site, for the following key reasons:

- The exemplary design of the building is maintained by the proposed amendments;
- The interface between the site and adjoining properties continues to be positively managed by the exemplary design of the building and the location of additional height away from lower order building areas;
- The minor increase in height continues to support an outcome whereby the development responds to the objectives of the Centre Plan to transition height away from the core areas of the structure plan area; and
- The development provides additional community benefit via increased foreshore works, which were beyond what was previously required, and are more than suitable for the purposes of the proposed amendments.

Furthermore, the amendments proposed are considered minor and do not substantially alter the approved development and are consistent with, or improve upon, the essence of the design previously considered.

As a consequence, it is considered the proposed application is within the jurisdiction of the DAP to consider and can be supported by the City and approved by the DAP under Regulation 17 of the Regulations.



Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,

Andrew Cumming

Rowe Group