

**NO.2 (LOT 565) & NO.4 (LOT 566) KEARNS CRESENT ARDROSS –  
PROPOSED MIXED USE DEVELOPMENT (43 APARTMENTS & 3  
COMMERCIAL TENANCIES)**

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

<b>DAP Name:</b>	Metro Inner South JDAP	
<b>Local Government Area:</b>	City of Melville	
<b>Applicant:</b>	Nick Silich - SPH Architecture and Interiors	
<b>Owner:</b>	Mr Jerry Bacich, , J.Bacich Nominees Pty Ltd Southsea Securities Pty Ltd	
<b>Value of Development:</b>	\$8.6 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	City of Melville	
<b>Authorising Officer:</b>	Steve Cope	
<b>LG Reference:</b>	DAP-2021-1	
<b>DAP File No:</b>	DAP/21/01943	
<b>Application Received Date:</b>	5 January 2021	
<b>Report Due Date:</b>	9 April 2021	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1. Development Plans 2. Development Application report 3. Acoustic Report 4. Waste Management Plan 5. Final Design Review Panel Minutes	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>  <b>To be completed following the Special Council Meeting to be held on 6 April 2021</b>	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

## Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/01943 and accompanying plans (A501 - Elevations – South And East, A000 - Cover Sheet, A101 - Site Plan\_E, A102 - Site Plan – Demolition, A200 - Basement – Floor Plan\_F, A201 - Ground Floor - Floor Plan\_H, A202 - Mezzanine – Floor Plan\_G, A203 - Level 1 – Floor Plan\_G, A204 - Level 2 – Floor Plan\_G, A205 - Level 3 – Floor Plan\_G, A206 - Level 4 – Floor Plan\_G, A207 - Level 5 – Floor Plan\_F, A208 - Roof Terrace - Floor Plan\_E, A210 - Landscaping Plan - Ground Floor\_D, A211 - Landscaping Plan - Residential\_D, A400 - Roof Plan\_F, A500 - Elevations – North And West\_E, Appendix A \_Acoustic Report, Appendix B\_ Waste Management Plan, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause the City of Melville Local Planning Scheme No.6, subject to the following conditions as follows:

### Conditions

2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City of Melville or the Joint Development Assessment Panel.
4. All stormwater generated on site is to be retained on site to the satisfaction of the City. Prior to the commencement of development, a stormwater design plan, prepared by a suitably qualified consultant, is to be submitted demonstrating the development can accommodate an ARI of 1 in 100 year for a 24 hour storm duration for the written approval of the City.

Prior to initial occupation of the development a Certificate of Compliance certifying that the development has been constructed in accordance with the approved plan is to be submitted to the City.

5. 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.
6. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
  - a maximum width of 10m;
  - located a minimum of 2m away from the outside of the trunk of any street tree; and
  - a minimum of 1m from any existing street infrastructure.

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.

7. Prior to the initial occupation of the development, the surface finish of the boundary walls is to be finished externally to the same standard as the rest of the development to the satisfaction of the City.
8. Prior to the commencement of development a revised Waste management plan shall be submitted to and approved in writing by the City. The development is thereafter to be constructed and operated in accordance with the approved Waste Management Plan and Local Planning Policy *LPP1.3 - Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments*, to the satisfaction of the City.
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) to the satisfaction of the City.
10. 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.
11. In accordance with Local Planning Policy LPP1.4 Provision of Art in Development Proposals, prior to the commencement of development, 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.
12. 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 works. 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.

13. Prior to commencement of development, a detailed landscaping and reticulation plan for the subject site and the road verge 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, 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.

14. Prior to the initial occupation of the development, all vehicle and bicycle parking bays, manoeuvring areas and points of ingress and egress shall be provided in accordance with the approved plans and AS/NZS 2890.1:2004, to the satisfaction of the City and shall be retained for the life of the development.
15. 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.
16. The exterior colours, materials and finishes of the development shall align with the details shown on the approved Development Plans unless otherwise approved in writing by the City.
17. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard 115.3.1 (Cat. P). All external lighting is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
18. Prior to the initial occupation of the 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.
19. Prior to the commencement of the development, the marked established street tree 3, 4 & 5 to be retained and protected through the installation of

Tree Protection Zones (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, and 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.

Prior to occupation of the development, 0.5 metres of land adjacent to the north western laneway as shown on the approved plans shall be ceded free of cost to the City of Melville for future widening of the rear laneway in accordance with Clause 9.39 of the Riseley Activity Centre Plan.

20. Prior to the initial occupation of each lot, bicycle parking facilities shall be provided as shown on the approved plans and constructed in accordance with Australian Standard AS 2890.3, to the satisfaction of the City. The facilities shall thereafter be retained for the life of the development.
21. Prior to the initial occupation of the development, the visitor car parking bays must be individually marked on site as 'Visitor Bays'. The visitor bays must be made available for use by visitors at all times.
22. The development shall operate in accordance with the recommendations set out in the Acoustic Report by Marshall Day dated 10 September 2020 to the satisfaction of the City.
23. Where a driveway meets the street, walls or fencing within sight line areas are to not be higher than 0.75m, to the satisfaction of the City.

24. Prior to the commencement of the development, detailed design drawings shall be prepared and approved in writing by the City for the proposed verge upgrade on Kearns Crescent. These drawings should include details of the proposed footpath treatment, landscaping, seating and parallel parking.

### Advice Notes

- The City is responsible for the allocation of street numbers in accordance with AS/NZS 4819:2011 Geographic Information – Rural and Urban Addressing. The applicant/owner is advised that the following street numbers have been provisionally allocated to the proposed development:

Current Street Address	Proposed Street Address
No. 2 (Lot ) & No. 4 (Lot ) Kearns Crescent, Ardross	G01/2 Kearns Crescent, Ardross
	G02/2 Kearns Crescent, Ardross
	G03/2 Kearns Crescent, Ardross
	101/2 Kearns Crescent, Ardross
	102/2 Kearns Crescent, Ardross
	103/2 Kearns Crescent, Ardross
	104/2 Kearns Crescent, Ardross
	105/2 Kearns Crescent, Ardross
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	408/2 Kearns Crescent, Ardross
	409/2 Kearns Crescent, Ardross
	501/2 Kearns Crescent, Ardross
	502/2 Kearns Crescent, Ardross

	503/2 Kearns Crescent, Ardross
	504/2 Kearns Crescent, Ardross
	505/2 Kearns Crescent, Ardross
	506/2 Kearns Crescent, Ardross
	507/2 Kearns Crescent, Ardross

It is recommended that the Applicant confirm these street numbers with the City prior to the completion of building works. At this time, the City will notify Landgate, Australia Post, Alinta Gas, Western Power and the Water Corporation of the new address details. Please note that Australia Post requires letterboxes to be located on the street to which the property is located.

### Details: outline of development application

Region Scheme	Metropolitan Regional Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Local Planning Scheme No.6
Local Planning Scheme - Zone/Reserve	Centre C2 'RAC-0'
Structure Plan/Precinct Plan	Riseley Centre Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Multiple Dwellings 'P' (Permitted) Use Restaurant/Café 'P' (Permitted) Use Office 'P' (Permitted) Use
Lot Size:	No. 2 (Lot 565) Kearns Crescent – 635m <sup>2</sup> No.4 (Lot 566) Kearns Crescent – 792m <sup>2</sup> Combined lot size: 1427m <sup>2</sup>
Existing Land Use:	Commercial
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

### Proposal

The application proposes the demolition of the existing commercial buildings located on 2 and 4 Kearns Crescent, Ardross and the amalgamation of the two lots to accommodate 43 apartments and 3 commercial tenancies. The proposed building comprises of the following:

- A basement level with car parking comprising 41 onsite parking bays of which thirty three are residential bays, five are staff bays, 1 visitor bay, storerooms and plant equipment;
- A ground floor level with three commercial tenancies, the main entrance, and car parking comprising six commercial visitor bays, six residential visitor bays, two staff bays, four motorcycle bays and a waste storage area;
- A mezzanine within the ground floor level which provides car parking comprising ten residential bays, nine commercial bays, and thirty four residential storerooms;
- Nine apartments to level 1 – 4;;
- Seven apartments on the 5 floor; and
- A landscaped communal area to the rooftop.

A range of apartments are proposed as described below:

- 4 one-bedroom, one study, one-bathroom apartments;
- 35 two-bedroom, two-bathroom apartments;
- 3 three-bedroom, two-bathroom apartments; and
- 1 three-bedroom, three bathroom apartment.

Proposed Land Use	Mixed Use
Proposed Net Lettable Area	N/A
Proposed No. Storeys	Seven. This calculation excludes the basement level as the basement is >50% below natural ground level, and accounts for the proposed split level car parking deck level which is located within the ground floor.
Proposed No. Dwellings	43 apartments

### **Background:**

Approval is sought for the construction of a seven storey mixed use development comprising of 43 multiple dwellings and 3 ground floor commercial tenancies at No. 2 and 4 Kearns Crescent in Ardross (the subject site).

The subject site is located within Precinct 3: *The Crescent* of the Riseley Centre Structure Plan (the Structure Plan). The objectives of the Structure Plan for Precinct 3 - The Crescent are as follows:

- Provide pedestrian friendly environment that encourages walking, cycling and public transport use
- Encourage high quality mixed use development
- Improve streetscapes and public spaces
- Provide active street frontages along Kearns Crescent
- Encourage residential dwellings as a vital component of the Precinct, whilst protecting ground floor active uses from being displaced by residential uses.



The subject site given its location within this key Activity Centre has good access to the regional road network including Canning Highway and the Kwinana Freeway. It is well connected to public transport with both Riseley Street and Canning Highway being designated high frequency bus routes and has good access to the Perth Bicycle network via Riseley Street and Macrae Road.

The subject site is surrounded by commercial development, including food and beverage outlets, shops, offices and consulting rooms. The City's public parking station is located to the south of the site fronting Wilcock Street. The subject site has three road frontages, providing it with good access and separation from the surrounding uses.



Figure 1: Aerial photograph of subject site

## Legislation and Policy:

### Legislation

- Planning and Development Act 2005
- City of Melville Local Planning Scheme No. 6
- Riseley Activity Centre Structure Plan
- Metropolitan Region Scheme (MRS)

### State Government Policies

- SPP7.3: Residential Design Codes Volume 2 - Apartments
- SPP3.2: Urban Growth and Settlement
- SPP4.2: Activity Centres for Perth and Peel
- SPP 5.4 Road and Rail Noise

### SPP 4.2 Activity Centres for Perth and Peel

Under the provisions of SPP4.2, Riseley Street is classed as a District Centre. District Centres have a focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments.

### City of Melville Local Planning Scheme No 6

Under the provisions of Local Planning Scheme No. 6 (LPS6), the site is within a Centre Zone C2. This is consistent with the status of Riseley Street as a District Centre in SPP4.2.

Development controls for the Centre C2 zone are contained within the associated activity centre structure plan for the area, which in this case is the Riseley Activity Centre Structure Plan (the Structure Plan).

### Structure Plans/Activity Centre Plans

The Structure Plan was prepared by the City of Melville in consultation with State Government transport and planning agencies and was endorsed by Council on 17 June 2015 and was subsequently forwarded to the WAPC for notification. Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) the Structure Plan does not require formal approval of the Western Australian Planning Commission. In making a decision on this matter the Regulations require the decision maker to have due regard to the Structure Plan.

### Local Policies

- LPP1.1: Planning Process and Decision Making
- LPP1.2: Design Review Panel
- LPP1.3: Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Developments
- LPP 1.5 Energy Efficiency in Building Design
- LPP 1.8 Crime Prevention Through Environmental Design of Buildings
- LPP1.10: Amenity

## Consultation:

### Public Consultation

In accordance with *Local Planning Policy 1.1 - Planning Process and Decision Making* (LPP1.1), the application was advertised for a period of 21 days commencing 12 February 2021 and concluding 8 March 2021. Consultation was undertaken via written correspondence to the owners/occupiers of the adjoining properties, an advertising sign on site and publication of the development plans and supporting documents on the City's online engagement portal 'Melville Talks'.

Comment was sought given the major development status of the proposal, and as discretion is sought in respect of building height, front setback and visual privacy.

A total of 4 submissions were received during the advertising period – 3 comments objecting to the proposal and 1 submission in support. A summary of the concerns raised, along with the officer's comments, is tabled below:

Issued Raised	Officer Comments
The bulk and scale of this development is not in keeping with the surrounding suburb and decreases visual amenity.	Comments are noted. The bulk and scale of the proposed development is designed to reflect the emerging built form character envisaged by the Structure plan provisions. This issue is discussed in further detail in the main body of this report.
The building height seems too high for the street;	The building height is assessed in storeys as opposed to metres. This is consistent with the requirements of the Structure Plan. Further comments in this respect are noted and provided in the main body of this report.
Inadequate parking provision for staff and customers within the building;	This is not substantiated as the level of car parking proposed meets the requirements of the City's Local Planning Policy 1.6 Car Parking and Access.
It is inappropriate to remove two ticket street parking bays that are currently at the front of the property on Kearns Crescent.	The City supports the proposed streetscape upgrade in principle as it is considered to be consistent with the provisions of the Structure Plan and recent surveys conducted by the City which confirm a desire for more pedestrian spaces and seating in the area. The detailed design of the verge landscaping and the removal of any on street parking bays will be the subject of further discussions between the Applicant and the City and a condition has been recommended to facilitate this prior to the commencement of work.
The building is unappealing.	The detailed designs associated with this development have been the subject of close scrutiny by the City's Design Review Panel. (DRP). The DRP considers one of the strengths of the proposal is that the bulk and mass has been managed well in conjunction with high quality façade design and materiality. The DRP's final comments are attached to this RAR.

The shops at the base of the building do not function well and are not welcoming to passing pedestrians. It feels as though these are for residents only.	Comments are noted and discussed in detail below.
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#### Referrals/consultation with Government/Service Agencies

Not applicable.

#### Design Review Panel Advice

City of Melville Design Review Panel

The proposed development was the subject of a pre-application process which included a preliminary assessment of the statutory provisions which apply to the site and referral of the draft designs to the City's Design Review Panel (DRP).

Once lodged as a DA, the application was referred to the DRP again. At the second DRP meeting, the DRP identified a number of strengths of the proposal including:

- The proposal incorporates strong design principles that when developed will provide a successful design outcome.
- The proposal offers the opportunity for an active and engaged streetscape and public domain with generous commercial tenancies and a legible building entry.
- The ground floor tenancies enjoy generous floor to ceiling heights allowing for future flexibility.
- The car park is fully sleeved from Kearns Crescent at ground behind active uses with the remaining car parking either underground or sleeved at mezzanine level from the principle public street frontage.
- Car park entry is accessed from the laneway.

The DRP also identified a number of opportunities to improve and enhance the design, including the provision of an improved entrance and enhanced treatments to the ground floor facades to enhance the resultant sense of place. The applicant has incorporated these design improvements into their plans.

#### Advice

##### *City of Melville Internal Referrals*

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

### Planning Assessment:

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

Item	Deemed to Comply	Proposed
Building Height	6 Storeys	7 Storey development (including split level car parking deck within the ground floor).
Front Setback	Front setback above the third storey in accordance with Cl. 10.22.4. Minimum of 3m.	Nil setback proposed above the third storey. Refer to comment section below.
Visual Privacy	Visual privacy for other lots within Precincts 1, 2 and 3 in accordance with the R-100 provisions contained in the Residential Design Codes.	Refer to comment section below.
Dwelling Mix	SPP 7.3 V2, Clause 4.8.2 (b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers	Whilst various apartment sizes are proposed the percentage range is less than 20% therefore requiring assessment against the Element Objectives.  Refer to comment section below.
Private Open Space	SPP 7.3 V2, Clause 9.16 and 9.17 A private terrace, balcony or courtyard that is connected to an internal living space such as a lounge room or dining room is to be provided at a minimum of 15 square metres per dwelling.  Minimum dimension (width or length) is 3 metres.	Refer to comment section below.

### Officer Comments

#### Building Height

Clause 10.22.1 of the Structure Plan states that the maximum building height in Precinct 3 should “*generally be 6 storeys in accordance with the Structure Plan*”.

The proposed development whilst presenting externally as a six storey structure, actually incorporates within the ground floor plane a split level car parking deck. This deck is effectively housed within the floor to ceiling heights associated with the ground floor, but for the purposes of the assessment undertaken, and in accordance with Clause 3.8 of the Structure Plan, the split level car parking deck is treated as a mezzanine level.

The impact of the additional car parking deck level has been assessed against the objectives of the Structure Plan and it is considered that it can be accommodated without prejudice to the objectives of the Structure Plan on the basis that:

- Under the Structure Plan, a mezzanine is considered to constitute a storey. Whilst the Structure Plan does not provide a definition of mezzanine, it is generally accepted that a mezzanine floor in the residential context means a habitable space located between two storeys and of an overall height and design such that it does not appear as a separate storey when viewed externally.
- The Structure Plan refers to a building storey being capable of use for human habitation. This reference to human habitation is considered to be designed to capture the provision of mezzanine levels within an apartment itself, and is not intended to capture the provision of mid storey deck parking such as is proposed in this case, which by its nature is not capable of being used for human habitation. There is no reference in the Structure Plan to maximum storey heights in metres, only in storeys, hence the need to control the incidences of mezzanine levels within the locality, which otherwise would have the potential to increase height in storeys across the precinct.
- In this case, the mezzanine level, (the split level car parking deck) is contained within the floor to ceiling height of the ground floor. When viewed from the adjoining streets, the ground floor reads as a single level only. This is important as it ensures that the building appears as a six storey structure in accordance with the Structure Plan even though it functions as a seven storey structure for those purposes.
- The Structure Plan requires commercial tenancies within Precinct 3 to have a minimum floor to ceiling height of 4 metres. In this instance, the proposed floor to ceiling height of the ground floor is 5.6 metres. It is noted that as there are no maximum height restrictions in respect of any storey within Precinct 3, the proposed height of 5.6m is considered acceptable.
- The architectural merit of the building (as recognised by the DRP) means the building will be aesthetically pleasing with a high level of street engagement through extensive ground floor glazing and a high quality entrance. Under the provisions of the Structure Plan, roof structures which are 3.0 metres high or less are automatically excluded from the definition of a storey. The proposed lift, fire escape and roof terrace lobby have a floor to ceiling height of 3.5 metres, in which case whilst not constituting a storey for the purposes of the Structure plan, do require consideration in terms of their visual impact, and the extent to which they align with the Precinct objectives. These structures are located centrally within the development site and at 3.5m in height remain modest in size. This coupled with the proposed ample setbacks from the building edge, combine to ensure that any adverse visual impact is avoided. (Refer to Figure 2 below which depicts the central location of the proposed lift, fire escape and terrace lobby within the footprint of the roof top). In addition, the lift, fire escape and terrace lobby service the roof top

amenity space. This space is important in that it provides those future residents of the city who will reside within the building with an additional landscaped outdoor space to use. The use of spaces such as this to enhance residential amenity is encouraged, and is supported in principle by the planning framework including the R-Codes.

- The proposed development is considered to be consistent with the objectives for development in Precinct 3 as set out by the Structure Plan. The way in which the additional car parking deck level is incorporated within the ground floor plane with no external height impacts safeguards the integrity of the proposed development. On this basis the height of the building as proposed is supported.

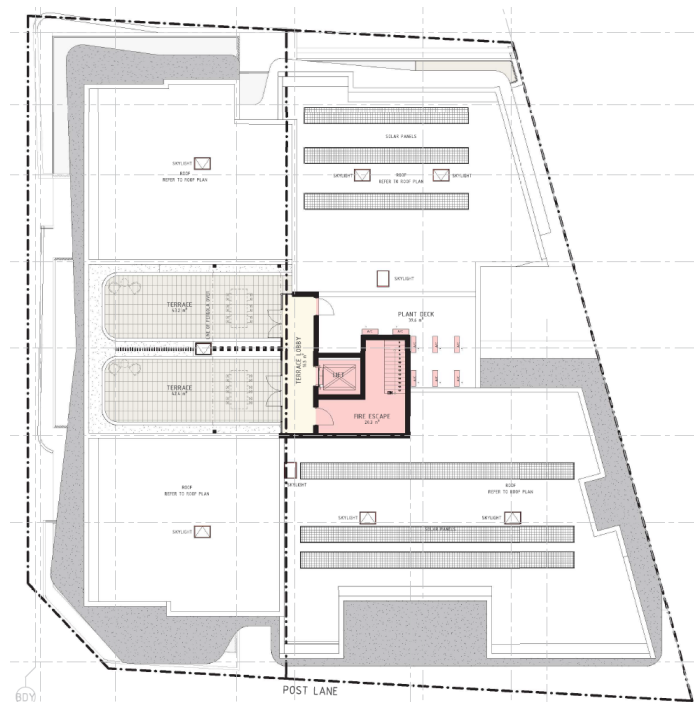


Figure 2: Lift, Fire Escape and Terrace Lobby

### Front Setback

Clause 10.22.4 of the Structure Plan states that any level above 3 storeys facing Kearns Crescent shall be set back a minimum of 3 metres from the building line of the 3rd storey. The Structure Plan also states that this requirement may be varied if the design facilitates an intimate and human scale place.

It is considered that the proposed varied setback to Nil above the third storey may be accepted in this case without prejudice to the Structure plan objectives as:

- The City's Design Review Panel considers the proposed building bulk is well managed and the ground floor levels allow for an engaging streetscape. The design incorporates streetscape upgrades including a wider footpath, seating and landscaping, which will allow people to feel comfortable in the space and encourage them to pause and linger.

- The proposed front setback is considered acceptable due to the building articulation provided along the individual floor facades which incorporates balconies and large habitable room windows.
- The elevation as a whole is articulated through the provision of differing textures, finishes, materials and a recessed area above the main entrance to the building for proposed public art.
- There are no adverse shadow impacts and the siting is appropriate for the scale of building. As such, the setbacks provided on each floor are considered acceptable.

### Visual Privacy

Under the provisions of SPP 7.3 V2 balconies on the fifth floor and above should be setback 9.0 metres from adjoining properties in order to provide suitable levels of visual privacy. The apartments facing towards Kearns Crescent and Petrossian Lane achieve this separation distance however three apartments located across the fifth and sixth floor have a separation across the laneway of a maximum 6m. This degree of separation is considered to meet the desired future streetscape character for the Precinct, which envisages strong built form with limited street setbacks to create an active and exciting urban environment.

### Housing Diversity

The Element Objectives in SPP 7.3 V2, Clause 4.8.2 state that at least 20% of the apartments in a building should provide alternative apartment size based on available number of bedrooms.

The majority of the proposed apartments in this case are of two bedroom size. The breakdown of all proposed apartments is as follows:

- 4 one-bedroom, one study, one-bathroom apartments;
- 35 two-bedroom, two-bathroom apartments;
- 3 three-bedroom, two-bathroom apartments; and
- 1 three-bedroom, three bathroom apartment.

In this case, a total of 19% of all apartments are not two bedroom in size. Whilst this falls short of the R Code acceptable outcomes by 1%, it is considered to meet the element objectives as different apartments types are located on each level throughout the development, resulting in varied dwelling types, sizes and layouts. These apartments will cater for different occupant lifestyles, various age groups and changing demographics.

The proposed dwelling mix is therefore considered to be appropriate, has relevant regard to the element objectives and design guidance provided by the R Codes and is supported on that basis.



### Private Open Space

Under the provisions of the Structure Plan balconies shall have a minimum floor space of 15m<sup>2</sup> and a minimum dimension of 3.0 metres in width or depth. This requirement exceeds the minimum standard under the R-Codes which allow for balconies between 8 and 12 m<sup>2</sup> with a minimum dimension of 2.0 metres.

While the majority of the balconies exceed the requirements set out in the Structure Plan, the balconies to apartment type C and L require a performance assessment. Due to the shape of the apartment type L balconies, they do not achieve the 3m x 3m minimum dimension but meet the required area. Apartment type C is 14.9m<sup>2</sup> and whilst this essentially meets the minimum area, the depth of the balcony is a minimum of 2.1m in lieu of 3m. These balcony variations are considered acceptable for the reasons below.

- The balconies still provide good access to a suitably sized private open space which will provide good residential amenity.
- They are sited, orientated and design to provide an acceptable area of liveability for residents.
- The balconies are design so that they integrated in to the overall architectural design of the building.

### Alternatives

An alternative recommendation may be requested in accordance with Regulation 13.

### **Conclusion:**

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