



## State Administrative Tribunal Reconsideration

### Responsible Authority Report (Regulation 12)

<b>Property Location:</b>	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross
<b>Development Description:</b>	15 Storey Mixed-Use Development comprising 88 Multiple Dwellings, 16 Short Stay Accommodation Units, 6 Non-Residential tenancies (Office, Restaurant, Shop, 2 Co-Working Spaces and Community Hall)
<b>DAP Name:</b>	Metro Central JDAP
<b>Applicant:</b>	McDonald Jones Architects
<b>Owner:</b>	Applecross Land Holdings Pty Ltd
<b>Value of Development:</b>	\$50 million
<b>LG Reference:</b>	DAP-2018-9
<b>Responsible Authority:</b>	City of Melville
<b>Authorising Officer:</b>	Steve Cope Director Urban Planning
<b>DAP File No:</b>	DAP/18/01534
<b>Report Due Date:</b>	18 October 2019 – Specified under State Administrative Tribunal (SAT) order
<b>Application Received Date:</b>	22 November 2018 (Original Submission) 31 May 2019 (Post SAT mediation – First Reconsideration) 18 September 2019 (Post SAT mediation – Second Reconsideration)
<b>Application Process Days:</b>	30 days
<b>Original RAR Attachment(s):</b>	<ol style="list-style-type: none"><li>1. Development Plans (dated 29 January &amp; 21 February 2019)</li><li>2. Sustainability Report (dated 21 November 2018)</li><li>3. Wind Analysis Report (dated 18 September 2018)</li><li>4. Landscape Report (dated 4 February 2019)</li><li>5. Waste Management Plan (dated 30 January 2019)</li><li>6. Transport Impact Statement (dated 15 February 2019)</li><li>7. Acoustic Report (dated 5 September 2018)</li><li>8. Planning Control Area 117 – Canning Highway between Riseley Street and Henley Street</li><li>9. Applicant Response to Objections Received for Original Submission</li><li>10. Canning Bridge Activity Centre Design Review Panel Meeting Minutes (August and December</li></ol>



	<p>Statement (23 September 2019)</p> <p>32. Memorandum to Traffic Impact Assessment (12 September 2019)</p> <p>33. Memorandum to Waste Management Plan (dated 23 September 2019)</p> <p>34. Overshadowing Analysis (dated 25 September 2019)</p> <p>35. Setback Calculations (dated 25 September 2019)</p> <p>36. Minutes City of Melville Ordinary Council Meeting October 2019 <b>(to be provided following Ordinary Meeting of Council)</b></p>
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**Officer Recommendation:**

That the Metro Central Joint Development Assessment Panel (JDAP), pursuant to Section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 59 of 2019, resolves to:

**Reconsider** its decision dated 10 July 2019 and **approve** DAP Application reference DAP/18/01534 and accompanying plans dated 25 September 2019 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Melville Local Planning Scheme No. 6, subject to the following conditions:

**Conditions**

1. 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.
2. Any development and works within Planning Control Area 117 – Canning Highway between Riseley Street and Henley Street, does not form part of this approval.
3. All stormwater generated on site is to be retained on site.
4. Prior to the commencement of development, Lots 311, 800 & 801 Forbes Road and Lots 802, 803 & 804 Kishorn Road, Applecross, shall be amalgamated and new certificate of title obtained for the amalgamated lots.
5. Any proposed fencing which is visible from a public realm is required to comply with Element 16 of the Canning Bridge Activity Centre Plan to the satisfaction of the City.
6. 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, to the satisfaction of the City and shall be retained for the life of the development.

7. 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.
8. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications, to the satisfaction of the City.
9. 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.
10. All external clothes drying facilities shall be screened from view of Forbes and Kishorn Roads to the satisfaction of the City.
11. Prior to the commencement of development, details of the exterior colours, materials and finishes are to be submitted to and approved in writing by the City. The development shall thereafter be constructed in accordance with those approved details.
12. In accordance with City of Melville Local Planning Policy *LPP 2.1 - Non-Residential Development*, the removal of, or permanent covering of shopfront windows and openings and the use of reflective or heavily tinted glazing at ground floor level is not permitted.
13. Prior to the commencement of development, a Landscape Management Plan shall be submitted to and approved in writing by the City. This document shall incorporate but not be limited to the following items at minimum:
  - (a) Provide detailed elevations of the podium level to demonstrate the base architectural position of the green façade, in terms of materials and treatment;
  - (b) Details with regard to access and maintenance;
  - (c) The location, number and type of proposed plants;
  - (d) Description of the planting method and likely plant replacement regime;
  - (e) Fall back position if the green façade fails to establish or is not viable over the longer term; and
  - (f) Details of roles and responsibilities for ongoing maintenance.
14. Prior to the commencement of development, a detailed landscaping, civil and reticulation plans for the subject site and road verges, including the proposed set down/pick up bay and footpaths adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but 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 treatments.

The 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 for the life of the development, to the satisfaction of the City. Any species which fail to establish within the first two planting seasons

following implementation shall be replaced in accordance with the City's requirements.

Having regard to condition 2 any proposed landscaping works within the PC117 may require separate development approval from the Department of Planning Lands and Heritage prior to commencement.

15. Prior to the initial occupation of the development, a revised Waste Management Plan shall be submitted to and approved in writing by the City. The Waste Management Plan shall be prepared in accordance with the Local Planning Policy LPP1.3 Waste and recyclables collection for multiple dwellings, mixed use development and no-residential development. Once occupied, the development shall operate in accordance with the approved Waste Management Plan, to the ongoing satisfaction of the City.
16. The development shall operate in accordance with the recommendations set out in the Acoustic Report by Floth dated 5 September 2018 to the satisfaction of the City.
17. 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.
18. 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.
19. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of development. The Construction Management Plan shall detail how the construction of the development will be managed including 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); 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.

20. 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 to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.
21. Prior to the commencement of development, the street trees to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the City:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
  - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
  - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
  - The following actions shall not be undertaken within any TPZ:
    - Storage of materials, equipment fuel, oil dumps or chemicals
    - Servicing and refuelling of equipment and vehicles
    - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
    - Open-cut trenching or excavation works (whether or not for laying of services)
    - Changes to the natural ground level of the verge
    - Location of any temporary buildings including portable toilets
    - The unauthorised entry by any person, vehicle or machinery
  - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the City and may only be removed upon occupation of the development.

22. Prior to the commencement of development, detailed plans shall be submitted to and approved in writing by the City demonstrating the proposed car parking bays within the basement and the width and grades of the access ramp to the basement car park are designed in accordance to AS/NZS 2890.1:2004.
23. Prior to the commencement of development, a Management Plan for the control of deliveries to and from the site shall be submitted to and approved in writing by the City. The Management Plan shall be prepared to ensure that all service vehicles entering and exiting the site do so in forward motion. The development

shall operate in accordance with the approved Management Plan for the lifetime of the development to the satisfaction of the City.

24. Prior to the commencement of development, a Road Safety Audit shall be submitted to and approved in writing by the City in accordance with the City's Road Safety Audit Policy. Recommendations of the RSA to be incorporated into the design to the satisfaction of the City.
25. 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, to the satisfaction of the City.
26. Prior to the commencement of development, detailed drawings shall be provided to and approved by the City, in relation to the proposed streetscape improvements not within Planning Control Area 117, including street furniture and landscaping.
27. Prior to the occupation of development, a signage strategy shall be submitted to and approved in writing by the City. The strategy shall demonstrate how the future signage requirements for all uses are to be accommodated. Once approved, the signage strategy will inform the future assessment of applications for signage on the development.
28. Prior to the commencement of development, a way-finding strategy shall be submitted to and approved in writing by the City. The approved strategy shall be implemented prior to initial occupation.
29. Prior to the occupation of development, the land affected by Planning Control Area 117 shall be ceded free of cost to the State of Western Australia for the purpose of upgrading Forbes Road.
30. Prior to commencement of the development, detailed fit out plans for the proposed community hall shall be submitted to and approved in writing by the City.
31. Subject to the other conditions of this approval, the community benefit items described by Advice Note (1), and as shown on the plans hereby approved must be provided and maintained throughout the life of the development by the owner (from time to time) of the land at Lots 311, 800 and 1061 (Nos. 10, 12 & 14) Forbes Road and Lots 802, 803 & 804 (Nos. 40A, 40B & 40C) Kishorn Road, Applecross. The obligation on the owner to maintain the community benefits will continue notwithstanding the Land may be subsequently subject to a strata title or other form of subdivision.
32. In order to secure the provision and ongoing maintenance of the community benefits, the owner of the Land must enter into a deed with the City of Melville (City). The deed:
  - (a) must be signed by the owner before any use authorised by this approval is commenced;
  - (b) is to be prepared by the City's solicitors on the City's instructions at the owner's cost;
  - (c) allow where necessary for an absolute caveat to be lodged in favour of the City against the certificates of title ;

- (d) shall make provision for the matters described in the following conditions;  
and
  - (e) shall include other provisions necessary or convenient for the purpose of ensuring the community benefits are provided, managed and maintained.
33. The deed required by the proceeding condition shall include provisions which address:
- (a) the provision of the landscape treatments and end of trip facilities prior to the occupation of the development, and for those community benefits to thereafter be maintained to a standard satisfactory to the City by the owner (and future owners) for the life of the development. This may include (without limitation) things such as the provision of lighting, signage, painting and/or marking out as the case may be and, if required by the City, the requirement for the owner to obtain and maintain adequate public liability insurance and to indemnify the City against any claim connected with the use of these areas;
  - (b) the obligation for the owner, in the event the Land is the subject of a strata / survey strata subdivision, to ensure that the strata company adopts a bylaw by way of a management statement under section 5C of the Strata Titles Act, which provides for the strata company to be responsible for the ongoing maintenance of the community benefits, and for the public to be able to access and use any of the community benefits which are located on common property; and
  - (c) the need for the management statement required by the preceding paragraph to be expressed to require the consent of the City to any amendment or repeal of the management statement, pursuant to section 42(2d) of the Strata Titles Act.
34. In addition to the provisions in the preceding conditions, the deed between the owner and the City shall include provisions addressing the following matters relating to the provision, management and maintenance of the community benefit spaces as described in Advice Note (1) of this approval, and as outlined in the approved plans:
- (a) the community hall and co-working space areas may only be used for the purposes described in the development application, or for another purpose approved by the City which (in its absolute discretion) provides a similar and adequate community benefit;
  - (b) the community hall and co-working space areas may not be used or tenanted without the prior approval of the City;
  - (c) in the event the Land is the subject of a strata / survey strata subdivision that creates separate lots for the community facilities areas, a notification pursuant to section 70A of the Transfer of Land Act shall be registered against the certificate/s of title which describes the limitation on the use of those lots in terms satisfactory to the City;
  - (d) the requirement for the owner to use best endeavours to ensure that the community benefit spaces detailed by Advice Note 1 are always used during business hours for a community purpose approved by the City, and not left vacant or inoperative;
  - (e) that the City is not required to pay any 'start up' or ongoing costs with respect to the community facilities areas, except normal maintenance costs associated with the ownership of the community facilities areas; and
  - (f) the management statement required by the preceding condition is to include provisions acceptable to the City with respect to the limitation on the use of the community facilities areas.

35. A 5 Star Green Star - Design & As Built certified rating (demonstrating 'Australian Excellence') must be achieved from the Green Building Council of Australia (GBCA) Prior to the commencement of development a Green Star Registration Certificate must be submitted to the City to confirm the intention to achieve an As Built rating. This should be supported by a project plan or similar confirmation document. Within 24 months of practical completion, As Built certification must be achieved, as per the Green Star – Design & As Built requirements, and evidence of this provided and approved in writing by the City.
36. Prior to commencement of the development, amended plans/details shall be submitted to and approved in writing by the City to demonstrate compliance with the recommendations of the Wind Analysis Report that was provided in support of the proposed application. The amended plans/details shall include drawings, specifications and detailed wind tunnel testing. Once approved, the agreed measures shall be implemented prior to initial occupation, and retained thereafter to the ongoing satisfaction of the City.
37. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.

#### Advice Notes

1. With respect to the Community Benefits related conditions listed above, the community benefits to be provided are as follows:
  - **Design comprising high quality active street frontages.** This space provided to the frontages of the development includes the provision of 151m of active frontage, 860m<sup>2</sup> of streetscape upgrades, 300m<sup>2</sup> of alfresco and public space, retention of 6 mature trees, 4 new street trees and verge plantings, planter boxes with seating, the covered pedestrian walkway through the site and recessed alfresco areas at the corner of Forbes and Kishorn Roads;
  - **Provision of public facilities** including 3 male cubicles, 3 male urinals, 3 female toilets, 2 universal toilets, 1 shower, 3 lockers and 5 bicycle racks;
  - **Provision of 199m<sup>2</sup> of publicly accessible garden space** by way of a community garden provided at the podium on Level 1, directly accessible via Forbes and Kishorn Roads, clearly visible and accessible from the street and inclusive of children's play equipment;
  - **Provision of 565m<sup>2</sup> of co-working space** on the ground floor and Level 1 to be used for community purposes along with a **225m<sup>2</sup> Community Hall** to comprise a sprung floor, kitchenette, universal toilet and storage room, accessed from Kishorn Road;
  - **16 short stay accommodation units** provided on Level 2, with 2 of the units being accessible for people with a disability; and
  - **125m<sup>2</sup> of Planning Control Area 117 land to be ceded** free of charge to the State of Western Australia.
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This planning decision is confined to the authority of the *Planning and Development Act 2005* and the City of Melville Local Planning Scheme No. 6.

This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to. In relation to the community benefit items proposed, the applicant should pay particular attention to ensure the building will comply with the Class 9B requirements of the Building Code of Australia.

### **Environmental Health Services Advice Notes**

2. Prior to the commencement of development, an Acoustic Report shall be submitted to demonstrate that noise from all mechanical services and commercial uses (eg. café) that are associated with this development is capable of complying with the 'Assigned Noise Levels' contained in the *Environmental Protection (Noise) Regulations 1997* when the noise is received at a residential premises associated with this development and any neighbouring residential premises to the satisfaction of the City. Once approved, the development shall operate in accordance with the recommendations set out in the report to the satisfaction of the City.

### **Technical Services Advice Notes**

3. The City's Technical Services Department provide the following comments:
  - The width and cross-section of the proposed access ramps to the car parking areas needs to be provided detailing the length and the grades of the ramps. Also height clearance at the entry to the basement needs to be shown. The head clearances are required to comply with s5.3 and Figure 5.3 of Australian Standard AS/NZS 2890.1, and the width of the proposed ramps is required to comply with AS/NZS 2890.1:2004 section 2.5.2 (ii); and
  - The width of blind aisle extensions is required to comply with s2.4.2 of blind aisle extensions. The applicant is also required to show that adequate vertical and horizontal clearances are available for the car stackers.

### **Background**

#### History of Application

The original submission was refused at the Metro Central JDAP meeting held on the 7 March 2019 as outlined in Attachment 14 (Responsible Authority Report (RAR) and Minutes). In summary:

- on 7 March 2019, the Metro Central JDAP considered the subject development proposal and refused the application based on the following reasons:
  - "1. *The height of the proposed development is not supported having regard to the "Bonus Provisions" requirements (Elements 21 and 22) of the Canning Bridge Activity Centre Plan, whereby it has not, in the view of the panel, been demonstrated that the community benefit proposed is sufficient to warrant approval of a 100% bonus in the number of storeys permitted as of right in the M10 zone of the Kintail Quarter of the Canning Bridge Activity Centre Plan.*

2. *The subject site borders the H4 zone, and it is considered by the panel that a twenty-storey building in this location (adjacent to buildings of four storeys or less) cannot be justified by the level of community benefit proposed. The panel is of the view that approval of this development would undermine the building hierarchy envisaged by the Canning Bridge Activity Centre Plan.”*

The applicant lodged an appeal to the State Administrative Tribunal (SAT) pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, and the Metro Central JDAP, DR 59 of 2019.

No changes to the development plans were provided as part of the first SAT reconsideration. On the 1 July 2019, the Metro Central JDAP reconsidered their original decision in respect of SAT application DR 59 of 2019, and resolved to reaffirm their decision dated 20 March 2019 and refuse the DAP application for the following reasons:

- “1. *The height of the proposed development is not supported having regard to the “Bonus Provisions” requirements (Elements 21 and 22) of the Canning Bridge Activity Centre Plan, whereby it has not, in the view of the panel, been demonstrated that the community benefit proposed is sufficient to warrant approval of a 100% bonus in the number of storeys permitted as of right in the M10 zone of the Kintail Quarter of the Canning Bridge Activity Centre Plan.*
2. *The subject site borders the H4 zone, and it is considered by the panel that a twenty-storey building in this location (adjacent to buildings of four storeys or less) cannot be justified by the level of community benefit proposed. The panel is of the view that approval of this development would undermine the building hierarchy envisaged by the Canning Bridge Activity Centre Plan.”*

#### State Administrative Tribunal Appeal

On 15 March 2019, the applicant lodged an appeal to the State Administrative Tribunal (SAT) against the JDAP refusal. An initial Directions Hearing was vacated and the matter was referred to mediation on 30 April 2019 where the relevant parties discussed the reasons for refusal of the subject application from the 7 March 2019 Metro Central JDAP meeting. Consequently, the SAT issued the following Order:

- “1. *The applicant is to provide additional information as discussed at the mediation to the respondent by 21 May 2019.*
2. *The matter is listed for mediation on 27 May 2019 at 2pm at 565 Hay Street, Perth, Western Australia.*
3. *Relevant officers of the City of Melville and Cr N Robbins are invited to attend the mediation on 27 May 2019.”*

At the 27 May 2019 mediation, the applicant presented two reports, an Interface Analysis Report (Attachment 15) and a Community Benefit Analysis Report (Attachment 16) for discussion in response to the reasons for refusal of the subject application. At the conclusion of the second mediation, the SAT issued the following Order:

- “1. The applicant is to provide additional information to the respondent by close of business on 29 May 2019.
2. Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 2 July 2019.
3. The matter is listed for directions hearing on 26 July 2019 at 9.30am at 565 Hay Street, Perth.”

As a result of the refusal issued by the Metro Central JDAP dated 10 July 2019, the directions hearing scheduled for the 26 July 2019 took place. At that directions hearing, the matter was scheduled for further mediation on 28 August 2019. At the 28 August 2019 mediation, the applicant presented a revised proposal for discussion. At the conclusion of this mediation, the SAT issued the following Order:

- “1. The applicant is to provide a revised proposal together with supporting information as discussed at the mediation to the respondent by 18 September 2019.
2. Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 30 October 2019.
3. The matter is listed for directions hearing on 8 November 2019 at 9.30am at 565 Hay Street, Perth.
4. A copy of the order is to be sent by the Tribunal to Gail Sobjeko of 7 Forbes Road, Applecross, Western Australia.”

**Details: outline of development application**

Zoning	MRS:	Urban
	TPS:	District Centre – Canning Bridge Activity Centre
Use Class:		Residential (Multiple Dwellings) Restaurant Shop Office (including 2 Co-Working Spaces) Tourist Accommodation Civic Use -Community Hall
Strategy Policy:		Canning Bridge Activity Centre Plan
Development Scheme:		Local Planning Scheme No.6
Lot Size:		2023m <sup>2</sup> Lot 311 – 1012 m <sup>2</sup> Lot 800 – 193 m <sup>2</sup> Lot 801 – 212 m <sup>2</sup> Lot 802 - 202 m <sup>2</sup> Lot 803 – 202m <sup>2</sup> Lot 804 – 202m <sup>2</sup>
Existing Land Use:		Residential – Lot 311 Vacant – Lots 800, 801, 802, 803 & 804

The proposed plans the subject of this current Responsible Authority Report (RAR) have been modified from those considered at the Metro Central JDAP meeting held on 1 July 2019. The major modifications to the plans from the previous meeting are as follows:

- Building height reduced by 5 storeys (17m) from 20 to 15 storeys;
- Floor plate has increased from 1047m<sup>2</sup> to 1096m<sup>2</sup>;
- The number of multiple dwellings on most floors has increased from 7 to 8;
- Total number of multiple dwellings reduced from 97 to 88;
- Building repositioned and centred on-site with setbacks modified with minor encroachments into the 4m and 5m setback lines to the north, east and southern boundary. Western setbacks remain unchanged;
- Bin chute now discretely located with access through the core of the development;
- Co-working space has increased from 521m<sup>2</sup> to 565m<sup>2</sup>;
- Sky gardens shifted from levels 3, 6, 9 and 12 to levels 4, 7, 10 and 13;
- Number of short stay accommodation units has increased from 15 to 16 units;
- Commercial area increased in area from 850m<sup>2</sup> to 889m<sup>2</sup>;
- Residential parking reduced from 135 to 122 bays;
- Commercial parking increased from 17 to 19 bays;
- Commercial bike parking has increased from 19 to 22 bays; and
- End of trip showers for the commercial tenancies has increased from 2 to 5 showers.

Development approval is now sought for a 15 storey mixed-use development comprising 88 multiple dwellings, 16 short stay accommodation units, two co-working community spaces comprising 565m<sup>2</sup> and three commercial tenancies comprising 324m<sup>2</sup> of net lettable area. Two of the commercial tenancies Restaurant and Shop are proposed to be located on the ground floor with an Office tenancy on Level 1. The three commercial tenancies are preferred land uses as listed by Element 1 of the CBACP.

The podium comprises three levels. The ground floor accommodates the non-residential uses described above as well as a co-working space. The second floor includes a larger co-working space, 199m<sup>2</sup> of roof top garden which is open to the public and a community hall. 16 short stay accommodation units are contained in level three. The tower above contains the proposed 88 multiple dwellings and communal recreational facilities and amenities. The co-working spaces and the community hall have been designed to ensure they can adapt to a range of uses over time.

In accordance with the CBACP, the development incorporates main street design principles with portions of nil setbacks to Forbes Road and Kishorn Road. Ground floor to the podium levels incorporates various design elements in order to achieve an active streetscape and pedestrian-focused environment. A single point of vehicle access is provided via a 6m crossover off Kishorn Road, on the eastern portion of the site. Car parking is provided within the basement levels, screened from view of the street.

Four floors have a sky garden, shared by the multiple dwellings which will facilitate a sense of community within the building. The ground to podium facades are

expressed as a planted façade that connects the existing street trees on both street frontages to the vertical gardens and trellises proposed, with stepped planters that enhance the corner and provide additional tree planting opportunities. Publicly accessible stairs are provided from both the Kishorn and Forbes Road frontages and these allow access to the podium level and to the various community benefit uses that are proposed to be located there.

The development is considered to be consistent with the objectives, goals, guidelines and vision statement contained in the CBACP. The development proposes exemplary design, high levels of sustainability and proposes a high level of community benefit. By incorporating these features into the design, the building is considered worthy of support having regard to the relevant development controls contained in Elements 1-22 of the CBACP and as such is recommended for approval.

#### Site Context

The site context was covered in the previous RAR and remains the same (Attachment 22).

#### **Legislation & policy:**

The legislative framework and policy base for the assessment and determination of the subject application is the same as that documented in the previous RAR (Attachment 22) with the exception of draft Local Planning Policy 1.18 – Canning Bridge Activity Centre Plan (Bonus Building Height Provisions). At the August 2019 Ordinary Council Meeting Council resolved to not proceed with the draft Local Planning Policy (LPP) and therefore the LPP is not required to be considered as a part of this application

#### **Consultation:**

##### Public Consultation

As part of the SAT reconsideration process, SAT confirmed that the application is not required to be readvertised for public comment. Local Planning Policy *LPP1.1 Planning Process and Decision Making* under Clause 3.8.4 states that:

*“Where the SAT invites the City or the JDAP to reconsider an application under Section 31 of the State Administrative Tribunal Act 2004 the City will not undertake further public consultation unless directed to do so by the SAT.”*

Therefore, no further advertising for public comment has taken place.

Details of the advertising previously conducted and response to submissions received is contained within the previous RAR (Attachment 22).

##### Special Council Meeting

In accordance with the City of Melville Local Planning Policy *LPP1.1 Planning Process and Decision Making*, the RAR for the initial development application was referred (for consideration and information) to the Special Meeting of Council held on 6 March 2019 (Attachment 17). At that meeting the Council resolved to reject the

recommendation of the RAR which recommended the approval of the development application for the following reasons:

- “1. The proposed development is inconsistent with the hierarchical structure envisaged in the Canning Bridge Activity Centre Plan.*
- 2. The bonus height benefits sought are considered to be disproportionately large for the community benefits offered.*
- 3. Proposed development is on the border of the H4 zone, the increase from 4 stories to 20 stories, not a gradual transition from lower to higher density and has a direct impact on the abutting residents.*
- 4. Impact of over shadowing caused by the additional height in areas outside the Canning Bridge Activity Centre Plan.*
- 5. Growing community concerns about the application of bonus heights.”*

As part of this SAT reconsideration, the revised development application was referred (for consideration and information) to an Ordinary Council Meeting held on 15 October 2019 (Attachment 36). The process for an application to be called up by Elected Members is outlined in Local Planning Policy 1.1 Planning Process and Decision Making. It gives Elected Members an opportunity to consider the information provided in the RAR and to either support the officer recommendation or to provide an alternative recommendation for the consideration of the JDAP.

**This section will be updated following the Ordinary Council Meeting.**

#### Consultation with other Agencies or Consultants

##### *Canning Bridge Design Review Panel*

The Design Review Panel (DRP) was established by the Cities of Melville and South Perth in conjunction with the Office of the Government Architect in accordance with the requirements of the CBACP and to ensure development within the CBACP is of high quality. The establishment and ongoing operation of the DRP is consistent with the recommendations for Design Review as outlined by State Planning Policy 7.0.

All major development proposals within the CBACP area are presented to the DRP for its design consideration and input. The input of the DRP is particularly important in the case of planning applications for development for which additional building height is sought in accordance with Elements 21 and 22 of the CBACP. In these cases, where additional height above the associated ten storeys in the M10 zone or fifteen storeys in the M15 zone is sought, it is a requirement of the CBACP that the design of such a development is considered to be "exemplary" in the opinion of the DRP.

In the subject case, the applicant commenced pre-application discussions with the City of Melville in June 2018. The details of the proposed development were referred to the DRP at the pre-application stage on one occasion, August 2018 (Attachment 10A), and subsequently on two further occasions, December 2018 (Attachment 10B) and February 2019 (Attachment 11) during the formal consideration of the development after lodgement.

The Design Review process has resulted in changes and refinements in response to the comments raised by the DRP as the planning assessment and design review process has moved forward. The applicant has responded positively to the design feedback provided by the panel on each occasion and the outcome of the process followed is now a development proposal where the DRP panel was unanimous in its decision to qualify the design as being “exemplary” in accordance with the requirements of Element 21 of the Structure Plan.

At the October 2019 meeting, the DRP considered the current proposal. At this meeting, the DRP confirmed that the revised proposal represents an exemplary design for the purposes of Clause 21 of the CBACP. The notes of the meeting are attached (Attachment 23)

Further commentary in relation to the design quality of the proposed development and the role of the DRP is provided elsewhere in this RAR.

*City of Melville Cross Functional Consideration of Community Benefit*

At the previous meeting of the City’s internal cross functional community benefit panel the community benefit offered as a part of the development was considered to be acceptable. It is noted that while the total height of the building has reduced by 5 storeys, the total amount of community benefit space has remained the same, and in fact, has been increased to a minor extent.

The changes to the community spaces proposed are minor in nature and therefore the proposal has not been referred back to the City’s internal cross functional community benefit panel for comment.

Details of the previous comments from the City’s internal cross functional community benefit panel are outlined within the previous RAR prepared (Attachment 22).

**Planning assessment:**

The development controls for this site are contained within the CBACP.

In view of the bonus height sought, assessment is required against the relevant Desired Outcomes of all Elements and Elements 21 and 22 of the CBACP. This assessment is detailed in the Officer Comments section below.

The revised proposal has been assessed and is considered to satisfy the relevant provisions contained within Elements 1-20 of the CBACP with the exception of the following elements which require assessment having regard to the relevant desired outcomes:

<b>Element</b>	<b>Deemed to Comply</b>	<b>Proposed</b>	<b>Officer Comment</b>
Element 4. Street Setbacks	4.1 – All development in M15 and M10 Zones including above the fourth floor of the development is to be setback from the primary and	Minimum setback of 4.6m on Level 4 and above to Kishorn Road.	See planning assessment below.

	<p>secondary streets a minimum of 5 metres from the property boundary.</p> <p>4.3 – All development within the M10 Zone in Q1 and Q2 shall have a minimum 1.5 metre setback and maximum 3 metre setback to street boundaries.</p>	<p>Nil setbacks on the ground floor, Level 1 and Level 2 to Kishorn Road.</p>	<p>See planning assessment below.</p>
Element 5. Side and Rear Setbacks	<p>5.3 – Tower elements for developments in the M15 or M10 Zone shall be setback a minimum of 4 metres from side or rear boundaries so as to provide a minimum 8 metre separation between tower elements on adjoining lots.</p>	<p>Minimum setback of 3.025m within the tower on the eastern elevation.</p> <p>Minimum setback of 3.6m within the tower on the northern elevation.</p>	<p>See planning assessment below.</p>
Element 18. Car Parking (Non Residential)	<p>18.4 – Car parking for non-residential development in Q1 and Q2 shall be not less than one bay per 50m<sup>2</sup> of net lettable area and not more than one bay per 25m<sup>2</sup> of net lettable area.</p>	<p>26 car parking bays are proposed for the 16 Short Stay Accommodation Units, 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces) and the Community Hall in lieu of the required minimum of 36, maximum of 73</p>	<p>See planning assessment below.</p>

### Officer Comments

#### Street Setbacks

Clause 4.1 of the CBACP requires all developments in M15 and M10 Zones, above the fourth floor of the development to be setback from the primary and secondary streets a minimum of 5 metres from the property boundary. The proposed

development from level 4 and above is setback a minimum of 4.6m to Kishorn Road in lieu of 5m.

In addition, clause 4.3 of the CBACP requires developments within the M10 Zones in Q1 and Q2 to be setback a minimum of 1.5m from the street and a maximum of 3m. The proposed development is setback in accordance with the maximum of 3m on all levels however the minimum setback is varied to Kishorn and Forbes Roads on the ground floor, level 1, level 2 and level 3 as nil setbacks are proposed.

The proposed setbacks are considered to meet or exceed the Desired Outcomes of Element 4 for the following reasons:

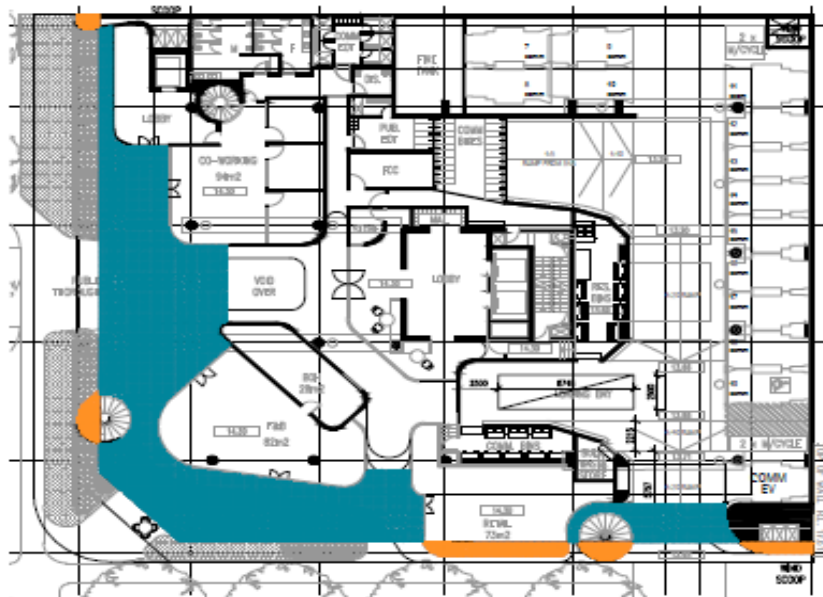
- The proposed setbacks are the result of the unique architectural form which provides an attractive facade to Kishorn and Forbes Roads. The architectural form provides a significant contribution to the street character and creates a pedestrian-friendly environment;
- The setback area to Forbes and Kishorn Roads is articulated via the inclusion of landscaping and varied setbacks on the ground floor, level 1 and level 2 (Figures 1-2). This variety of setbacks, combined with the landscaping assists in reducing the bulk of the podium level assisting with the transition to the lower density areas to the west and the and the higher density M15 area to the south of Kishorn Road;
- As evident in the figures below (Figures 3-7), the average setback is greater than three metres;
- The proposed setbacks provide for a range of uses such as alfresco dining to occur at the street level ensuring the development can contribute to the vibrancy of the precinct. The ground floor is predominantly clear glazed allowing surveillance at street level; and



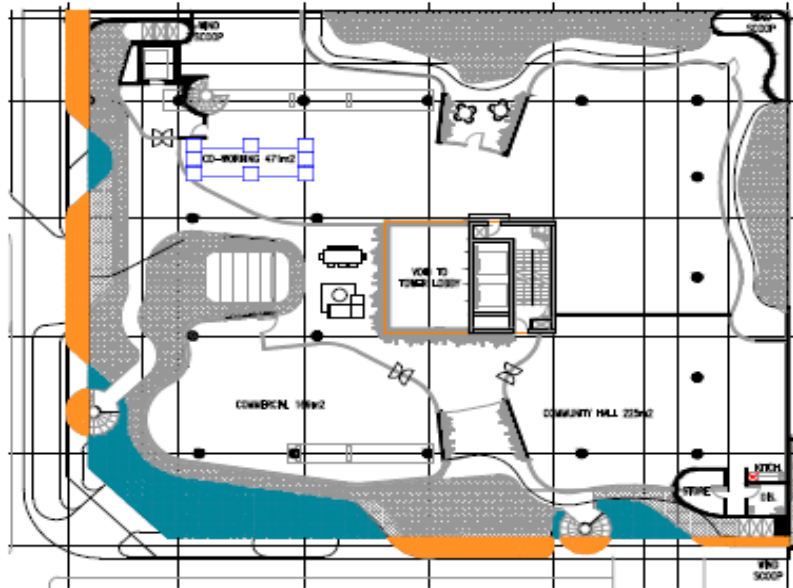
**Figure 1: Articulated Elevation on Kishorn Road**



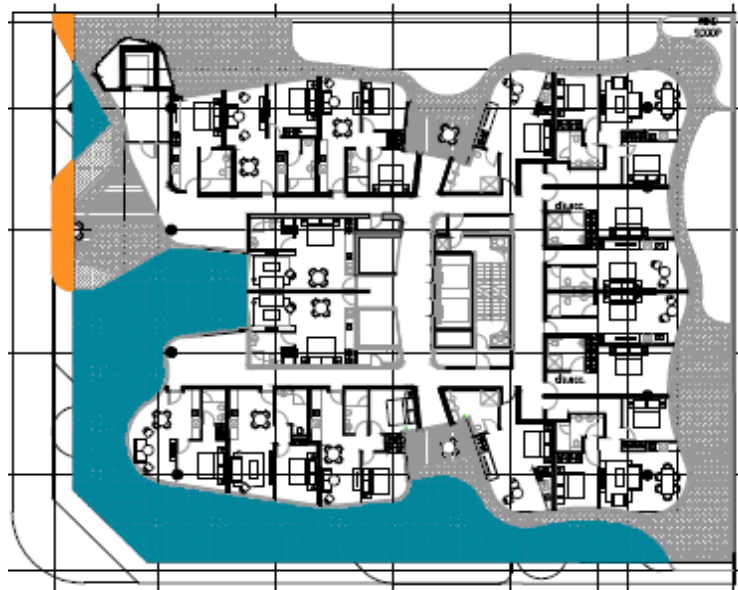
**Figure 2: Articulated Elevation on Forbes Road**



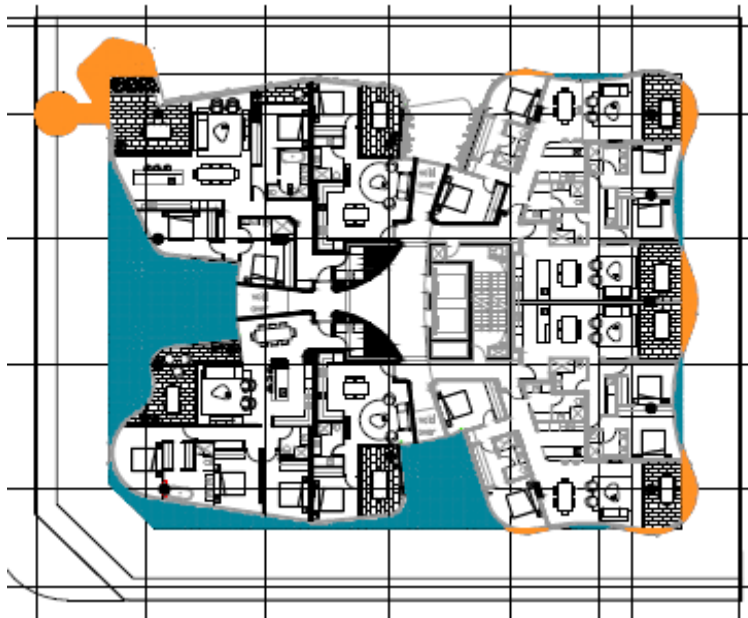
**Figure 3: Kishorn Road and Forbes Road (Ground Floor) Setback Encroachments in Orange and open (compensating) area in Blue**



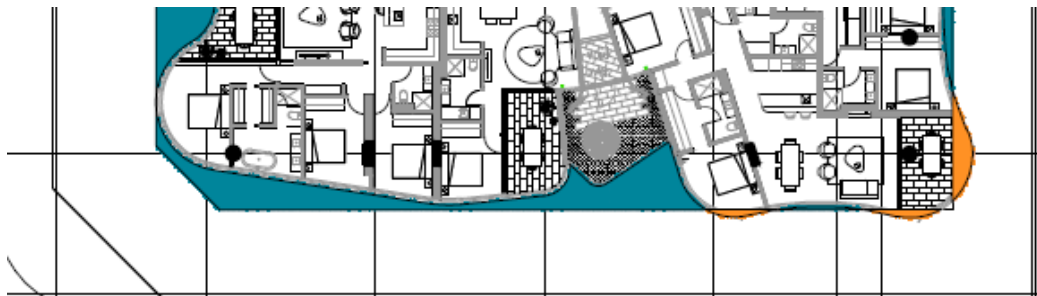
**Figure 4: Kishorn Road and Forbes Road (Level 1) Setback Encroachments in Orange and open (compensating) area in Blue**



**Figure 5: Forbes Road (Level 2) Setback Encroachments in Orange and open (compensating) area in Blue**



**Figure 6: Kishorn Road and Forbes Road (Level 3) Setback Encroachments in Orange and open (compensating) area in Blue**



**Figure 7: Kishorn Road (Levels 4 and 10) Setback Encroachments in Orange and open (compensating) area in Blue**

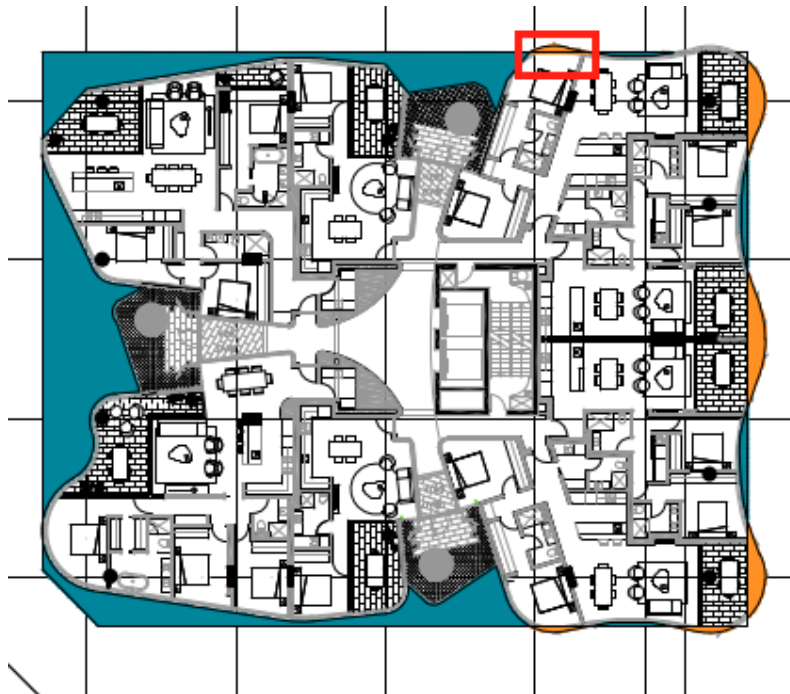
Side and Rear Setbacks

Clause 5.3 of the CBACP requires tower elements for development in the M15 and M10 Zones to be setback a minimum of 4m from side or rear boundaries so as to provide a minimum 8 metre separation between tower elements on adjoining lots. All tower setbacks comply with this requirement with the exception of the area marked in red below in Figures 8 and 9. This wall is 4.0 metres in length and is setback 3.6 metres from the boundary and located on levels 3 to 13. Above this the floor plan changes and balconies are located in this space.

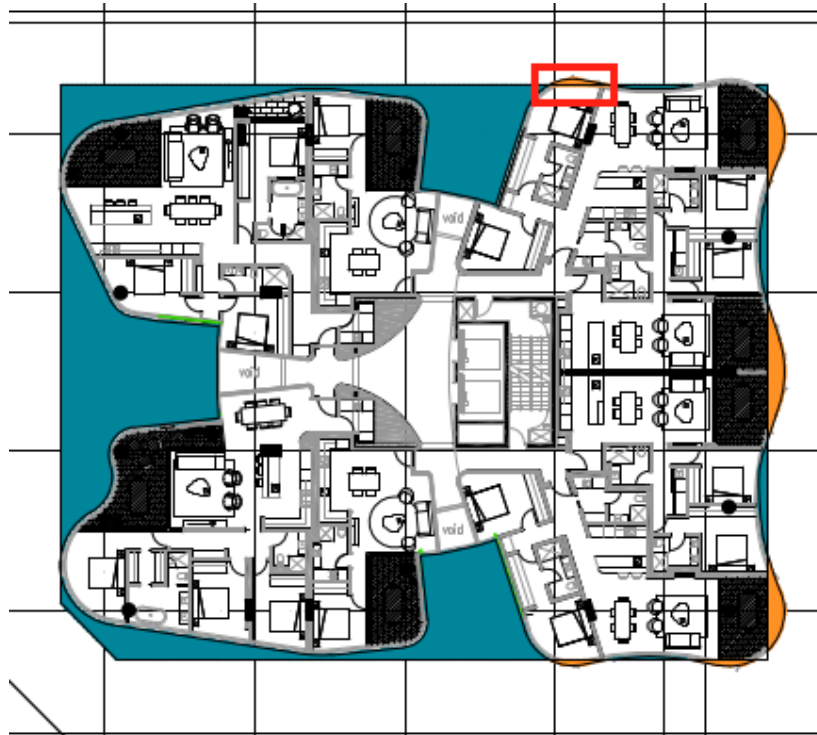
This wall is considered to meet the desired outcomes of Clause 5 for the following reasons;

- The Applicant has suitably demonstrated that consideration of solar access for adjoining properties has been applied in the design of the proposal. Due to the location and orientation of the lot, the majority of shadow in mid-winter falls over the road and existing properties on the southern side of Kishorn Road;
- The setbacks of remainder of the north elevations are well articulated reducing the bulk impact of the building and ensuring that any future development on the site to the north will be able to achieve at least an 8 metre separation between towers.
- The substantial greening of the building significantly reduces the overall bulk and scale of the building to adjoining properties.
- Due to the angle of view from these bedroom spaces there will be limited impact on the privacy of the outdoor living areas and major openings of the dwellings directly to the north of the site.

Clause 5.5 of the CBACP allows for open sided balconies and roof terraces which are not within the structure of the building façade and do not add to the overall bulk of the building to extend into the side setback areas. The balcony setbacks do encroach into the side setback area as demonstrated by Figures 8 and 9 and to meet the requirements in Clause 5.5.



**Figure 8: Side and Rear Setback Encroachments (Levels 4 and 10) in Orange and open (compensating) area in Blue to Northern and Eastern Elevations**



**Figure 9: Side and Rear Setback Encroachments (Levels 5, 6, 8, 9, 11 and 12) in Orange and open (compensating) area in Blue to Northern and Eastern Elevations**

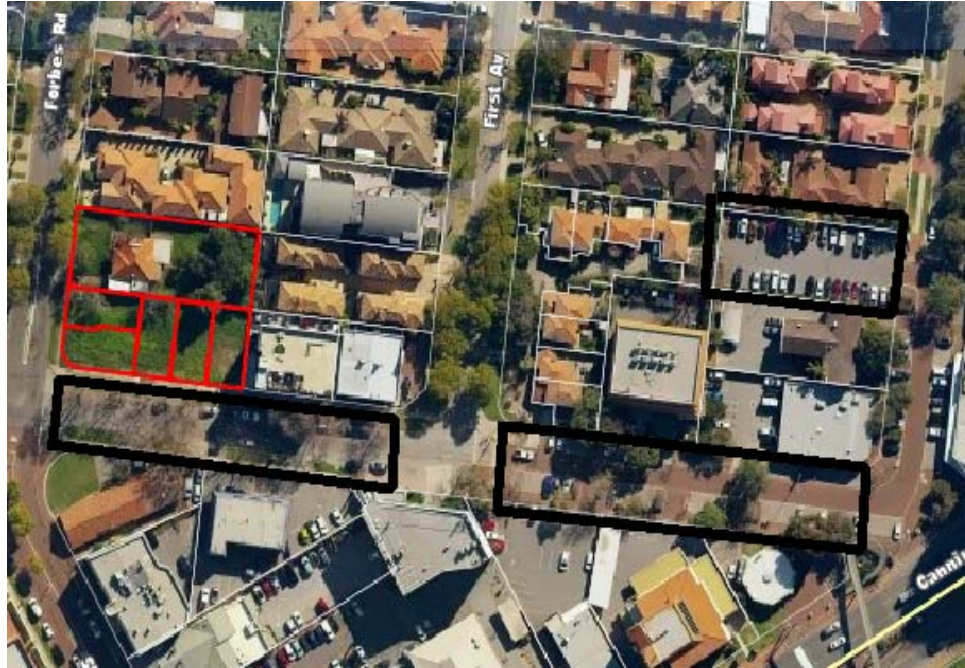
### Car Parking

Clause 18.4 of the CBACP requires that non-residential developments in Q1 and Q2 shall provide car parking at a rate not less than one bay per 50m<sup>2</sup> of net lettable area and not more than one bay per 25m<sup>2</sup> of net lettable area. Given the total net lettable area for the 16 Short Stay Accommodation units, 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces) and Community Hall is 1820m<sup>2</sup>, this would require a minimum of 36 car parking bays, with a maximum of 73. 26 car parking bays are proposed for the non-residential uses consisting of 7 bays for the short stay accommodation units and 19 for the commercial uses. Therefore, as a shortfall of 10 car parking bays is proposed, an assessment against the Desired Outcomes of Element 18 of the CBACP is required. The number of car parking bays provided for the non-residential uses is considered acceptable because:

- An overall CBACP Desired Outcome for Element 18 is to balance private vehicle travel with alternative transport. Applying the same requirements as residential or commercial, as per Clauses 18.3 & 18.4 of the CBACP would be onerous for the short stay accommodation units as it is considered reasonable to assume that a high proportion of short-stay residents are unlikely to have their own vehicle. Applying the residential or commercial rate of the CBACP is considered to be onerous in light of the nature and operational characteristics of these types of uses. The majority of users of

short-term accommodation units do not have their own vehicles and are typically reliant on other alternative modes of transport (taxi or similar);

- Multi purpose trips within the development will take place due to the nature of land uses proposed. For example, people staying at the short stay accommodation units, people working in the office tenancy or users of the co-working spaces will visit the restaurant and retail tenancies located within the development and in the surrounding area. Therefore, there is a case that the restaurant and retail tenancies need not provide parking for the office workers, those staying at the short stay accommodation units or the uses of the co-working spaces as their parking demand is already accounted for.
- Available car parking is provided off-site and within close proximity to the development. Paid parking at the City of Melville car park on Moreau Mews (within 250m of the subject site), timed parking along Kishorn Road (within 100m) and unrestricted parking along Kishorn Road directly fronting the subject site provide alternative parking options as shown in Figure 10 below.
- A Traffic Impact Assessment (TIA) memorandum has been submitted in support of the revised development. The TIS memorandum (Attachment 32) has been reviewed by officers from the City's Technical Services team. In relation to traffic and parking demand, no objections are raised in principle to the development taking place in accordance with the plans as proposed;
- As part of the management of the non-residential land uses on the site, the operators will be expected to inform customers of the limited parking available on site and of the various transport and public parking options available in the vicinity. This is consistent with the approach taken by many diverse businesses in a City centre type of environment.
- The subject site is within close proximity to ample public transport services. This includes a bus stop (high-frequency route) along Canning Highway and the Canning Bridge train and bus transfer station which provides guests staying at the short stay accommodation units and commercial patrons an alternative mode of transportation; and
- The subject site is well connected to pedestrian footpaths and provides safe access to and from the site for pedestrians and cyclists. The development provides more than the required number of bicycle bays and end of trip facilities which will provide an alternative mode of transport to motor vehicles for guests;



**Figure 10: Subject development site (marked in red) within close proximity to paid, timed and unrestricted off site car parking (as marked in black)**

### Building Height

As reported in previous versions of the RAR development in the M10 zone is able to access additional building height subject to meeting relevant design and community benefit requirements. The City was supportive of the proposed development at 20 storeys on the basis that these requirements have been met. The City was also satisfied that there is a suitable interface between the development site and the neighbours having regard to the Desired Outcomes contained in Element 3.

The reduced tower height is supported by the City. The paragraphs below provide a brief description of the design elements which have been modified as a part of the proposed development, all other matters including the relationship with the surrounding zones are as per the previous RAR. The tower element, now reduced by 5 storeys, is setback from the podium edge to ensure that within the streetscape at the human scale, the podium will be the building's defining feature. The revised drawings emphasise the top of the tower by expressing the fourteenth floor with an expanded ceiling height and the rooftop amenities. This helps to break the building into 3 separate pieces, a bottom, middle and top as shown in Figure 11 below. In this case, the highest levels consist of 2 floors that will read as the top. The bottom consists of a cascading podium that provides grounding for the building and extends into the second and third floor and the remainder of the tower reading as the middle.

The key element of the previous application which is removed as a part of this proposal is the communal amenity deck which was located on level 15. The Design Review Panel considers that the removal of this amenity deck does not detract from the overall built form quality and the elevations:

are well composed and provide a high degree of depth, light and shade, and visual interest, with an appealing colour and material palette that is sensitive to its context.



**Figure 11: Revised design presenting as three segments**

Overall the proposed development is considered to satisfy the Desired Outcome of Element 3 in relation to Building Height.

**Bonus Provisions**

In respect of Elements 21 and 22, the applicant does seek additional building height in accordance with the requirements of Elements 21 and 22. The degree to which the proposed development satisfies those requirements is considered below.

*Element 21 – Development Bonus Based on Design Considerations*

With the exception of the total amount of landscaping all other elements remain as per the previous RAR. The proposed development is considered to satisfy Element 21.

Element	Requirement	Responsible Officer Comment
21.4.5	Development demonstrates mitigation of the urban heat island effects through the	4108m <sup>2</sup> of total landscaping will be provided (balcony, horizontal and vertical), which will more than mitigate

	<p>provision and maintenance of landscaping.</p>	<p>for any general loss of trees and vegetation on the existing site.</p> <p>The development provides significant landscaping at all levels of the building as shown in Figure 15 below. At almost <b>60%</b> the total vertical landscaping area for the site substantially exceeds the 25% requirement of the recently released DesignWA Apartment Design Policy (proposed 1217m<sup>2</sup> which equates to 60%). The development provides deep soil planting zones to enable the establishment of mature trees at the podium level and in each of the 12 sky gardens.</p> <p>It is noted that the DRP commended the proposed landscaping as part of their overall consideration of the revised development.</p> <p>A landscaping condition is proposed to be applied to ensure ongoing maintenance over the lifetime of the development.</p>
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**Figure 1x: Artist perspective of proposed development showing extent of landscaping**

As stated in the Canning Bridge Design Review Panel section of the report above, the application has been through an extensive and rigorous design review process.

The applicant has responded positively to the feedback provided by the DRP, and in addition, has responded positively to concerns raised by the City throughout the assessment process.

Attachment 23 contains the notes from the October Design Review Panel meeting. It outlines the key strengths of the proposal which form the reason why it is considered to be exemplary in nature.

*Element 22 – Development bonus based on community considerations*

- Where additional height is being sought Element 22 of the CBACP requires community benefit to be provided. This community benefit must be provided in proportion to the additional development being proposed and via delivery of at least four of the benefits listed in the Activity Centre Plan. A total of six community benefits are proposed as a part of this development application. The reasons for the City’s support of the community benefit items are outlined in the previous RAR. As a part of this proposal the total building height is reduced by 5 storeys and the total amount of community benefit has increased as described below.

As a result of the revised proposal, the following requirements of Element 22 of the CBACP have been amended from the previous proposal which need to be reconsidered as part of this RAR:

- Element 22.1.3: Provision of end of trip facilities has increased by 13m<sup>2</sup> and instead of just providing 3 male cubicle public toilets, now 3 male cubicles and 3 male urinals are proposed to be provided;
- Element 22.1.7: The area of the co-working spaces has increased by 41m<sup>2</sup> (now 565m<sup>2</sup>); and
- Element 22.1.8: An additional short stay unit has now been provided (now 16) and the bedroom types have been modified to be 7 studio units, 5 one bedroom units and 4 two bedroom units. As part of the previous proposal there were 8 studio, 3 one bedroom and 4 two bedroom units.

The remaining elements which were previously provided as part of the initial proposal (Elements 22.1.1, 22.1.2 and 22.1.10) remain the same as the last RAR prepared (refer to the last RAR presented at the 1 July 2019 Metro Central JDAP Meeting at Attachment 22 and specifically the planning assessment section of that report in relation to Element 22 of the CBACP for a detailed assessment of Elements 22.1.1, 22.1.2 and 22.1.10).

The range and quantity of community benefits proposed, along with the current and emerging needs for the specific community benefits within the CBACP for this subject application are summarised as follows:

Element	Requirement	Provided
22.1.3	Provision of public facilities such as toilets, showers and sheltered bike storage.	As part of this revised proposal, the public end of trip facilities (separate to and in addition to those facilities provided for the commercial tenancies) has

Element	Requirement	Provided
		<p>increased on the ground floor by 13m<sup>2</sup> and now incorporates an additional 3 male urinals as depicted by Figures 16 and 17 below.</p> <p>The public end of trip facilities and public toilets are easily accessible for users of the commercial tenancies and co-working spaces. A condition has been recommended to require a way finding strategy provided prior to occupation of the development. This will assist the general public and visitors to the area to know there are public facilities available.</p> <p>Therefore, given the community benefit offering in regard to this element has been enhanced, the comments provided for this element in the last RAR (Attachment 22) in support still remain.</p>

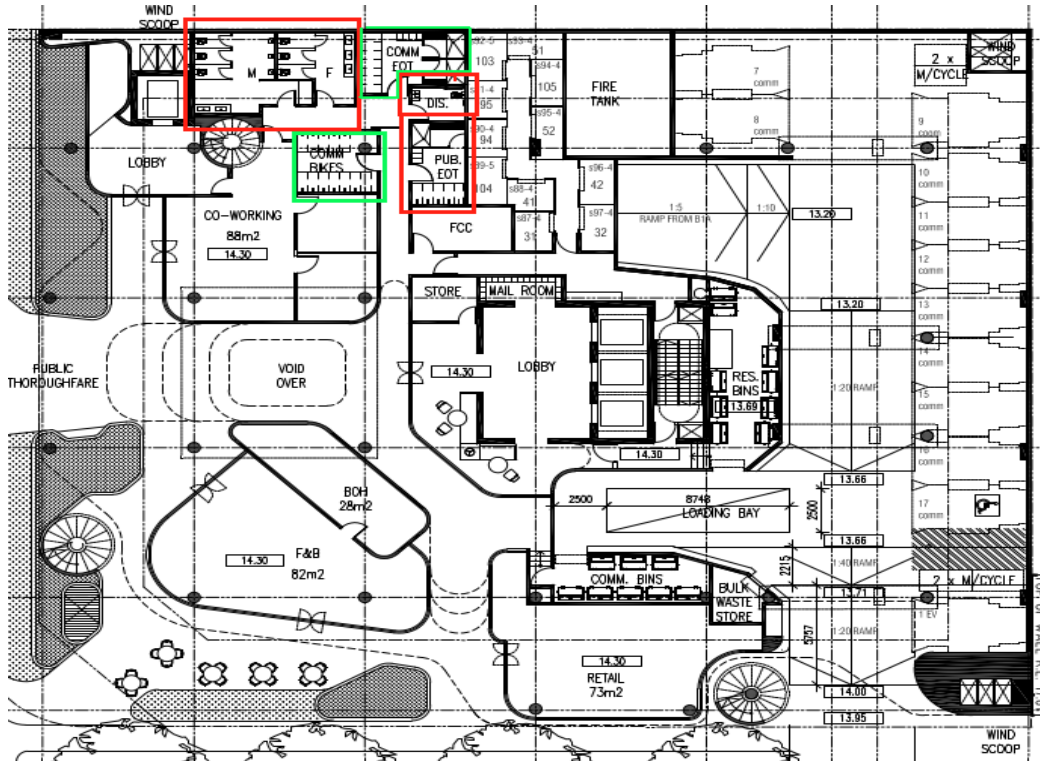


Figure 16: Previous ground floor plan as part of previous RAR with public facilities comprising 3 male and 3 female toilets, 1 universal toilet and end of trip facilities comprising 1 shower, 3 lockers and 5 bicycle racks as marked in red, with the commercial end of trip facilities marked in green

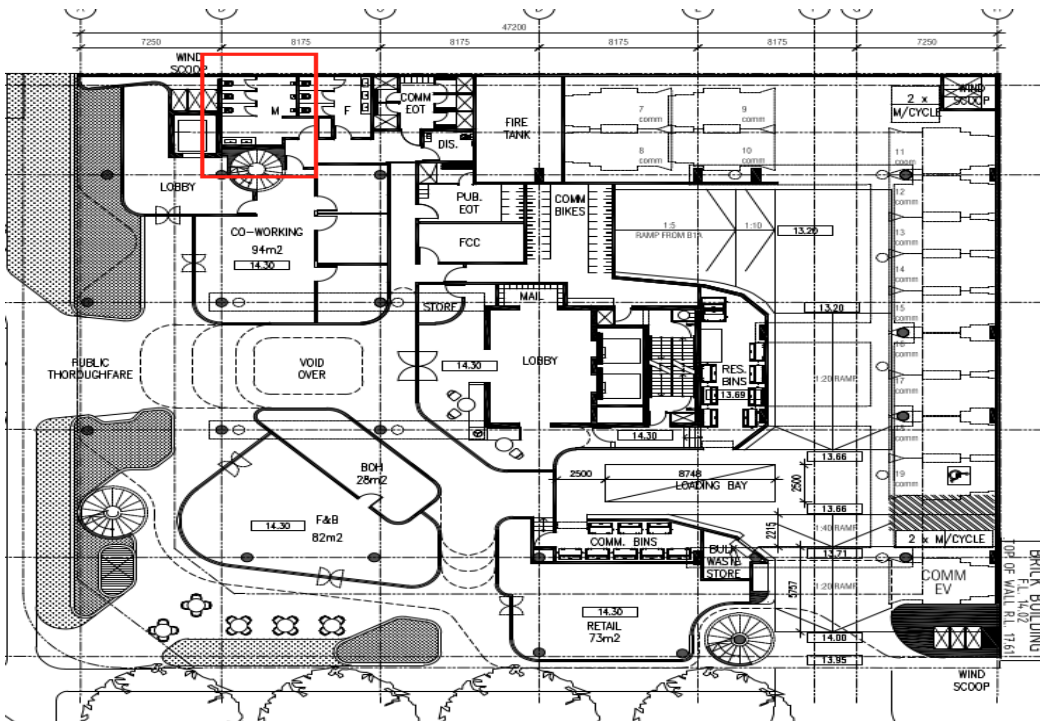


Figure 17: Current ground floor plan with addition of 3 male urinals as marked in red

<p>22.1.7</p>	<p>Provision of community, communal and/or commercial meeting facilities.</p>	<p>As outlined in the previous RAR for this element, the development provides this community benefit by way of incorporating a 225m<sup>2</sup> community hall on podium level 1, accessed by pedestrians via spiral stairs on Kishorn Road and providing 526m<sup>2</sup> (88m<sup>2</sup> ground floor and 436m<sup>2</sup> Level 1) of co-working space on the ground and first floor levels.</p> <p>As part of this revised proposal, the community hall is proposed to remain the same as the previous proposal. (refer to the last RAR (Attachment 22) for a detailed assessment on that specific benefit.</p> <p>In terms of the co-working space, the only change from the previous RAR is that the size has increased by 6m<sup>2</sup> on the ground floor and by 35m<sup>2</sup> on Level 1.</p> <p>Given the community benefit offering in regard to the co-working space element has been enhanced, the comments provided for this element in the last RAR (Attachment 22) in support of the co-working spaces, along with the community hall remain the same.</p>
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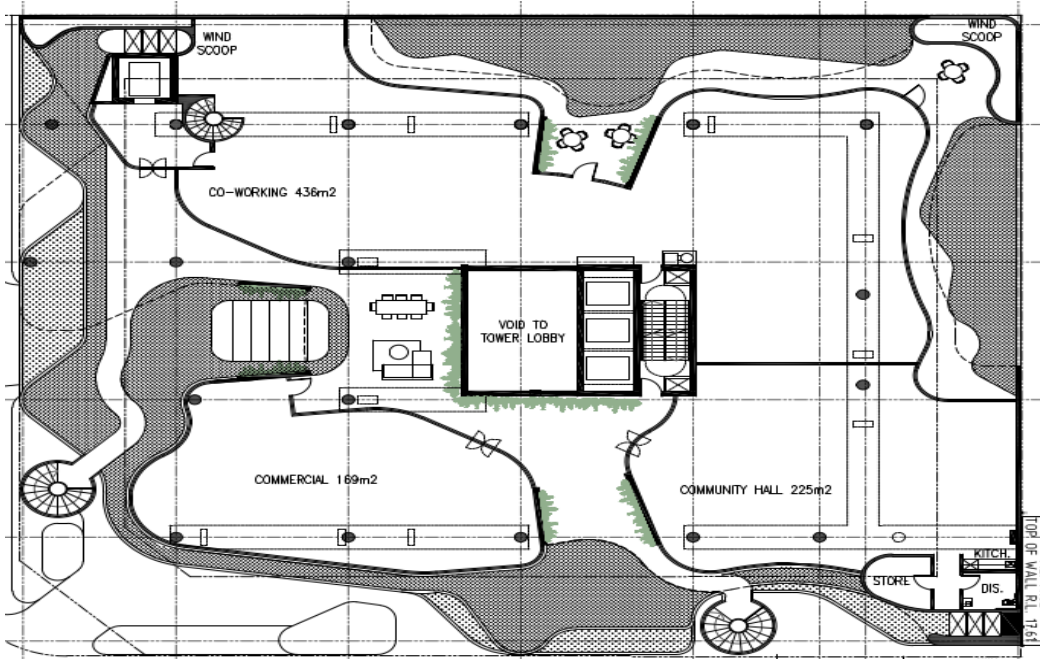


Figure 18: Previous RAR plans for Level 1 of Podium with car parking removed and a 225m<sup>2</sup> Community Hall provided along with a commercial tenancy and of co-working space

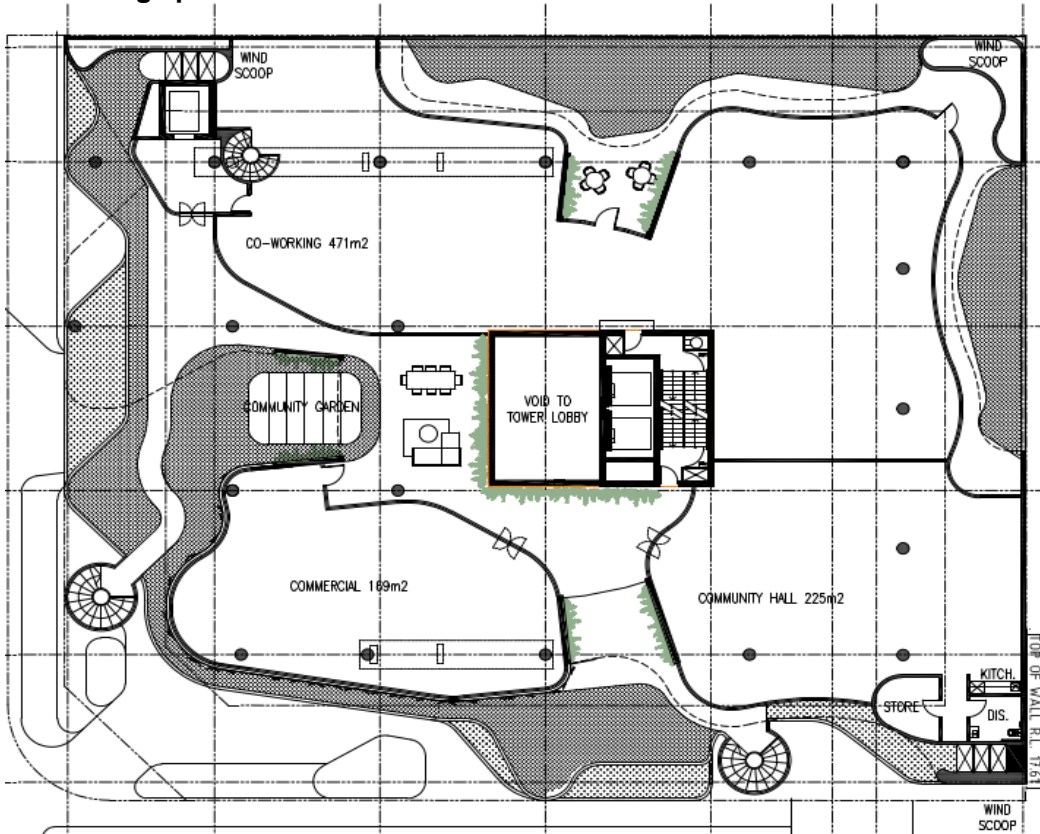


Figure 19: Current Level 1 plan with co-working space increasing by 35m<sup>2</sup>

22.1.8	The development comprises a hotel.	<p>As part of this revised proposal, the only change to the short stay accommodation is in regards to now providing 16 units, previously 15, and the bedroom configuration of the units changing to now be 7 x studio, 5 x 1 bedroom and 4 x 2 bedroom units. Two of the units are still designed to be accessible for those with a disability.</p> <p>Therefore, given the changes to the community benefit offering in regard to this element are minor, but still enhance what was previously proposed and assessed as part of the last RAR, the comments provided for this element in the last RAR (Attachment 22) in support still remain.</p>
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**Figure 20: Previous Level 2 plan with 15 short stay accommodation units comprising 8 x studio, 3 x 1 bedroom and 4 x 2 bedroom units with 2 units marked in red being disabled accessible units**



**Figure 21: Current Level 2 plan with 16 short stay accommodation units comprising 7 x studio, 5 x 1 bedroom and 4 x 2 bedroom units with 2 units still being disable accessible units**

Given the changes to Elements 22.1.3, 22.1.7 and 22.1.8 outlined above as part of this revised proposal were minor and for all three elements, enhanced the community benefit offering of each, the revised proposal was not referred back to the City's Cross Functional Community Benefit Group for comment.

The proposed community benefits were considered by the City of Melville internal Cross Functional Community Benefit Group on the 29 January and 18 February 2019, which noted that a total of 7 separate community benefits over 6 elements were proposed. On the whole, it was concluded that the community benefit provided subject to some minor changes which the applicants have now incorporated into the development, both in terms of the variety, quantity and quality, meet with the requirements established by Element 22, and are provided in proportion to the development height bonus being sought.

**Alternate Recommendation:**

May be requested in accordance with Regulation 13.

**Council Recommendation:**

**To be updated After Ordinary Council Meeting**

**Conclusion:**

The revised design has retained significant articulation and design quality, whilst also providing an active ground floor plane and land uses which will facilitate activity, passive surveillance, social and community benefit.

The reduction in height of the development by 5 storeys, as outlined in the revised Interface Analysis Report (Attachment 29) demonstrates that the development at 15 storeys can be accommodated without prejudice to adverse amenity impacts, and without prejudice to the proposed hierarchy of building heights envisaged by the Activity Centre Plan.

The above-mentioned report along with the work undertaken by the applicant in preparing the Forbes residences: Community Benefit Advice report (amended as part of this reconsideration - Attachment 27) recognises that the community within the plan area is one that is evolving as development in accordance with the Activity Centre Plan takes place, and new members of the community move into the area. In that vein it is necessary to plan for a community that doesn't exist at present. The report analysed the demographic data, the availability of existing community facilities provided by the City, considered the broader needs of the evolving community for urban amenities and services, benchmarked that need, and suggested how the subject site might best accommodate community facilities and urban services.

It is considered that the revised proposal provides additional community benefit across the site and does warrant the height proposed by the development.

It is noted that within the CBACP area, the opportunity for achieving bonus height is dependent upon achieving excellent design outcomes, including stringent sustainable design requirements, and the provision of a high level of community benefit. It follows therefore that developments for which bonus height is sought will deliver outcomes that exceed those likely to be delivered by development proposals for which no bonus height is sought. This is a key and defining feature of the CBACP, whereby the opportunity exists to achieve outstanding development outcomes, including the additional benefits of the delivery of meaningful community benefits, in return for bonus height being achieved.

The subject development is recommended for approval on the basis that it is considered to be consistent with the provisions of the CBACP, the reduced height addresses any outstanding concerns in relation to interface and exceptional in terms of design quality and level of community benefit proposed. The submissions received in response to the initial development application are noted, but are not considered material to outweigh the approval of the revised proposal. It is therefore recommended that conditional planning approval is granted.