

Perth Local Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 30 March 2023; 9:30am

Meeting Number:PLDAP/123Meeting Venue:Electronic Means

To connect to the meeting via your computer - https://us06web.zoom.us/j/83503397391

To connect to the meeting via teleconference dial the following phone number +61 $8\,6119\,3900$

Insert Meeting ID followed by the hash (#) key when prompted - 835 0339 7391

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Mr Ray Haeren (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (A/Third Specialist Member)
Cr Viktor Ko (Local Government Member, City of Perth)
Cr Catherine Lezer (Local Government Member, City of Perth)

Officers in attendance

Ms Julia Kingsbury (City of Perth) Mr Roberto Colalillo (City of Perth)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Mr Daniel Lees (Element)
Mr Colin Conn (Box Architects)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Ms Diana Goldswain (Third Specialist Member)

3. Members on Leave of Absence

DAP Member, Ms Diana Goldswain has been granted leave of absence by the Director General for the period of 30 March 2023 to 21 April 2023 inclusive.

4. Noting of Minutes

Signed minutes of previous meetings are available on the <u>DAP website</u>.

5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

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6. Disclosure of Interests

Nil.

7. Deputations and Presentations

- 7.1 Mr Colin Conn (Box Architects) presenting in support of the recommendation for the application at Item 8.1. The presentation will address a design and architectural overview of the proposed development.
- 7.2 Mr Daniel Lees (element) presenting in support of the recommendation for the application at Item 8.1. The presentation will address the planning merits of the proposal and the rationale for approval, but with the deletion of Condition 5.

The City of Perth may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 52-56 (Lots 6 and 5) Bennett Street and 7 (Lot 4) Forrest Avenue, East Perth

Development Description: Proposed 22 Level Mixed Use Development

Comprising 73 Service Apartments, 12 Multiple Dwellings, A Restaurant/Cafe Tenancy and 55

Car Parking Bays

Applicant: Element

Owner: Bennett Apartments Pty Ltd, Delstrat Pty Ltd,

MCPBB Pty Ltd

Responsible Authority: City of Perth DAP File No: DAP/22/02228

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

Nil.

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Colin Conn		
Company (if applicable)	Box Architects		
Please identify if you have	YES □ NO ⊠		
any special requirements:	If yes, please state any accessibility or special requirements:		

Meeting Details

DAP Name	Perth LDAP		
Meeting Date	Thursday 30 March 2023		
DAP Application Number	DAP/22/02228		
Property Location	52-56 Bennett Street and 7 Forrest Avenue, East Perth		
Agenda Item Number	8.1		

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ⊠
Is the presentation in support of or against the report recommendation)? (contained within the Agenda)	SUPPORT ⊠ AGAINST □
Is the presentation in support of or against the <u>proposed</u> <u>development</u> ?	SUPPORT ⊠ AGAINST □
Will the presentation require power-point facilities?	YES □ NO ⊠ If yes, please attach

Presentation Content*



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	The presentation will address: An design and architectural overview of the proposed development.
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In accordance with Clause 3.5.2 of the <u>DAP Standing Orders</u>, your presentation request <u>must</u> also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Functionality

- Use
- Active Frontage

Built Form

- Massing
- Podium
- Bennett Street Tower
- Forrest Avenue Tower

Scale

- Human
- Neighbourhood
- City

Articulation

- Building in the round
- Vertical recesses

Materials

- Robust
- Quality
- Prefabrication

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Presenter Details

Name	Dan Lees	
Company (if applicable)	element	
Please identify if you have	YES □ NO ⊠	
any special requirements:	If yes, please state any accessibility or special requirements:	

Meeting Details

DAP Name	Perth LDAP
Meeting Date	Thursday 30 March 2023
DAP Application Number	DAP/22/02228
Property Location	52-56 Bennett Street and 7 Forrest Avenue, East Perth
Agenda Item Number	8.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ⊠
Is the presentation in support of or against the report recommendation)? (contained within the Agenda)	SUPPORT ⊠ AGAINST □
Is the presentation in support of or against the <u>proposed</u> <u>development</u> ?	SUPPORT ⊠ AGAINST □
Will the presentation require power-point facilities?	YES □ NO ⊠ If yes, please attach

Presentation Content*



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	The presentation will address: The planning merits of the proposal and the rationale for approval, but with the deletion of Condition 5.
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In accordance with Clause 3.5.2 of the <u>DAP Standing Orders</u>, your presentation request <u>must</u> also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

- The proposed development seeks to deliver a high quality architecturally designed building that
 will comprise 12 residential apartments, 73 short-stay/serviced apartments and a café tenancy.
 In addition, a private gym, function space, office space and rooftop landscaped spaces will also
 be made available for use by short-stay guests and permanent residents.
- The proposed development will capitalise on expansive views to surrounding areas that are available from the subject site, delivering a premium residential product that is compatible with surrounding development, and that aligns with the desired future character of the area.
- The subject site is well located being within close proximity to a number of existing public transport options, services, facilities and parks (Wellington Square, Queens Gardens and Langley Park), making it an ideal location for long term and shot term residential development.
- The proposal has undergone a thorough and positive assessment process with the City of Perth, and its Design Advisory Committee, with responsive design changes made to address DAC feedback, including additional setbacks provided to Forrest Avenue to allow for deep soil planting, additional setbacks to the northern boundary, and confirmation of the sustainability initiatives to be provided, included a rooftop solar system to achieve 25 kW.

Request to delete Condition 5:

- Condition 5 reads: "the two lower basement levels (B1 and B2) not forming part of this approval, with revised plans confirming their removal being submitted for approval by the City prior to applying for a building permit;" [note that this appears to be a typographical error, and reference ought to be to B2 and B3].
- The development comprises 12 residential apartments, and 73 short-stay units, subject of bonus plot ratio. In accordance with Clause 36 of City Planning Scheme No. 2 (CPS 2), this contemplates the potential change of these short-stay units to residential apartments, after a minimum period of 10 years from occupation.
- This is an innovative a forward-looking clause of CPS 2. This development seeks to "future proof" this aspect, by including basement levels B2 and B3 for 45x "future car parking bays". Ultimately, subject to a future change of use this would result in 85 residential apartments and 105 car parking bays.
- This development is therefore consistent with the intent of Clause 36.
- It is not intended to use or occupy basement levels B2 and B3 until this future change of use has occurred, after a minimum period of 10 years from occupation. However it is intended to construct these basement levels now, as it is not practical to construct these lower basement levels in the future, after the building has been constructed and occupied.
- As noted by the City in the RAR: "the premise of 'future proofing' the development is acknowledged and considered to be well thought out" (p.23). The City's concerns about these basement levels sitting vacant for 10 years can be overcome, by a condition of any approval, to



require these levels to be physically inaccessible, and to require a legal agreement between the owner and the City.

BENNETT STREET, 52-56 (LOTS 5 AND 6) AND FORREST AVENUE, 7 (LOT 4) EAST PERTH – PROPOSED 22 LEVEL MIXED USE DEVELOPMENT COMPRISING 73 SERVICED APARTMENTS, 12 MULTIPLE DWELLINGS, A RESTAURANT/CAFÉ TENANCY AND 55 CAR PARKING BAYS

Form 1 – Responsible Authority Report (Regulation 12)

City of Perth LDAP
City of Perth
Element
Bennett Apartments Pty Ltd, Delstrat Pty
Ltd, MCPBB Pty Ltd
\$21.5 million
Mandatory (Regulation 5)
□ Opt In (Regulation 6)
City of Perth
Dale Page, General Manager Planning and
Economic Development
DAP-2022/5100
DAP/22/02228
17 May 2022
21 March 2023
90 Days with an additional 231 days agreed
1. Location plan
2. Perspectives (14 March 2023)
 Development plans (14 March 2023) Schedule of submissions
5. Department of Transport advice6. Applicant's address of State Planning
Policy 7.0 Design of the Built
Environment
☐ Yes
 N/A Recommendation section
<u> </u>
☐ No Complete Responsible Authority
and Officer Recommendation
sections

Responsible Authority Recommendation

That the City of Perth Local Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02228 and accompanying perspectives (Attachment 2) and development plans (Attachment 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City Planning Scheme No. 2 subject to the following conditions:

Conditions

- the owner submitting evidence and final confirmation to the City that the transaction in respect of transfer of plot ratio has been finalised between the owners of 76 (Lot 5) Wittenoom Street, East Perth and 360 (Lot 123) Murray Street, Perth prior to the commencement of construction, noting the transaction of transferred plot ratio will then be registered in the City Planning Scheme No. 2 Transferred Plot Ratio Register;
- 2. any subsequent change of use of the 'Special Residential' (Serviced Apartment) portion of the development being prohibited within 10 years from the date of lawful occupation of those portions of the development pursuant to Clause 35 of City Planning Scheme No. 2;
- 3. a section 70A notification under the Transfer of Land Act 1893 prepared to the City's satisfaction at the cost of the subject owner/s, being placed on the relevant titles prior to occupation of the 'Special Residential' (Serviced Apartment) use and prior to any transfer of ownership, advising prospective purchasers of:-
 - the presence of serviced apartments for short term accommodation throughout the building and the resulting impact that may have on the amenity of long term residential/occupants by way of noise, security and other activity; and
 - the approved 'Special Residential' (Serviced Apartment) portion of the approved development being prohibited from any subsequent change of use within 10 years from the lawful occupation of those portions of the development;
- 4. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives received on 14 March 2023, with final details of the design including a sample board of the proposed materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
- 5. the two lower basement levels (B1 and B2) not forming part of this approval, with revised plans confirming their removal being submitted for approval by the City prior to applying for a building permit;
- 6. the approved boundary walls and footings being constructed wholly within the subject lot, with the external surface of the walls being finished to complement the approved development. Final details to be submitted for approval by the City prior to applying for a building permit;
- 7. the podium car parking levels being designed to ensure all car parking is screened from view from the street and surrounding properties with the final details being submitted for approval by the City prior to applying for a building permit;
- 8. final details of the location, design and materials of the fire booster cabinet, demonstrating the facility being suitably positioned, vertically orientated and integrated with the development's frontage, being submitted for approval by the City, in consultation with the Department of Fire and Emergency Services prior to applying for a building permit;

- 9. a final landscaping and reticulation plan, including the provision of mature/advanced plantings within the deep planting zone adjacent to Forrest Avenue, being submitted for approval by the City prior to applying for a building permit. The approved landscaping is to be installed prior to occupation of development and thereafter maintained to a high standard to the City's satisfaction;
- 10. a final Serviced Apartments/Short Stay Management Plan addressing the operation of the short stay accommodation in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy 3.9 being submitted for approval by the City prior to the occupancy of the accommodation with the management plan being implemented by the proprietor/manager on an on-going basis and to the satisfaction of the City;
- 11. the proposed development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings, and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 Residential Design Policy 4.9 and State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to applying for a building permit;
- 12. a final environmental wind assessment, including wind tunnel model measurements, being undertaken to quantify and compare the wind conditions against the relevant pedestrian wind comfort criteria and, if necessary, including mitigation strategies to achieve compliance with the criteria, with details being submitted by the applicant for approval by the City prior to applying for a building permit, with any significant design changes resulting from the amended wind impact analysis being the subject of a separate application for approval;
- 13. a final Waste Management Plan satisfying the City's waste collection requirements being submitted for approval by the City prior to applying for a building permit;
- 14. a right-of-carriageway easement in favour of the current users of the existing Right of Way to the north of the subject site (being 56-60 Bennett Street; and 67, 69, 7177 Goderich Street) being granted over the proposed laneway widening provided on the subject site by the proposed development, with the easement being in place to the satisfaction of the City prior to the occupation of the development with all costs associated with the preparation of the easement being borne by the owner/applicant;
- 15. the dimensions of all car parking bays, vehicle entrances, aisle widths and circulation areas complying with the Australian Standard AS2890.1, with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit;
- 16. a minimum of one car bay being allocated to each multiple dwelling within the development and each pair of tandem bays being allocated to the same multiple dwelling, with all on-site residential car bays being for the exclusive use of the residents of the development and their visitors;

- 17. a maximum of 32 commercial tenant car parking bays being provided on site, being for the exclusive use of occupants of the serviced apartments and commercial tenancy within the development and not being leased or otherwise reserved for the use of the tenants or occupants of other buildings or sites to the satisfaction of the City, in consultation with the Department of Transport;
- 18. the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the current levels of the immediately adjacent footpath, to the satisfaction of the City;
- 19. all redundant crossovers being removed and the verge and footpaths being reinstated in accordance with the City's specifications and satisfaction and at the expense of the developer/landowner and all new proposed crossovers being located and constructed to the City's specification and satisfaction prior to occupation of the development, with any additional works (with the exception of awnings) external to the property boundaries of the site not being approved as part of this development and being subject to a separate application(s) for approval;
- 20. on-site stormwater disposal/management being to the City's specifications with details being submitted for approval by the City prior to applying for a building permit;
- 21. any signage for the development required to be integrated into the design of the building in accordance with the City's Signs Policy 4.6 and subject to a separate application for approval where required;
- 22. the existing street trees located in the road verge on Bennett Street and Forrest Avenue being retained and protected from damage throughout any demolition and/or construction works with tree protection zones being established and maintained during the demolition and/or construction periods in accordance with the Australian Standard S4970-2009 Protection of Trees on Development Sites, to the satisfaction of the City, with the owner/applicant being liable for any damage or removal of the trees;
- 23. the subject lots being amalgamated into one lot on one Certificate of Title prior to the occupation of any of the buildings within the development; and
- 24. a construction management plan for the proposal prepared in accordance with the City's pro-forma and requirements being submitted for approval by the City prior to applying for a building permit.

Advice Notes

- 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 specified period, the approval shall lapse and be of no further effect.
- 2. The development is approved with a total combined maximum plot ratio floor area of 7,216m² [comprising Bennett Street sites 4.2:1 (5,418m2) and Forrest Avenue site 5.6:1 (1,797m2)] inclusive of:
 - a) 20% bonus plot ratio (1,031m² of plot ratio floor area) for providing a new Special Residential use in accordance with Clause 28 of City Planning

- Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1; and
- b) 20% transfer plot ratio (1,031m² of plot ratio floor area) from 76 (Lot 5) Wittenoom Street, East Perth and 774m2 (or 15%) from 360 (Lot 123) Murray Street, Perth in accordance with Clause 30 of City Planning Scheme No. 2 and the requirements of the Transfer Plot Ratio Policy 4.6.2;
- 3. The applicant is advised that the approved development will require all sites to be amalgamated or an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014.
- 4. The City advises that the final Waste Management Plan is required to address the following additional matters:
 - a) bin store facility to be provided with self-closing doors; and
 - b) a maximum travel distance of 10 metres being provided between the waste vehicle and collection point.
- 5. The applicant is advised the removal of the future car parking basement levels is based on the impracticality of the development providing vacant spaces for future conversion at a later time, which will be subject to separate approval/s under a likely different planning framework, with no guarantees of approval or implementation.
- 6. Any installation of outdoor lighting to be in accordance with the requirements of Australian Standard AS 4282 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

Details: outline of development application

Region Scheme	Metropolitan Region Scheme		
Region Scheme -	Central City Area		
Zone/Reserve			
Local Planning Scheme	Residential – R160		
	Town Centre		
Local Planning Scheme -	City Centre		
Zone/Reserve			
Structure Plan/Precinct Plan	Goderich Precinct 14		
Structure Plan/Precinct Plan	N/A		
- Land Use Designation			
Use Class and	Residential - R160 use area		
permissibility:	Special Residential - Contemplated 'C'		
	Dining - Contemplated 'C'		
	Town Centre use area		
	Special Residential - Preferred 'P'		
	Residential - Contemplated 'C'		
Lot Size:	1,611m ²		
Existing Land Use:	Vacant land		
State Heritage Register	No		
Local Heritage	⊠ N/A		
	☐ Heritage List		

		Heritage Area
Design Review		N/A
	\boxtimes	Local Design Review Panel
		State Design Review Panel
		Other
Bushfire Prone Area	No	
Swan River Trust Area	No	

Proposal:

Proposed Land Use	Special Residential, Residential, Dining
Proposed Plot Ratio Area	7,216m ²
Proposed No. Levels	22
Proposed No. Dwellings	12

The application seeks approval for the construction of a 22-level mixed use development comprising 73 serviced apartments, 12 multiple dwellings, a restaurant/café tenancy and a total of 55 car parking bays.

The applicant advises that whilst this application seeks approval for a mix of serviced apartments and permanent residential apartments, the future intent is for the serviced apartments to be converted into permanent residential apartments in the future, being at least 10 years after first occupation, in accordance with clause 35 of City Planning Scheme No. 2 (CPS2). As such the serviced apartments which have been designed with this future conversion in mind, are significantly larger compared to typical short stay apartments, provided with balconies/outdoor living areas, and afforded significantly more amenity, than a typical serviced apartment development.

The applicant further advises that the 'future proofing' is also reflected in the proposed basement levels 2 and 3 marked as "future parking", that will provide space for 45 car parking bays in the future, upon the conversion of the serviced apartments into permanent residential apartments. This would then result in a total of 85 residential apartments and 105 residential car parking bays on the site. Whilst approval is sought to construct these basement levels, they will not be made accessible or the car bays used upon initial occupation, these being 'reserved' for the intended future conversion (after 10 years). It is noted that any future use of the serviced apartments is subject to a separate application for Planning Approval at the time of the proposed change.

Specific details of the proposed development are as follows:

Basements 1 and 2	These levels contain vacant space to accommodate future residential parking (45 bays), based on the intended future conversion of serviced apartments to permanent residential apartments.
Basement	This level contains 21 residential parking bays for the proposed residential apartments accessed via a ramp from/to Forrest Avenue; fire exit stairwells, lifts and lift lobbies.
Ground	This level contains a café tenancy (104m²); two residential car parking bays accessed via the adjacent right of way; serviced apartment entrance and lobby area accessed via Bennett Street; manager's office; residential entrance, lobby, lounge, meeting room and mail room accessed via Forrest Avenue;

	bicycle parking; bin stores; building services including substation, switch room, fire pump room, fire water tank, fire booster; landscaping areas; fire exit stairwells, lifts and lift lobbies.
Level 1	This level contains office/meeting spaces (135m²) for use of the tenants of the serviced apartment; 15 commercial tenant car parking bays and one universal access car parking bay accessed via an internal ramp; one three-bedroom/two-bathroom residential apartment (133m²) with balcony (12m²); residential store; fire exit stairwells, lifts and lift lobbies.
Level 2	This level contains office/meeting spaces (134m²) for use of tenants of the serviced apartment; 17 tenant car parking bays one universal access car parking bay accessed via an internal ramp; one three-bedroom/two-bathroom residential apartment (133m²) with balcony (13m²); residential store; fire exit stairwells, lifts and lift lobbies.
Levels 3 - 5	These levels each contain five two-bedroom/two-bathroom serviced apartments (84m² to 94m²) with balconies/terraces (11m² to 90m²); one three-bedroom/two-bathroom serviced apartment (138m²) with balcony (13m²); passageway; residential store; fire exit stairwells, lifts and lift lobbies.
Levels 6 to 15	These levels each contain five two-bedroom/two-bathroom serviced apartments (84m² to 94m²) with balconies (11m² to 25m²); one three-bedroom/two-bathroom residential apartment (133m²) with balcony (13m²); passageway; residential store; fire exit stairwells, lifts and lift lobbies.
Level 16	This level contains five two-bedroom/two-bathroom serviced apartments (84m² to 94m²) with balconies (11m² to 34m²); landscaped deck/barbecue area; passageway; fire exit stairwells, lifts and lift lobbies.
Level 17	This level contains two semi-covered landscaped deck/barbeque areas; private function room; gym; kitchen/food preparation space; plant room; fire exit stairwells, lifts and lift lobbies.
Roof Level	This level contains an enclosed building services/plant deck area; solar PV panels; fire exit stairwells, lifts and lift overrun.

In support of the proposal, the applicant advises that:

- "The overall mass of the proposed development is in keeping with the surrounding area and in particular the future scale of development that is envisaged for this area;
- Various architectural details are incorporated within the building design to articulate the facades to create interest and reduce the potential of perceived bulk and scale matters;
- Clearly defined entrance points for pedestrians and vehicles are provided to ensure that movements are both safe and legible;
- Basement car parking areas are constructed entirely below ground, with ground levels being set at the height of the adjoining footpath levels along Bennet Street and Forrest Avenue to tie into these areas seamlessly;
- A continuous awning is provided along Bennett Street within the Town Centre Zone to support the ground floor café tenancy and general activity that surrounds the proposed short-stay accommodation proposed, with access and lobby areas fronting Bennett Street; and

 Function spaces and outdoor BBQ/landscaped spaces on the rooftop provide additional interest to the city skyline whilst providing functional space for all users to enjoy throughout the year."

Background:

The subject site contains three lots with a combined area of 1,611m², with two lots provided with frontage to Bennett Street and one with frontage to Forrest Avenue. The subject site is currently vacant with the dwellings previously located at 52-56 Bennett Street being demolished in 2003 and the dwelling at 7 Forrest Avenue being demolished in 2021. The site is bordered by a laneway to the north, a two-storey residential development to the east, low-rise commercial development to the south, and generally surrounded by low to medium scale residential developments.

At its Ordinary Meeting held on 31 January 2006, Council resolved to grant conditional approval for the construction of a nine-level residential development containing 32 apartments and 47 car parking bays at 52-56 Bennett Street. The approval was subject to various amendments and renewals; however, the development did not proceed, and the approval has lapsed.

Whilst the sites are adjacent and the development is proposed to be constructed as an integrated complex, and function as one development, it should be noted that the sites are subject to different zonings and plot ratio requirements under CPS2. The northern sites, 52-56 Bennett Street, are located within the 'Residential – R160' use area with a maximum base plot ratio of 3:1 and the southern site, 7 Forrest Avenue, is located within the 'Town Centre' use area with a maximum base plot ratio of 4:1 as shown below –



Figure 1: Extract from City Planning Scheme No. 2 – Scheme Map and Plot Ratio Plan

Legislation and Policy:

Legislation

Planning and Development Act 2005 s.162

City Planning Scheme No. 2 (CPS2) Clauses 6, 26, 27, 28, 30, 32, 33, 35 and 36 and the Goderich Precinct (P5) requirements

Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes Clauses 60, 64, 67 and 68 Metropolitan Region Scheme

State Government Policies

Perth Parking Policy 2014 (PPP) State Planning Policy 7.0 – Design of the Built Environment

Local Policies

Public Notification/Advertising Procedure (2.2)

Design of Residential Development (3.1)

Mixed Residential/Commercial Development (3.7)

Special Residential (Serviced and Short Term Accommodation) Policy (3.9)

City Development Design Guidelines (4.1)

Building Heights and Setbacks (4.4)

Plot Ratio (4.5)

Bonus Plot Ratio (4.5.1)

Transfer Plot Ratio (4.5.2)

Signs (4.6)

Residential Design Policy (4.9)

Parking (5.1)

Loading and Unloading (5.2)

Bicycle Parking and End of Journey Facilities (5.3)

Goderich Design Policy (6.3)

Consultation:

Public Consultation

The proposed development includes variations to the plot ratio, street building height, and setback requirements of CPS2. As such, the application was advertised to the owners of the surrounding properties for a period of 21 days, closing on 24 June 2022. These included the owners of the properties directly adjacent at 42, 50 and 56-60 Bennett Street; 67, 69 and 71-77 Goderich Street; and 11-13 Forrest Avenue; and those in the near vicinity at 200 and 230-242 Hay Street; 49, 51, 55, 57-59 and 61-61A Bennett Street; and 65 Goderich Street East Perth.

Seven (7) submissions were received during the advertising period with respect to the application, with all seven raising objections. The comments received from the affected property owners are included in Attachment 4 and are summarised below:

Issue Raised	Officer comments	
Building Bulk/Scale	Noted	
'The building appears to be structurally 'too High and extremely Bulky' which will cast a large shadowing effect on our site (and future buildings) most times of the year especially in the Winter months for most of the daylight hours.'	There are no maximum building heights prescribed for the sites under the planning framework. However it is noted that variations are sought in relation to the prescribed street and boundary setbacks. The impact of these variations are discussed in detail in the 'Planning	
'The proposed development is detrimental to the Goderich Precinct and does not interact or impact positively on the neighbourhood. The proposed height	Assessment' section of this report. Whilst it is noted that the surrounding sites are generally of a lower height, the	

and use of the land does not harmonize with the existing suburban area and will negatively affect the quality of life of the tree lined Forrest Ave and Goderich St families'

Goderich Precinct under CPS2 allows for medium-high rise developments. In addition the City's draft Local Planning Strategy identifies the site and immediate vicinity as being appropriate for high scale mixed use purposes, in excess of 16 storeys.

Noise

'The existing such apartments in the area -Mantra on Hay, Quest and Bailey Apartments — convey a great deal of noise and disturbance. Sound travels towards Goderich St. This development cannot have balconies facing Goderich St.'

'Concerned about the noise pollution from the mechanical services — the power and air conditioning - bins and parking area. The constant drone of the building's services would flow directly to my home and be debilitating.'

'Bin store and bin access - need to ensure out of hours utilities truck hours do not fall within 9pm till 8am'

Privacy/Overlooking

'The fact they will be looking directly into my home will be a total violation of our personal area and privacy.'

Noted

The preliminary acoustic assessment submitted in support of the proposal outlines recommended noise mitigation measures to be incorporated in any future detailed design of development. City officers concur with the recommendations and appropriate management measures mechanical equipment and external communal areas will be required to be implemented on an ongoing basis as part of any approval.

The applicant has confirmed the proposed development will utilise the City's waste collection services, which whilst not confined to the operating hours identified by the submitter, operates with an objective to minimise amenity impacts as part of its collection operations, particularly within residential areas.

Noted

The variations proposed to the setback requirements applicable to the site are discussed in detail in the 'Planning Assessment' section of this report. The revised plans have provided increased setbacks to the northern side boundary which results in increased separation between existing and future buildings which limits potential issues related to overlooking or lack of privacy, in the context of inner city, multi-storey development.

Parking/Traffic Management

'The path to the car parks/garages to the north of the site is so narrow. Therefore want to make sure there's enough space

Noted

Matters relating to car parking and traffic, including the intensification of the use of the existing laneway to the north of the subject site, are discussed in detail in the

for the cars to access these carparks when the new development is built.'

'Parking is an issue in our community. The 85 apartments have only 59 bay and though the building has the "intent" of "future proofing" with additional 45 bays, that is only after 10-years and does not help now. Residents with their City of Perth parking permits struggle to find parking. The ROW to our building's resident parking will not be able to be reached throughout the development, further exasperating the problem.'

Require confirmation that there is no construction of any sort between the two vehicle access ways from Bennett Street and that a sufficient turning circle will be provided at the end of the thoroughfare.

'The impact on our quiet residential existence is going to be very pronounced given the vehicle movement in and out of that laneway to service 12 multiple dwellings and 73 serviced apartments. Our request for land to accommodate the turning circle is a very small concession.'

'Planning Assessment' section of this report.

It is noted the proposed development provides car parking in accordance with the relevant maximums (commercial tenant) and minimums (residential) prescribed by the relevant planning framework.

Design

'This project does not meet the level of high-quality architecture it claims to be seeking to achieve. And therefore should be assessed accordingly. Not opposed to the height or density but the quality. Let East Perth not continue to be a dumping ground for such low calibre architecture.'

Anti-social behaviour

'It is extremely common for serviced apartment occupants to party on balconies with alcohol and music and lose their better judgement. The size of the proposed balcony/decks are an invitation for just that. We have already experienced partying groups yelling out to us/other people on the street.'

Noted

The design of the development was generally supported by the (former) City of Perth Design Advisory Committee. The design of the proposal is discussed in detail in the 'Planning Assessment' section of this report.

Noted

The proposed serviced apartment use is generally consistent with the intent of the Goderich Precinct. It is noted that the applicant submitted a Management Plan addressing the operation of the complex including the control of noise and other disturbances to manage adverse amenity impacts from occurring due to inappropriate behaviour. Ongoing compliance with the management plan will also form part of any approval.

Nuisance

'Ventilation vents of commercial property shown to be discharged to driveway, need to be odourless.'

'Another concern of the services area is the constant lighting. The luminosity will impact and be detrimental to ours and other residences as the area is directly opposite bedrooms. We will not be able to open our curtains or windows during construction and when completed.'

Noted

Consistent with all developments within the City, all building services, including ventilation, will need to be appropriately designed to minimise nuisance on adjoining properties in accordance with the relevant legislation.

Given the proposed widening of the existing laneway between the subject site/s and the residential complex to the north and proximity of dwellings it is recommended, consistent with the concerns raised by the submitter, that any approval include requirement for any external lighting to comply with the relevant legislation.

Referrals/consultation with Government/Service Agencies

Department of Transport

The proposal was referred to the Department of Transport (DoT) for comment in relation to the provision of tenant car parking bays and compliance with the Perth Parking Policy (PPP). In correspondence dated 7 July 2022, the DoT advised the following in terms of access, end of trip facilities and parking (refer to Attachment 5 for full advice):

"The Urban Mobility (UM) division of the Department has reviewed the submitted documents and advises that DoT is unable to support the proposed development as currently submitted due to:

- The development exceeding the maximum tenant parking allowance for the site under the Perth Parking Policy, and
- Poor provision of bicycle parking and end-of-trip facilities.

Additionally, DoT has serious concerns about the potential use of the 45 additional residential bays (intended to be used only after conversion of serviced apartments to residential apartments in 10 years' time) for other parking purposes in the interim, and requests that any planning approval contain strict and unambiguous restrictions on such use.

With the above in mind, DoT proposes the following conditions be included as part of any planning approval.

Proposed conditions

- A maximum of 32 tenant car parking bays (not including ACROD or loading bays) for use by serviced apartment and café components of the development shall be provided on the site.
- 2. A maximum of 21 residential car parking bays (as proposed, including visitor bays) approved for use by residents of the initial 12 residential apartments.

- 3. A maximum of 45 additional residential bays (planned for Basement Levels 2 and 3) shall only be provided for use once serviced apartments are converted to residential apartments.
- 4. With regard to residential, staff and visitor bike parking facilities, as well as other staff bicycle EoT facilities, the minimum provision (as outlined in the full advice) of each shall be provided to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport:
- 5. A Parking Management Plan (required by Clause 13 of the Perth Parking Policy) shall be provided by the developer to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport. (See Appendix 1 for guidance).
- 6. A Travel Plan be provided by the developer to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport."

In relation to the above, City officers concurred with the DoT in that the provision of 37 tenant parking bays on site was inconsistent with the requirements of the PPP and should not be supported. The applicant was advised and subsequently submitted revised plans reducing the number of tenant car parking bays to 32 in accordance with the maximums prescribed the PPP. Noting compliance with the PPP, and the City's Bicycle and End of Journey Facilities Policy 5.3 (as detailed in the following section), City officers do not consider it necessary to require an increase to the proposed bicycle parking and end of trip facilities or the submission of a Travel Plan for the proposed development. The recommendations in relation to residential car parking are noted and generally supported however the PPP is limited to the control and management of non-residential (commercial/tenant) car parking only.

Design Advisory Committee Advice

The proposed development was considered by the (former) City of Perth Design Advisory Committee (DAC) at its meeting held on 27 July 2022, where the DAC resolved to advise that the Committee:

- "1. SUPPORTS the awarding of 20% bonus plot ratio for the provision of a Special Residential use:
- 2. DOES NOT SUPPORT the proposed setback variations in their current form and requests the proponent review:
 - a) The northern and southern setbacks of the portion of the building on Lots 5 and 6 to ensure the building is sufficiently separated from adjoining existing and/or future buildings.
 - b) The southern setback on Forrest Avenue, noting the proposed nil setback will set a precedence for development on Forrest Avenue, which is required to be setback from the street, to distinguish the area from sites fronting Hay Street within the Town Centre.
- 3. NOTES the following strengths of the proposed design:
 - a) Generally a well considered planning solution for an unusual site;
 - b) The clients intention to 'future proof' the development by considering the future use of the serviced apartments for multiple dwellings as part of the proposed design;
 - c) The generous size of the proposed communal areas and the apartments including balconies;

d) The presentation of the development at ground level to Bennett Street including the provision of active uses fronting the street within the first three levels of the building.

4. REQUESTS the proponent:

- a) Provide further details to demonstrate how the form and materiality of the development responds to the existing and future character of the area, noting the area is part of a future Goderich Street Heritage Investigation Area:
- b) Provide further details of the proposed external finishes of the development:
- c) Review the ground level design facing Forrest Avenue to maximize the developments opportunity to make a positive contribute to the future neighbourhood centre;
- d) Investigate the opportunity for the inclusion of deep soil landscaping, noting underutilized areas in the basement level(s);
- e) Review the landscaping design and specie selection in light of the short term use of the building and potential maintenance requirements; and
- f) Investigate the opportunities for additional energy and water saving initiatives."

The applicant subsequently met with City officers and submitted revised plans and details to address the above points. The following sections include details of the extent to which the revised development plans respond to the design matters raised by the DAC.

Planning Assessment:

Land Use

The subject site is located within the 'Residential - R160' and 'Town Centre' use areas of the Goderich Precinct (P11) under CPS2. The Precinct will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses.

The Residential area will accommodate a wide variety of residential and visitor accommodation. New residential development is to be medium to high density. Other uses which serve the immediate needs of the residents will also be supported. An increase in residential use is sought by the conversion of non-residential premises and the construction of new residential buildings. The Town Centre area shall consolidate Hay Street as a node of shopping, commercial and community facilities, serving the needs of residents, visitors and workers in this and the adjoining Precincts. Generally only shops, showrooms and restaurants will be permitted to front Hay Street, although a range of residential and commercial uses will be permitted on upper levels, or to the rear. Residential and visitor accommodation in this area of the Precinct are encouraged.

Serviced apartment ('Special Residential') and restaurant/café ('Dining') uses are contemplated 'C' in the Residential use area with 'Special Residential' uses being preferred 'P' and multiple dwelling ('Residential') uses being contemplated 'C' within the Town Centre use area. Both uses are not permitted along the street frontage at pedestrian level, however 'Special Residential' uses may be permitted where it provides pedestrian interest and activity.

It is considered that the proposed mix of uses is consistent with the intent of the Precinct and will be compatible with the surrounding land uses. It is noted the residential building fronting Forrest Avenue does not include any form of accommodation/active uses at the street level with only landscaping and pedestrian/vehicle entryways as an interface to Forrest Avenue.

Draft Local Planning Strategy

The site is located within the future 'East Perth Neighbourhood' in accordance with the City's Local Planning Strategy, adopted by Council in December 2022 (awaiting approval by the Western Australian Planning Commission). The priority of the neighbourhood is to improve the identity of East Perth through a defined town centre, community facilities, beautiful streets and an easily walkable neighbourhood that connects people to places. Within the neighbourhood, the site is identified within the 'High Scale Mixed Use (>16 Storeys)' indicative land use and urban form area and partly within the 'Neighbourhood Frame' area.

It is considered that the proposed development generally accords with the aims and objectives of the Strategy, noting the scale and mixed use nature of the proposal.

Development Requirements

New development within the Residential area of the Goderich Precinct will be medium rise taking into consideration the prominence of land, in the eastern part of the Precinct, which forms part of an east-west ridge rising to reach its highest point on Cemetery Hill. Along Hill, Bennett, Plain, Wellington and Hay Streets, development will have a nil street setback. Elsewhere, development will be setback from the street. Development will be of a low scale along the street frontage with additional height setback from all lot boundaries. Building design will not embody large unbroken elements but display a variety of built form.

New development within the Town Centre area will have a nil street setback and be of a low scale along the street frontage and incorporate a shop front design with pedestrian weather protection over the footpath. Additional building height will be setback from all lot boundaries. Building heights shall be tailored to provide for adequate levels of sunlight penetration into the street. Development shall also have regard to the existing development and complement historic buildings.

The proposal's compliance with the relevant CPS2 and Goderich Design Policy development requirements is summarised below (Note: figures and description in **bold** signify non-compliance with the development standards):-

Provision	Requirement	Proposal	Assessment
Maximum Plot			
Ratio:	Base Plot Ratio Bennett Street sites 3:1 (3,870m²)	Bennett Street sites 4.2:1 (5,418m²)	Variation sought
	Forrest Avenue site 4:1 (1,284m²)	Forrest Avenue site 5.6:1 (1,797m²)	
	Total combined – (5,154m²)	Total combined –	

	Maximum Bonus Plot Ratio of 50% consisting of a combination of any of the below: Special Residential Development (20% and 40% for high quality hotel maximum) Heritage Conservation/Public Facilities/Transfer Plot Ratio (20% maximum)	7,216m ² inclusive of a plot ratio bonus of 20% (1,031m ²) on the basis of including a special residential use and 20% (1,031m ²) via transfer plot ratio	
Maximum Street (Podium) Building Height:			
Bennett Street	21 metres (maximum)	11.2 metres	Complies
Forrest Avenue	14 metres (maximum)	53 metres	Variation sought
Maximum Building Height:	No prescribed limit	62.4 metres	Complies
Setbacks:			
Bennett Street (north west) - Lower building levels	Nil	Nil	Complies
- Upper building levels	5 metre setback up to a height of 65 metres and then a 10 metre setback for the remainder of the development	5 metres up to 56 metres in height	Complies
Forrest Avenue (south east) - Lower building levels	Nil	Nil	Complies
- Upper building levels	5 metre setback up to a height of 65	3 metres up to 53 metres in height	Variation sought

	metres and then a 10 metre setback for the remainder of the development		
Side (north) - Lower building levels	Nil (no openings); 3 metres (with openings)	Nil (no openings); Nil to 3.3 metres (with openings)	Variation sought
- Upper building levels	3 metres (no openings); 4 metres (with openings)	3 metres (with openings) to 4 metres (with openings)	Variation sought
Side (east) - Lower building levels	Nil (no openings); 3 metres (with openings)	Nil (no openings); 4 metres (with openings)	Complies
- Upper building levels	3 metres (no openings); 4 metres (with openings)	3 metres (no openings); 3 metres (balconies): 4 metres (main building – with openings)	Variation sought
Side (south-west) - Lower building levels	Nil (no openings); 3 metres (with openings)	Nil (no openings); 4 metres (with openings)	Complies
- Upper building levels	3 metres (no openings); 4 metres (with openings)	4 metres (with openings)	Complies
Car Parking:			
Commercial tenant	32 bays (maximum)	32 bays	Complies
Residential	12 bays (minimum) 24 bays (maximum)	23 bays	Complies
Bicycle Parking:			
Special Residential	24 bays (minimum)	24 bays	Complies
Residential			

Bonus Plot Ratio for the development can be granted by an absolute majority decision of the Council in accordance with Clause 28 of the CPS2 under the City's Bonus Plot Ratio Policy 4.5.1.

With regard to transfer of plot ratio, Clause 30 of CPS2 specifies the following requirements:

- "30(5) The local government may approve, by grant of development approval, the transfer of all or part of transferable plot ratio from a donor site on the register of transfer of plot ratio to a recipient site.
 - (6) The local government may only approve the transfer of transferable plot ratio if
 - (a) at the same time, it grants development approval for development of the recipient site that utilises all or part of a donor site's transferable plot ratio;
 - (b) the development will have no significant adverse impact on the cultural heritage significance (if any) of the recipient site or its locality;
 - (c) the development of the recipient site otherwise warrants approval under the Scheme: and
 - (d) the resulting increase in plot ratio of the recipient site due to:
 - the transfer of transferable plot ratio under clause 30 does not exceed the maximum plot ratio specified for the recipient site by more than 20%; and
 - (ii) the combination of the transfer of transferable plot ratio under clause 30 and any bonus plot ratio under clause 28;

does not exceed the limits referred to in clause 28(3).

(7) The transfer of transferable plot ratio from a donor site to a recipient site shall be effective on receipt of evidence of proof of purchase of the transferable plot ratio by the recipient site."

Variations to the maximum street building height and setback provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 36 of the City Planning Scheme and provided the Council is satisfied that:

"36(3)(c)

- (i) if approval were to be granted, the development would be consistent with:
 - (A) the orderly and proper planning of the locality;
 - (B) the conservation of the amenities of the locality; and
 - (C) the statement of intent set out in the relevant precinct plan; and
- (ii) the non-compliance would not have any undue adverse effect on:
 - (A) the occupiers or users of the development;
 - (B) the property in, or the inhabitants of, the locality; or

Transfer Plot Ratio

In accordance with clauses 30(5) and 30(6) of CPS2, the site is eligible for a 20% maximum transfer of plot ratio. The application proposes a transfer of plot ratio of 257m² (or 5%) from 76 (Lot 5) Wittenoom Street, East Perth and 774m2 (or 15%) from 360 (Lot 123) Murray Street, Perth which are listed in the City's Register of Transferred Plot Ratio as donor sites.

Approval of any transfer of plot ratio is based on the proposal satisfying the requirements of Clause 30 of CPS2 and the Policy. When considering the merits of an application for the transfer of plot ratio, consideration must be given to the impact of any transfer of plot ratio on other development standards that apply to the site under CPS2. Notwithstanding the DAC's general support for the scale and form of the proposed development, the implications of the proposed height and setback requirements for the proposal on the locality are addressed in the following sections.

Any approval should be made subject to a condition requiring acceptable evidence being submitted that purchase of the transferable plot ratio by the recipient site has been concluded in accordance with Clause 30(7) of CPS2.

Bonus Plot Ratio

In accordance with the provisions of CPS2, the site is eligible for 50% maximum bonus plot ratio which may be comprised of:

- Public Facilities and Heritage: Maximum 20% bonus (includes public spaces, pedestrian links, provision of specific facilities on private land and conservation of heritage places).
- Residential Use: Maximum 20% bonus.
- Special Residential Use: Maximum 20% bonus.

Any application seeking a plot ratio bonus under clause 28 of CPS is to be referred to the City's Design Advisory Committee. As detailed above, the application was referred to the City's DAC on 27 July 2022 and therefore satisfies this requirement.

Bonus Plot Ratio for Special Residential Use

Developments which incorporate a 'Special Residential' use may be awarded bonus plot ratio of up to 20%. The application is seeking the maximum 20% bonus plot ratio for the provision of serviced apartment ('Special Residential') uses. The applicant has provided the following information and justification to satisfy the applicable requirements of the City's Bonus Plot Ratio Policy 4.5.1:

- 'The proposed development is of a built form, height and scale that is entirely consistent with the City's desired future character for the locality;
- The proposed development maintains considerable separation to surrounding residential apartment buildings and will not have any unacceptable overshadowing or visual privacy impact on surrounding properties;
- The proposed development does not contain or will not impact upon any places of identified cultural heritage significance;
- The proposed development is considered to be of a high standard of design and consistent with intent of the Goderich Precinct;

- The proposed development will support the City's planning framework and its role as the premier tourist, business and commerce destination in the State through providing high quality short-stay accommodation to cater for increasing visitor numbers; and
- The proposed development been specifically designed with the City's Special Residential (Serviced and Short Term Accommodation) Policy in mind, with a supporting Management Plan being provided. Separate lobby areas and lift cores are provided so as to separate the residential apartments from short-stay accommodation users across the building.'

Noting the above, the proposal generally satisfies the Policy requirements to be awarded bonus plot ratio of 20% for the provision of a Special Residential use. As outlined previously, the City's DAC advised that in relation to the above, the development satisfies the criteria under the City's Bonus Plot Ratio Policy 4.5.1 for the awarding of 20% bonus plot ratio for a new 'Special Residential' use, therefore the proposed bonus plot ratio can be supported in accordance with clause 28 of CPS2.

Building Design and Presentation to Street

State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0) addresses design quality and built form outcomes seeking to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes. SPP 7.0 sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. It is considered that the applicant has provided sufficient justification to demonstrate the proposed development satisfies the ten design principles of SPP 7.0 (refer to Attachment 6 – Address of State Planning Policy 7.0 Design Principles).

Under CPS2, all forms of new development in the Goderich Precinct must comply with the Goderich Design Policy guidelines on built form, building design, impact on the surrounding environment, and access and parking issues. This will define major streets in the area with a continuous built edge and establish the Hay Street town centre as an active public domain. Innovative, high quality building design which respects the existing streetscape will also be encouraged.

In view of these requirements and as outlined previously, the overall design of the proposal was generally supported by the DAC, subject to the submission of additional plans and details to address matters relating to:

- the form and materiality of the development in response to the existing and future character of the area;
- further details of the proposed external finishes of the development;
- the ground level design facing Forrest Avenue maximising opportunities to positively contribute to the future neighbourhood centre;
- opportunities for the inclusion of deep soil landscaping:
- review of the landscaping design and species selection noting the short-term accommodation use and maintenance requirements; and
- opportunities for additional energy and water saving initiatives.

With regard to the proposal's form, materiality and external finishes, the revised plans include further detail and refinement of these elements. The additional details and plans are considered to provide greater clarity in respect to the proposed mix of materials and finishes (e.g., textured concrete, powder coated aluminium) and the overall compatibility of the development within the locality. It is however recommended

any approval include the requirement for a sample board demonstrating the use of high quality and durable materials and finishes be provided at the building permit stage.

In relation to Forrest Avenue frontage, the revised plans include a 3 metre to 4.5 metre setback for the ground level and a 3 metre setback for Levels 1 and above). The first basement level has also now been setback 4.5 metres from the Forrest Avenue boundary. These revisions have facilitated the inclusion of deep soil landscaped areas within the frontage which will support tree growth to its full potential within the setback area. The modifications are considered to address the DAC's concerns and result in an improvement on the previous under croft design. The applicant has not directly responded to the landscaping species and maintenance matters raised by the DAC however they have advised this will be subject to ongoing review at the detailed design stage. It is therefore recommended that any approval include the requirement for a final landscaping plan to be submitted to ensure high quality and viable landscaping outcomes at the detailed design stage and including ongoing maintenance thereafter.

With respect to energy and water saving initiatives, the applicant submitted a revised Sustainable Design Strategy report which included further initiatives including:

- solar PV system to the building roof, estimated to achieve 25kW;
- star NABERS target to shared meeting spaces;
- potential for drip irrigation and water reuse in landscaped areas;
- potential for stormwater reuse in sub-soil irrigation; and
- hardwiring for EV charge connections.

The updated report has addressed the DAC's concerns and it is noted further initiatives are likely to be reviewed and implemented at the detailed design stage.

A minor additional design matter has been identified in relation to the proposed location of the fire booster cabinet along the Forrest Avenue frontage of the development. It is considered that the proposed location and scale of the facility will have a negative impact on the streetscape. It is therefore recommended that a condition be included on any approval requiring final details of the location, design and materials of the fire booster cabinet be provided to the City's satisfaction, in consultation with the Department of Fire and Emergency Services.

It is considered that the development is contemporary in design with a variety of materials, finishes and colours being used to accentuate features and minimise the impact of different elements of the building including its overall scale. The façades of the building have been sufficiently articulated with varied balcony typologies and treatments reducing the overall bulk of the building. Based on the above it is considered that the applicant has generally addressed the design concerns raised by the City's DAC and City officers. However, it is recommended any approval be conditioned to require the applicant to submit final details refining the remaining matters outlined above for the City's approval at the building permit stage.

Building Height and Setbacks

In accordance with Goderich Design Policy (6.3), the site has no prescribed maximum building height, however, a maximum street building (podium) height of 21 metres along Bennett Street and 14 metres along Forrest Avenue is prescribed. With buildings required to be setback 5 metres above the podium up to a height of 65 metres and then a 10 metre setback for the remainder of the development.

The subject development is compliant with the above with respect to the Bennett Street frontage given it provides for an 11.2 metre street building height and is setback 5 metres thereafter up to a height of 56 metres. However, the Forrest Avenue frontage does not include a podium and tower form with the building being setback 3 metres up to a building height of 53 metres contrary to the above requirements. It should be noted that the original proposal included a nil setback from Level 1 onwards along Forrest Avenue which was not supported by City officers and the DAC.

The applicant asserts that the 3 metre setback as outlined in the revised plans, whilst not compliant with the CPS2 requirements, addresses the concerns of City officers and the DAC. This is based on the setback providing for a suitable transition and view corridor along Forrest Avenue to distinguish the change in character between Forrest Avenue and the Hay Street Town Centre which are subject to differing front setback requirements. The rationale is generally supported and a review of the proposed building envelope demonstrates in minimal shadow cast on habitable or outdoor living areas in the residential buildings located to the south and east along Forrest Avenue, as compared with a compliant building envelope. This can largely be attributed to the orientation of the subject site, its relatively slender form and alignment of Forrest Avenue.

Variations are also proposed to the northern and eastern boundary setback requirements prescribed by the Policy. With a nil setback proposed for the lower levels (with openings) in lieu of three metres along the northern boundary and three metres for the upper levels in lieu of four metres along the northern and eastern boundaries.

The variation to the lower levels setback to the northern boundary can be supported based on the non-compliance being limited to the meeting room office windows on Levels 1 and 2, being approximately 10% of the frontage length. The location of windows adjacent to the right of way is also supported noting it will provide opportunities for passive surveillance of this laneway space and requiring additional setbacks to these spaces will impact on the overall design and functionality of the building.

It is noted that the upper level setbacks to the northern boundary have been increased from the original proposal which included nil setbacks to balconies along this frontage. With the revised plans proposing increased setbacks to the balconies and main building in response to concerns raised by City officers, the DAC and objections from surrounding property owners. The proposed 3 metre setback is still a variation to the Policy requirement of 4 metres however the variation is considered reasonable in the context of the northern boundary abutting a 3 metre wide public laneway. This results in a separation of 6 metres between the proposed development and the boundary of the residential complex to the north. This ensures adequate sky views and separation between buildings can still be achieved, minimising impacts related to overlooking and privacy.

With regard to the eastern boundary upper level setbacks, the variation is limited to balcony structures encroaching into the setback area for approximately 25% of the boundary length. The remainder of the frontage satisfies the setback requirements of the Policy. It is considered that the variation can be supported as adequate separation between existing and future development will be maintained with suitable access to natural light and ventilation. In addition the irregular lot boundary alignment and light weight design of balconies reduces the perceived impact of bulk and scale on the adjoining property.

Based on the above, the associated setback variations proposed can be supported based on the design addressing the objectives and principles of the Goderich Design Policy (6.3) and the relevant provisions of Clause 36 of CPS2. In particular, the reduced setbacks compared with a fully compliant proposal, have minimal impact, as outlined in the overshadowing analysis, on the provision of sunlight into streets, public places and adjacent buildings as recommended by the Policy.

CPS2 Residential Design Policy and SPP7.3 – Residential Design Codes

The proposed development satisfies the design requirements of the City's Residential Design Policy 4.9 with respect to the residential (long term accommodation) units proposed. With the requirements of the Policy relating to dwelling sizes, privacy, security, noise, open space/balconies, solar and ventilation access, parking and servicing being incorporated into the design of the proposal. Whilst presently proposed for short-term accommodation purposes and technically not required to meet the requirements of the Policy (noting CPS2 has separate design requirements specific to short term accommodation developments), noting the potential future conversion, the serviced apartments also demonstrate general adherence to the current Policy requirements outlined above.

Similar to the above, given the proposed split of zonings and uses across the development site, the requirements of the State Planning Policy 7.3 – Residential Design Codes – Apartments (SPP7.3) are technically not applicable to the proposal. However, noting the potential future conversion of the serviced apartments to residential (long term accommodation) apartments, the applicant submitted an assessment against the relevant design requirements of SPP7.3. The assessment demonstrates that the proposal satisfies the design elements of SPP7.3 relating to solar and daylight access, natural ventilation, size/layout of dwellings, car parking, private open space/balconies and storage.

However it does not achieve the SPP7.3 objectives and/or outcomes related to privacy and dwelling mix. It is considered that the proposed are generally consistent with the objectives of CPS2 as outlined previously. The lack of dwelling mix is a concern however the applicant asserts that whilst the apartments are of the same size and type, it will still allow for a number of different users, ranging from young professional families to elderly couples looking to

take advantage of the location and its proximity to nearby services and facilities. Whilst not ideal in terms of providing a legitimate mix of dwelling types, the design and layout of apartments, including range of sizes, is considered to generally provide an appropriate level of residential accommodation.

Car parking and Traffic Management

The proposed development is compliant with respect to the provision of commercial tenant car parking bays for the serviced apartment components of the development in accordance with the maximum number of bays permitted for the site by the PPP.

The development is compliant with respect to resident car parking bay provision as prescribed by the City's Parking Policy (5.1). It is noted that some parking bays are provided in a tandem arrangement. A condition is therefore recommended to be imposed on any approval to require each pair of tandem bays to be allocated to the same residential apartment to avoid issues of access to the bays.

The Policy also states that visitor parking should be provided in residential developments areas where it can be expected that existing on-street facilities will not adequately provide for visitors to the development. It is considered that the expected demand for visitor parking from the development can be adequately provided for by the presence of on-street bays adjacent to the site. There is also a high level of public transport availability in the area including high frequency public transport services which are located within 400 metres of the site.

The applicant submitted a Transport Impact Statement (TIS) for the City's review in support of the application. City officers concluded that the TIS is generally consistent with the City's requirements and that the additional vehicular traffic generated by the development can be accommodated within the existing surrounding road network. However, concerns have been identified in relation to the proposed functionality of the widening of the existing laneway to the north of the subject site. It is noted that concerns were also raised by adjacent landowners who currently use the single width two-way public laneway to access and egress their residential complex to the north.

It is noted the use of the existing laneway will be intensified by the proposed development, with the widening of and location of columns within the laneway creating a double width two-way laneway environment. The concerns of the adjoining landowners have been partly addressed by the applicant with columns re-positioned to avoid any potential conflicts with the existing accessway to the northern residential complex.

However, it is noted access to the eastern most car parking areas (67 and 69 Goderich Street) will inevitably be impacted by the proposed development which includes boundary walls which are permitted by CPS2. Whilst access/egress to these spaces is provided by the existing laneway, vehicles have historical manoeuvred onto the subject site which is currently vacant given the limited width of the laneway. This will no longer be possible and whilst vehicular access will still be accommodated, additional manoeuvring will be required.

In order to protect the amenity of the existing users of the laneway and provide for the functional and safe movement of vehicles from and to all sites adjacent to the laneway, it is recommended that an easement be granted by the landowner for ongoing use of the widened laneway area. It is recommended that this be included as a condition of any approval.

With regard to the lower two basement levels (B1 and B2), these levels are intended to accommodate car parking bays as part of a future proposal to convert the serviced apartments to permanent residential dwellings. The applicant has confirmed that the levels will not be used for a minimum period of 10 years, until such a time the serviced apartments can be considered as residential dwellings without impacting on the award of bonus plot ratio for a new 'Special Residential' use. It is noted that any future conversion of the serviced apartments and basement levels will be subject to a separate application for approval under a different planning framework. As such, there is no certainty in regard to the applicant's future plans.

Whilst the premise of 'future proofing' the development is acknowledged and considered to be well thought out, the practicalities of including the proposed levels as part of this application for approval is not a straight forward proposition given the current planning framework.

Officers are of the view that the levels must be assigned a genuine interim land use (underlying purpose) and cannot simply remain vacant and inaccessible. Although the proposal is considered to have merit, it is not considered to be consistent with the proper and orderly planning of the site, given the current planning framework.

The applicant has explored potential uses for the levels, including commercial uses, additional car parking and/or bulk storage, however application of any of the potential uses considered to date, will result in a non-compliance with CPS2 that Officers have advised cannot (e.g., plot ratio) or should not (e.g., maximum car parking) be supported.

Should the DAP consider support for the basement levels in their current form (i.e., 'vacant' for future use) it is recommended that the levels be made inaccessible through the construction of a physical barrier and a legal agreement between the owner(s) and the City.

Given the above, City officers recommend that basement levels 1 and 2 not form part of any approval and their removal be conditioned accordingly.

Wind

The applicant submitted a preliminary Wind Comfort Report in support of the proposed development which considered the impacts of the proposed design on the local wind environment. The report notes the building design includes vertical fins, large balcony floors, balustrades, and other features to break up the facade, as well as a podium, which can mitigate some potential negative impacts from wind. As such, the proposed development it not expected to adversely affect the use of the public pedestrian space at ground level. However, the report recommends further mitigation is required to improve the suitability for the activities which may take place on the proposed podium level balcony, apartment balconies and roof decks.

Based on the above, it is recommended that these matters be further investigated and mitigated (where necessary) as part of the submission of a final Wind Impact Statement at the building permit stage.

Waste

The applicant submitted a Waste Management Plan (WMP) in support of the proposed development which will generally meet the City's servicing requirements. However, some matters will need to be further addressed and finally resolved through a final WMP which is to be submitted at the building permit stage. These matters include confirmation bin store area design details and travel distance access arrangements. It is recommended that an advice note be included on any approval advising of the final WMP requirements.

Conclusion:

It is considered that the proposed development is consistent with the statement of intent for the Goderich Precinct which will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses.

The proposed built form is generally consistent with that envisaged under the Goderich Design Policy in terms of the podium and tower elements. The variations to the street building height and boundary setbacks are considered to be acceptable given they will allow for a transition between Forrest Avenue and the Hay Street Town Centre with adequate separation from adjoining sites being maintained. The proposed variations will result in a building which is still in keeping with the principles of the Policy and will not result in any undue adverse amenity impacts and can be supported in accordance with clause 36 of CPS2.

In response to the concerns of the City's Design Advisory Committee, the applicant provided revised plans and elevations which have addressed the building form, external appearance and landscaping matters raised by the Committee and City officers. It is noted that some specific design matters, as outlined in this report, will require further consideration and resolution at the detailed design stage and are recommended to be conditioned as part of any approval.

It is noted concerns were raised by the surrounding landowners in terms of the perceived bulk/scale of the development and the potential impact on access and parking. Whilst it is acknowledged that the development is larger than existing surrounding developments, its form and height is consistent with the existing planning framework and the future intent as outlined in the City's draft Local Planning Strategy. In relation to the issues raised regarding vehicular access, the applicant has generally addressed the matters raised by submitters and City officers with a functional and safe laneway widening being incorporated into the proposed development.

Based on the above it is recommended that the application should be conditionally approved.



52-56 (LOTS 5 AND 6) BENNETT STREET AND 7 (LOT 4) FORREST AVENUE, EAST PERTH



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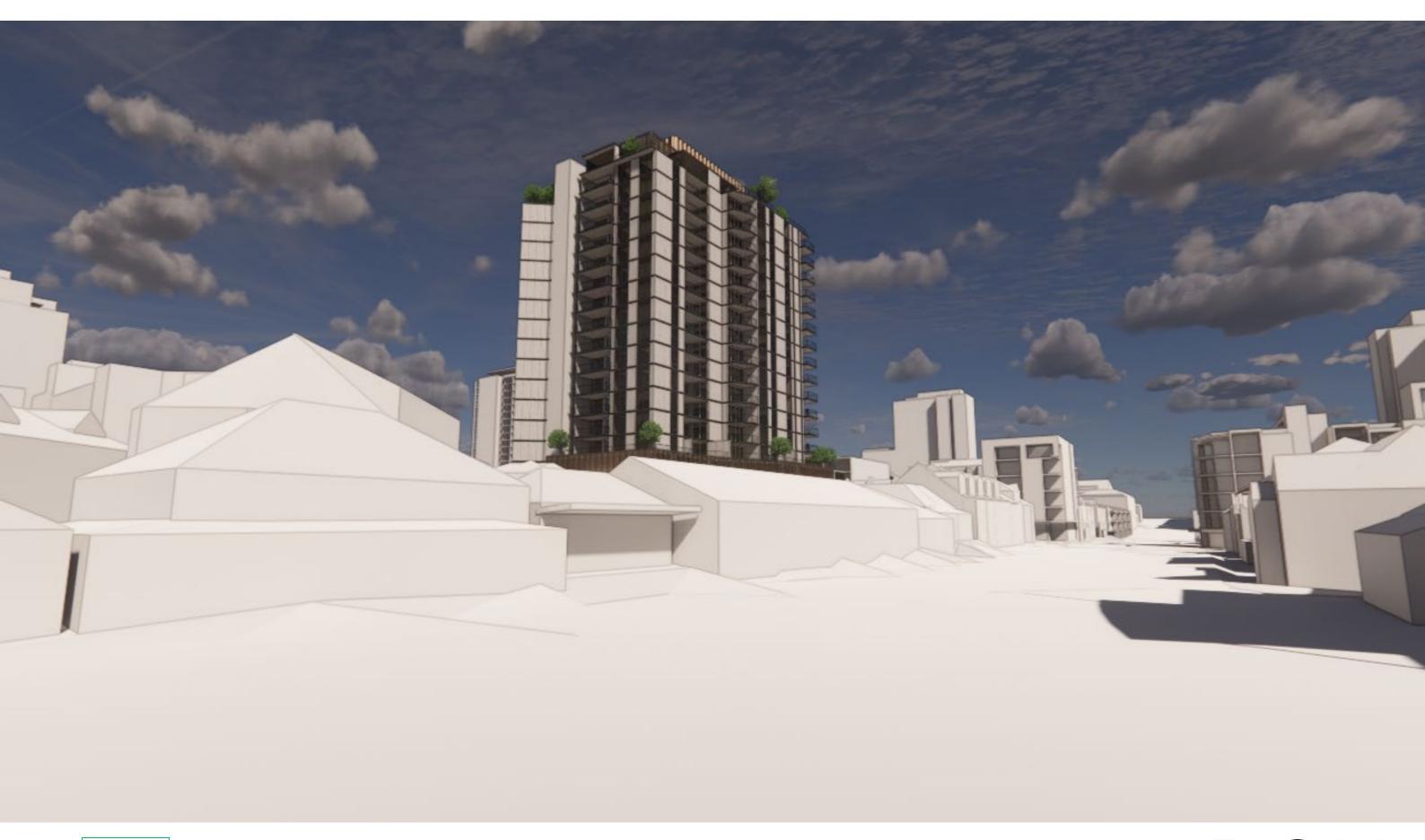


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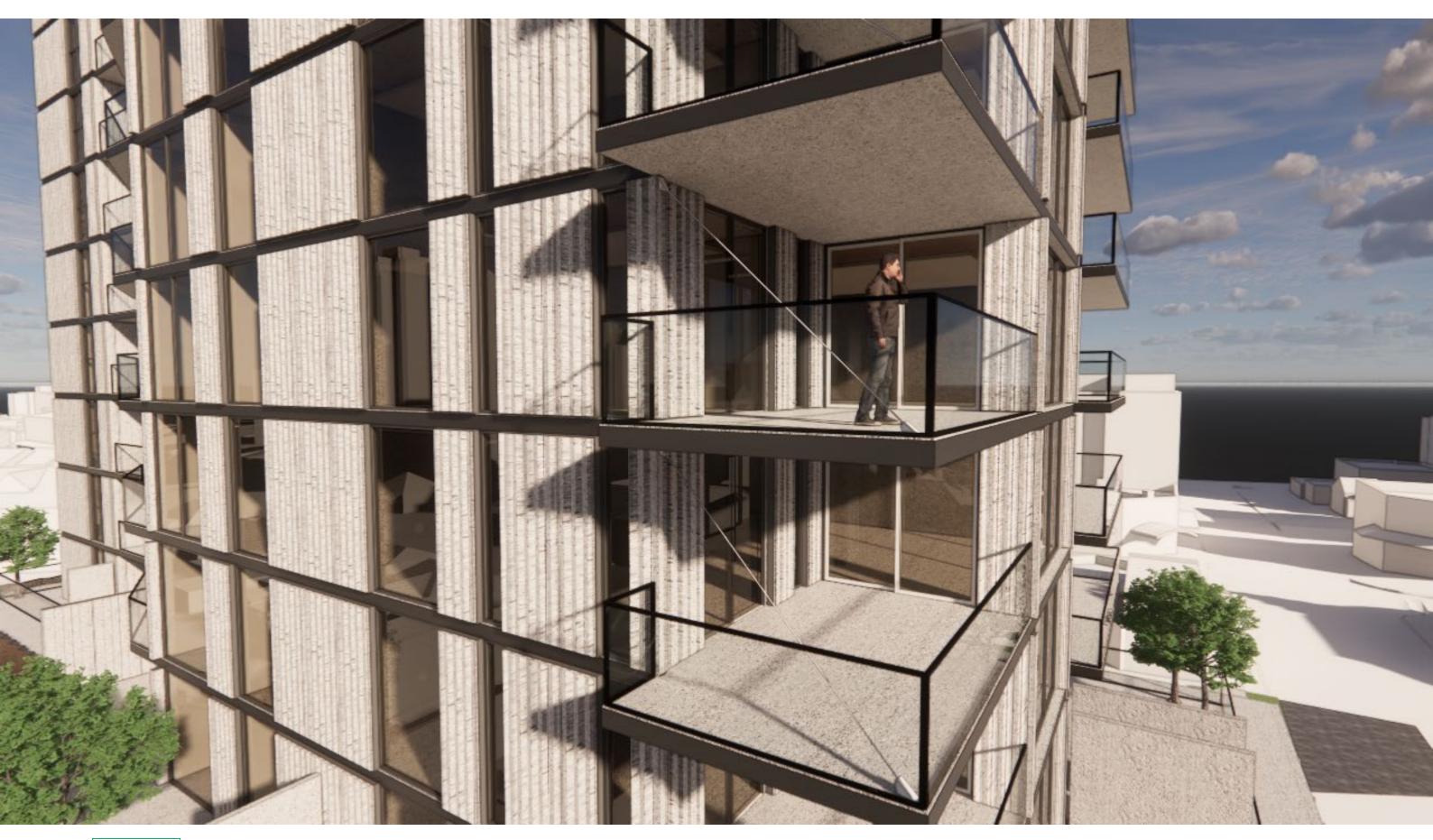
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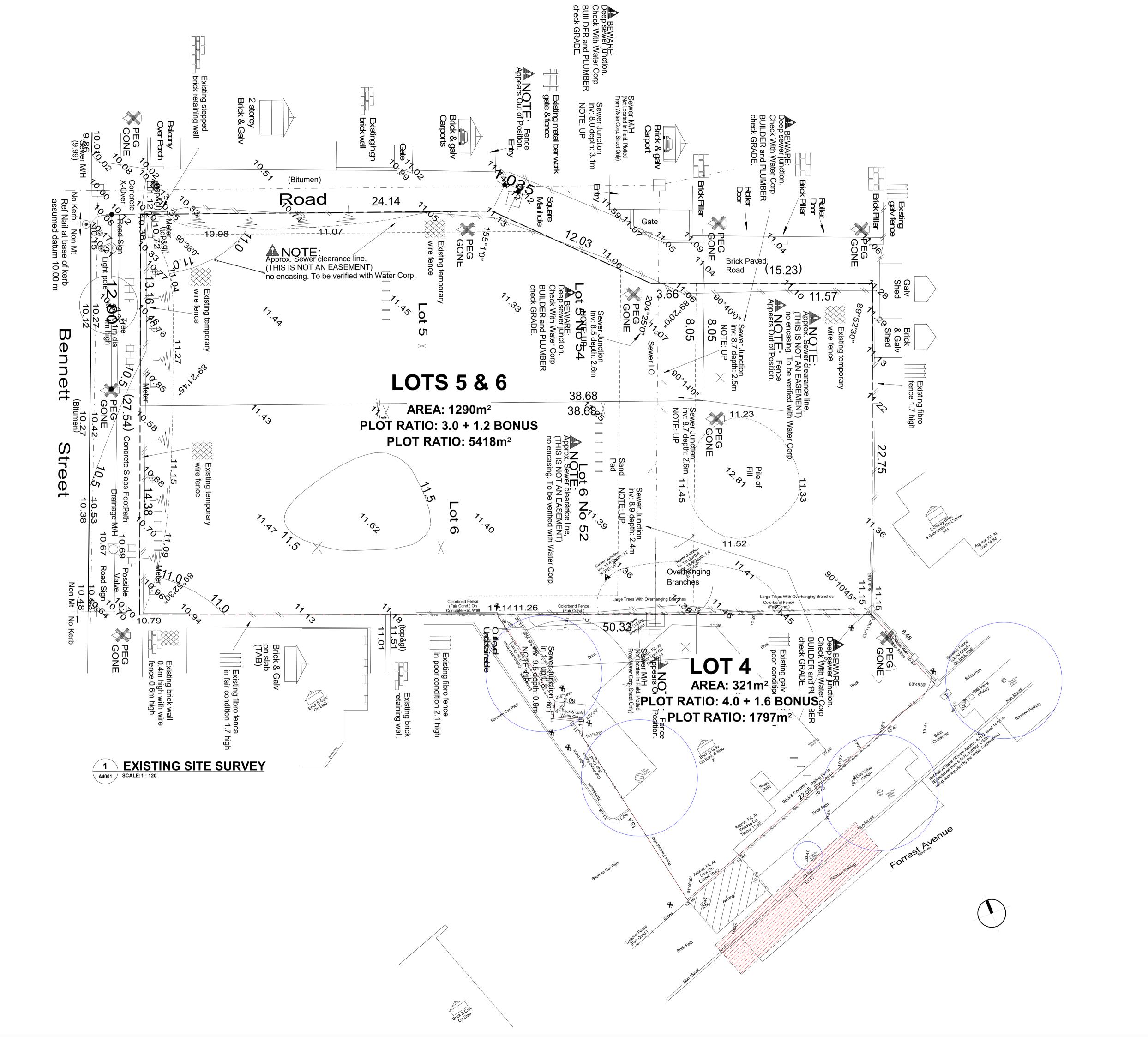
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Revision schedule

B 20/02/2023 REVISED DA
A 21/02/2022 REVISED DA

drawn by
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EXISTING SITE SURVEY

drawing #
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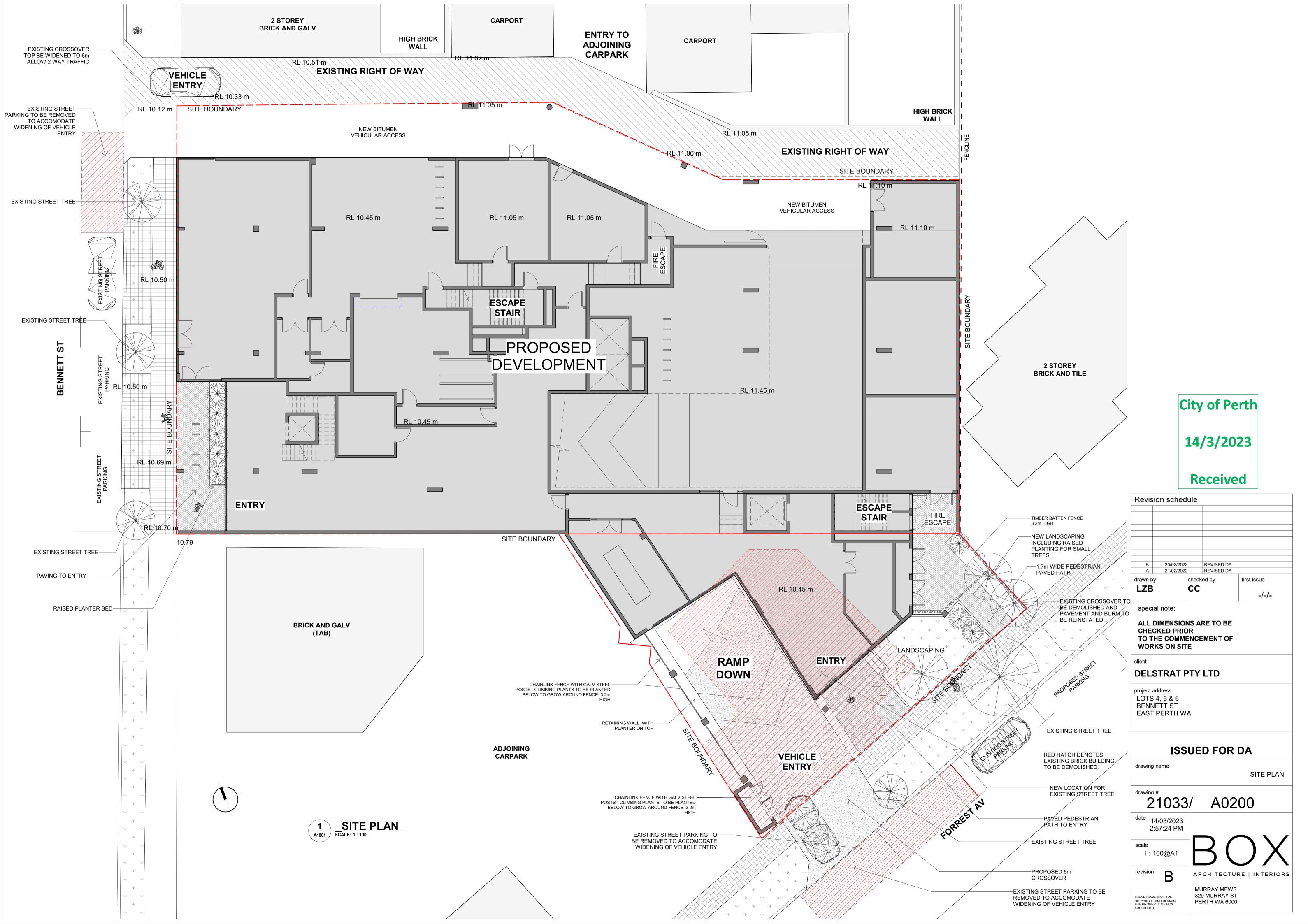
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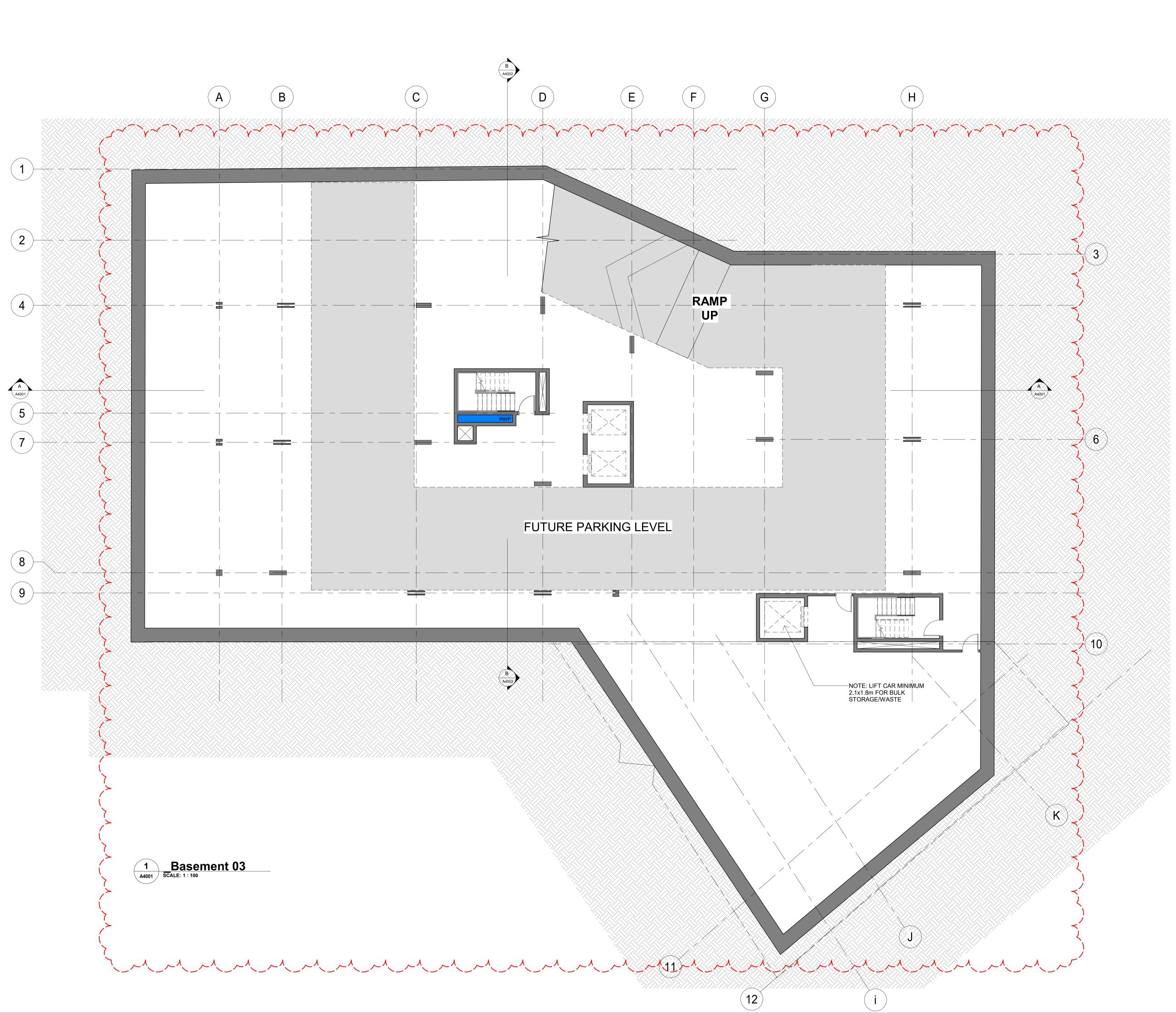
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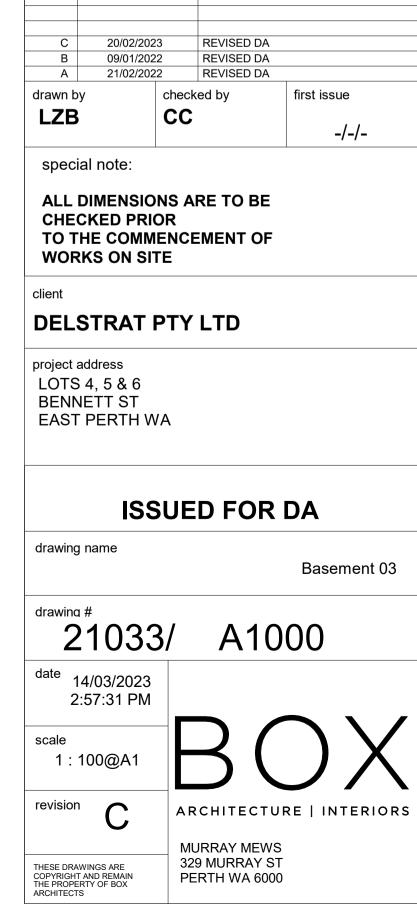
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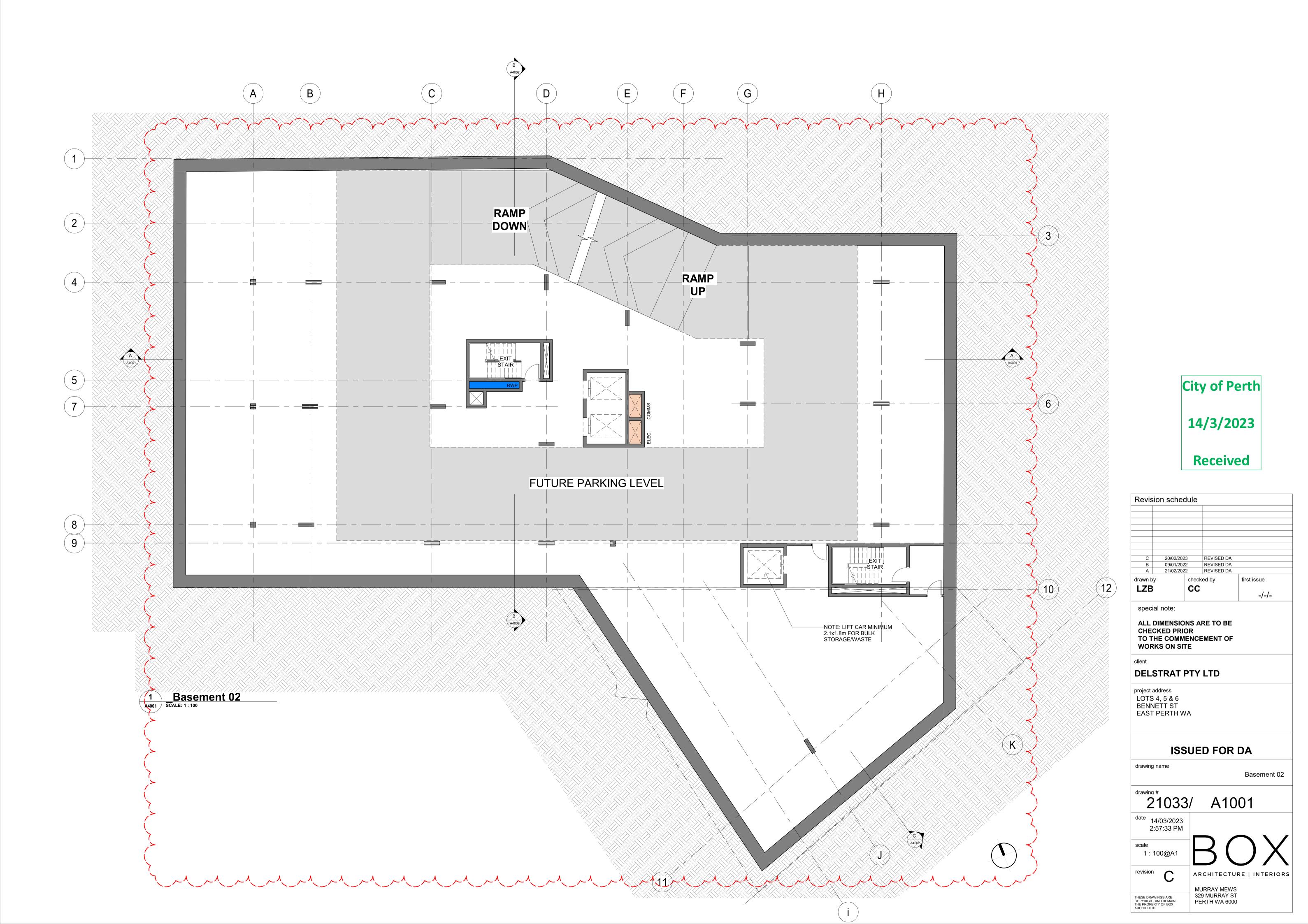


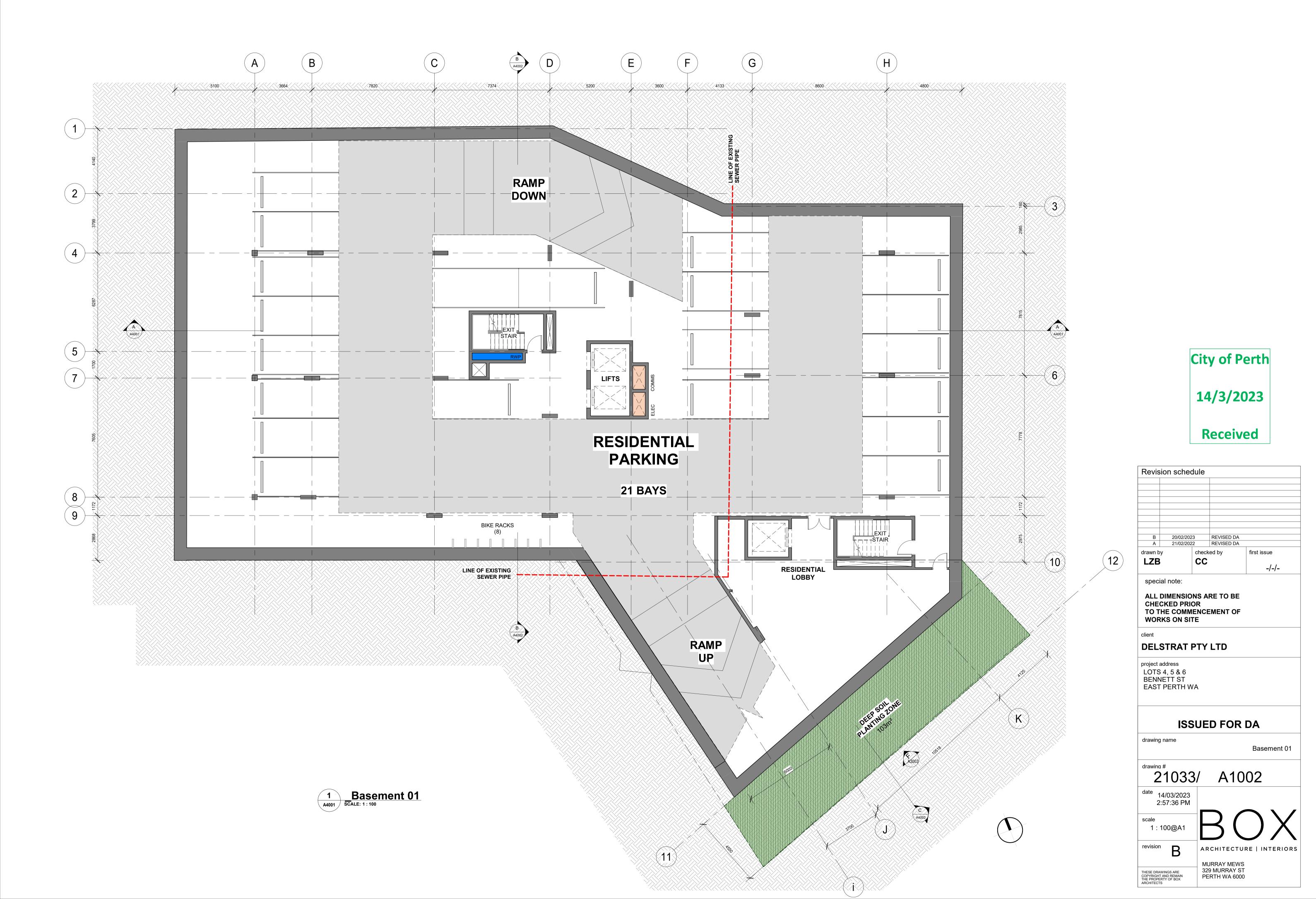


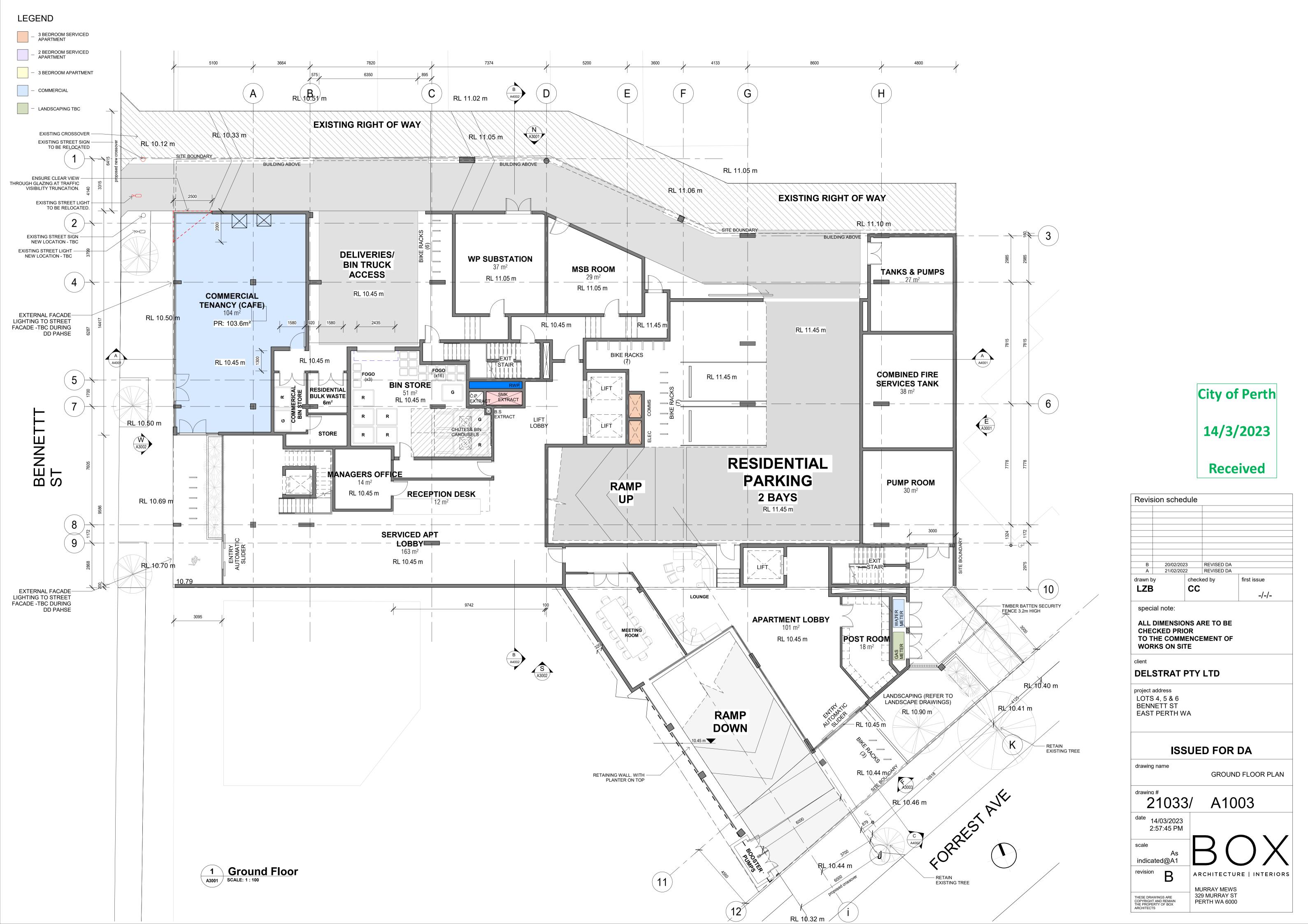


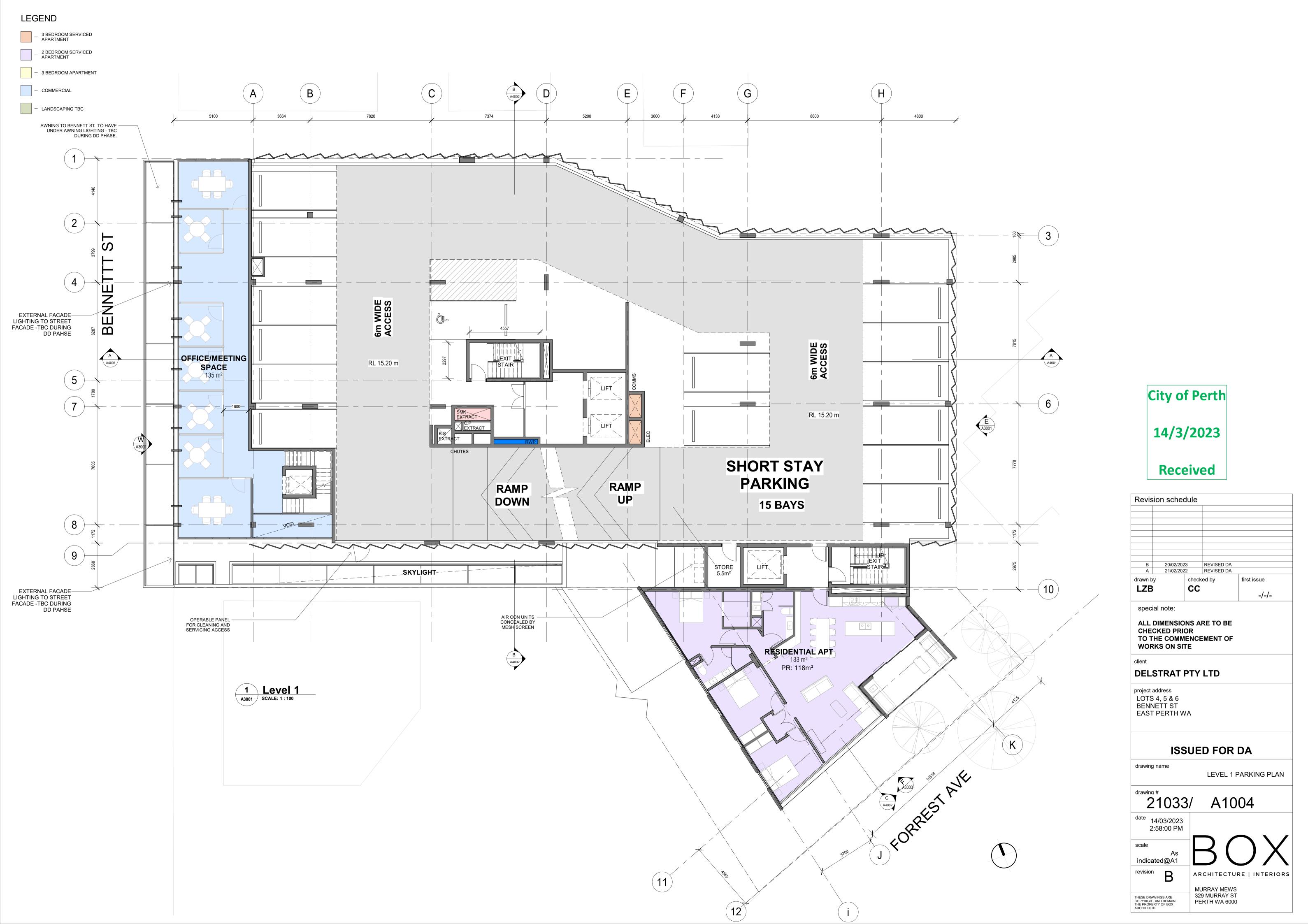
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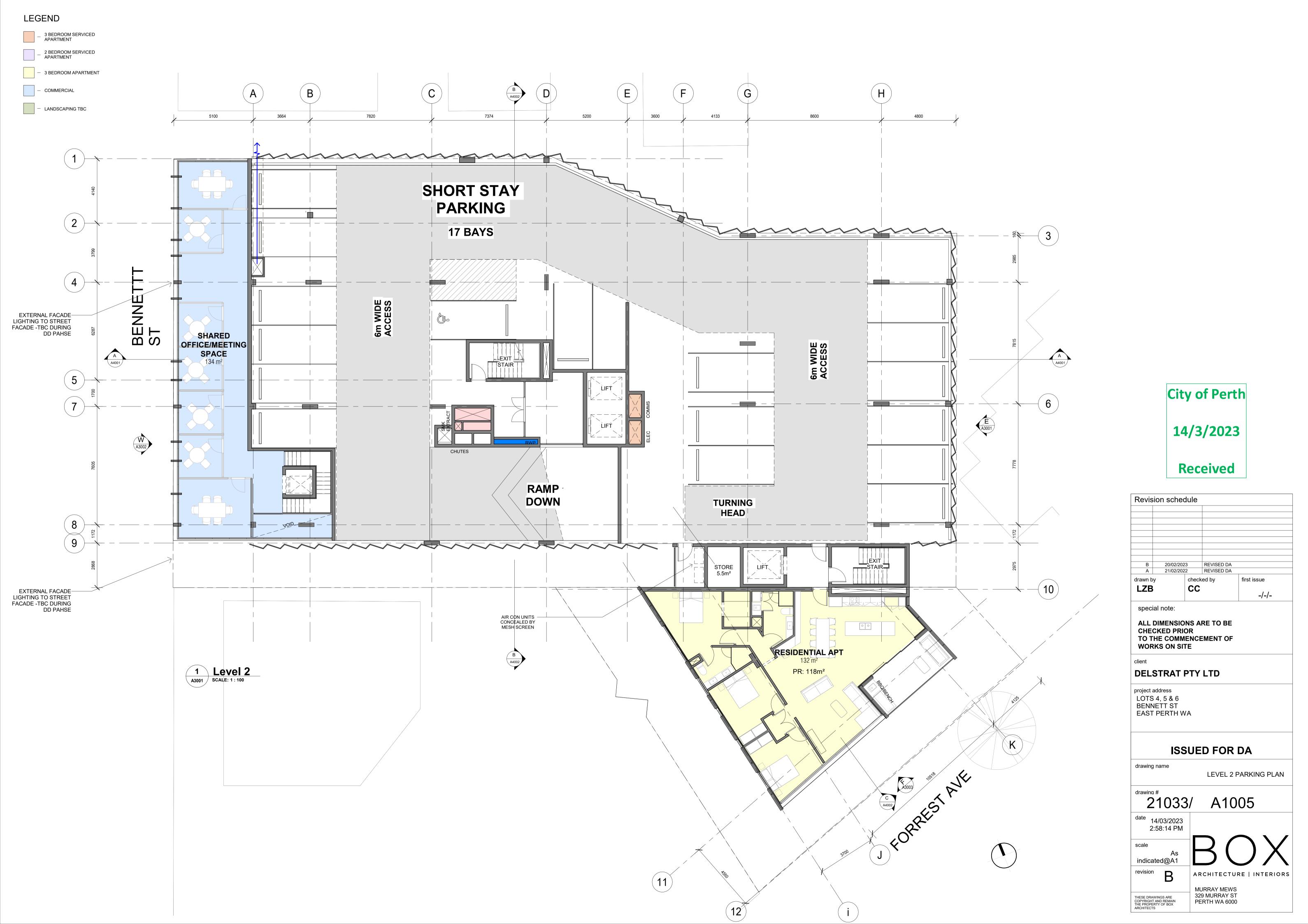




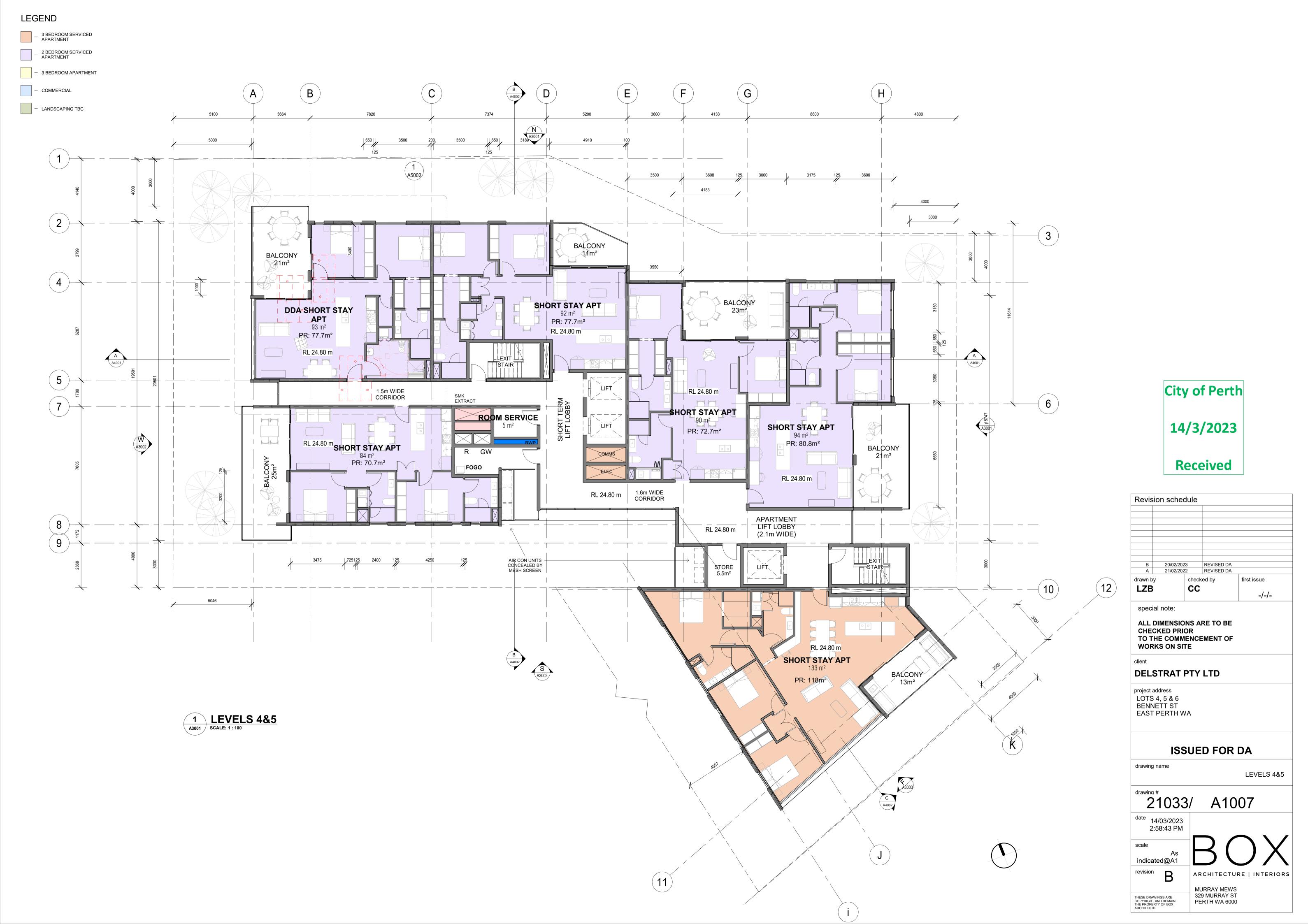


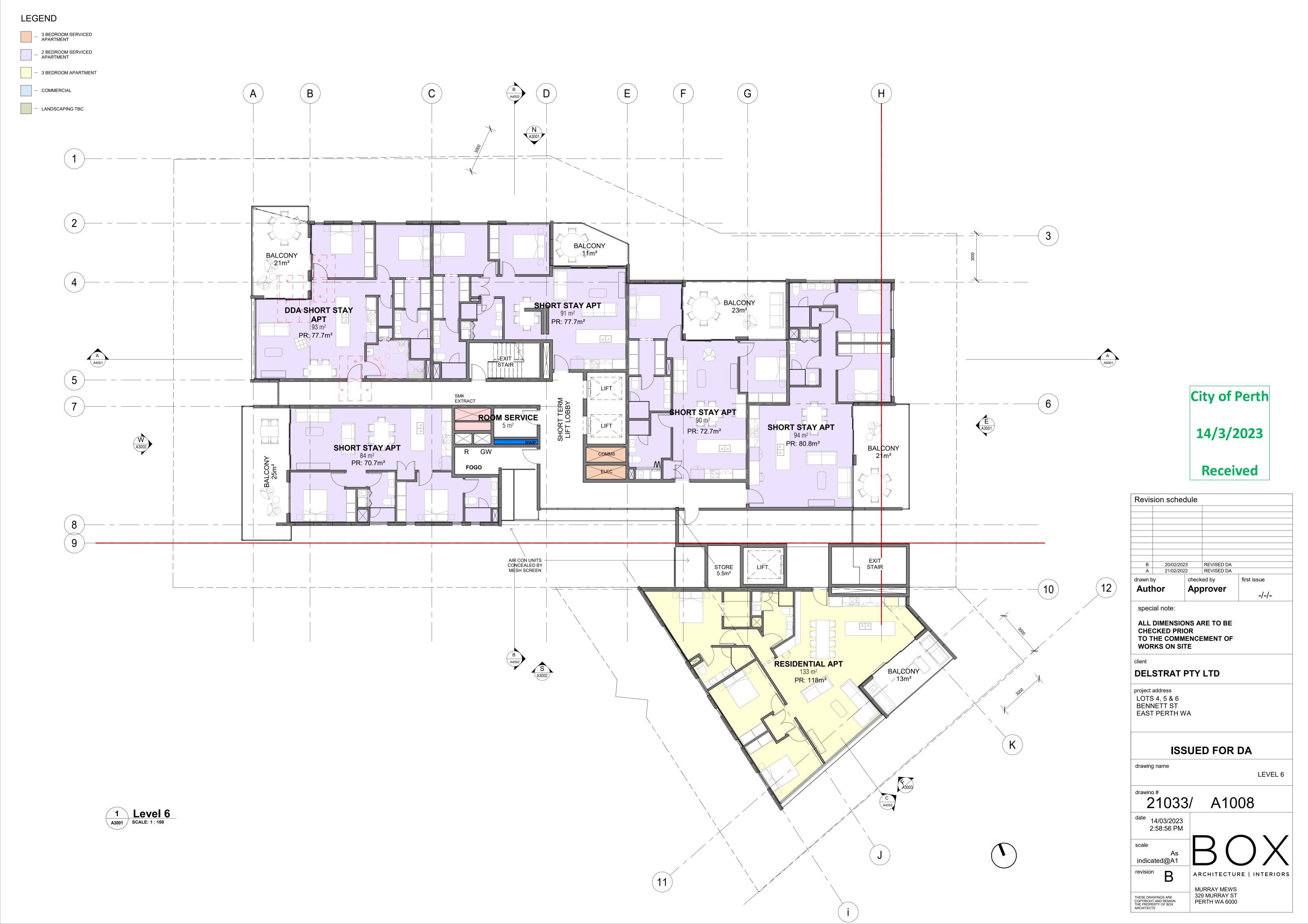


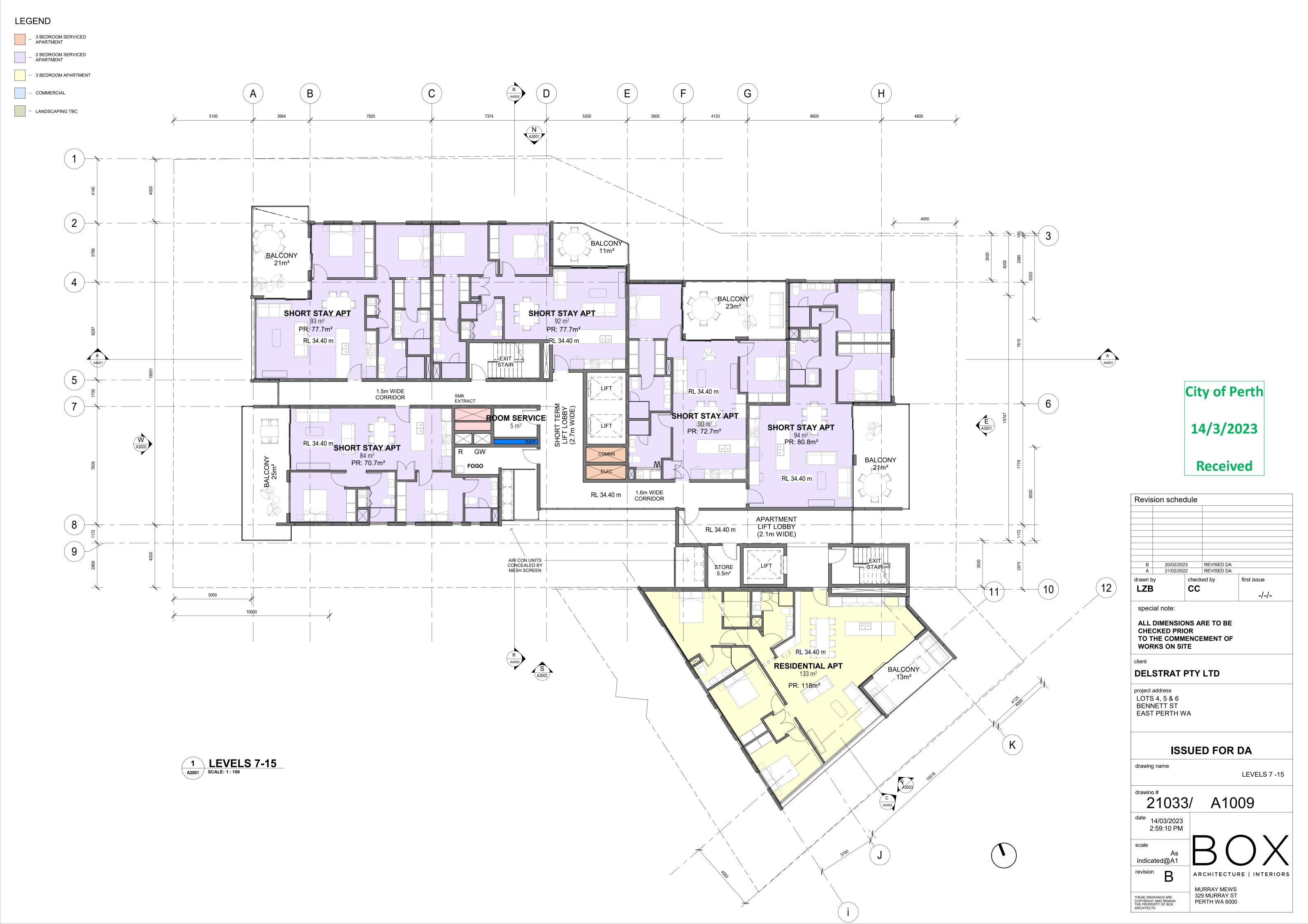




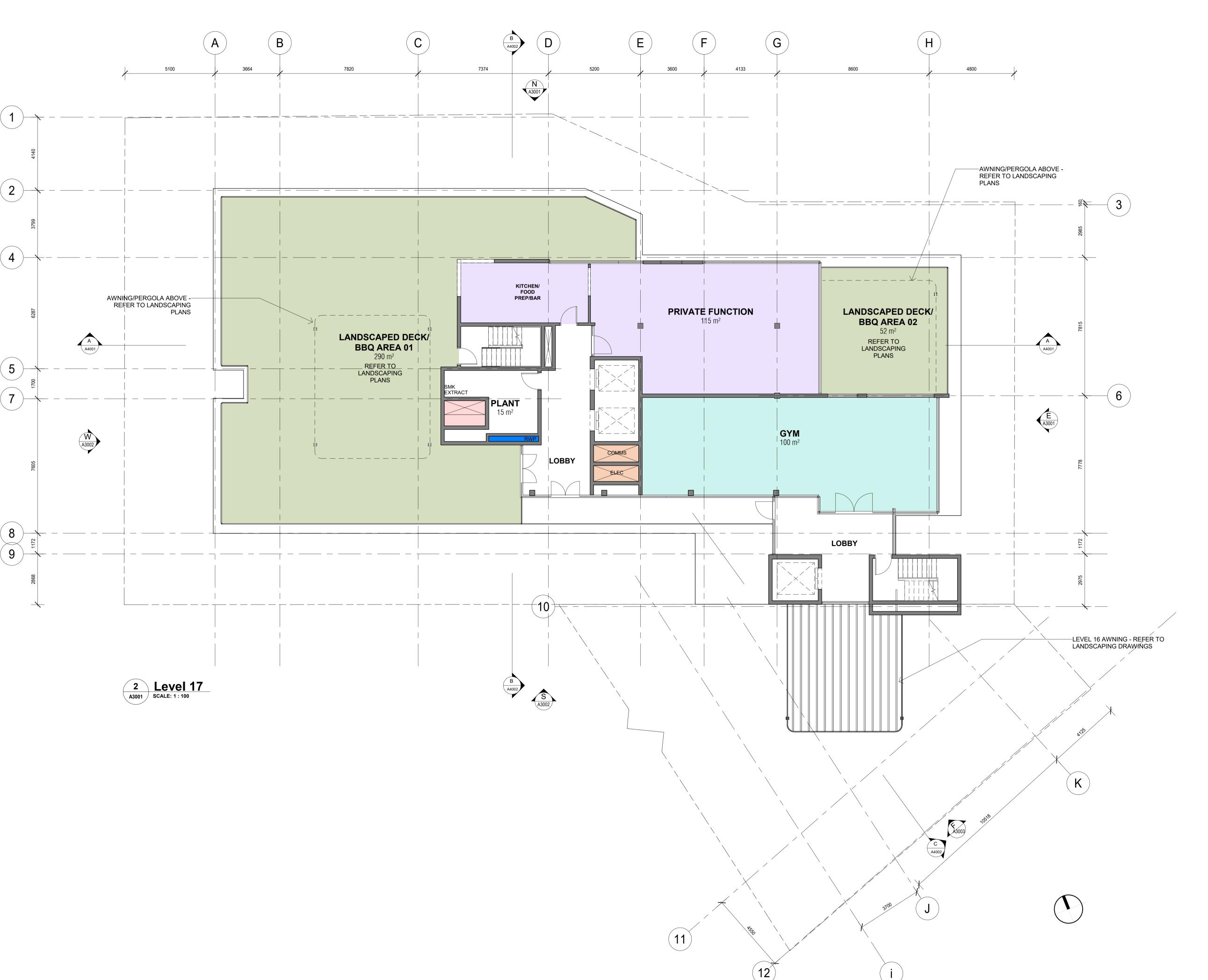




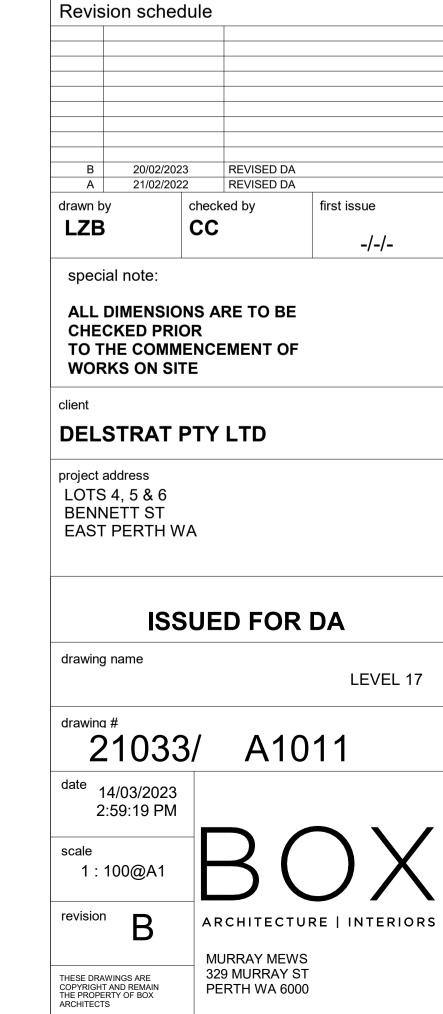


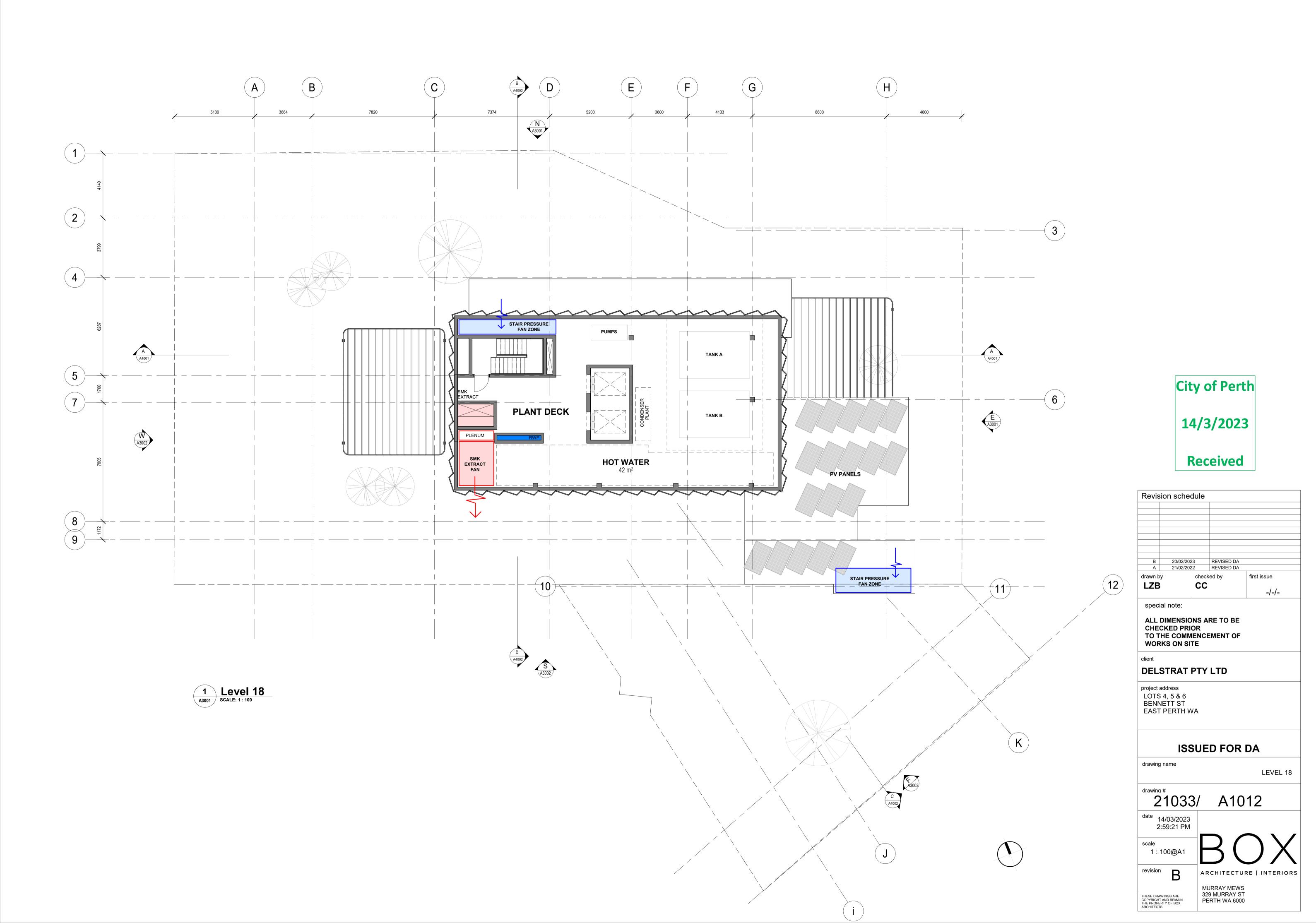


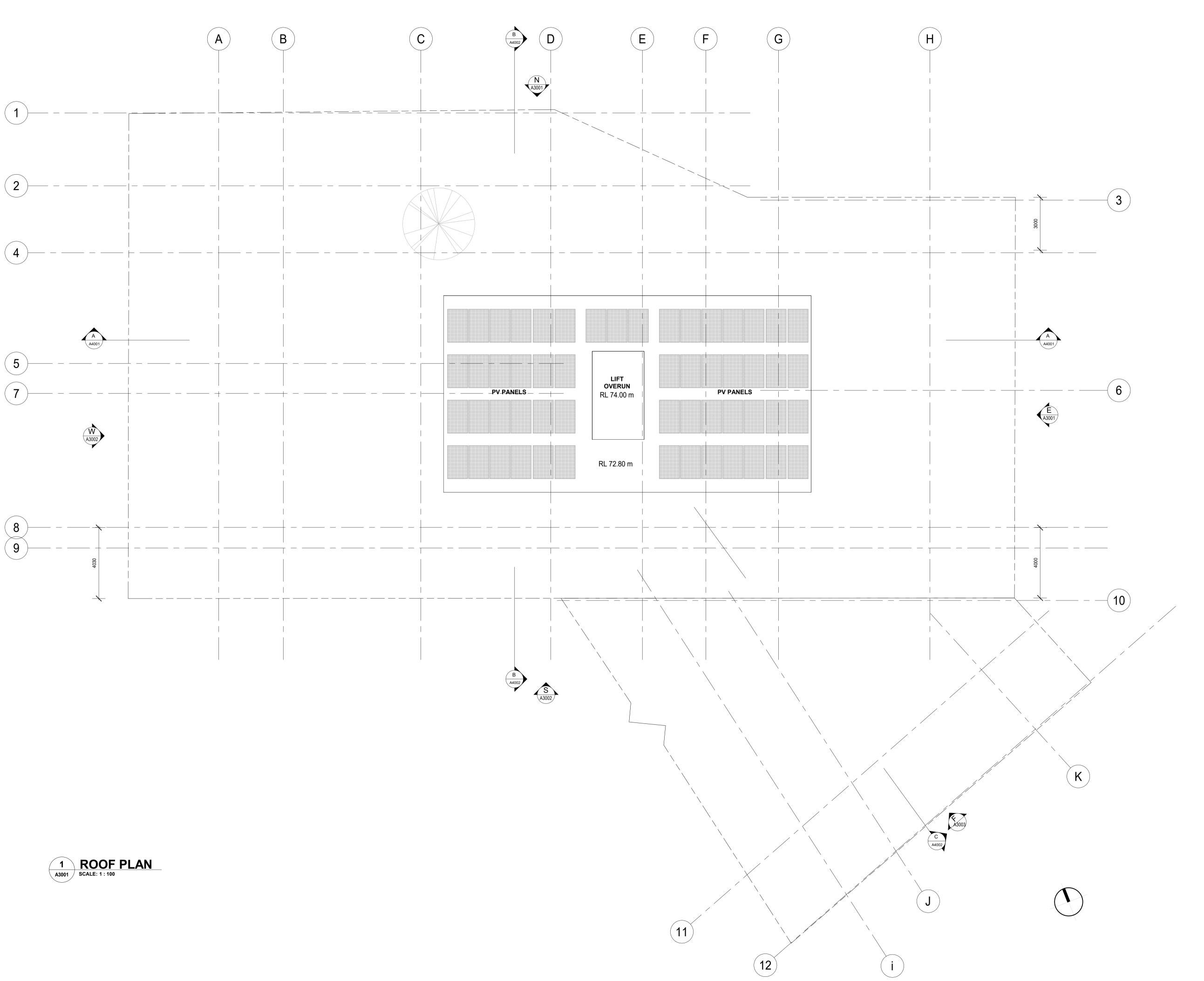








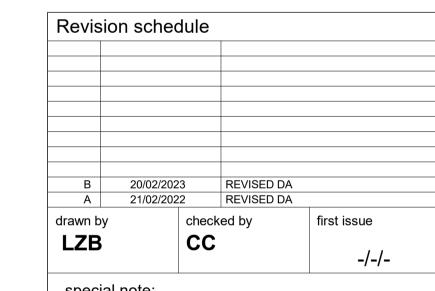




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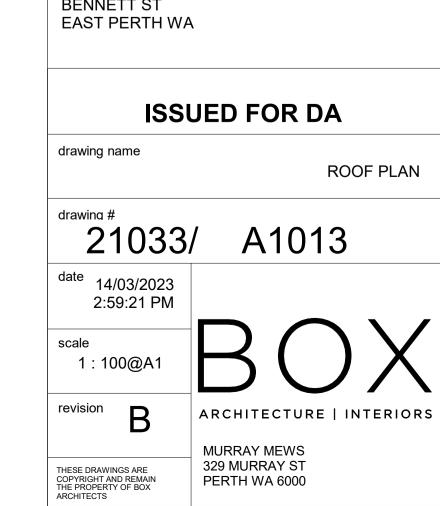
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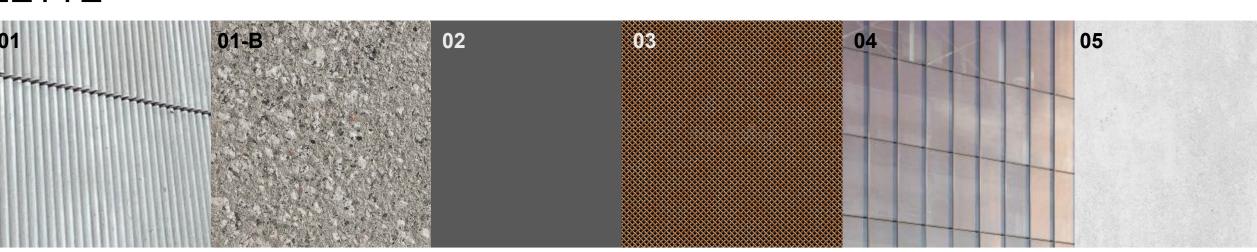
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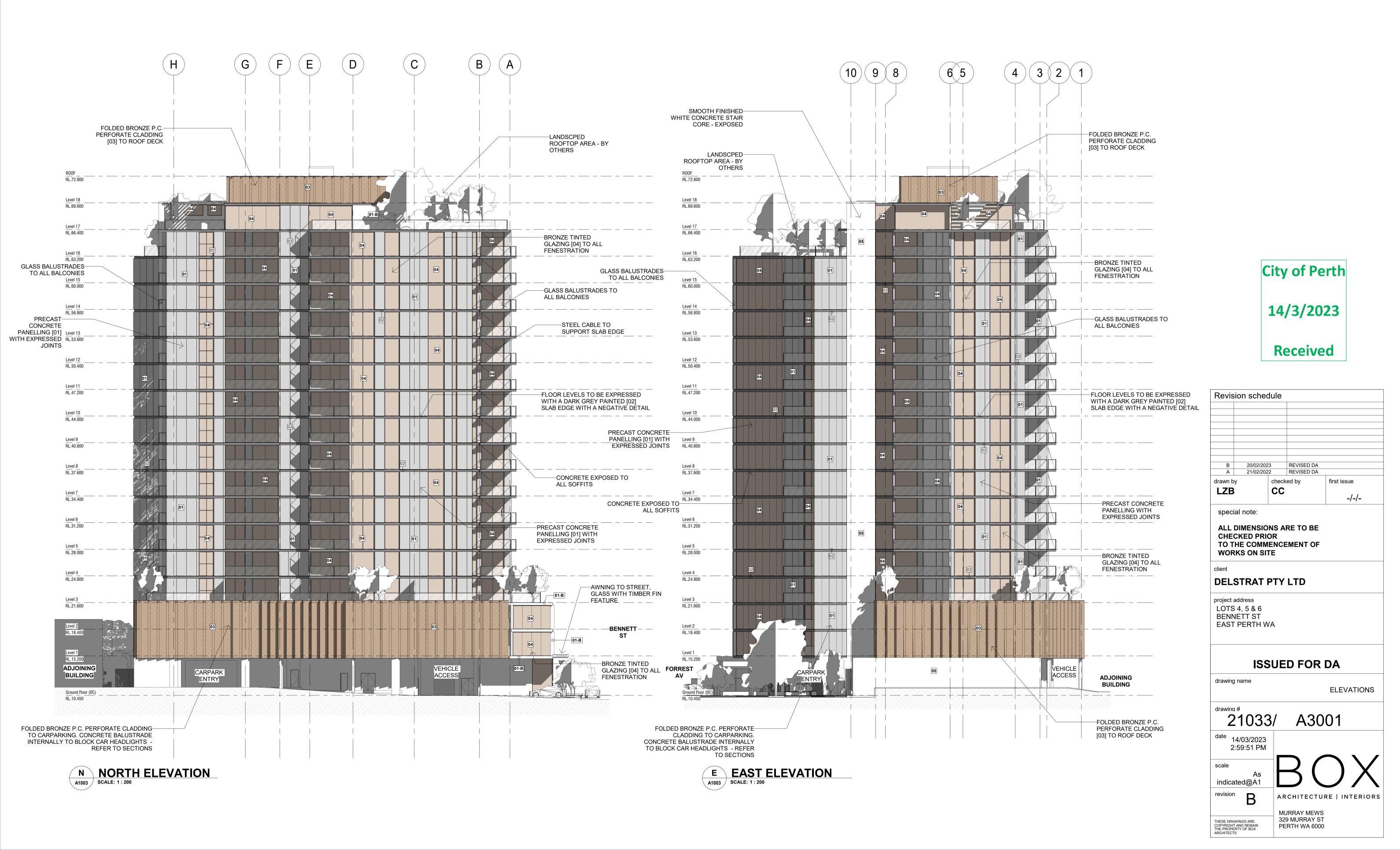
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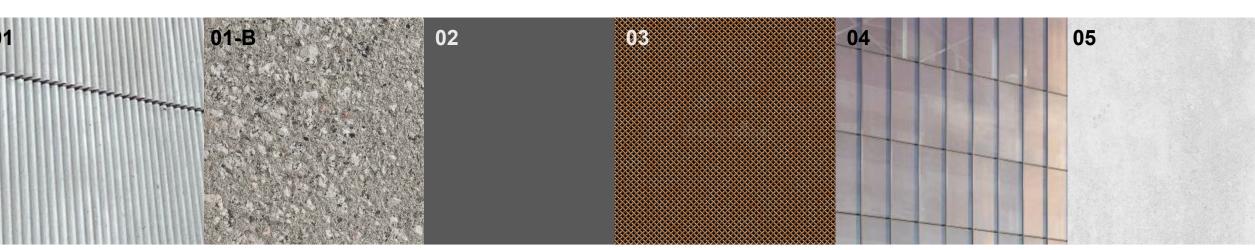
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03. FOLDED BRONZE POWDERCOATED
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05. SMOOTH WHITE CONCRETE

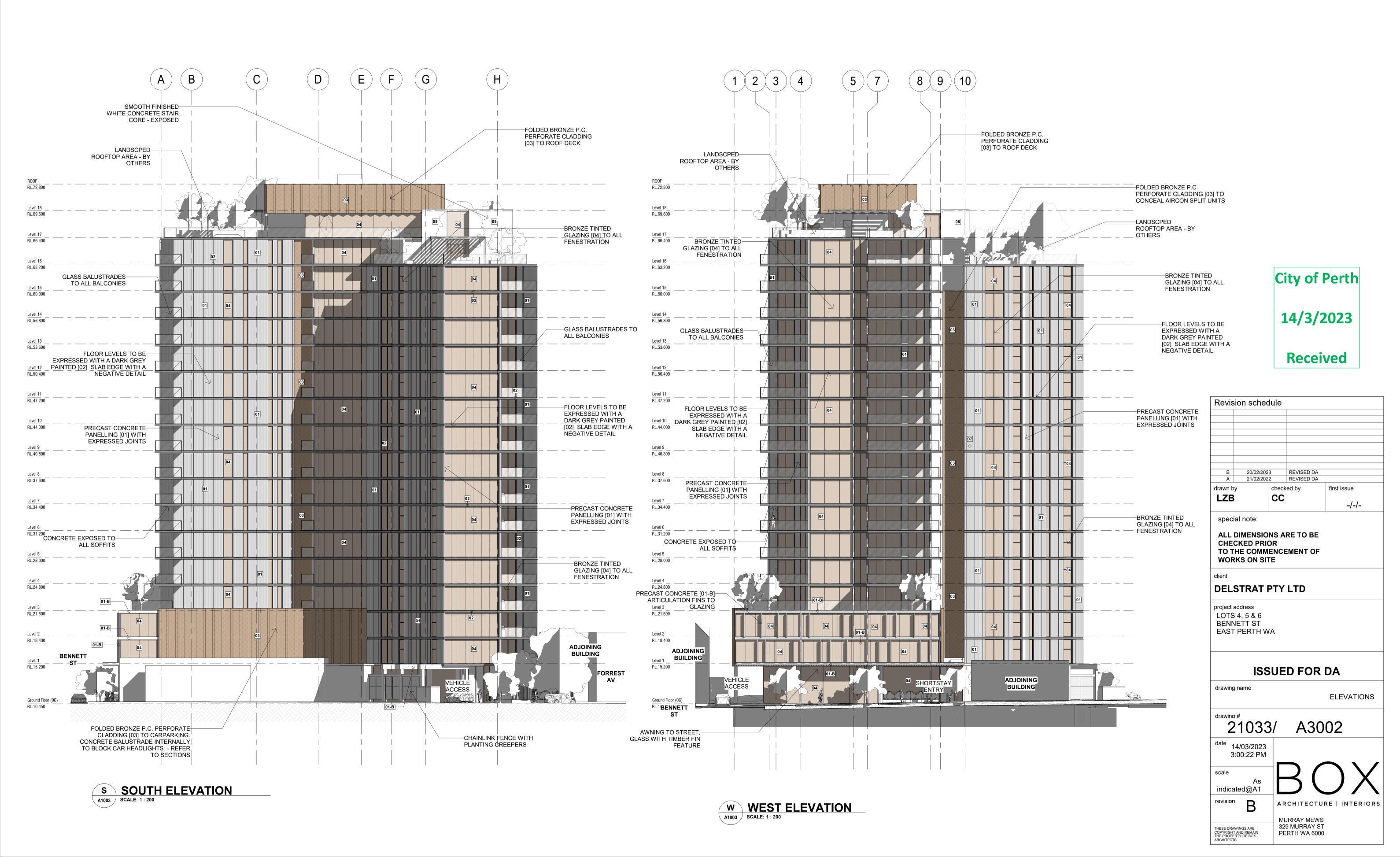




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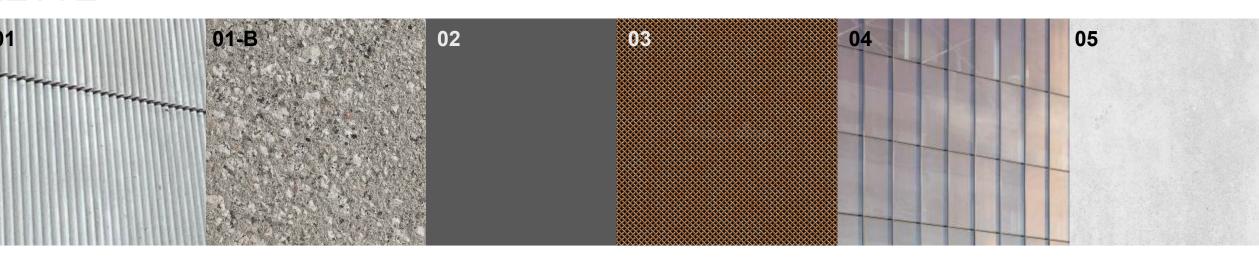
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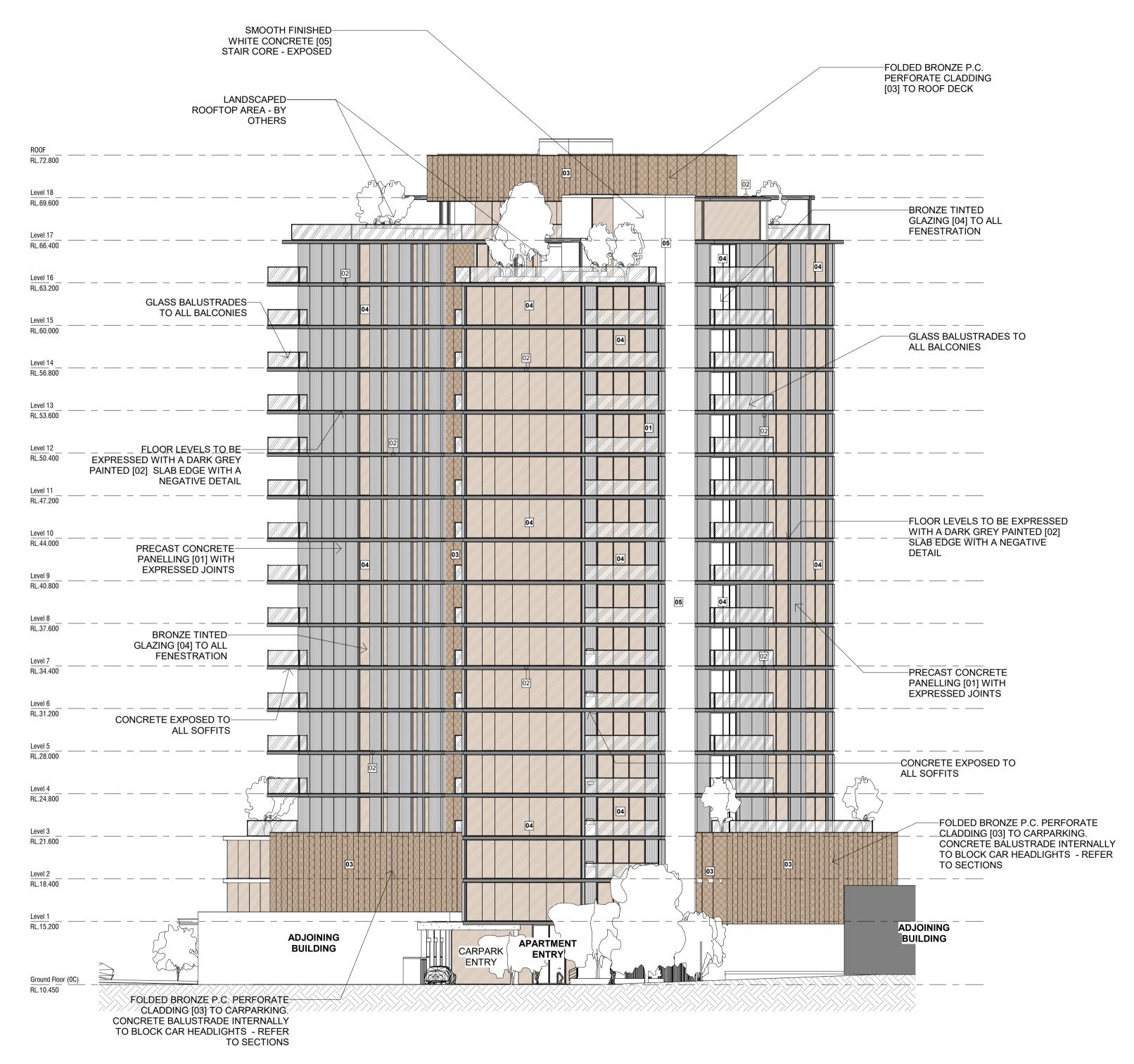




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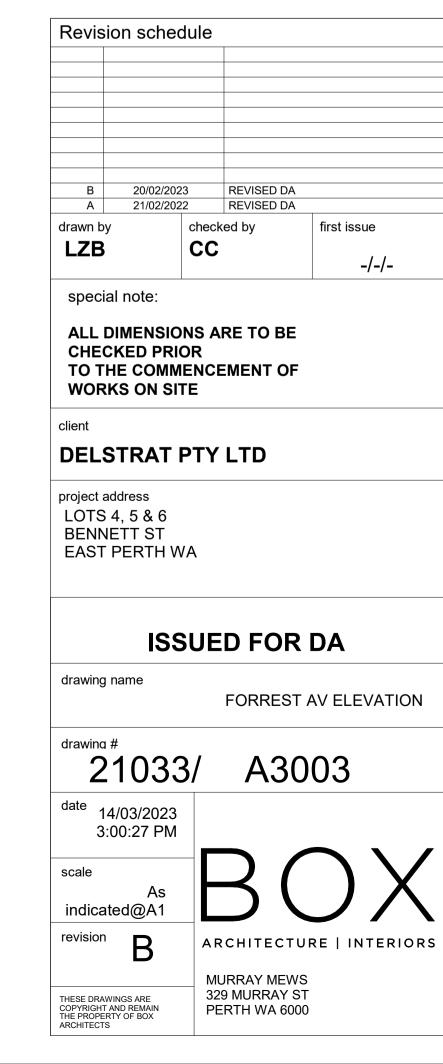


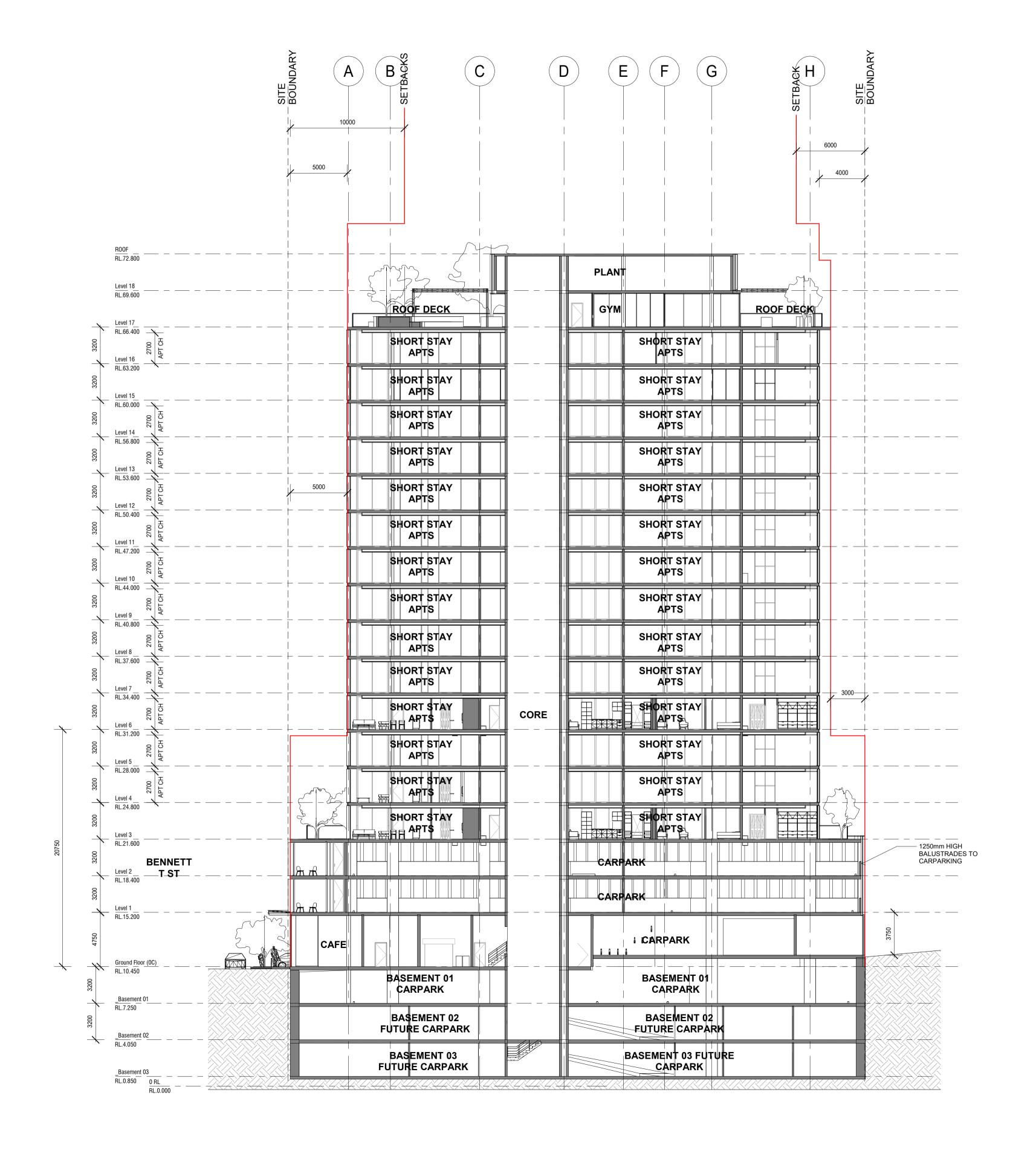
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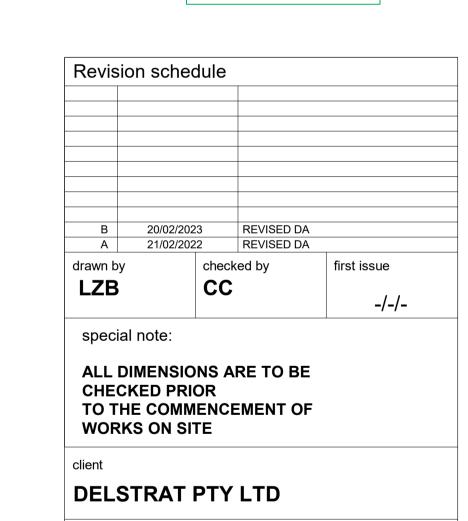






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project address

LOTS 4, 5 & 6 BENNETT ST

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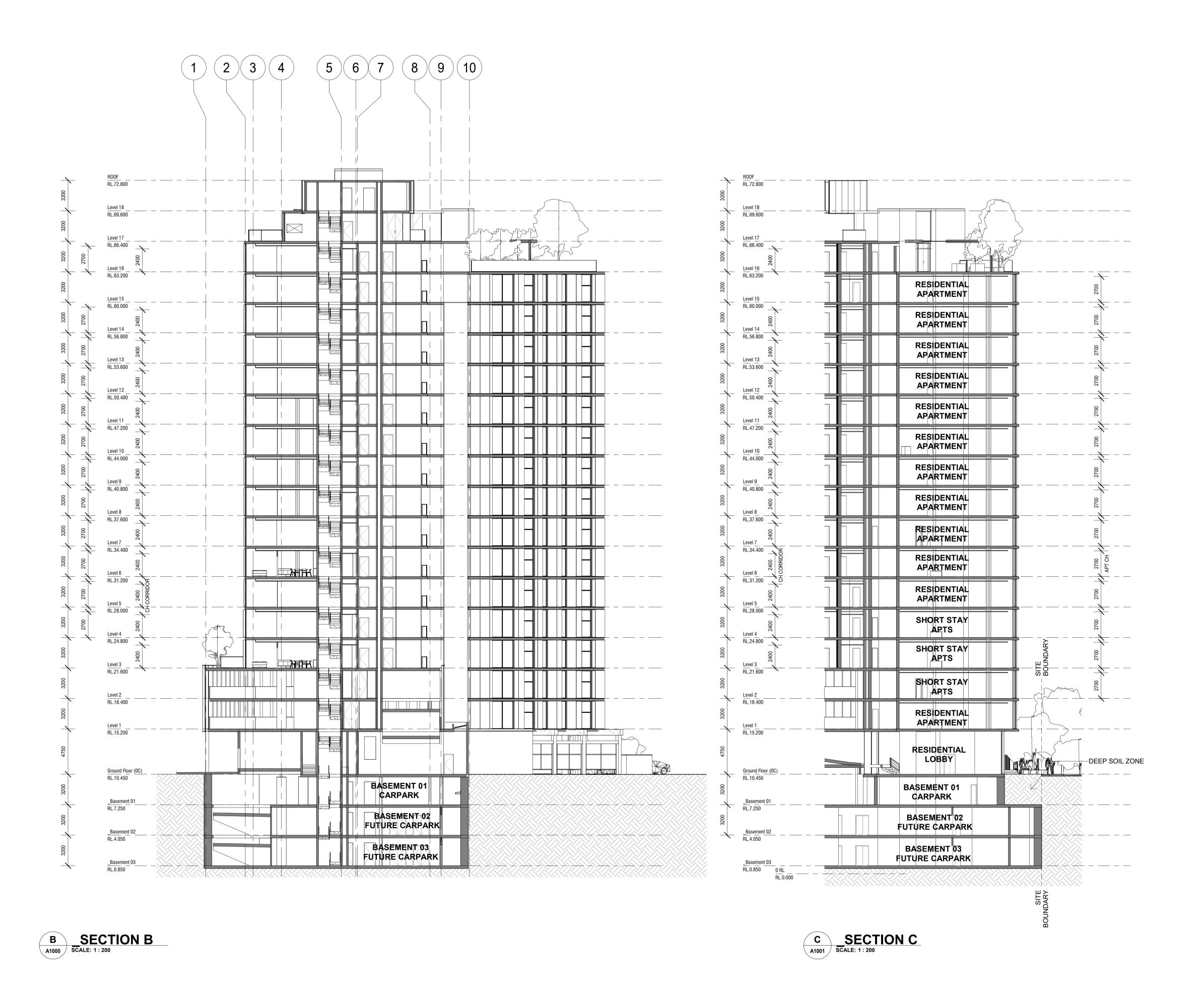
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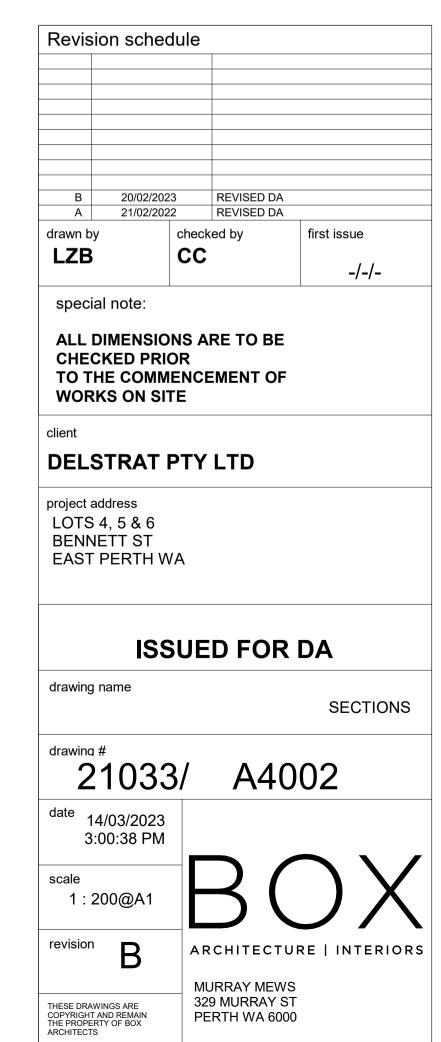
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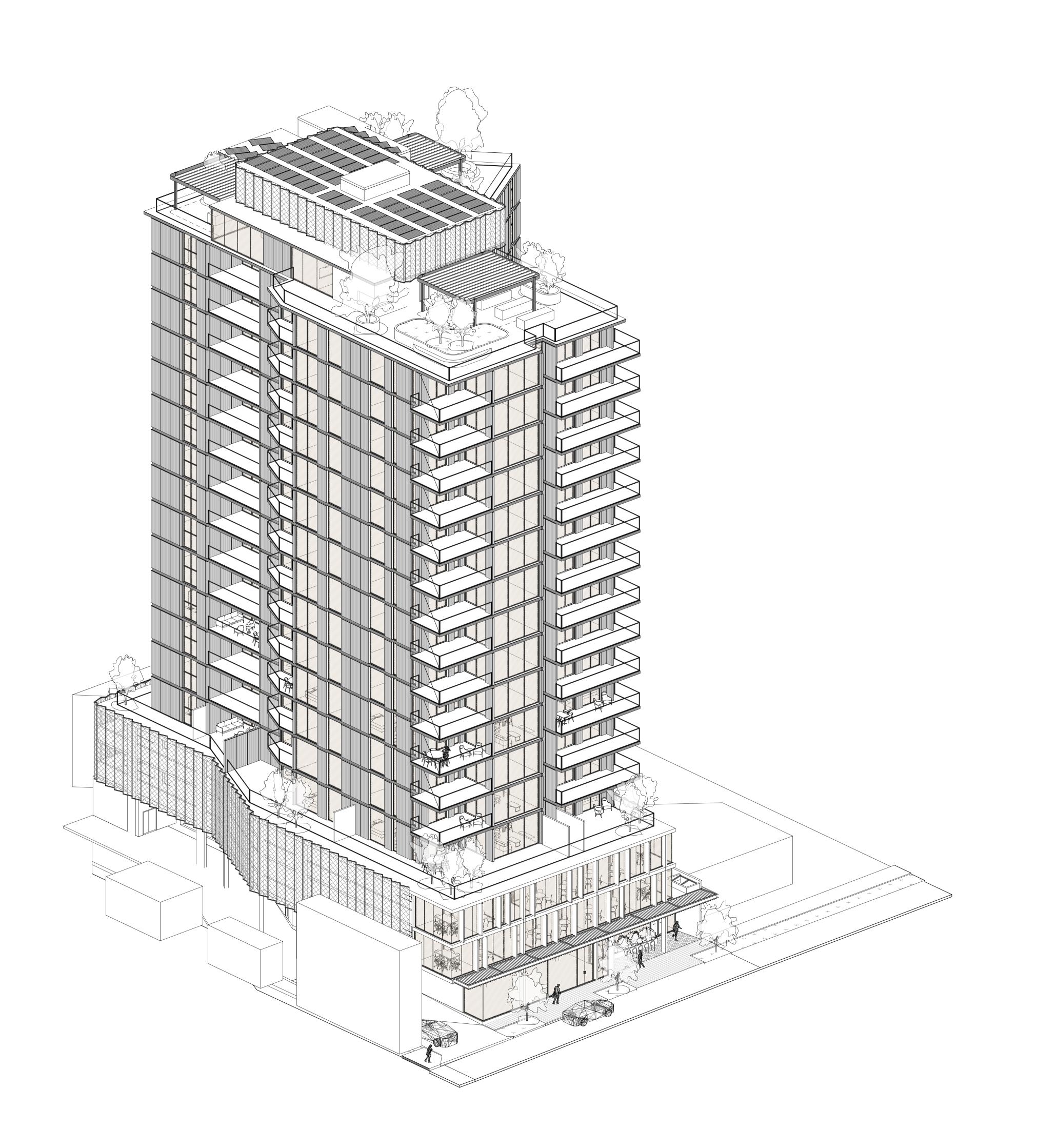


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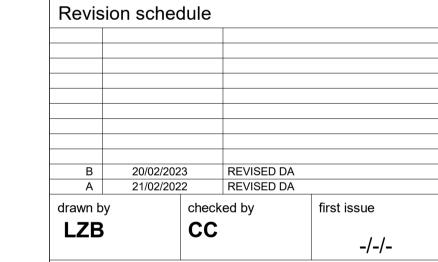
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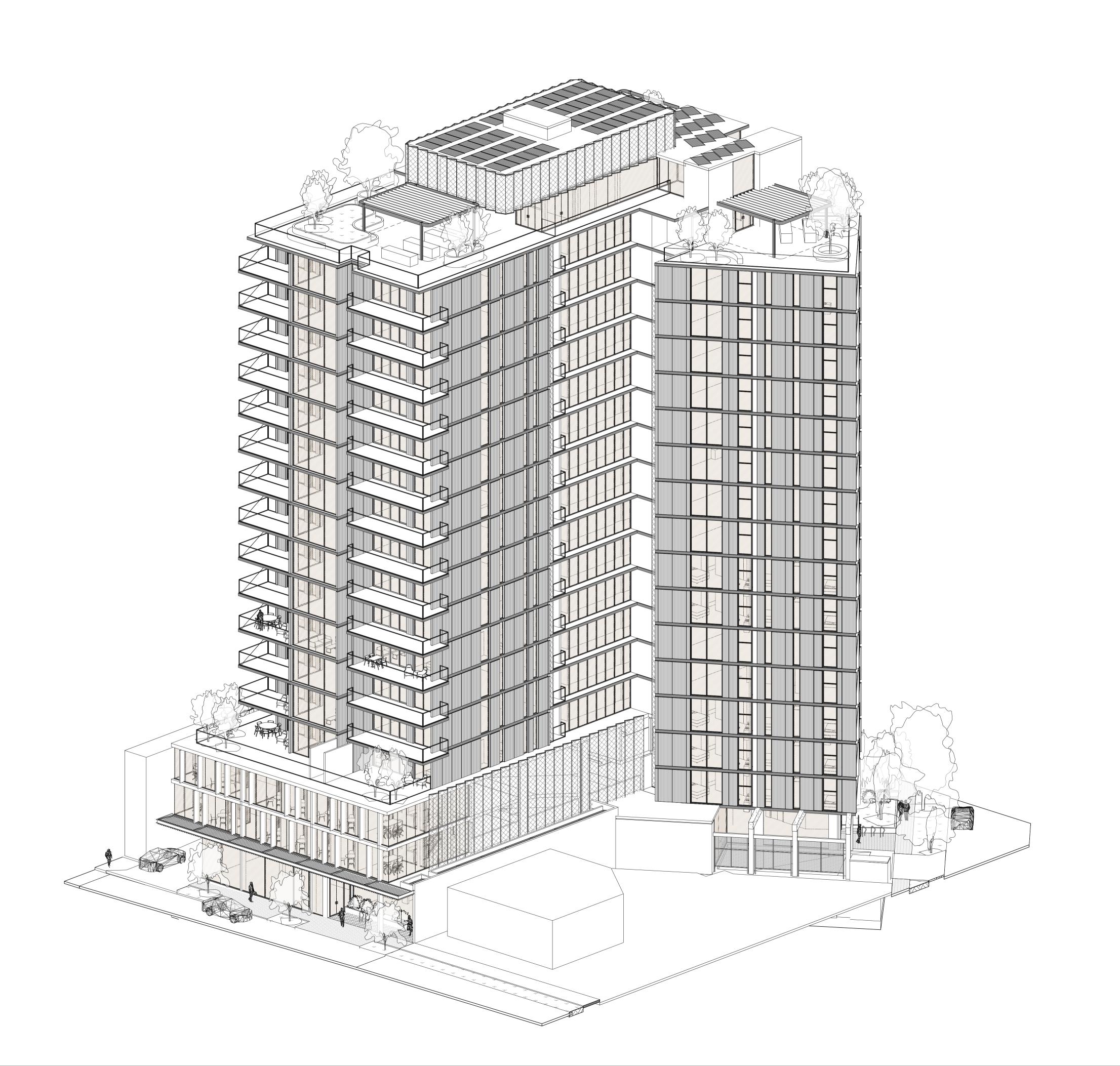
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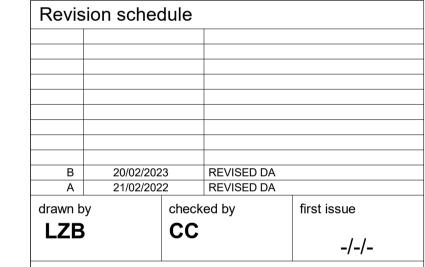
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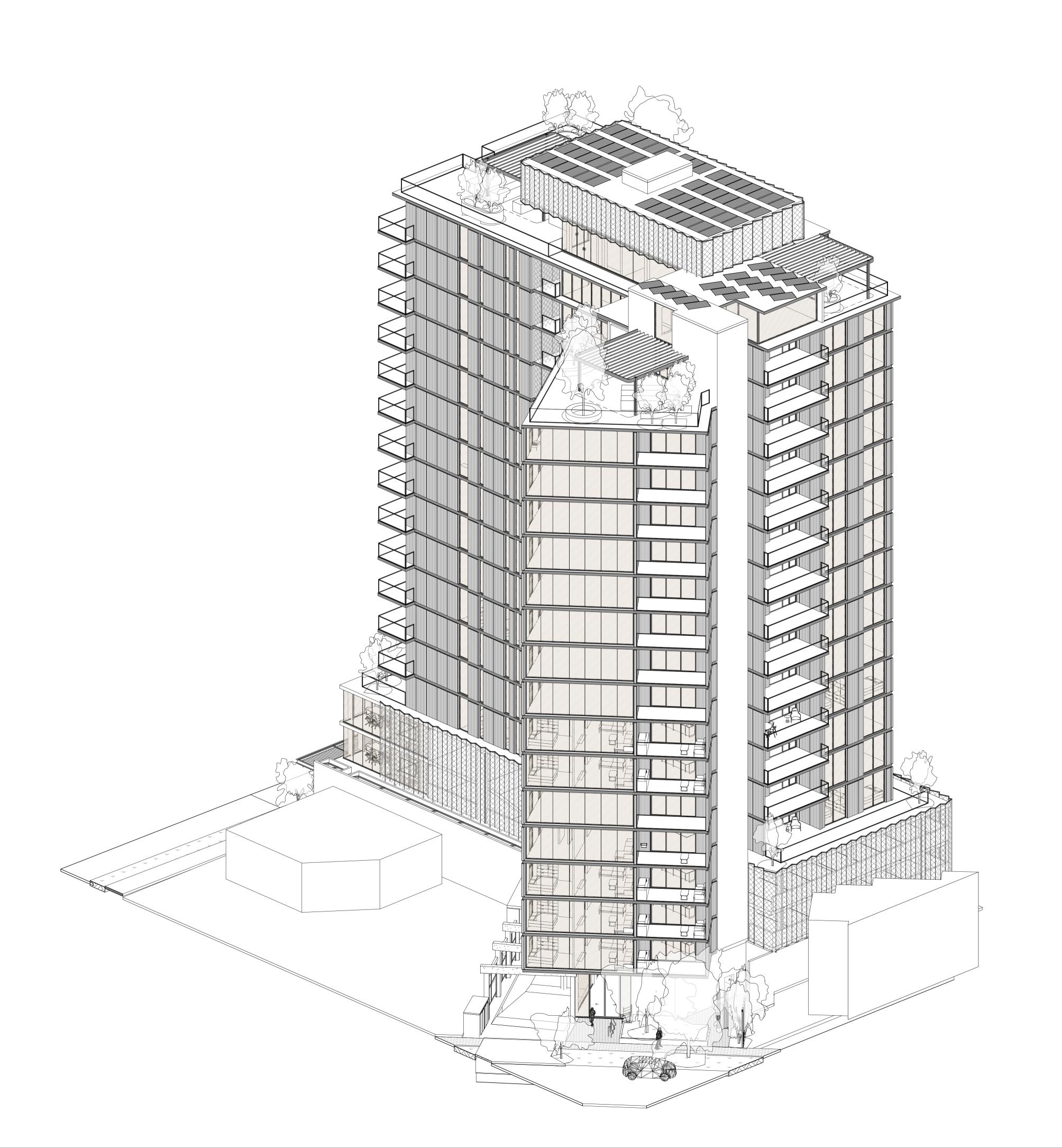
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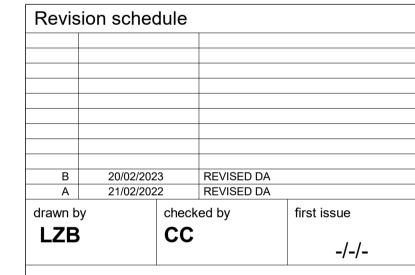
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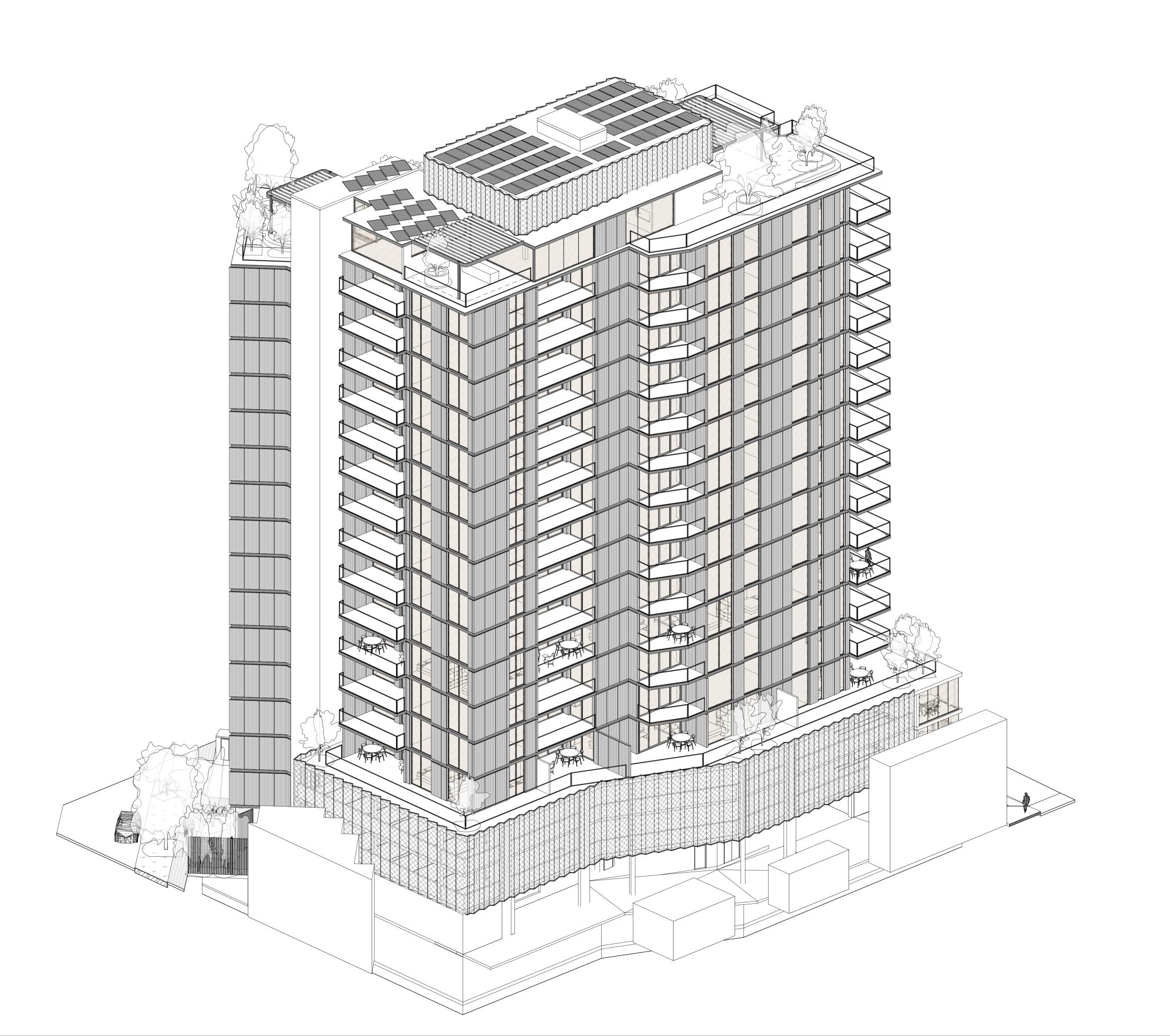
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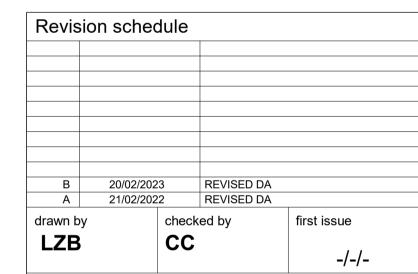
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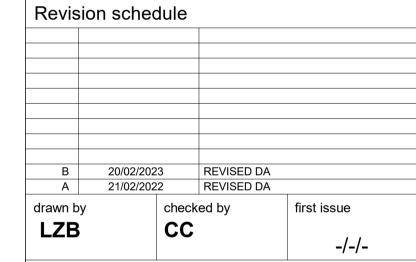
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PERSPECTIVES

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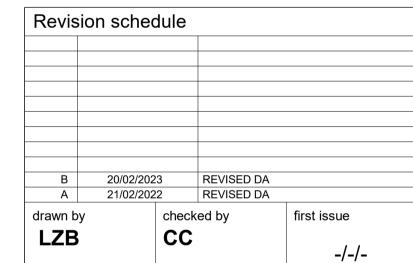
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PERSPECTIVES

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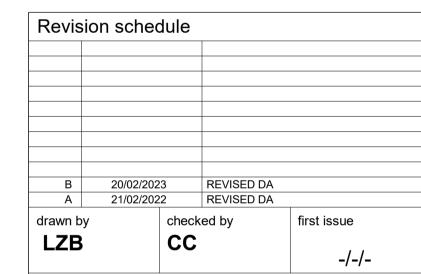
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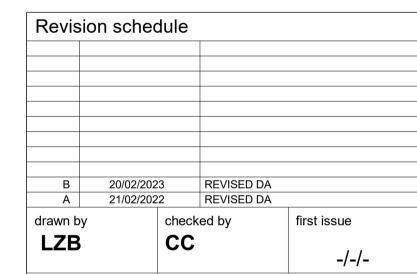
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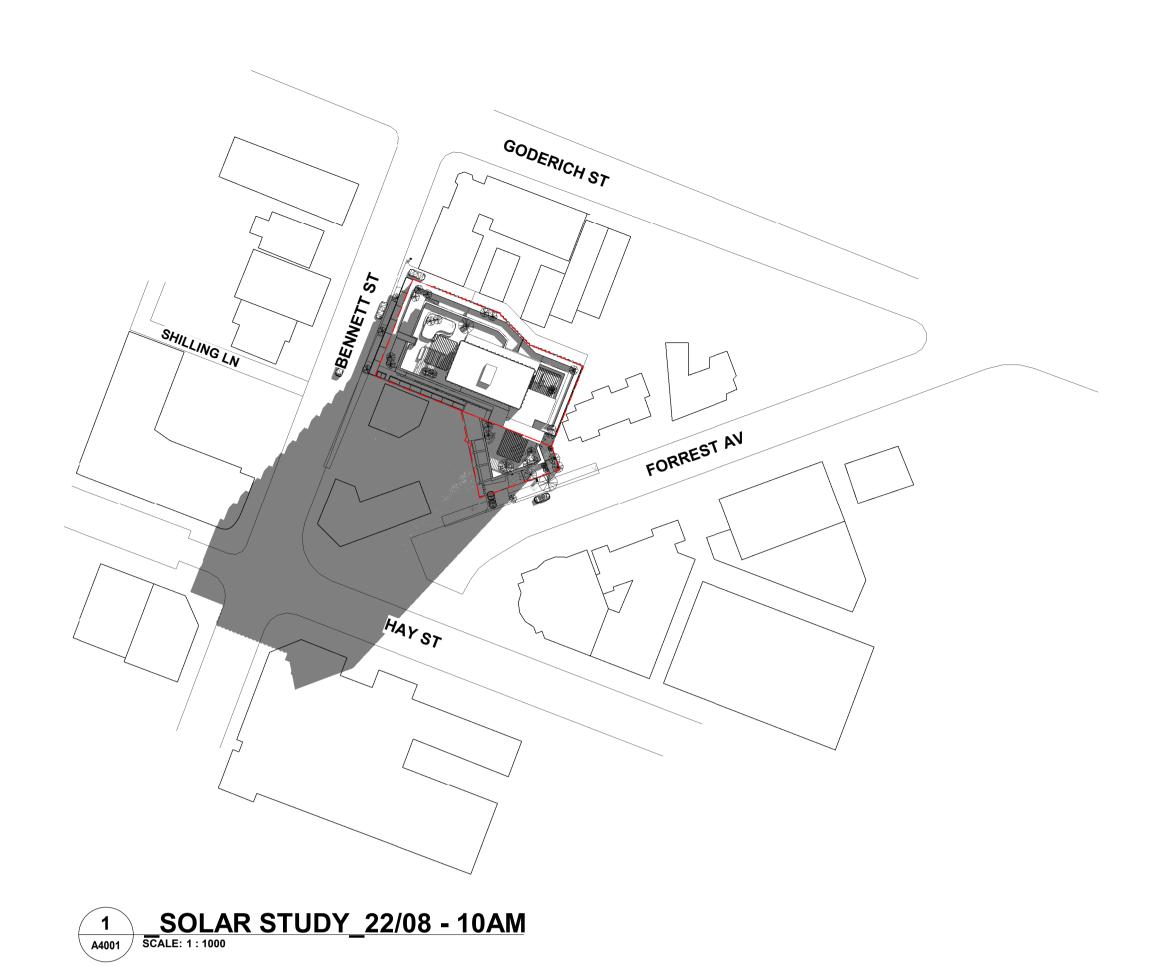
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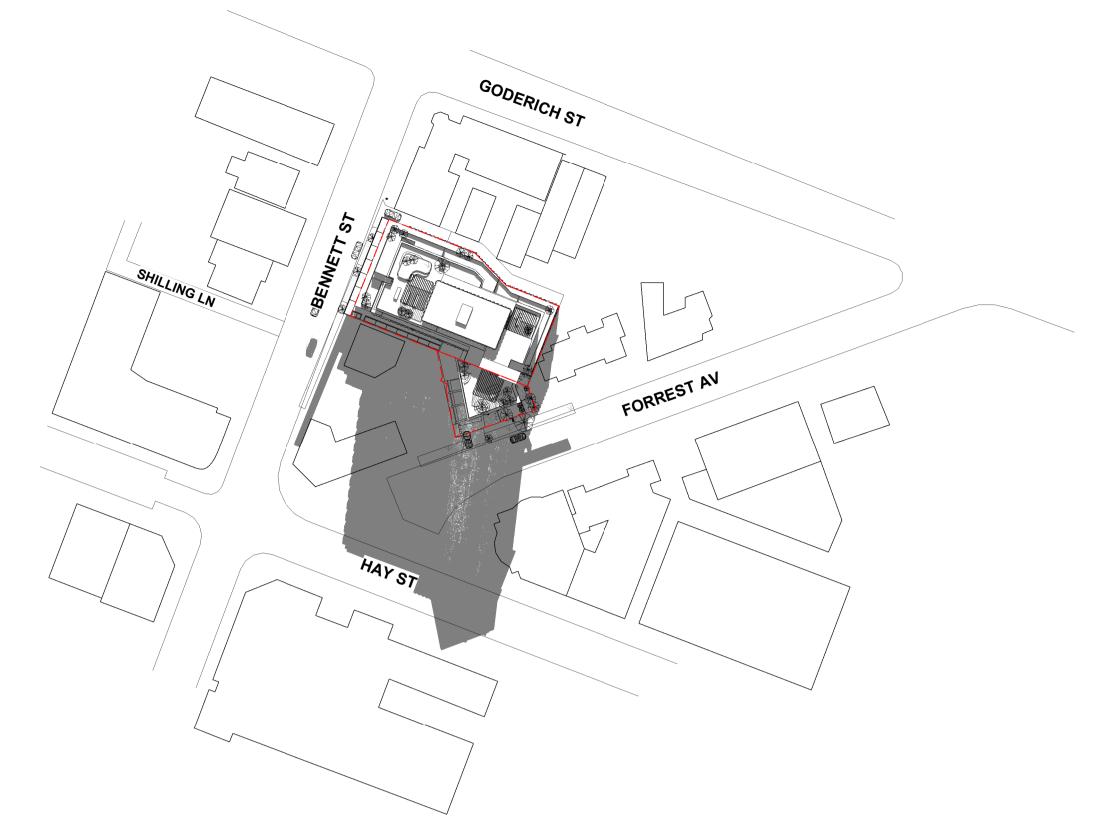
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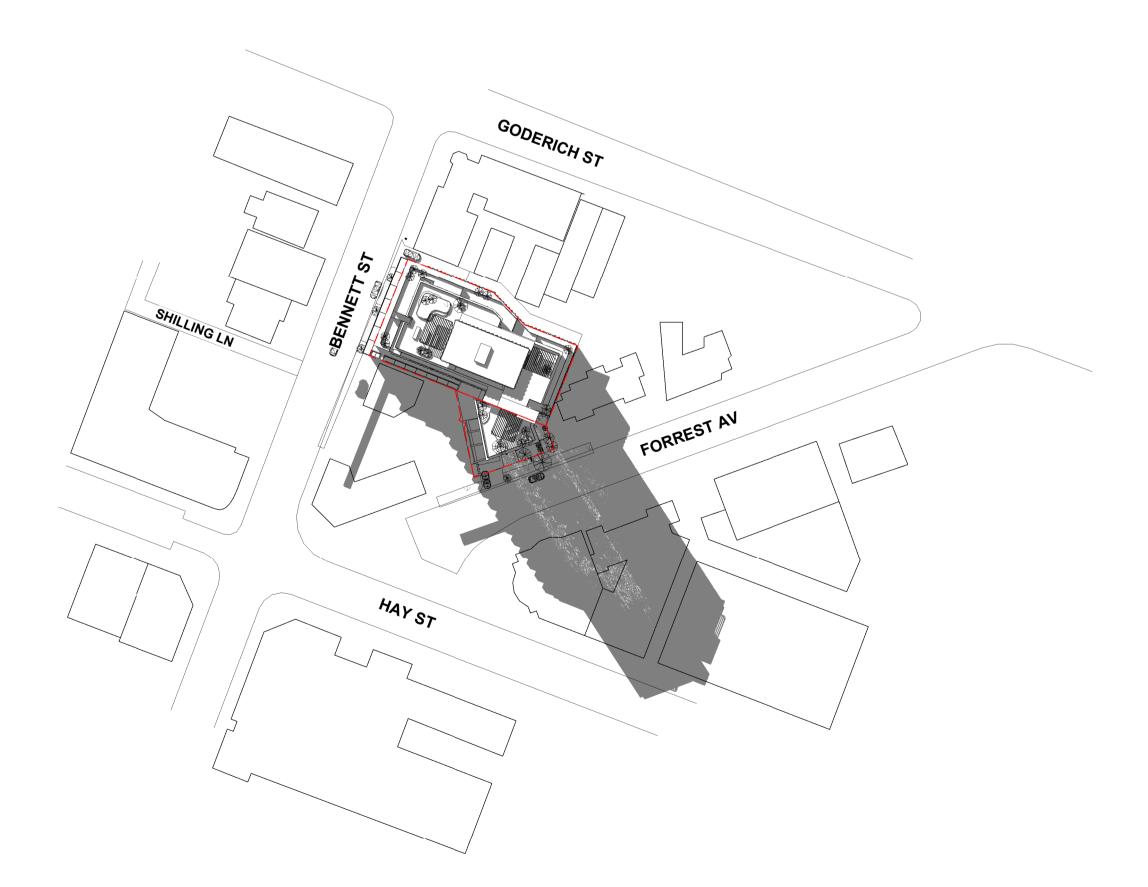
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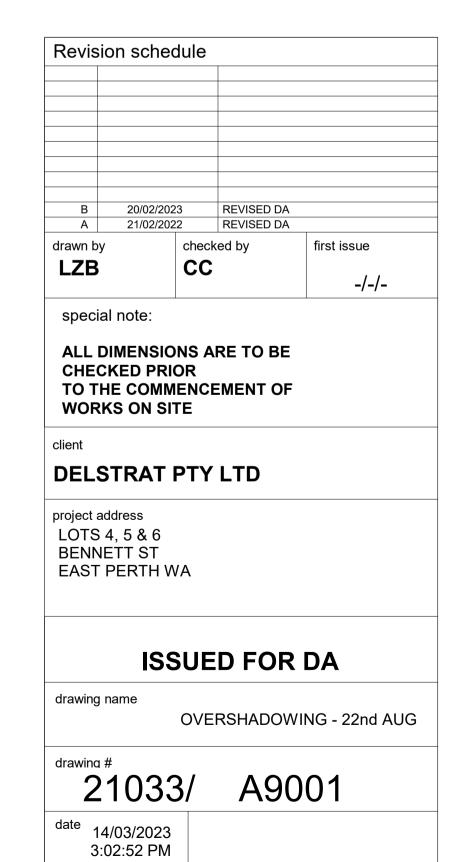


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3 SOLAR STUDY 22/08 - 2PM SCALE: 1:1000





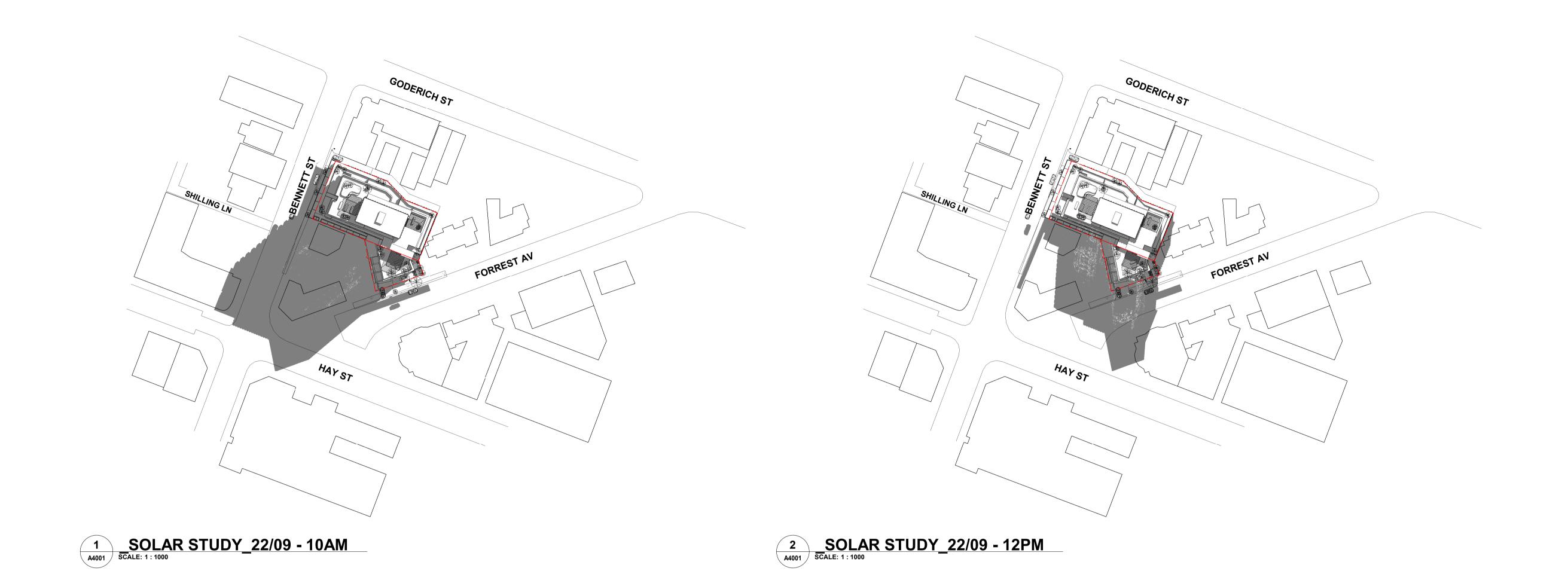
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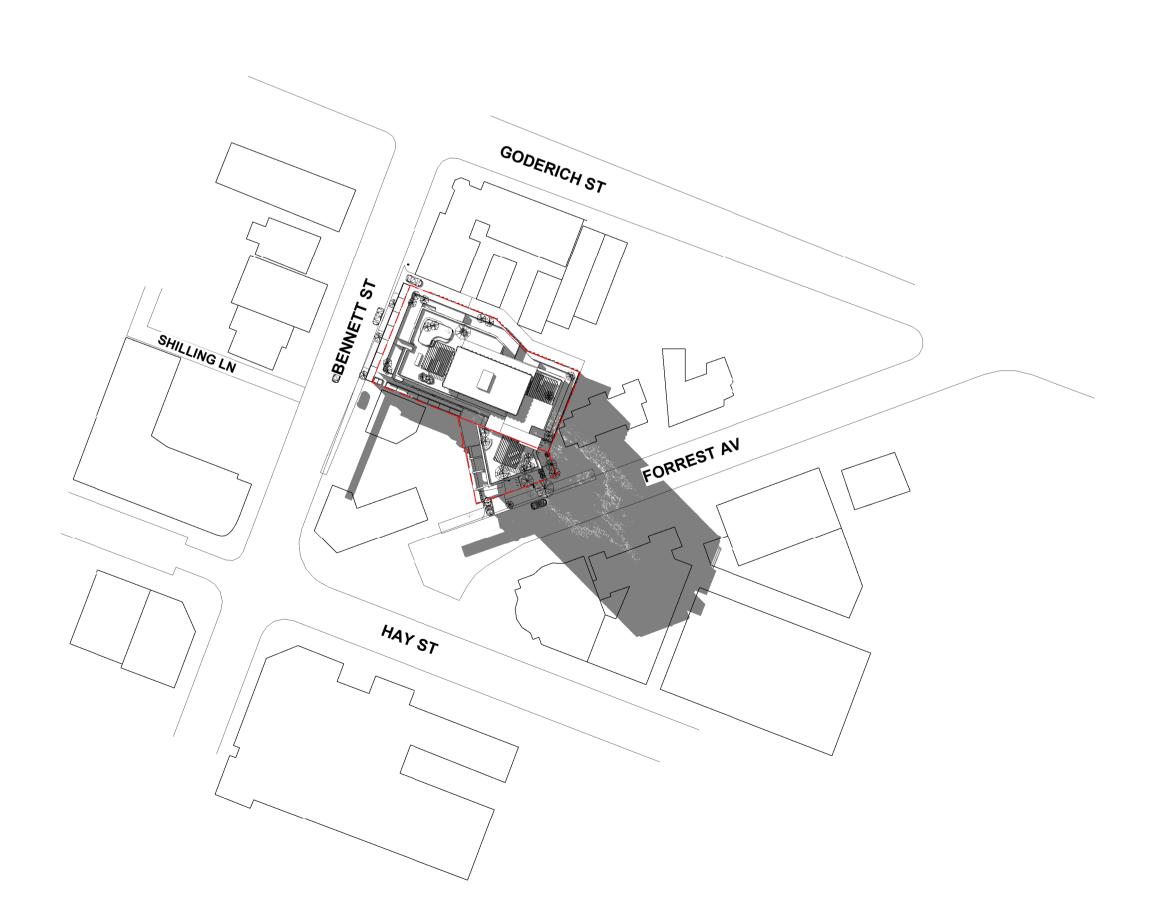
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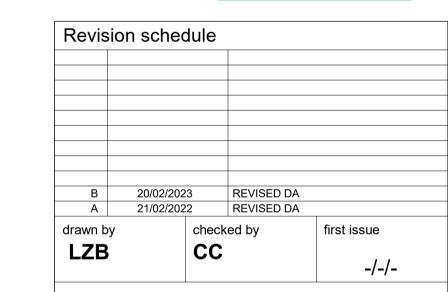




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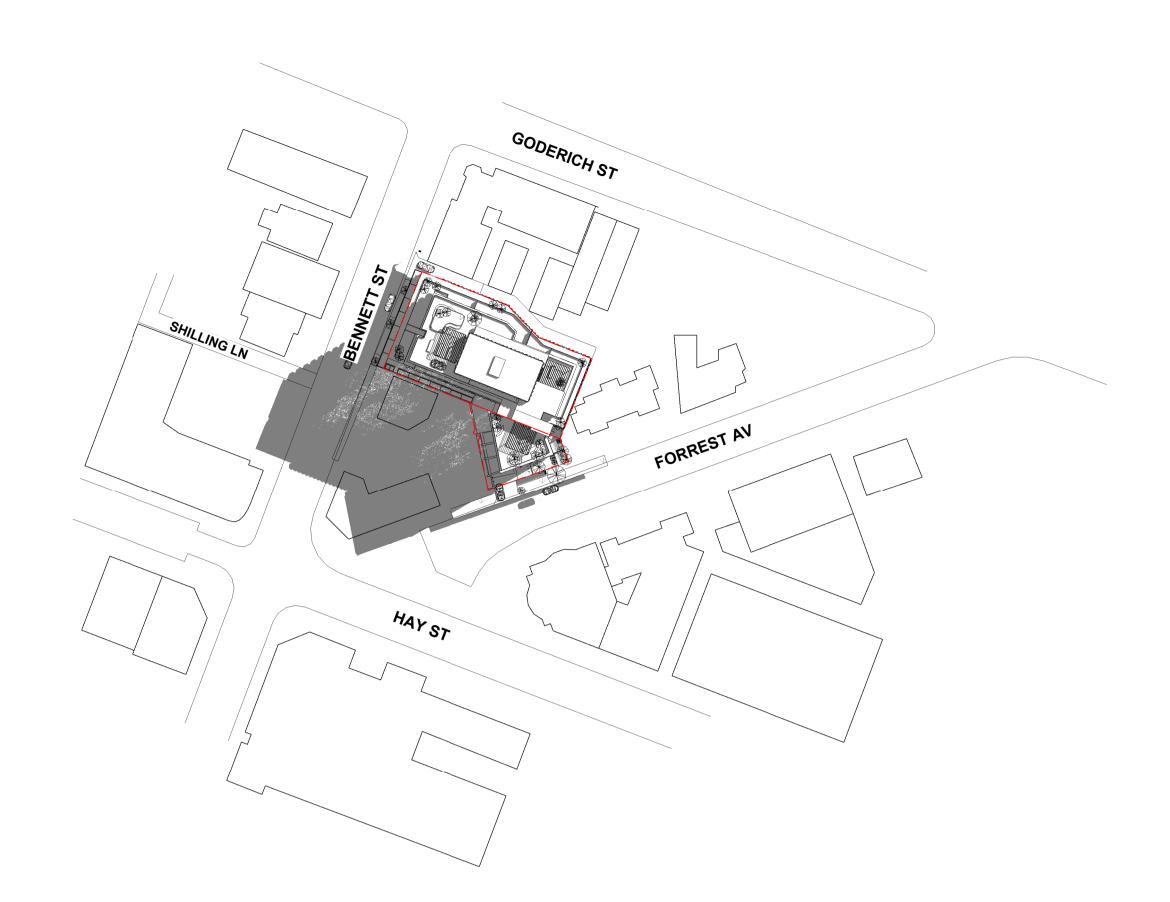
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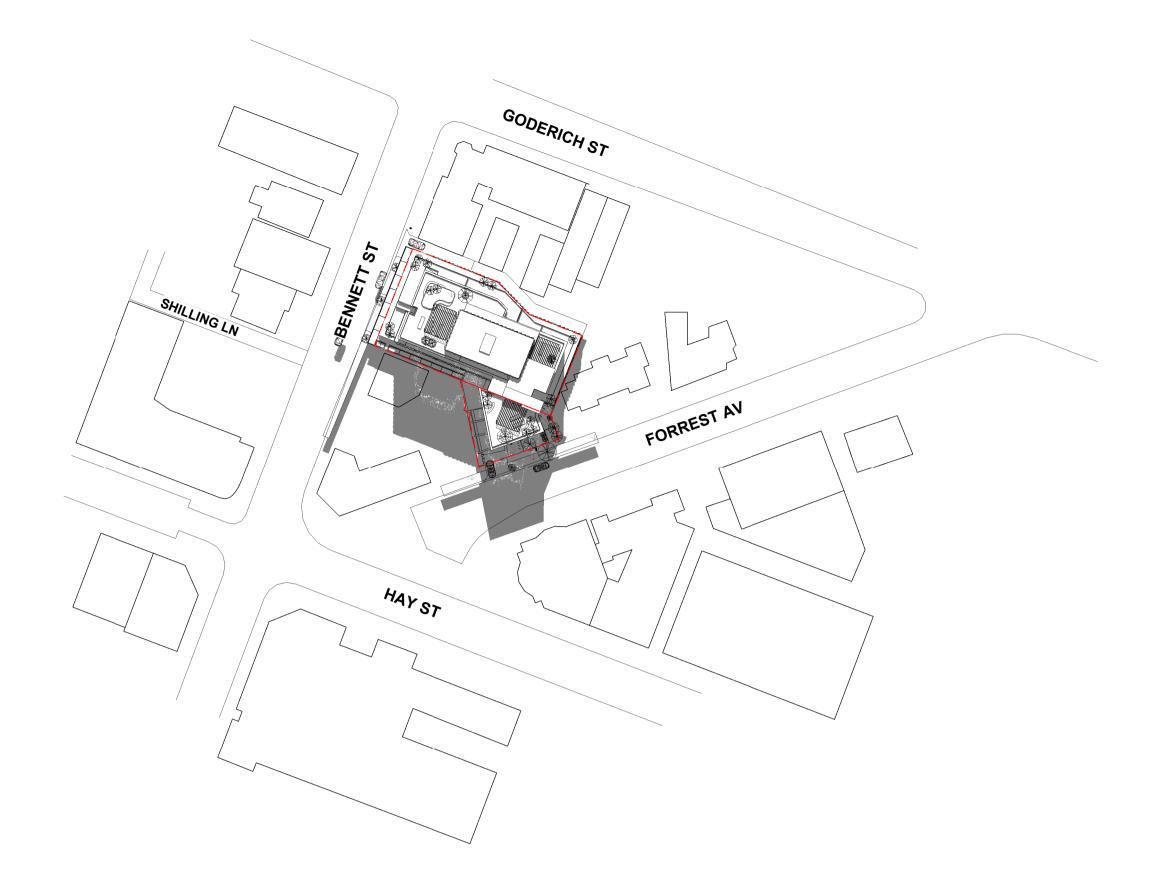
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ARCHITECTURE | INTERIORS

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ARCHITECTS

MURRAY MEWS
329 MURRAY ST
PERTH WA 6000





1 SOLAR STUDY 22/10 - 10AM SCALE: 1:1000





3 SOLAR STUDY 22/10 - 2PM SCALE: 1:1000

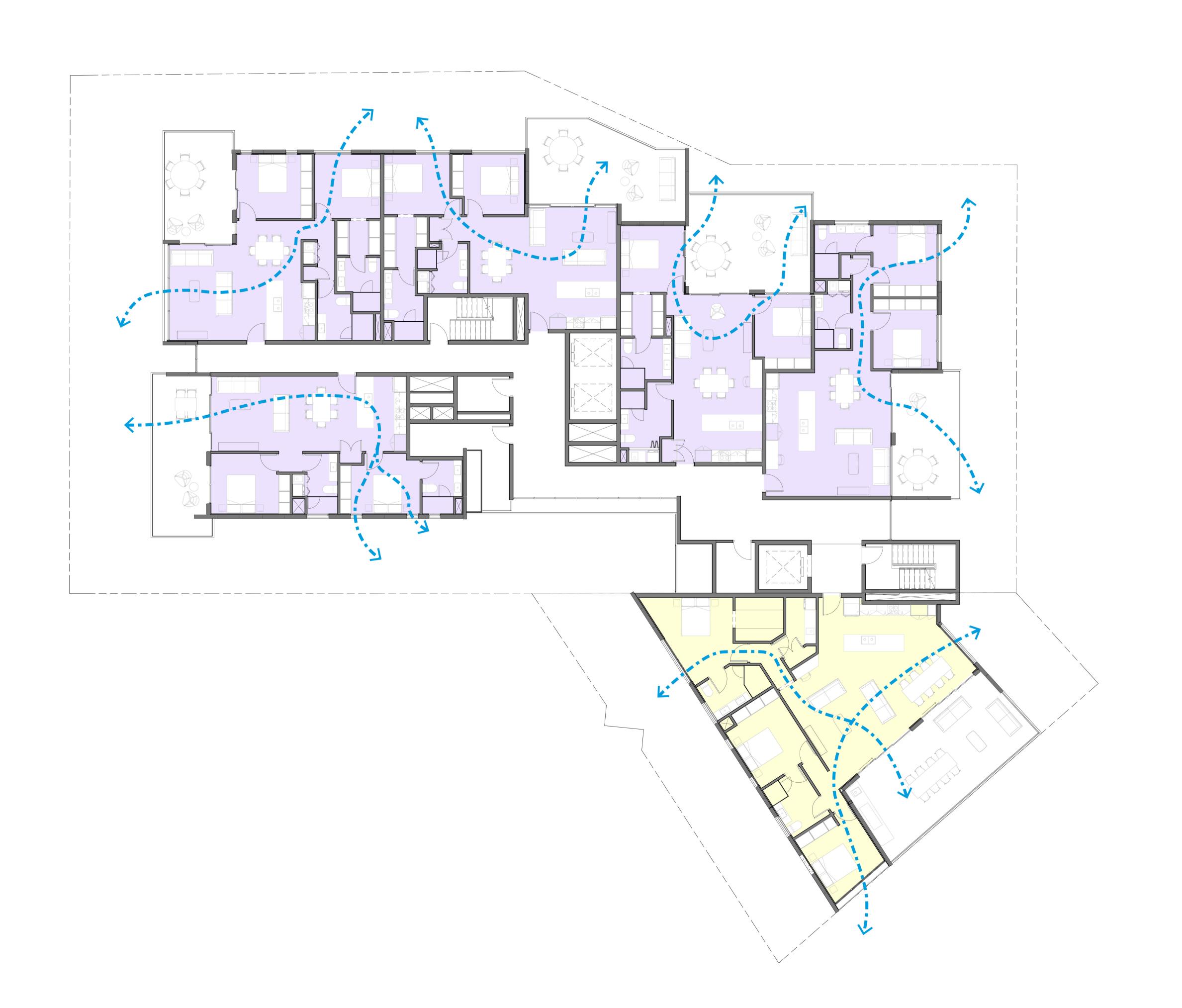
City of Perth

14/3/2023

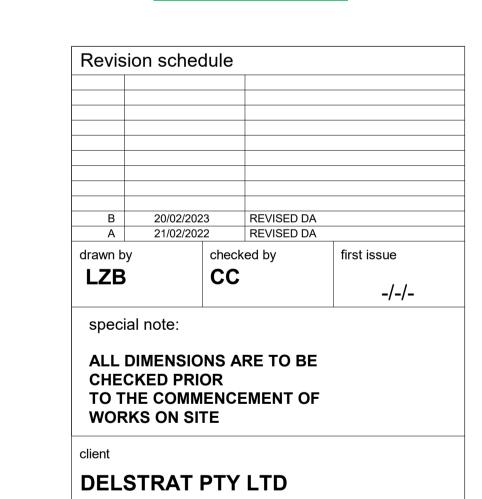
Received

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City of Perth 14/3/2023 Received



project address LOTS 4, 5 & 6 BENNETT ST EAST PERTH WA

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NATURAL VENTILATION DIAGRAM

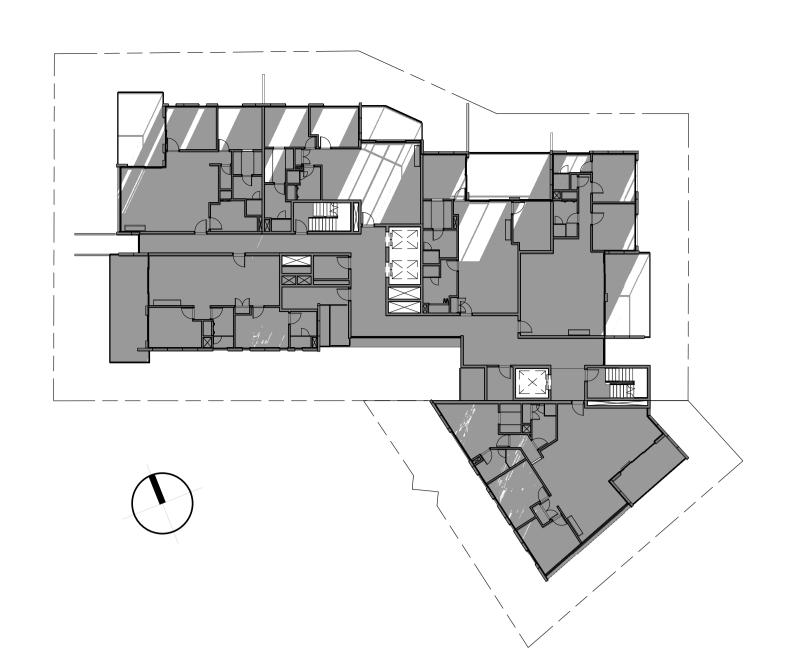
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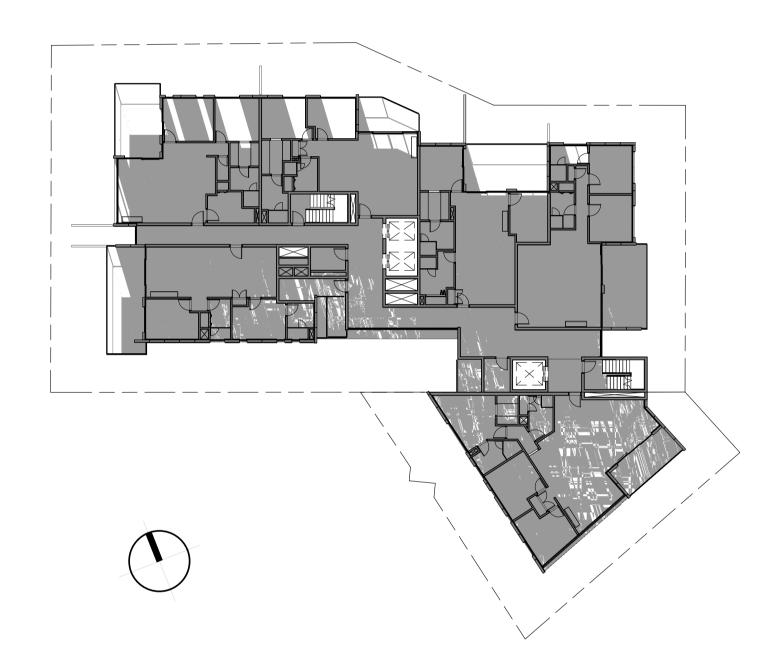
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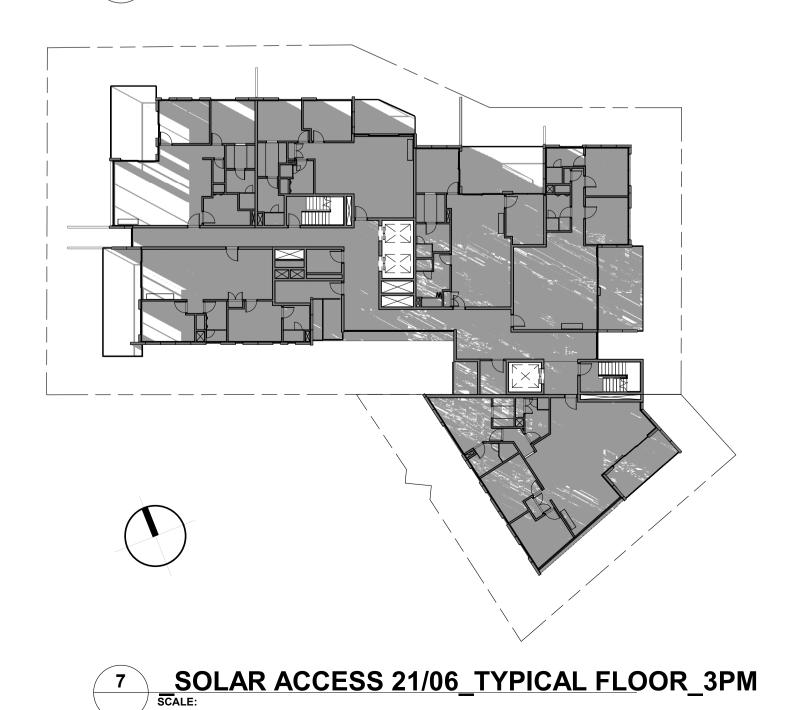
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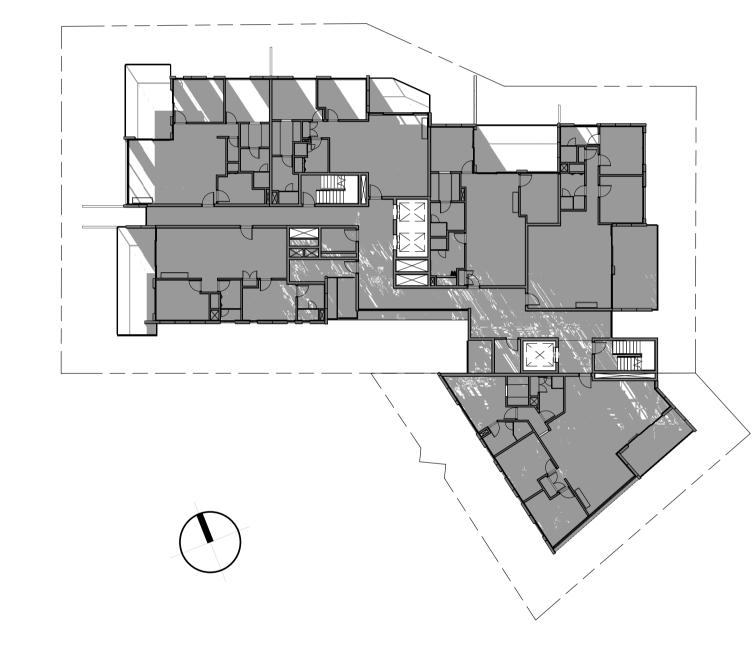
1 SOLAR ACCESS 21/06_TYPICAL FLOOR_9AM



SOLAR ACCESS 21/06_TYPICAL FLOOR_12PM



2 SOLAR ACCESS 21/06_TYPICAL FLOOR_10AM



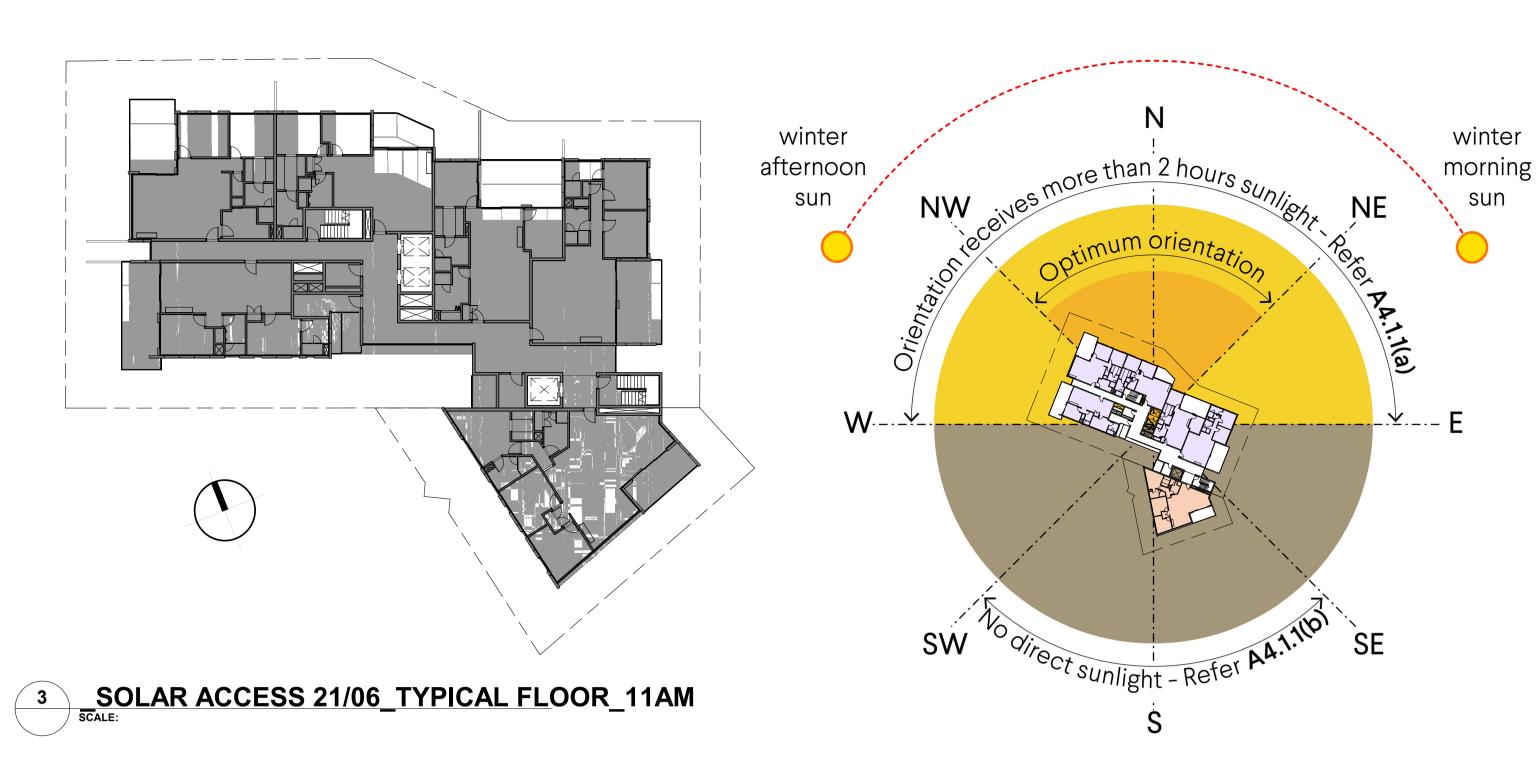
5 SCALE: SOLAR ACCESS 21/06 TYPICAL FLOOR 1PM

83% OF APARTMENTS ON LEVEL 5 RECEIVE ATLEAST 2 HOURS OF DIRECT SUNLIGHT TO LIVING AREAS BETWEEN 9AM & 3PM

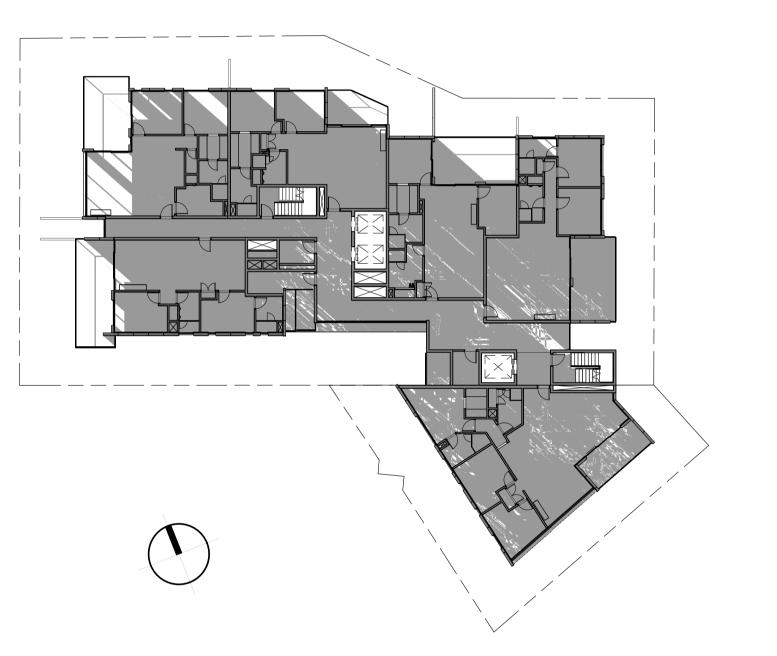
100% OF APARTMENTS ON LEVEL 5 RECEIVE ATLEAST 2 HOURS OF DIRECT SUNLIGHT TO LIVING AREAS, PRIVATE OPEN SPACE, AND BEDROOMS BETWEEN 9AM & 3PM

NOTE:

NO NEIGHBOURING BUILDING CAUSE OVERSHADOWING TO THE PROPOSED BUILDING WITH THE DATES AND TIMES OF THE STUDIES SHOWN

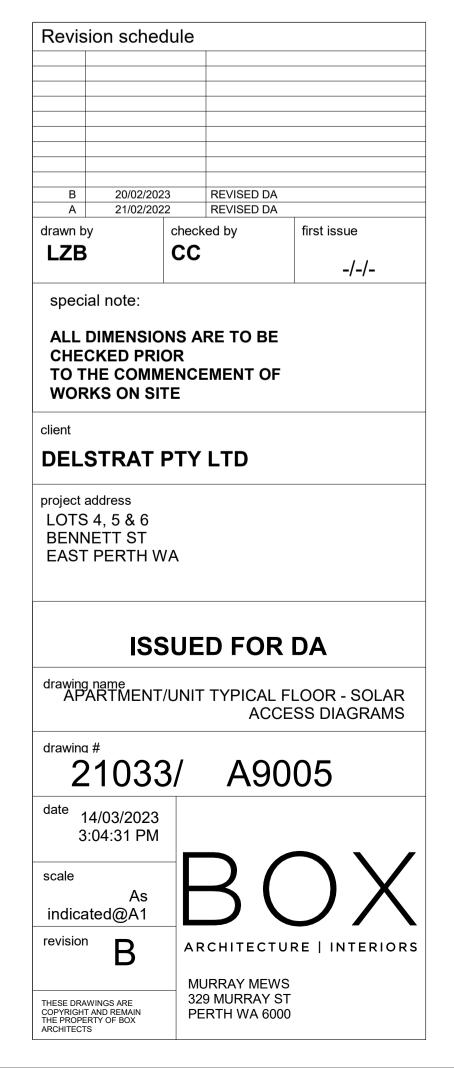


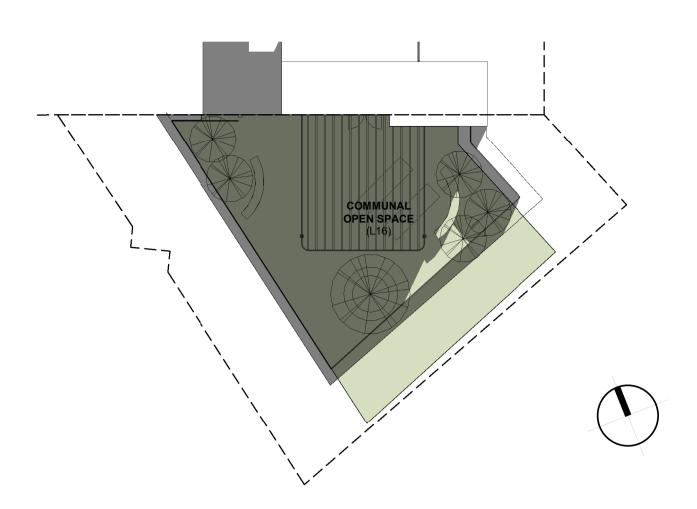
FLOOR PLAN ORIENTATION DIAGRAM



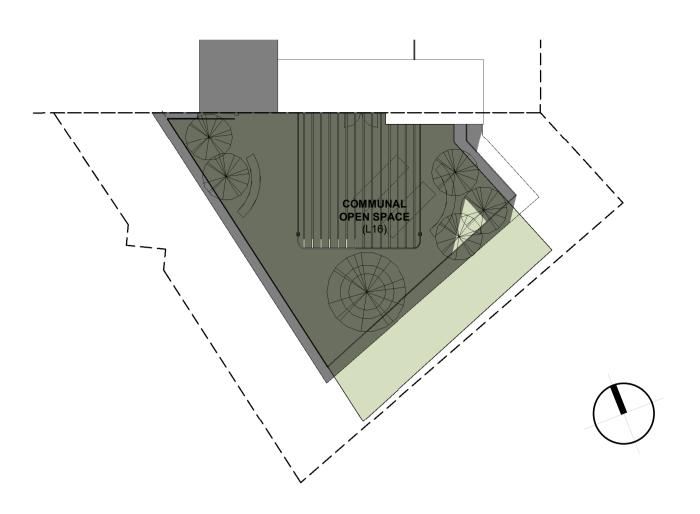
6 SOLAR ACCESS 21/06 TYPICAL FLOOR 2PM



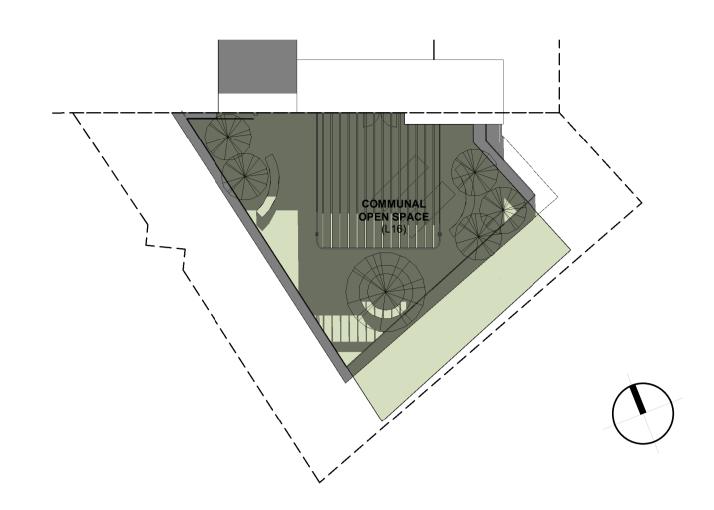






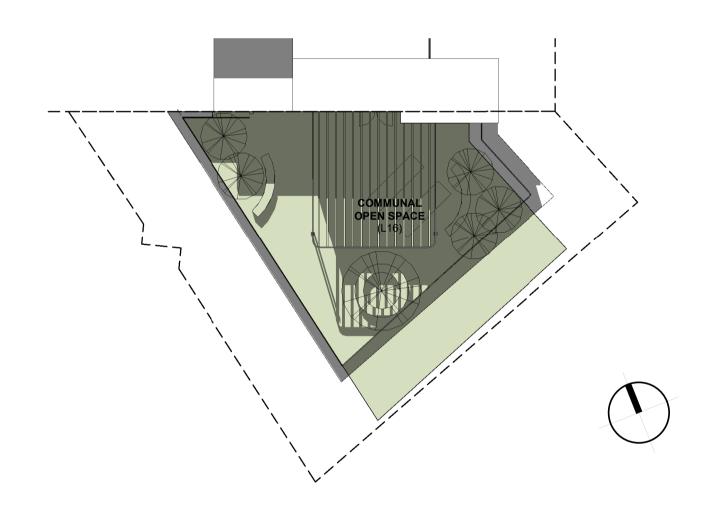


2 COM SPACE SOLAR ACCESS_21/06 10AM
SCALE: 1: 200



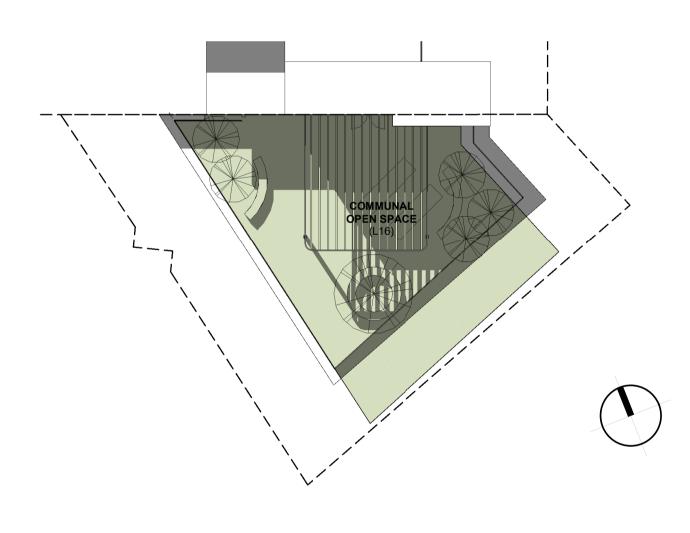
3 COM SPACE SOLAR ACCESS 21/06 11AM

SCALE: 1: 200

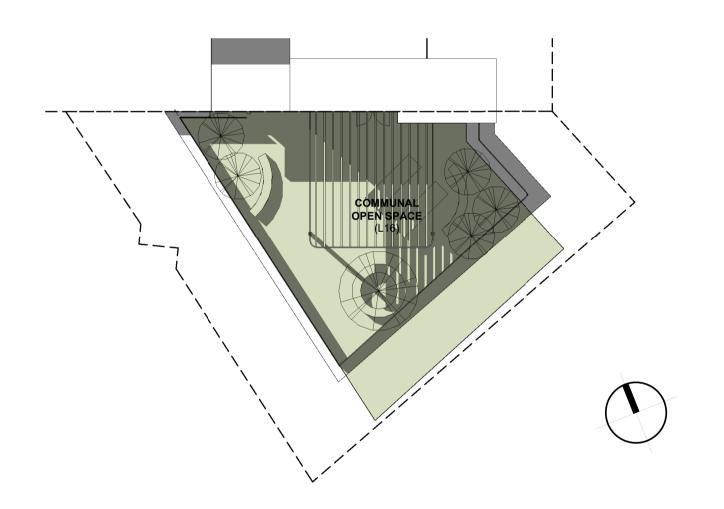


4 COM SPACE SOLAR ACCESS 21/06 12PM

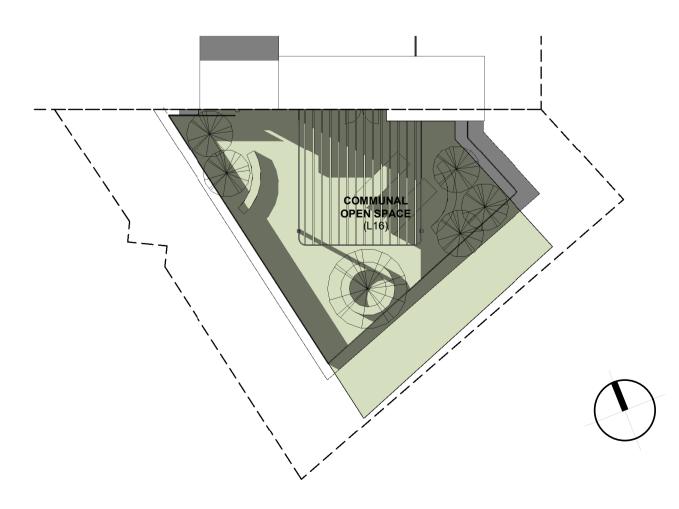
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5 COM SPACE SOLAR ACCESS 21/06 1PM

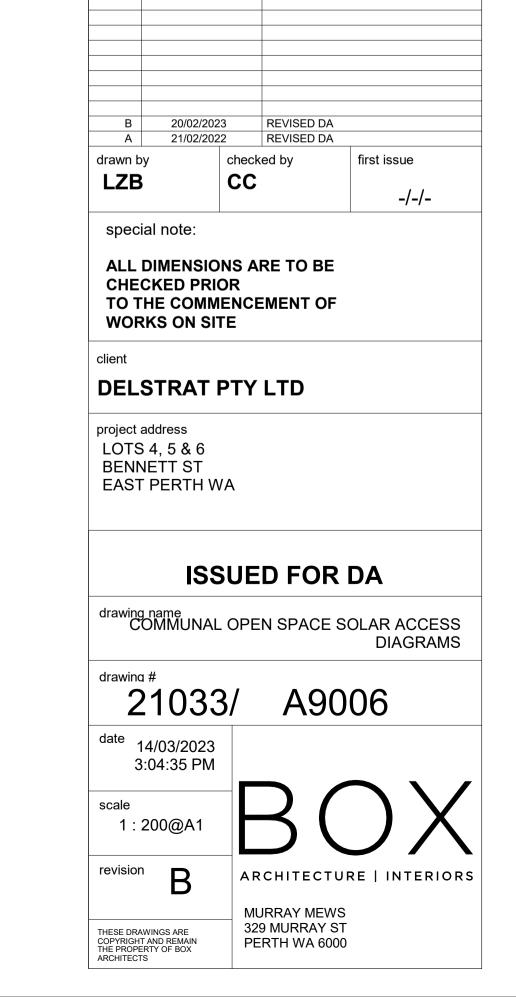


6 COM SPACE SOLAR ACCESS_21/06 2PM
SCALE: 1:200



7 COM SPACE SOLAR ACCESS 21/06 3PM
SCALE: 1:200

COMMUNAL OPEN SPACE RECEIVES ATLEAST 7 HOURS OF DIRECT SOLAR ACCESS BETWEEN 9AM & 3PM ON 21/06 (NOT INCLUDING IMPACT OF LANDSCAPING)



City of Perth

14/3/2023

Received

Revision schedule

Schedule of Submissions Received

Proposed 22 level mixed use development comprising 73 serviced apartments, 12 multiple dwellings, a restaurant/café tenancy and 55 car parking bays

52-56 (Lots 5 and 6) Bennett Street and 7 (Lot 4) Forrest Avenue, East Perth

No.	Respondent/s	Respondent's Comments
1	Address:	OBJECT
	Landowner Palmerston Street, Northridge	1. This project does not meet the level of high-quality architecture it claims to be seeking to achieve. And therefore should be assessed accordingly. Not opposed to the height or density but the quality. Let East Perth not continue to be a dumping ground for such low calibre architecture.
2	Address:	OBJECT
	Strata Manager (on behalf of landowners) Goderich Street, East Perth	1. The Strata Company would like to bring attention to an area of concern shown in the attached document, whereby there is risk of access impediment. The Owners Council have reviewed the plans and it appears that adjacent to the driveway access to Queensgate Terraces, that a solid wall will not be installed across from the vehicle access, however the owners would like to note this as a comment on the application as there is concern that vehicles will have a tight turn into the complex and may pose risk if a solid wall was installed.
		2. Bin store and bin access - need to ensure out of hours utilities truck hours do not fall within 9pm till 8am
		3. Ventilation vents of commercial property shown to be discharged to driveway, need to be odourless.
		4. Balconies openings toward property directly objected to, multiple existing examples (Mantra on Hay, Bailey Service Apartment) where the short term stays apartment use balconies as party areas. Persons are highly intoxicated with frequent high personal risk actions observed. Noise from these Balconies is also a major concern.
		**Refer to Attachment 1 for plans highlighting areas of concern
3	Address:	OBJECT
	Landowner	

	Goderich Street, East Perth	1. Bin store and bin access - need to ensure out of hours utilities truck hours do not fall within 9pm till 8am. Bins for a multi-level, multi-lot apartment do not lined up Bennett Street frontage.
		2. Ventilation vents of commercial property shown to be discharged to driveway, need to be odourless.
		3. Balconies openings toward our complex (to north) is directly objected to, multiple existing examples (Mantra on Hay, Bailey Service Apartment on Bennett Street) where the short term stay apartments use balconies as party areas. Personnel are highly intoxicated with frequent high personal risk action observed. Noise from these Balconies is also a major concern. Propose to only have non-opening windows for the building orientation towards Goderich Street direction.
4	Address:	OBJECT
	Landowner Goderich Street, East Perth	1. The plan of this proposal is unclear as to what is proposed along the right of way. There appears to be some proposed wall development dividing the two vehicle accesses. Can we please be advised exactly what is to be developed along the vehicle access.
		2. Other members of our strata have expressed concerns about any development between the two vehicle ways as this could affect access to our parking area. It is also important that there be a sufficient turning circle at the top of the two laneways to allow vehicles easy access from the site.
		3. Require confirmation that there is no construction of any sort between the two vehicle access ways from Bennett Street and that a sufficient turning circle will be provided at the end of the thoroughfare.
		4. The major request is to seek a roundabout to be provided at the end of the laneway. This will require an adjustment to the plan using some of the applicant's land for the purpose. The impact on our quiet residential existence is going to be very pronounced given the vehicle movement in and out of that laneway to service 12 multiple dwellings and 73 serviced apartments. Our request for land to accommodate the turning circle is a very small concession.
5	Address:	OBJECT
	Landowner Goderich Street, East Perth	1. Disappointed the proposed development is of such a height and includes 73 serviced apartments. The existing such apartments in the area -Mantra on Hay, Quest and Bailey Apartments – convey a great deal of noise and disturbance. Sound travels towards Goderich St. This development cannot have balconies facing Goderich St. It is extremely common for serviced apartment occupants to party on balconies with alcohol and music and lose their better judgement. The size of the proposed balcony/decks are an invitation for just that. We have already experienced partying groups yelling out to us/other people on the street. The fact they will be looking directly into my home will be a total violation of our personal area and privacy.
		2. Also concerned about the noise pollution from the mechanical services – the power and air conditioning - bins and parking area. The constant drone of the building's services would flow directly to my home and be debilitating. The acoustic report

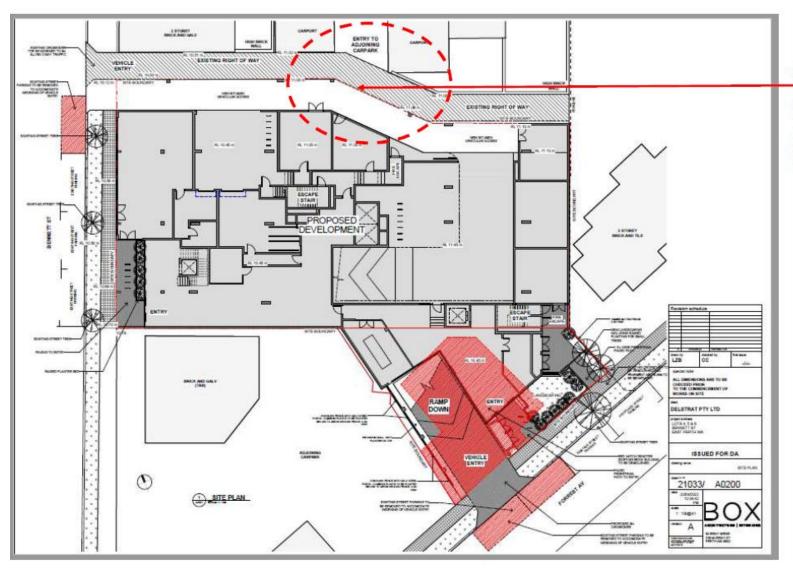
		acknowledges the air conditioning will be problematic. I fail to see how the forward moving bin truck route will work (proposed using the/our existing Right of Way lane). The schedule of reversing trucks must definitely be within social hours.
		3. Another concern of the services area is the constant lighting. The luminosity will impact and be detrimental to ours and other residences as the area is directly opposite bedrooms. We will not be able to open our curtains or windows during construction and when completed.
		4. Parking is an issue in our community. The 85 apartments have only 59 bay and though the building has the "intent" of "future proofing" with additional 45 bays, that is only after 10-years and does not help now. Residents with their City of Perth parking permits struggle to find parking. The ROW to our building's resident parking will not be able to be reached throughout the development, further exasperating the problem.
		5. The proposed development is detrimental to the Goderich Precinct and does not interact or impact positively on the neighbourhood. The proposed height and use of the land does not harmonize with the existing suburban area and will negatively affect the quality of life of the tree lined Forrest Ave and Goderich St families. The Comfort Inn closed in 2020 – the existing short stay accommodation is underutilised – except for parties. There is no requirement for high rise short term accommodation in our community.
		6. The developers lack of consideration to the existing homes and surrounding families is evident in the report with reference to the service area in our ROW, and use of our ROW, will only affect by a handful of residents, and that when, is redeveloped, the two service areas will be on each side.
		7. Future development is important but not at the expense of the present. This type and height of building does not belong at that address.
6	Address:	OBJECT
	Landowner Goderich Street, East Perth	1. The path to the car parks/garages to the north of the site is so narrow. Therefore want to make sure there's enough space for the cars to access these carparks when the new development is built.
7	Address:	OBJECT
	Landowner Bennett Street, East Perth	1. The building appears to be structurally 'too High & extremely Bulky' which will cast a large shadowing effect on our site (and future buildings) most times of the year especially in the Winter months for most of the daylight hours.
		2. The Developer should resubmit a new proposal following proper Perth City Council guidelines to provide a more suitable and complying proposal.

Attachment 1 (relates to Submission 2)



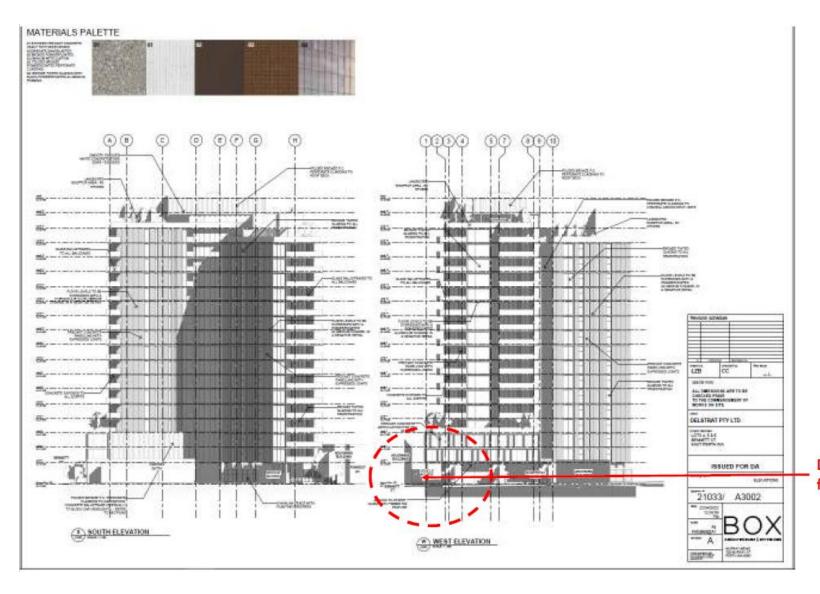
AREA OF CONCERN

(should there be wall built in place)

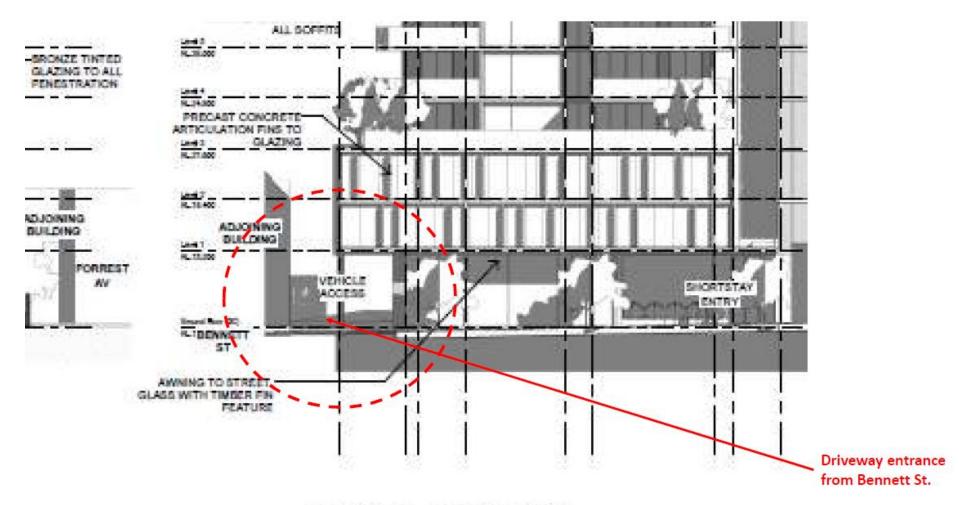


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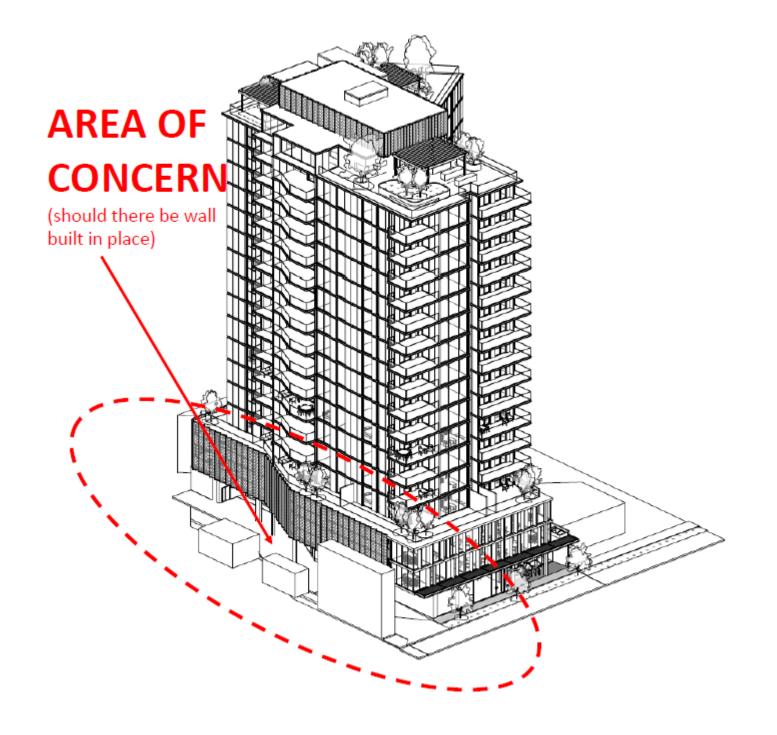
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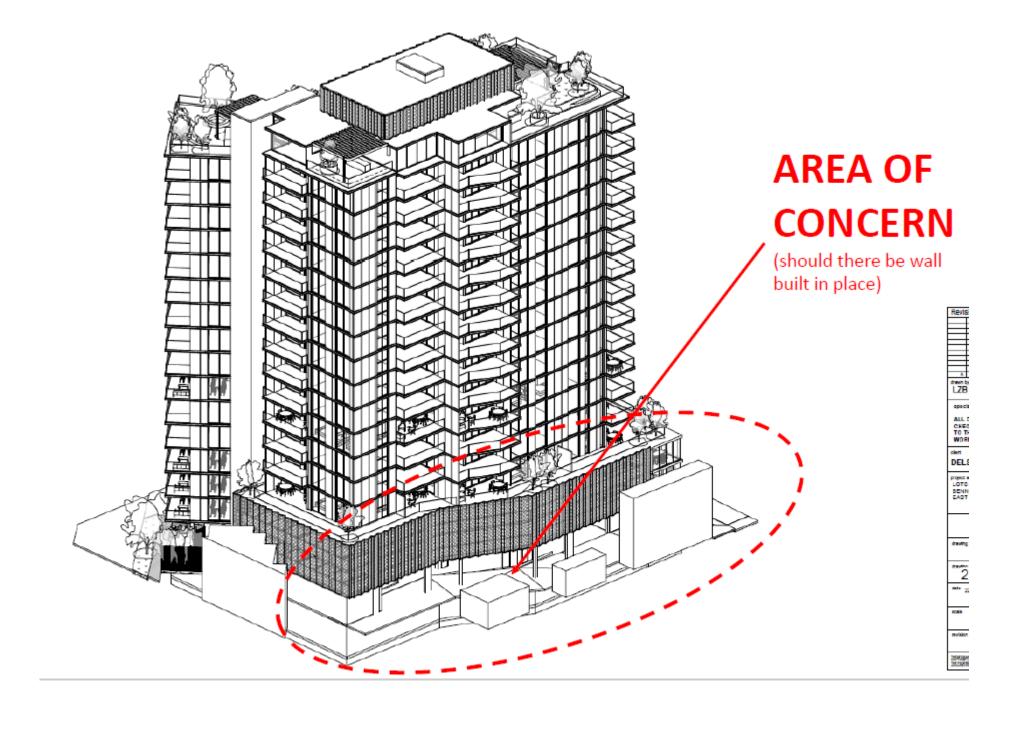


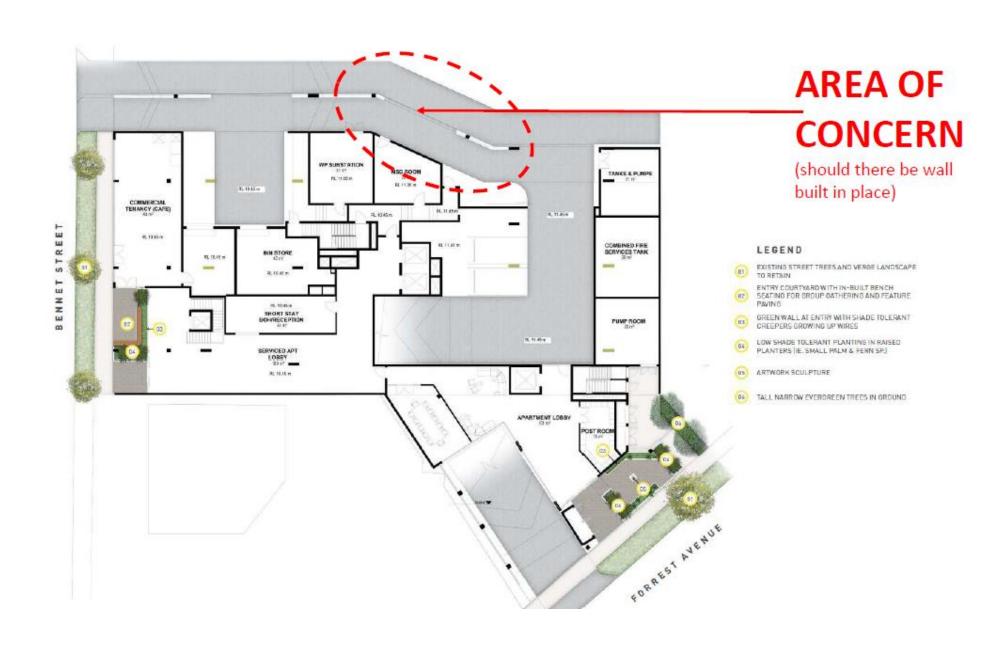
Driveway entrance from Bennett St.











City of Perth 27 St Georges Terrace PERTH WA 6000

RE: PROPOSED DEVELOPMENT - 7 FORREST AVENUE, EAST PERTH WA 6004

Thank you for your email dated 3 May 2022 inviting The Department of Transport (DoT) to provide comments for the proposed development. The Urban Mobility (UM) division of the Department has reviewed the submitted documents and advises that DoT is unable to support the proposed development as currently submitted due to:

- The development exceeding the maximum tenant parking allowance for the site under the Perth Parking Policy, and
- Poor provision of bicycle parking and end-of-trip facilities.

Additionally, DoT has serious concerns about the potential use of the 45 additional residential bays (intended to be used only after conversion of serviced apartments to residential apartments in 10 years' time) for other parking purposes in the interim, and requests that any planning approval contain strict and unambiguous restrictions on such use.

With the above in mind, DoT proposes the following conditions be included as part of any planning approval. Detailed explanations of the proposed conditions are included in Appendix 1 for your reference.

Proposed conditions

DoT recommends that the following conditions are imposed as part of any future development approval:

A maximum of 32 tenant car parking bays (not including ACROD or loading bays)
for use by serviced apartment and café components of the development shall be
provided on the site. Any number of these bays may be converted to residential
parking once serviced apartments are converted (in approximately 10 years' time
as planned) to residential apartments.

- 2. A maximum of 21 residential car parking bays (as proposed, including visitor bays) approved for use by residents of the initial 12 residential apartments.
- 3. A maximum of 45 additional residential bays (planned for Basement Levels 2 and 3) shall only be provided for use once serviced apartments are converted to residential apartments. Physical barriers prohibiting parking in these bays shall be installed and maintained to prevent any car parking use of these bays until and only when conversion of the serviced apartments has occurred.
- 4. With regard to residential, staff and visitor bike parking facilities, as well as other staff bicycle EoT facilities, the following minimums shall be provided to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport:
 - a. 170 secure residential bike spaces (either in a secure internal bike cage, or at the front of individual apartment storage units).
 - b. At least 25% of residential bike spaces should have access to charging facilities for e-bikes and e-scooters.
 - c. Any bike spaces in storage units shall:
 - i. be clearly marked at the front of storage units,
 - ii. be provided in addition to the minimum storage space required for each unit, and
 - iii. (when in use) not impede access to, or the use of, the remaining storage unit.
 - d. At least 6 staff bike parking spaces (in a secure internal bike cage).
 - e. At least 2 staff unisex shower and changing cubicles; 12 staff lockers; and 2 staff unisex toilets.
 - f. At least 10 visitor bike parking spaces (placed in well-supervised locations near building entrances).
- 5. A Parking Management Plan (required by Clause 13 of the Perth Parking Policy) shall be provided by the developer to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport. (See Appendix 1 for guidance). This must explain how parking will be managed to ensure compliance with the Perth Parking Policy and with any conditions of planning approval, notably proposed Condition 3 (above).
- 6. A Travel Plan be provided by the developer to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport. To assist building managers, at a minimum this should:
 - a. outline the arrangements for access to EoT facilities by any staff on site;
 - b. outline commitments to procedures and initiatives that encourage, promote and/or monitor non-car travel to and from the site by staff or serviced apartment stayers; and
 - c. include information packs for serviced apartment users, site staff and visitors to encourage access to the site by non-car modes.

Extraordinary Recommendation

DoT could be willing to consider an extraordinary recommendation to the Minister to approve the licensing of a small number of additional tenant parking bays above the maximum Policy allowance (under s. 9(3) of the Act), for example, if those bays were to be used solely to accommodate fixed-point car share vehicles, and if bicycle parking and end-of-trip facilities are upgraded to best practice levels. Any such proposal would need to be discussed in direct negotiations between the proponent and DoT.

We understand the application has been referred to the Public Transport Authority and Main Roads WA, who will provide independent responses.

Thank you for the opportunity to provide comments for the above Development.

Yours sincerely

Director of Transport Planning 07/07/2022

Appendix 1 - Further details on proposed conditions

Tenant car parking

Under s. 7 of the Act, all non-residential parking bays in the Perth Parking Management Area (PPMA) must be licensed in order to be lawfully used. DoT is permitted to issue licenses for bays in accordance with the Perth Parking Policy by s. 9(1) of the Act.

Clause 8 of the 2014 Policy sets maximum rates of non-residential 'tenant' parking provision per site hectare, based on the category of street from which access to the parking will be provided. This development's 1,611 square metre site results in a tenant parking allowance of 32 tenant bays (applying a Category 3 'integrated access' rate of 200 bays/ha). Tenant parking access is provided off a right-of-way that leads to Category 3 street Bennett Street, and the definition of "integrated access" in Clause 8.1.1 of the Policy explicitly covers access from rights-of-way. As such, DoT does not accept the Transport Impact Statement's argument that the right-of-way should be considered a Category 4 street with integrated access.

The current development proposal includes 35 tenant bays (noting the 2 ACROD bays are not counted in the tenant parking total) for the serviced apartment and cafe/commercial tenancy components of the development. This number of bays therefore exceeds the maximum tenant parking allowance of 32 and could not be licensed by DoT.

DoT could be willing to consider an extraordinary recommendation to the Minister to approve the licensing of a small number of additional tenant parking bays above the maximum Policy allowance (under s. 9(3) of the Act), for example, if those bays were to be used solely to accommodate fixed-point car share vehicles, and if bicycle parking and end-of-trip facilities are upgraded to best practice levels. Any such proposal would need to be discussed in direct negotiations between the proponent and DoT.

Residential bike parking and staff bicycle parking and end-of trip facilities

Given that the development's serviced apartments are intended to be converted to residential apartments, DoT strongly recommends that provision be made for adequate residential bike parking for all current and future residential apartments at the time of approving this DA.

Details of all bike parking in the development need to be clarified: noting the development report Table 3 says 24 bicycle bays will be provided, while the Transport Impact Statement (TIS, p. 20) gives a total of 33 "racks" (which may or may not accommodate more than one bike each; this letter assumes a single space per rack) providing residential, commercial and visitor bike parking. These are made up of:

"a total of 28 bike racks distributed internally on the ground floor level (including 9 bike racks near delivery/bin truck access and 19 (7+7+5) bike racks near residential visitors' car bays). In addition there are 5 bike racks in front of the building.

It is DoT's view that only secure, internal bike spaces that can be safely and easily accessed by residents of apartments (including converted serviced apartments) could be considered appropriate residential bike spaces. In that case, 19 bike spaces are proposed to be provided for a total of 85 apartments, including the 12 three-bedroom apartments and the 73 two- and three-bedroom serviced apartments (earmarked for future conversion to residential). This is a ratio of 1 bike space for every 4.5 apartments, with spaces scattered around three different open locations within the parking area (instead of being in dedicated secure cages). The TIS also points to slightly larger-than-minimum storage facilities for the 12 apartments, but their use for bike storage would appear to displace storage for other purposes, and no storage appears to be planned for the 73 serviced apartments.

If applying the current City of Perth planning policy (5.3) requirement of 1 bike space per 3 apartments, 28 residential bike spaces would be required for 85 apartments, meaning an additional 7 spaces over what is currently proposed. However, the current City of Perth residential bike parking requirement is extremely low – even the State Planning Policy 7.3 (Residential Design Codes, Volume 2 – Apartments), applied across WA, requires 0.5 bike spaces per apartment (43 spaces).

DoT would argue that the more appropriate standard is provided by DevelopmentWA's Perth Girls School Design Guidelines, applied to a site less than 400 m away at the end of Forrest Avenue. To enable high bike mode share in the city centre, these Guidelines require 2.0 bike spaces per apartment. This would result in a total requirement of 170 residential bike spaces for this development, able to be provided both in a shared central bike cage (or cages) and as marked spaces at the front of individual apartment storage units (designed to not impede use of the storage space behind). DoT suggests that this standard be adopted for this development. Any shared central bike cages should be designed to have a short, direct and safe path to the entry/exit point for bike riders.

In addition, the current DA proposal does not provide any secure staff bike parking or end-of-trip facilities (showers, lockers and toilets) for staff of the ground floor commercial tenancy/café or attending the short-stay/serviced apartments. While the number of staff expected on-site is not provided by the DA report, given the unlikelihood that public end-of-trip facilities will be provided in close proximity to this site, it is important that at least basic provision be made in the building. Cafes and serviced apartments will have (often low-paid) cleaning and other staff who should have the option to use bicycle facilities.

The City of Perth's Policy 5.3 states that "other development will be encouraged to provide end of journey facilities where practical and feasible given the servicing and physical constraints of the site". DoT would argue that, as a newly constructed building, there is an opportunity to provide basic EoT facilities and staff bike parking. DoT suggests the provision of 2 unisex showers, 12 lockers and 2 unisex toilets for staff at the café/commercial tenancy and servicing the serviced apartments (noting no toilets are currently shown on the ground level plans).

Existing visitor bike parking provision of 5 racks on Bennett Street and 3 on Forrest Avenue appears acceptable, noting these are located near entrances allowing some passive surveillance. The spaces on Forrest Avenue should be carefully placed so as

not to hinder pedestrian access. Bike racks should only be provided adjacent to the delivery/bin truck access as a last resort.

Parking Management Plan & Travel Plan

Under Clause 13 of the Policy, a detailed Parking Management Plan (PMP) is required to accompany an application for new parking, and this is to be maintained and implemented to satisfy the planning authority (City of Perth) in consultation with the Department of Transport. See Appendix 2 for an outline of suggested content.

Any planning approval conditions, as well as the Parking Management Plan, must clarify beyond any doubt that the 45 bays in Basement Levels 2 and 3 (see Table 3 of the DA report) will remain unused prior to serviced apartments being converted to residential apartments. DoT recommends that this condition also require the installation of physical barriers to prevent use of these bays before conversion occurs.

DoT also recommends that a Travel Plan be provided by the developer to the absolute satisfaction of the City of Perth, in consultation with the Department of Transport. To assist building managers, at a minimum this should:

- a. outline the arrangements for access to EoT facilities by any staff on site;
- b. outline commitments to procedures and initiatives that encourage, promote and/or monitor non-car travel to and from the site by staff or serviced apartment stayers; and
- c. include information packs for serviced apartment users, site staff and visitors to encourage access to the site by non-car modes.

Appendix 2 – Indicative Parking Management Plan content

Clause 13 of the Perth Parking Policy 2014 ("PPP") requires applications for new parking bays within the Perth Parking Management Area (PPMA) to be accompanied by "a detailed Parking Management Plan (PMP)" that principally sets out how the site will be managed to ensure compliance with requirements under the PPP and the site's conditions of planning approval. This PMP must be implemented and kept up-to-date to satisfy the relevant planning authority (City of Perth) and the Department of Transport (DoT).

Indicatively, a PMP should aim to provide useful information for building managers and building owners and include:

- An outline of the number and location of each of the different types of car parking bays provided on site (e.g. tenant bays, ACROD bays, etc.), spaces for motorcycles, and spaces for bicycles (within bicycle end-of-trip facilities and at building entrances), as well as any relevant related services (end-of-trip showers, lockers, etc.).
 - a. This should include a reference to, if not all the original information and plans from, any original and subsequent planning approval(s) that provide the basis for Perth Parking licensing.
 - b. Provide a record of any other licensing changes over time (bays delicensed or re-licensed, under each planning approval) or other changes to facilities.
- 2) A summary of any relevant, basic requirements for different types of bays on the site under the PPP (noting that the summary is not authoritative) or under related conditions of planning approval. For example:
 - a. Tenant bays should only serve activity on the site where they are located (unless extraordinary planning approval has been granted).
 - b. ACROD bays may only be used by eligible users.
 - c. Only bays with planning approval can be licensed.
 - d. Residential bays cannot be leased to non-residents of the building.
 - e. Ongoing provision of bicycle end-of-trip facilities is required (when this is a condition of planning approval or of licensing).
- 3) Description of how the parking "will be managed to ensure compliance" with requirements under the PPP or the site's conditions of planning approval, as well as any other practical information to explain the operation of the car park, including for example:
 - a. Access or control arrangements for different types of bays (tenant, residential, ACROD, etc.), including entry/exit procedures, any payment methods, signage on bays, etc.
 - b. Any methods and enforcement measures used to ensure that cars park in the correct type of bay.
 - c. Any measures to monitor unlawful use of residential parking bays and raise awareness among the development's residents that their residential

parking bays cannot be leased to or used by non-residents of the building (unless non-residents are parking in a resident's bay while visiting the resident's apartment).

- Note that unlawful use risks making the building's strata corporation liable for a fine under s. 18 of the Perth Parking Management Act 1999.
- d. An outline of any "safety and security measures" to protect individuals and their property when using the parking.
- e. An outline of any arrangements (where relevant) for:
 - i. Ongoing provision, access to, and maintenance of end-of-trip facilities, all-hours pedestrian access, bike share bikes, etc.
 - ii. Allocation and management of bays for car-share vehicles.
 - iii. Any processes or rules around the transfer of any unbundled residential car parking or the use or leasing to residents/commercial tenants of any shared strata-owned parking.
 - iv. Provision of electricity supply to tenant car parking bays, motorcycle and bicycle bays to allow charging of electric vehicles.
 - v. Any special arrangements for access by rubbish trucks and other service vehicles.
 - vi. Working with the City of Perth to manage on-street parking in the vicinity of the development.
- f. A commitment to "maintain and implement an up-to-date PMP", through periodic review of the PMP by the property manager to ensure that that it accurately describes what happens on site, remains compliant with the PPP, and keeps contact details, etc., up to date.
- 4) The following practical information:
 - a. Property address (including the details of the street and neighbouring building from/through which access is provided);
 - b. Perth parking licence number and Client ID;
 - c. Contact details for a person at the property with day-to-day responsibility for parking / to whom enquiries can be directed;
 - d. A nominated person/entity authorised to vary the licensing:
 - e. A nominated person/entity responsible for updating (or having the PMP updated) when changes to parking practices occur (e.g., bays are delicensed, there is a change to enforcement methods, etc.).
 - f. A prompt to this custodian of the PMP to email any future PMP revisions to parking@transport.wa.gov.au.

ATTACHMENT 6 – APPLICANT ADDRESS OF STATE PLANNING POLICY 7.0 DESIGN OF THE BUILT ENVIRONMENT

Design Principle	Comments
1. Context and Character Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.	"The Bennett Street area around the subject site is a mixture of two storey single houses, three storey townhouses and five storey apartment buildings. The southern end of the street provides a mixture of retail, commercial and residential, with the northern end mainly providing residential offerings. Bennett Street is currently devoid of any street activation apart from one café located in a five storey building opposite the subject site.
	Bennett Street is somewhat 'underdeveloped' with several vacant sites providing a number of 'gaps' between buildings, especially in comparison to Hay Street.
	• Forrest Avenue has more of a distinctive neighbourhood quality to it, being a tree lined street that has a calm and quiet character, due to traffic being terminated at the south western corner, abutting Hay Street and immediately adjacent the subject site."
2. Landscape Quality Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.	"Pockets of landscape space provided throughout the development will soften the overall built form, providing shade and interest through carefully selected species that will thrive in this environment.
	While true in ground landscaping cannot be achieved, carefully designed on structure planting areas will allow trees and shrubs to grow and provide an additional level of amenity to residents.
	 A combination of hard and soft landscaped elements will allow residents to enjoy the landscaped spaces provided throughout the year, with large areas of decked space providing an area for social events to spill onto, with arbour structures and vines creating shade during the day, and trees casting shade at the start or ends of the day."
3. Built Form and Scale Good design ensures that the massing and height of development is appropriate	"The development is perceived as an assemblage of buildings separated by articulated vertical recesses and alternating heights. The development has three distinct forms as follows: Podium; Bennett Street Tower; and Forrest Avenue Tower.
to its setting and successfully negotiates between existing built form and the intended future character of the local area.	 Podium - The podium is a three storey horizontal volume which connects with Bennett Street. It has an active frontage with a tenancy relating directly to the street. A continuous street canopy provides shade and shelter to the street, hung from the first floor slab. The Business Centre facade is articulated with vertical fins which provides visual interest and movement along Bennett Street. The Forrest Avenue elevation is tall and slender in proportion, separated from the Bennett Street podium by deep vertical recesses and expressed stair volume.
	 Bennett Street Tower - The tower is articulated by flying balconies at each level. Soffits are clearly seen from street level as they dissolve the corners of the building mass. Each floor level is expressed and continues the line of the balconies around the building, preserving the legibility of the development. Balconies are

Design Principle	Comments	
	expressed to articulate and break up the building in contrast to the flat facade of the main structure, which appears recessed.	
	• Forrest Avenue Tower - The tower is a slightly smaller and slender building with the facade broken up into a vertical column of stacked cubes and flying balconies. The balconies assist to dissolve the hard edge of the building, and this eases the transition between the potential future corner 'flat iron' building (turning the corner from Bennett Street to Hay Street) and the eastern end of Forrest Avenue."	
4. Functionality and Build Quality Good design meets the needs of users efficiently and effectively, balancing	• "The apartment entrance is a logical progression from street level, clearly delineating the pedestrian progression from the street into a top light-filled reception and onto to the lift lobbies. On each floor the lifts open into light-filled corridors leading to the apartment entrances.	
functional requirements to perform well and deliver optimum benefit over the full life-cycle.	• To the north of the café there is a clearly delineated vehicular entrance and travel sequence into the car park levels. Within the car park, the pedestrian and vehicular access routes are kept separate to ensure a safe environment for all.	
	 Through using textured, precast concrete as the main façade material, the build quality is kept to a high standard as each panel is workshop-produced and quality assured. The concrete is unpainted and will patina gracefully over time. All façade materials are maintenance free and detailed to avoid staining. 	
	 All services are integrated into the deep recesses of the facade between the two towers. Condensers on each floor are screened in this central location. The central plant room is located at roof level, clad in the same folded metal mesh used to screen the car parking area." 	
5. Sustainability	"A sustainability strategy has been prepared on the proposed development, identifying several principles incorporated into the	
Good design optimises the sustainability of the built	design that meet the sustainability objectives and targets for the site.	
environment, delivering positive environmental, social and economic outcomes	The proposed development has been designed to exceed the minimum requirement of the NCC by reducing its heating and cooling requirement by 25% and targeting a 7 Star NatHERS rating."	

Design Principle

Comments

6. Amenity

Good design provides successful places that offer variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours. providing environments that are comfortable, productive and healthy

- "The development functions well as a lively, short-stay accommodation building with clear, delineated entrances with a bustling café and business centre, activating the Bennett Street facade.
- Within the building and for the sole use of residents, rooftop function facilities, gardens and a gym provide amenities that can be enjoyed throughout the year. The Business Centre will further galvanise the more permanent and transient residents with its vertical connection to the café."

7. Legibility

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around "The development is clearly legible, with an obvious and intuitive pedestrian entrance through the podium on Bennett Street and another provided on Forrest Avenue. From street level, there is a clear delineation between pedestrian and vehicular movement with the two being separated to ensure safety for all users. Internally there is a logical top-lit progression from the pedestrian entrance to reception area and lift core. Naturally lit corridors from the lifts to apartment doors on each level provide bright, safe routes within the building."

8. Safety

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

- "The design creates good passive surveillance opportunities along Bennett Street and Forrest Avenue. External areas are well lit, especially around reception access points along Bennett Street. In addition, landscape has been designed to be low lying, to ensure clear line of sight is maintained through to pedestrian entrances.
- The car park entrance is also illuminated but not to the detriment of any neighbour's amenity. There is good separation between pedestrian and vehicular routes to ensure clear delineation and therefore pedestrian safety along both Bennett Street and Forrest Avenue. Pedestrian routes through the car park are delineated by yellow markings on the car park floor for all users to follow."

9. Community

Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.

- "The proposed development is considered to be a substantial catalyst for the Bennett Street community. Bringing at least 90 new residents to the area, the influx will enliven the area. Social engagement and interaction in and around the café at the ground floor will occur organically and stimulate other businesses in the immediate area. The new building creates its own market as there are not many other food and beverage offerings in the area.
- Within the building and for the sole use of residents, rooftop function facilities, gardens and a gym provide amenities that can be enjoyed throughout the year. The Business Centre will further galvanise the more permanent and transient residents with its vertical connection to the café."

Design Principle

10. Aesthetics

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

Comments

- "The aesthetics of the development have not been preconceived but are born out of the brief, site specific matters such as context and the surrounding community, environmental conditions, outlook and the planning framework.
- The scale of the proposed development addresses the human scale at the street, the neighbourhood and the city scale as a whole. Massing has been articulated by breaking the building up into its constituent parts of 3 volumes; the Podium, the Bennett Street Tower and the Forrest Avenue Tower.
- Materials have been selected to create texture and longevity, with their fine grain providing visual interest at both street and urban level.
- The result is a well-considered development which positively contributes to the Perth skyline, the neighbourhood and the local community."