

Application for Development Approval for Significant Development to State Development Assessment Unit Mixed Use Development - Brooklyn on Main

Part 17 of the Planning and Development Act 2005

10 Morley Drive Tuart Hill

City of Stirling



Prepared for: Truenorth Properties Pty Ltd

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EXECUTIVE SUMMARY

Brooklyn on Main presents an opportunity to showcase a high quality urban infill project that fulfills the State Government mandate for a compact urban form along transport corridors and also implements the vision of the City of Stirling's Better Suburb Strategy.

The Subject Site at Lot 16 (10) Morley Drive, Tuart Hill is located on the intersection of two regional roads being Morley Drive/Karrinyup Road and Main Street.

The Subject Site at present accommodates an outdated three storey apartment block with much of this land being underutilised.

This Application proposes to demolish the existing dated flat development and replace it with a showcase Mixed Use development on a prominent corner location. With a development value of approximately \$27 million and a location on a corner site in an area that is identified for redevelopment of this type as part of the City's Better Suburbs Strategy, we consider that this is a development worthy of consideration and approval of the State Development Assessment Unit.

1.0 INTRODUCTION

We act on behalf of Truenorth Properties Pty Ltd and are seeking planning approval for a proposed mixed-use apartment development located at Lot 16 (10) Morley Drive (corner Main Street), Tuart Hill (**Subject Site**). Refer **Annexure 1** for the Development Application Form.

The Application proposes a 6 storey Mixed Use development that incorporates basement parking and commercial tenancies on the ground floor orientated towards Morley Drive and Main Street, with parking behind the commercial tenancies, a residential lobby, and associated facilities on the ground floor. Above the ground floor is the residential component consisting of 68 multiple dwellings across 5 levels with a mix of 1, 2 and 3 bedroom multiple dwellings. The development incorporates deep soil landscaping on the ground level, with a focus of providing landscaping and natural light to all dwellings, with the development having an open central spine incorporating landscaped terraces over the upper 5 levels. Refer **Annexure 2** for a copy of the Development Plans subject of this Application and **Annexure 3** for the Landscape Plans.

This Application is made pursuant to the significant development pathway provided under Part 17 and more specifically Section 271 of the *Planning and Development Act 2005* and is to be determined by the Western Australian Planning Commission (**WAPC**)

2.0 BACKGROUND

The following provides a brief summary of the history to this project.

2.1 Pre-Lodgement Engagement

A discussion paper was presented to the City of Stirling in December 2018, presenting a design concept of a 6 storey development for this site, seeking preliminary support in rezoning the site in accordance with the City's then Draft Strategic Planning Framework as outlined in the City's Draft Better Suburbs Strategy. Whilst the City was generally supportive of the Development Proposal, the City requested that we delay lodgement of a Scheme Amendment request until the R Codes Volume 2 was gazetted and operational.

As a result of positive discussions with the City's Officers and after the release of the R Codes Volume 2, a Scheme Amendment Request was submitted to the City of Stirling in May 2019. In consultation with the City, it was determined to await the Council adopting the Better Suburbs Strategy prior to the proposed Scheme Amendment being formally considered by Council for initiation of the Scheme Amendment. The Council adopted the Better Suburbs Strategy in August 2020.

The Scheme Amendment for the Subject Site was lodged in May 2019 and was not progressing for various reasons. The landowner seeks to develop the site as soon as practicable but has endured significant delays as a result of the timing for adoption of the City's Strategic Planning Framework.

With the major planning reforms to drive economic recovery in response to COVID and the declaration of a state of emergency, in 2020, Part 17 of the *Planning and Development Act 2005* was gazetted, being Special provisions for COVID-19 Pandemic relating to Development Applications.

With the introduction of the State Development Assessment Unit (**SDAU**) in accordance with Part 17 of the *Planning and Development Act 2005*, in early August 2020, an Intent to Lodge Form was lodged with the SDAU in regard to the development proposal for the Subject Site. The Intent to lodge was given consent to proceed and a Form 17A Pre-lodgement advice request was lodged with the State Development Assessment Unit on 6 August 2020.

The Application was considered by the State Design Review Panel (**SDRP**) firstly on 6 October 2020. Written comments were received from the meeting of 6 October 2020 and such comments were taken into account in the further refinement of the plans for the Subject Site.

As part of this process, pre lodgement advice was received from the SDAU of the Department of Planning, Lands and Heritage (**DPLH**) dated 16 October 2020. This advice included comment on the planning framework, overshadowing and privacy, existing vegetation, communal space, universal design, access, acoustic considerations, waste management, plan services and community (in regard to advertising). Revised plans were prepared and presented to the SDRP for the second review on 1 December 2020. Written feedback has been received from the second review by the SDRP and taken into account with the plans subject of this application.

In addition, feedback from the City of Stirling was also provided via the SDAU in regard to further comments from the City, based upon the revised design.

The Development Proposal, as presented in this Application, has been further modified in response to the comment received from the SDAU, SDRP (Design Review Meeting 1 & 2) and the City of Stirling.

2.2 Site Background

The Subject Site is presently zoned Residential R30 under the City of Stirling Local Planning Scheme No. 3 (**LPS3**) and is underdeveloped with a flat type of development containing 12 multiple dwellings, built around 1969. More specifically, the current development only capitalises less than half (1500m²) of the 3313m² lot, forgoing a prime opportunity to enhance a prominent location, on the corner of two major streets, namely Morley Drive and Main Street.

Morley Drive is designated as a Primary Regional Road, while Main Street is designated as Other Regional Road under the Metropolitan Region Scheme (**MRS**). The prominent corner location on a transit corridor provides easy access to the Main Street District Activity Centre as well as excellent opportunities for access to high frequency public transport. Consequently, the under-utilised site provides for a signature location which is ripe for redevelopment. At present its development potential is constrained by its Residential R30 coding which prohibits multiple dwellings and constrains the available plot ratio.

The strategic planning framework, including documents such as Perth and Peel @ 3.5million (Perth and Peel), State Planning Policy 3 - Urban Growth and Settlement (SPP3) and the Housing Strategy of Western Australia favour locations, such as this, for densification. At a local level, the City of Stirling's Local Housing and Planning Strategies and Better Suburbs have identified the site for medium density attached dwellings in line with the guidelines from Design WA. This Application proposed to develop the Subject Site in alignment with the City's strategic intent for the land, providing a catalyst for the activation of the area.

3.0 SITE DETAILS

3.1 Subject Site

Refer to **Figure 1** showing a Location Plan.



Figure 1: Locality Plan

The particulars of the Subject Site are described in Table 1 and illustrated in Figure 2.

Table 1 – Particulars of Subject Site

Lot Number	House Number	Diagram	Volume	Folio
16	10	3038	1488	967

A copy of the Certificate of Title is included in **Annexure 4**.

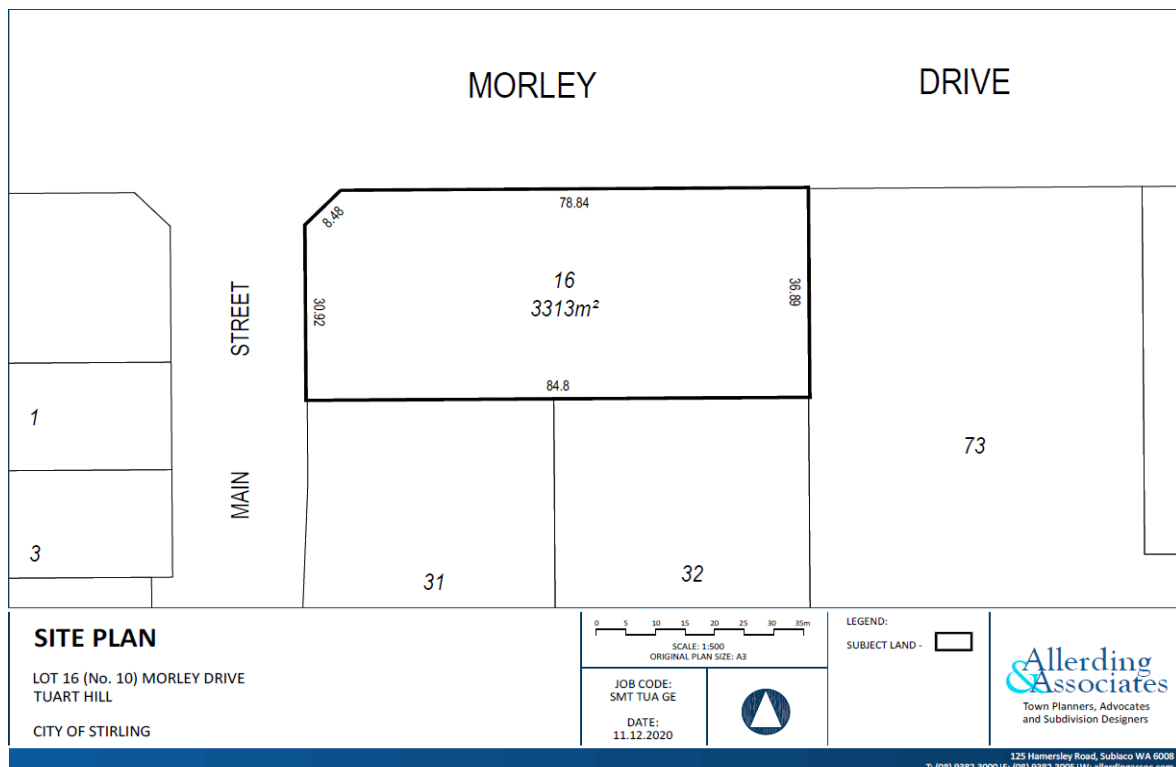


Figure 2: Site Plan

3.2 Regional Context

The Subject Site is within the City of Stirling municipality, in the suburb of Tuart Hill. It is located approximately 7 kilometres north west of the Perth Central Business District (CBD) fronting two regional roads being Main Street and Karrinyup Road/Morley Drive. Main Street provides a connection to Wanneroo Road to the north through the suburb of Balcatta and to Scarborough Beach Road to the south through the suburb of Osborne Park. Morley Drive/Karrinyup Road provides a connection to the Mitchell Freeway to the west and then continues to the coast and Morley Drive extends east for 11 kilometres to the suburb of Eden Hill.

Tuart Hill and the surrounding locality are predominantly residential in nature with commercial activities along Main Street and nearby Wanneroo Road. The Tuart Hill suburb is a middle ring suburb of the Perth Metropolitan area.

In terms of density, the suburb of Tuart Hill contains a mix of low and medium density developments as well as commercial developments along Main Street, east of Eldorado Street (approximately 550m south of the Subject Site), to the west along Karrinyup Road (extension of Morley Drive) the Roselea Commercial Centre is within 850 metres and the commercial hub on the corner of Morley Drive and Wanneroo Road is within 700m of the Subject Site. Refer **Figure 3** showing the regional context of the site.



Figure 3: Regional Context Plan

The development location is within walking distance of numerous local parks including Wesley/Morley Reserve (130m) as well as a variety of recreational facilities such as the Osborne Park Bowling Club (900m) and Stirling Lions Soccer Club (750m).

Furthermore, the development is serviced by high frequency bus routes (999, 998).

3.3 Local Context

The Subject Site is located at (10) Morley Drive (corner Main Street), Tuart Hill being on a corner lot adjacent to a signalised traffic intersection for Main Street and Morley Drive. The two adjacent lots to the south each contain strata titled unit/villa developments with single storey grouped dwellings, each containing 16 dwellings (151 & 153 North Beach Drive, Tuart Hill). The lot to the immediate east (14 Morley Drive) accommodates 44 multiple dwellings in a two storey development.

Tuart Hill is a neighbourhood that is approximately 8km from Perth CBD that harnesses two major thoroughfares, Morley Drive and Wanneroo Road. As a result, Tuart Hill contains a diverse range of housing types and styles, from single residential dwellings to villas, terrace houses and flats. The design of housing varies from post-war austerity dwellings to modern style two-storey developments, making the suburb a sought-after location for all demographics. However, Tuart Hill is facing increasing issues of ageing dwellings as well as historic low density dwellings. This all results in an area that is in close

proximity to the Perth CBD, with good access to high frequency public transport on land accommodating low density housing, that is suitable for redevelopment to accommodate medium density dwellings. Refer **Figure 4** for the Local Context Plan.

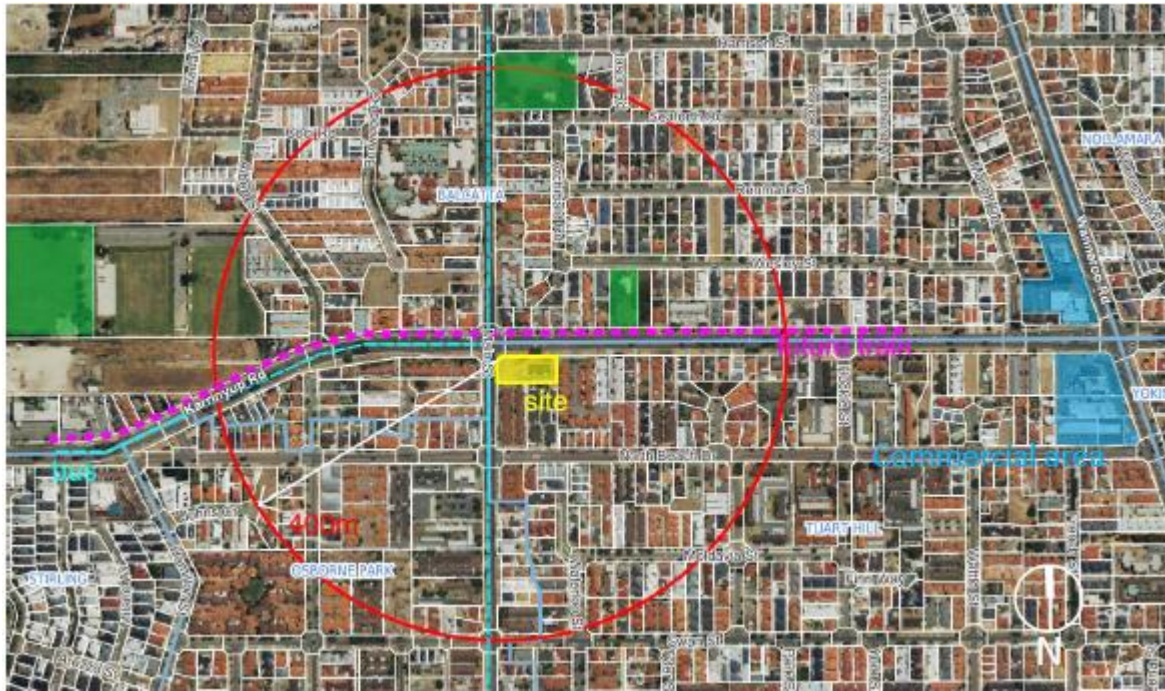


Figure 4: Local Context Plan

Access to the site will be available from the western boundary (Main Street) via a two way entrance/exit and the northern boundary (Morley Drive) providing two way access to the basement carpark.

3.4 Land Use

The land is currently used for residential purposes, accommodating a 12-unit apartment complex.

The Subject Site is predominantly zoned Urban under the Metropolitan Region Scheme (**MRS**) with a portion of the site, along the Main Street (western) border being reserved “Other Regional Roads”.

Figure 5 shows the zoning of the surrounding locality, which largely reflects the predominant land uses being mainly residential in nature (tan colour) with some commercial land uses to the east on the corner of Wanneroo Road and Morley Drive (aqua blue colour).

It is proposed to demolish the existing 3 storey apartment complex and construct a 6 storey Mixed Use apartment complex with 68 dwellings and commercial tenancies on the ground floor, to be utilised as office space. This proposal makes efficient use of the lot and helps fulfill both local (Better Suburbs Strategy) and state (Directions 2031 Strategy) strategic plans to increase infill around Activity Centres and along urban corridors.

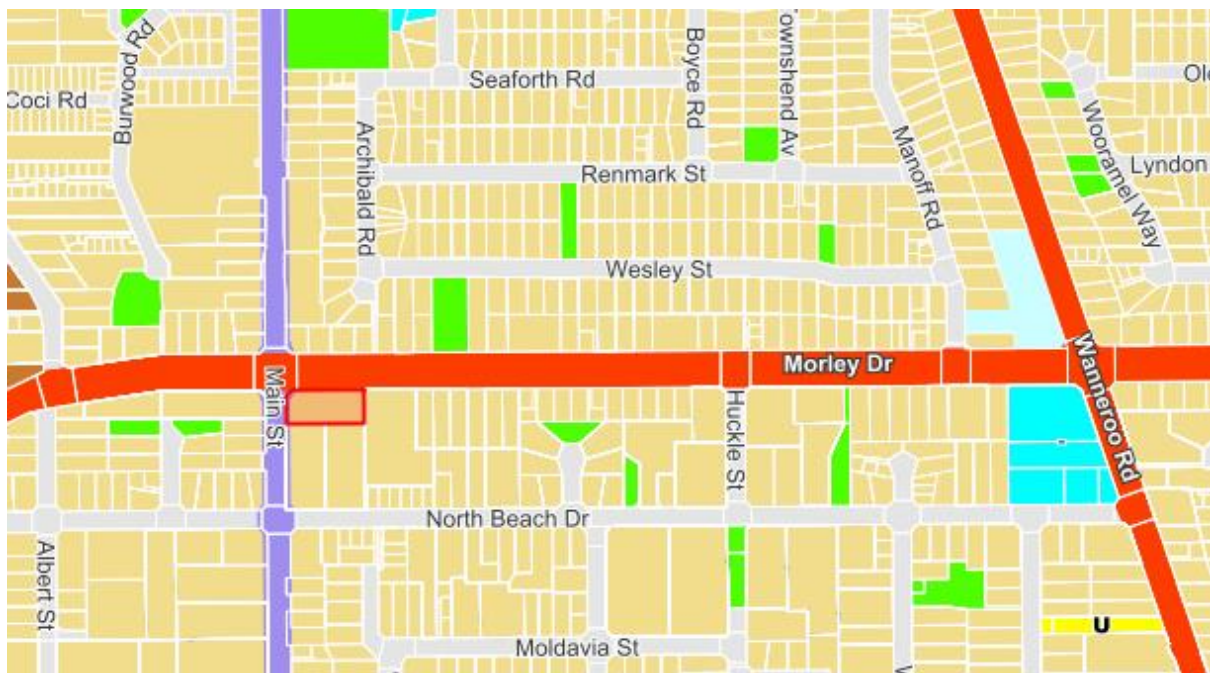


Figure 5: Zoning of the Immediate Vicinity

(Source: stirling.wa.gov.au)

3.5 Existing Site Conditions & Site History

The major building on site is the 3-storey apartment complex located on the eastern portion of the block, with a sheltered carport to its rear. The current apartment complex was built in 1969 and contains 12 units (refer **Figures 6 and 7**). At over 50 years of age, the apartment block is in a poor state of repair with all units being rented. Antisocial behaviour has been evident at the site with a record of the Police being called to attend the site.



Figure 6: Current Street View from Morley Drive



Figure 7: Current Street View from Main Street

The building structures on the Subject Site are degraded due to their age. Additionally, there is little vegetation on the block with 5 trees on the edge of the northern border which have been historically pollarded to breast height at the trunk. It is proposed to demolish the existing three-storey apartment complex and the associated carport structure, located alongside the southern boundary. Refer **Figure 8** for an aerial of the current site. A portion of the Subject Site, abutting the Main Street frontage of the lot is reserved as an Other Regional Road and this road widening has been taken into consideration in the development design.

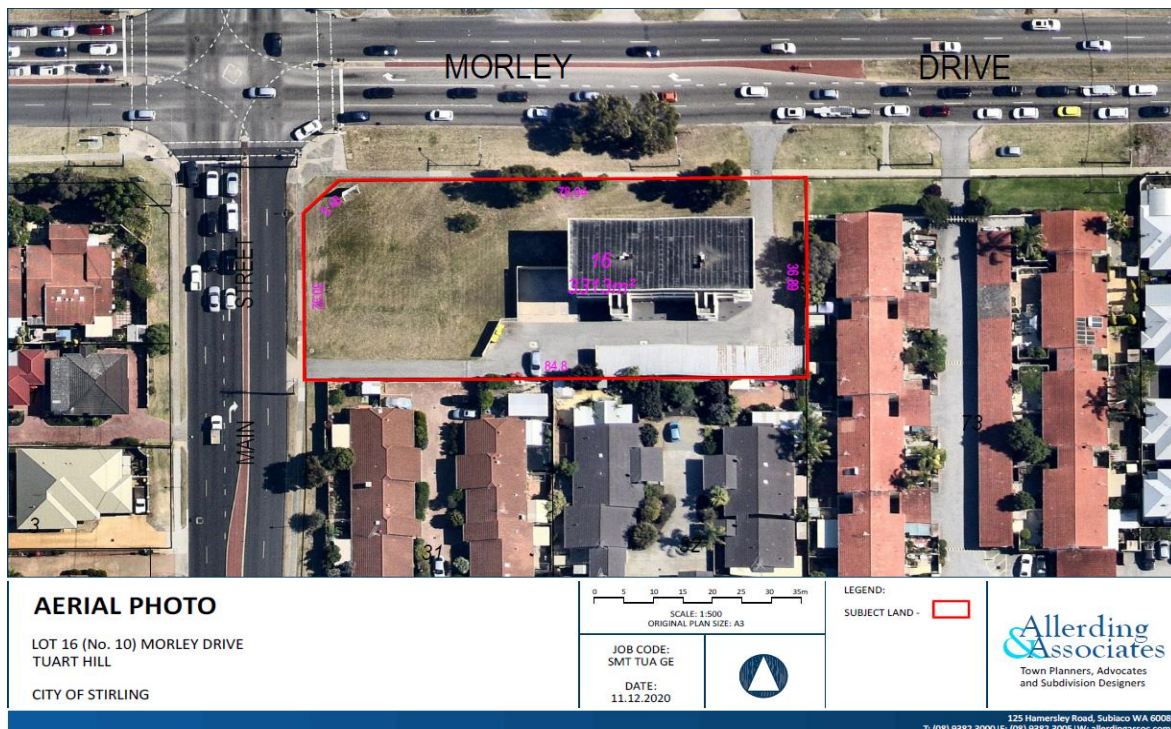


Figure 8: Aerial Photo

4.0 PROPOSED DEVELOPMENT

The development proposal is for a 6-storey Mixed Use complex designed to incorporate a lush, landscaped oasis to the rear of the site for the benefit of the residents. The ground floor proposes four medium sized commercial spaces ideal for office use, with parking sleeved behind the commercial tenancies. A mix of dwellings are proposed for the five (5) levels above including 18 one-bedroom dwellings, 39 two-bedroom dwellings and 11-three-bedroom dwellings. Resident parking is located in the basement with access via a lift. Residents will have access to a variety of recreational facilities including communal gardens, BBQ facilities, herb gardens, communal spaces on each level and a gym/lounge/multi purpose area. Overall, the proposal will not only provide high quality affordable housing, but the development is situated in a location that will sustain positive growth within the area.

It is envisaged that this development will be a showcase for future development for the area and will signal the start of revitalisation of this part of Tuart Hill in the long term, with this development ultimately becoming a positive iconic contribution to the local area. As a result, construction and design are of the highest standard, whilst maintaining affordability. The complex will incorporate a modern design fitting to the local area, whilst capitalising on a community focus for residents with communal areas on all floors and with City views available from the upper levels. This development will result in a significant visual improvement that will revitalise the current prominent, yet bleak corner block.

Table 2 below provides a breakdown of the development based upon the levels:

Table 2 – Breakdown of Development

Level	Description
Basement	<ul style="list-style-type: none"> Resident parking; Stores; Services.
Ground	<ul style="list-style-type: none"> Four (4) commercial tenancies; Parking for visitors and commercial tenancies; Primary communal open space.
Level 1	<ul style="list-style-type: none"> Six (6) 1 bedroom apartments; Nine (9) 2 bedroom apartments Two (2) 2 bedroom apartments constructed to a Platinum standard (Liveable Housing Design Guidelines).
Level 2	<ul style="list-style-type: none"> Six (6) 1 bedroom apartments; Nine (9) 2 bedroom apartments; Two (2) 2 bedroom apartments constructed to a Platinum standard (Liveable Housing Design Guidelines).
Level 3	<ul style="list-style-type: none"> Six (6) 1 bedroom apartments; Nine (9) 2 bedroom apartments; Two (2) 2 bedroom apartments capable of being converted to a Platinum standard (Liveable Housing Design Guidelines).

Level	Description
Level 4	<ul style="list-style-type: none"> Ground floor to six (6) 2 bedroom apartments; Ground floor to eleven (11) 3 bedroom apartments.
Level 5	<ul style="list-style-type: none"> Upper floor to six (6) 2 bedroom apartments; Upper floor to eleven (11) 3 bedroom apartments.

A copy of the development plans are included is **Annexure 2**.

4.1 Design Philosophy

The design approach for this development acknowledged that the Subject Site is a long narrow site stretching from east to west facing a very busy traffic intersection. The aim of the development is to create a composition that addresses the street with a building that has been pulled apart to create an inner garden sanctuary shielded from the harsh surroundings and to open this up to natural light and ventilation as much as possible (refer Figure 9).

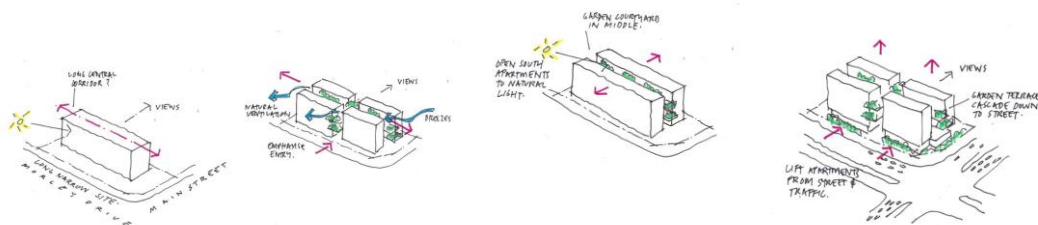
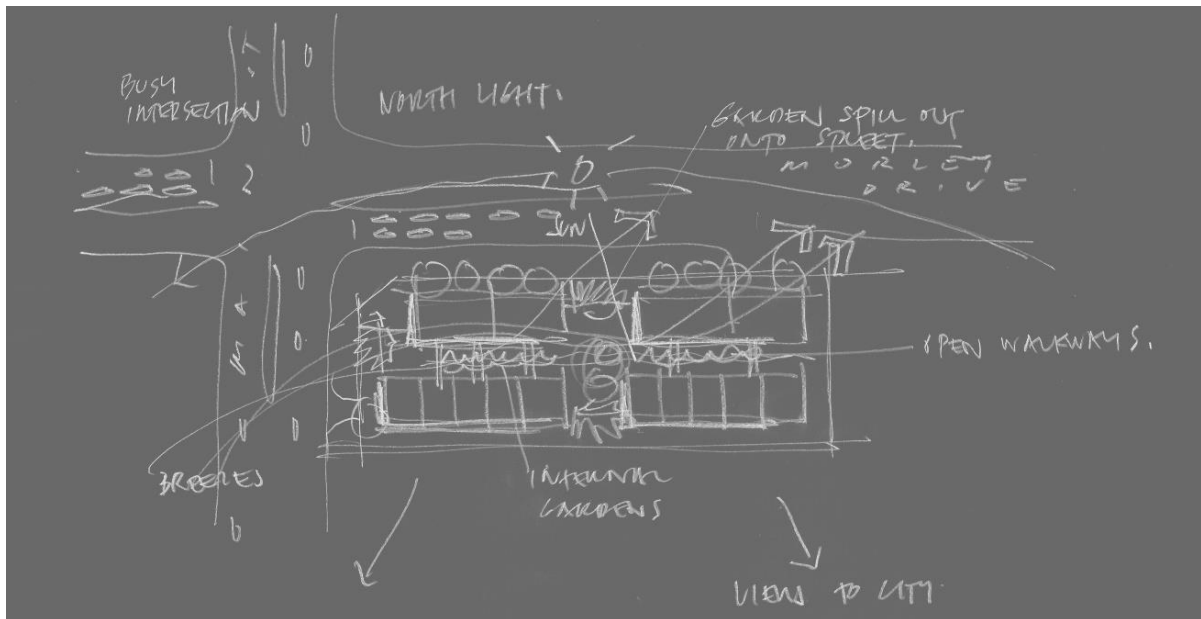


Figure 9: Design Strategy

4.2 Commercial Tenancies

The proposal includes four (4) commercial tenancies. It is intended that the tenancies would be occupied by office uses. Given there is no on street parking nor parking visible from the street, it is not considered that tenancies are suitable for retail or hospitality type uses.

The commercial tenancies will provide for ongoing employment opportunities within the development.

4.3 Traffic Generation

The Subject Site is on the corner of Main Street and Morley Drive intersection. Morley Drive accommodates an average of 20,416 vehicles per day, whereas Main Street accommodates an average of 27,563 vehicles per day. The development has taken the traffic volumes into consideration and proposes to continue to use the existing left in and left out entrances/exits on both Main Street and Morley Drive. The location of the access points remains unchanged to ensure the development minimises traffic congestion on the intersection.

The proposal includes:

- 76 resident parking bays consisting of: 68 standard resident bays as well as 4 small car bays and 4 accessible parking bays;
- 34 bicycle parking spaces for residents;
- 10 visitor bays; and
- 16 commercial bays (and one universal bay);
- 8 motor bike bays; and
- 12 bicycle parking bays available for visitors and for the occupiers of the commercial tenancies.

A Traffic Report in the form of a Transport Impact Statement is included as **Annexure 5**.

4.4 Public Transport

The Subject Site has access to a diverse range of public transport options. Stirling Train Station is 2.8km/35 minute walk or 2.9km/4 minute drive. Additionally, there are numerous bus routes offering trips to Stirling Station, Perth City, local shopping centres and recreational facilities within close proximity bus stops in proximity to the site are located:

- 180m from Subject Site, Main St before North Beach - 402, 414.
- 180m Subject Site, Main St after North Beach - 402, 414.
- 120m Subject Site, Karrinyup Rd before Main Street - 998.
- 130m Subject Site, Karrinyup Rd after Main Street - 402, 999.

SPP 7.3 R Codes Apartments defines a high frequency route as

A public transport route with timed stops that runs a service at least every 15 minutes during weekday peak periods (7am to 9am and 5pm to 7pm).

Table 3 provides a summary of the bus routes in proximity to the Subject Site.

Table 3: Bus Routes

Bus Stop No.	Route	Time	To
11578	998	7:04am, 7:16am, 7:29am, 7:44am, 8:01am, 8:16am, 8:27am 8:40am, 8:55am, 5:02pm, 5:18pm, 5:32pm, 5:48pm, 5:58pm, 6:08pm, 6:18pm, 6:27pm, 6:43pm, 7:00pm	Circle route providing access to Morley Station, with most services continuing through to Ascot, Curtin University, Murdoch University and terminating at Fremantle Station
11419	999	7:02am, 7:15am, 7:31am, 7:44am, 7:54am, 8:08am, 8:19am 8:30am 8:41am, 8:55am, 5:12pm, 5:27pm, 5:42pm, 5:57pm, 6:12pm, 6:27pm, 6:43pm, 6:47pm	Circle route providing access to Stirling Station, with most services continuing through to the western suburbs terminating at Fremantle Station
11419	402	7:09am, 7:35am, 8:07am, 8:32am, 9:07am, 5:10pm, 5:21pm, 5:30pm, 5:50pm, 6:00pm, 6:17pm, 6:41pm	Stirling Station

A review of the above bus schedules supports that this site is located on a high frequency route.

4.5 Overshadowing and Privacy

The Application includes overshadowing diagrams in the Development Plans provided in **Annexure 2**. The diagrams illustrate the overshadowing to the properties to the south at 12 noon on 21 June will be:

- 22% to Lot 31 (151) North Beach Drive; and
- 20% to Lot 32 (153) North Beach Drive

Noting that the adjoining sites are coded R30, the shadow cast meets the acceptable outcomes provided in Element 3.2 Orientation of the R Codes Vol 2.

In regard to the shadow cast on the rear open space, that area will be in shade for significant periods of the year. However, the plant species for that area have been chosen specifically by the Landscape Architect, taking into account the shaded environment.

The dwellings fronting Main Street do not have any major openings along the northern elevation, thus ensuring that visual privacy to the adjoining properties is maintained. Refer **Figure 10**. Furthermore, the setback of the balconies of the next four dwellings to the southern boundary is 6 metres.

There will be a possibility that residents to the upper level dwellings with balconies, facing south, will overlook down to the balconies to Level 1 for the 4 south western dwellings, given the balconies to Units 112-115 extend out to the southern side boundary. However Units 112-115 on level 1 have access to an outdoor living area immediately adjacent to their internal living area which would not be overlooked. Furthermore, it is likely that the residents on the upper level would be primarily outward, towards the City and not downwards.

It is considered that the setback of 6 metres from the balconies to the upper levels provides an adequate separation to achieve visual privacy to the adjoining properties. The area within the cone of vision to the adjoining properties is predominantly outbuildings, carparking, communal landscaping and extended yard areas rather than the outdoor living areas for those adjoining dwellings.

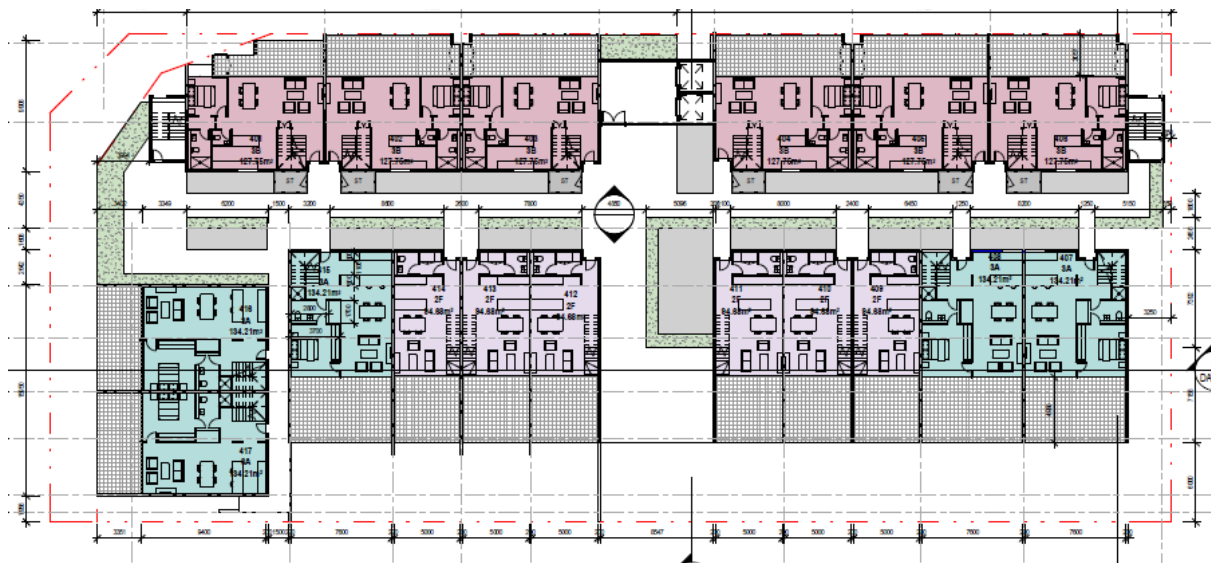


Figure 10: Fourth Floor Plan

4.6 Landscaping

The landscaping of the development will incorporate 21.2% podium green, 26.5% Combined green and 10.4% deep soil. Deep soil compliance is 10% of site area being a minimum requirement of 311.4m², with 325m² being achieved.

The Landscape Plan is included in **Annexure 3** and includes planting on site, on all levels, planting within the road widening land and also within the verges of Morley Drive and Main Street. An extract of the landscape plan, being the ground floor landscape plan is included at **Figure 11**.

The proposal also includes elevated planters and vertical gardens internally, refer **Figure 12**.



SMT TUA DA/SDAU Report April 2021: Brooklyn on Main, 10 Morley Drive, Tuart Hill

It is proposed to retain the existing verge tree which is described as a Eucalyptus Marginate (Jarrah). The Landscape plan provided in **Annexure 3** details the existing vegetation on site and identifies that the on site vegetation will be removed.



Figure 13: Summary of Existing Vegetation

A comparison of the photos of the vegetation as contained in **Figure 13** and the image at **Figure 14** support that the trees were lopped/pollarded in or around 2015.

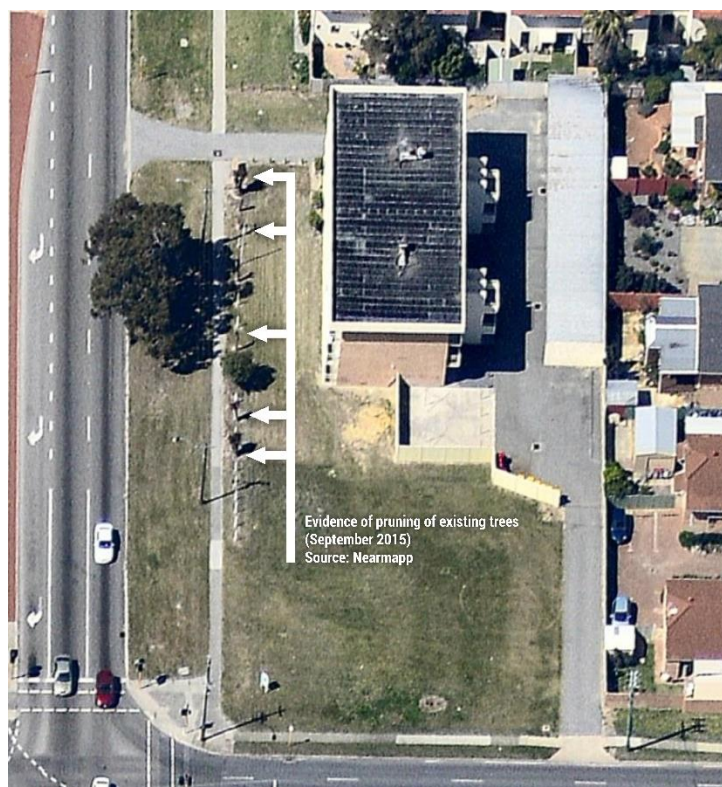


Figure 14: Tree Lopping September 2015

It is considered that the existing vegetation on site, due to the significant lopping/pollarding having occurred in 2015, is not suitable to be retained. The Landscape Plan details all proposed planting for the site.

It is proposed to retain and protect the existing verge tree to Morley Drive. There is no existing verge tree to Main Street. The landscape plan demonstrates that the site can be suitably landscaped to complement the proposed development and its surround and including a mix of native and introduced species that have been chosen to suit their location and microclimate.

4.7 Communal Space

The development proposal provides a number of communal spaces. As shown on the Landscape Plan (refer **Annexure 3**), an extract of which is included in **Figure 11**, the proposal includes a communal open space incorporating deep planting, seating, and a barbeque area. Furthermore, the development has a gym/indoor communal area of 135m² that opens out onto the oasis communal open space.

In addition, a number of the upper floors have a communal space with chairs, tables, herb gardens etc where residents can meet and congregate. More detail is provided in regard to Communal Open Space in the R Codes assessment provided at **Annexure 7** and the landscape plans at **Annexure 3**.

The communal spaces provide meaningful and useable areas for residents of the development.

As shown on the Landscape Plan (refer **Annexure 3**), an extract of which is included in **Figure 11**, the proposal incorporates a communal open space with deep planting, seating, and a barbeque area. Furthermore, the development also incorporates a gym/indoor communal area of 135m² that opens out onto the oasis communal open space.

In addition, a number of the upper floors have a communal space with chairs, tables, herb gardens etc where residents can meet and congregate. More detail is provided in regard to Communal Open Space in the R Codes assessment provided at **Annexure 7** and the landscape plans at **Annexure 3**.

The communal spaces provide meaningful and useable areas for residents of the development.

4.8 Universal Design

The proposed development has a total of 4 dwellings which will be constructed to provide for universal access to a Platinum Level standard as defined in the Liveable Housing Design Guidelines.

An additional two dwellings are capable of being converted to meet the Platinum Level standard as defined in the Liveable Housing Design Guidelines.

4.9 Access

With the development fronting and having vehicular access to a Primary Regional Road and Other Regional Road, access is an important consideration.

The development takes into account the Other Regional Road reservation for Main Street as detailed on WAPC Land Requirement Plan No. 1.3557. No development is proposed in this road widening area.

A Transport Impact Statement (**TIS**) accompanies this Application (refer **Annexure 5**). This takes into account the matters raised in the pre-lodgement advice. As outlined in the pre-lodgement advice, Main Roads WA requested the following:

- The swept paths in CAD; and
- Electronic SIDRA files (.sip) in version 8.

Digital files are provided with the Application which provide swept paths in CAD. However, for there is no requirement for a SIDRA analysis for a Transport Impact Statement, therefore, the electronic SIDRA files (.sip) in version 8 are not provided.

As outlined in the TIS, continued use of the crossovers and left in and out only access arrangements to the site are considered satisfactory. The TIS provides a full review of the proposal in terms of access and also outlines that the proposed carparking and access arrangements are compliant with Australian Standard 2890.1.

4.10 Acoustic

It is noted that State Planning Policy 5.4: Road and Rail Noise (SPP5.4) applies. An Acoustic Assessment accompanies this Application which addresses SPP5.4 on the basis that the proposal includes a Noise Sensitive Land use within the policy's trigger distance. The Acoustic Assessment details the findings of noise modelling and a summary of the indicative minimum noise controls and the glazing construction requirements.

The Acoustic Assessment also takes into account the need to comply with the *Environmental Protection (Noise) Regulations 1997*. The final modelling for the Environmental Noise Assessment will be undertaken at the detailed design stage with final advice from the Mechanical Engineer in regard to an appropriate selection of air conditioning units and condensers and once details of all service requirements are finalised. The finalised assessment for environmental noise will be modelled and the recommendations of the Acoustic Report will be implemented to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*, insofar as noise within the development being experienced by residents and noise to residents experienced on adjoining properties. The environmental noise assessment will be provided at the Building Permit stage to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.

4.11 Waste Collection

A Waste Management Plan (**WMP**) accompanies this Application (refer **Annexure 8**). This WMP has been prepared in consultation with the City of Stirling. The WMP includes swept paths demonstrating that the waste vehicle that the City of Stirling have advised would be utilised to service this development can be accommodated on site and is able to enter/exit the site in a forward gear.

The bin store has been recessed away from the roads such that the rubbish vehicles can park on site whilst collecting the waste and then are able to leave the property in a forward gear.

4.12 Plant/Services

The plans identify areas regard for the location of plant and services. Preliminary advice has been sought in relation to servicing requirements for fire, water supply, stormwater, power etc and appropriate space has been set aside in recognition of the plant/service requirements for the site.

The roof plan show the proposed location of solar panels of the development.

The air conditioning units will be located within a louvred box on the balcony or within a ventilated area in the store adjacent to the dwelling. The location and type of the air conditioning condensers will be provided in the detailed Acoustic Assessment to be undertaken after planning approval is granted. The detailed acoustic modelling will also ensure that all plant equipment and services will be capable of operation in accordance with the requirements of the development and in accordance with the *Environmental Protection (Noise) Regulations 1997*.

4.13 Sustainability

True North Properties is committed to creating a Mixed Use development that maintains strong sustainable values and maximises energy efficiencies. The project seeks to meet a triple bottom line as a key component to develop the site.

Refer to the report included as **Annexure 11** in regard to sustainability measures adopted within the development.

4.13.1 Environmental

The development has been designed to incorporate vertical gardens, deep soil for large trees/medium sized trees as well as the retention of a significant street tree. This enables the development to retain an existing feature, connecting it to the surrounding properties and provide new landscaping which will assist to provide a cooling environment within the development. Furthermore, the use of native and drought resistant flora has been used to minimise water usage.

4.13.2 Social

The development will incorporate four commercial tenancies that will facilitate a range of office based services at a convenient location. With inclusion of a dwelling mix, the proposal also seeks to provide a housing choice for all family styles.

4.13.3 Economic

The development will have a variety of differently priced dwellings which will help accommodate different demographic groups. Additionally, the development will also incorporate 5-star sustainable practices to minimise water and electricity wastage. This will be achieved through a variety of measures such as

- Allowing for natural wind flow through centre of the complex and a high level of natural daylight;
- Reduced irrigation requirements with sensitive design of landscaping; and
- Use of solar.

An Economic Assessment of the proposal is provided in **Annexure 10** which demonstrates the economic sustainability of the proposal and a Sustainable Design Strategy is provided at Annexure 11 detailing the measures to be implemented on site to maximise energy efficiencies.

5.0 STRATEGIC PLANNING FRAMEWORK

5.1 Perth and Peel @ 3.5 Million

Perth and Peel @ 3.5 Million is the overarching State Strategic Planning Framework that provides an important mechanism for managing urban growth and achieving the increased urban consolidation and residential housing choice required to accommodate our anticipated long-term population growth. The frameworks comprising Perth and Peel @ 3.5 Million encourages higher-density residential development around Activity Centres, station precincts and along high-frequency public transport routes. Perth and Peel guides infill development to deliver a more compact and connected city and promote the connectivity and development of Activity Centres, corridors, industrial nodes, and station precincts to drive employment opportunities outside the Central Business District. This is crucial in achieving the key objective to provide employment options where people live, thereby reducing the need for people to commute long distances for work.

This development will increase the residential density of the site that is in close proximity to commercial activities, located on an Urban Corridor with access to high frequency public transport.

5.2 Central Sub Regional Planning Framework

The Central Sub Regional Planning Framework builds upon the principles of Directions 2031 and beyond and is a key instrument for achieving a more consolidated urban form that will reduce dependence on new Urban Greenfield Developments to accommodate the anticipated population growth, by increasing residential density and urban infill development targets.

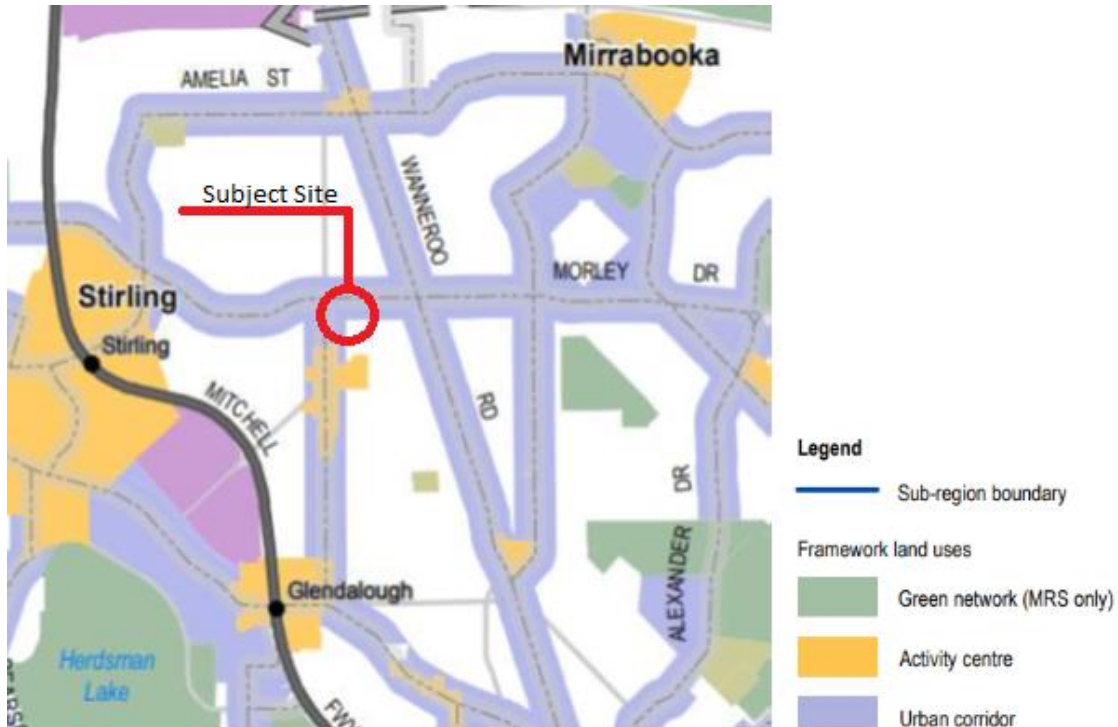


Figure 15: Extract of the Central Sub-Regional Planning Framework

The Central Sub Regional Planning Framework provides the strategic spatial framework which will guide Local Governments in achieving optimal urban consolidation over the long term. The framework takes account of economic modelling and subsequent refinements following community consultation based on the overall urban growth scenario for a city of 3.5 million. Therefore, a more balanced approach to urban growth (including employment) is needed and can be achieved through identifying appropriate urban consolidation precincts in close proximity to quality public transport. The framework supports a more sustainable city and proposes to facilitate more housing choice through increasing the diversity and density of residential development in established residential areas in appropriate locations. As outlined in the Central Sub-Regional Planning Framework, urban corridors provide connections between Activity Centres and maximise the use of high-frequency and priority public transport. Urban corridors shown in the framework represent significant opportunities to accommodate increased medium-rise higher density residential development by good quality, high frequency public transport. Refer **Figures 15 and 16**.

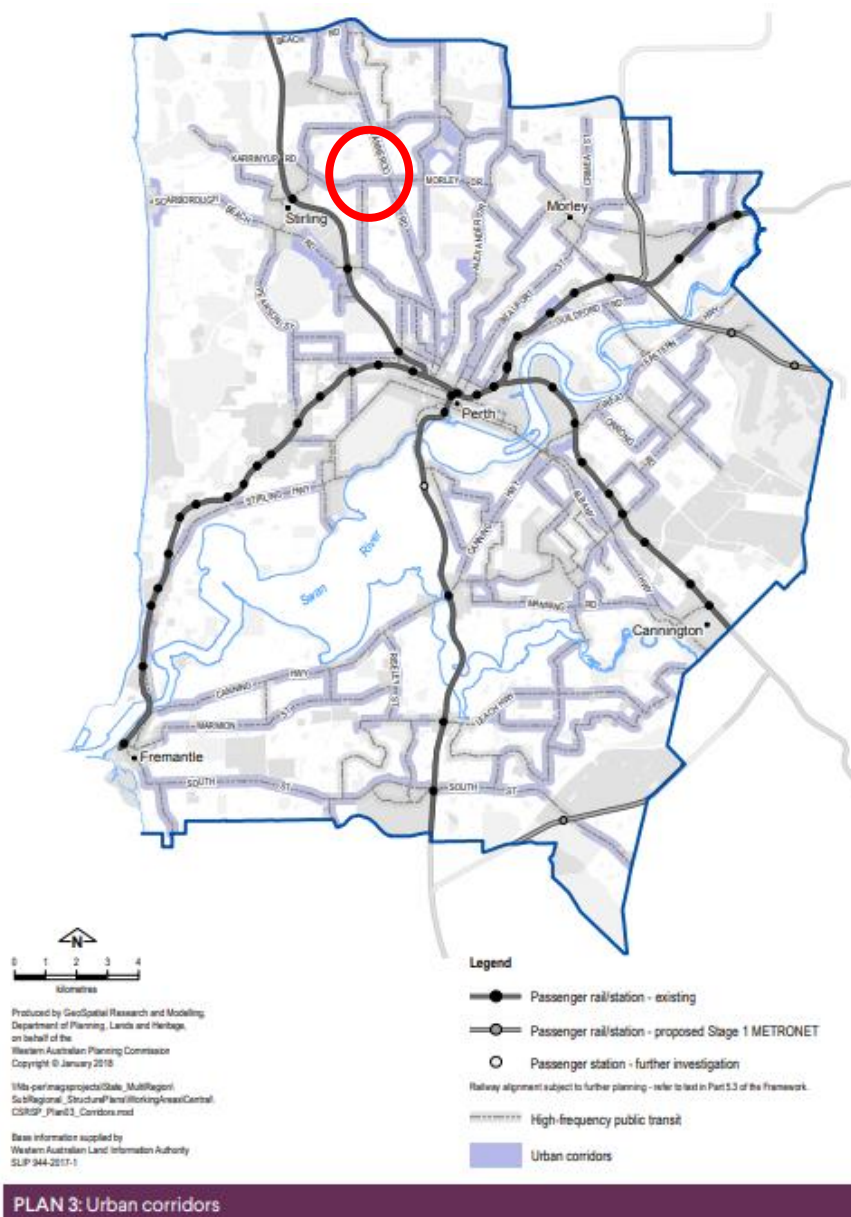


Figure 16: Urban Corridors Identified in the Central Sub-Regional Planning Framework

The objective is to guide long-term planning for housing, employment, and infrastructure to serve a growing population and assist local planning alignment with State Planning Objectives. The aim is for these preferred locations to accommodate the majority of infill dwellings and employment development required for the sub-region by 2050, while the remaining infill dwellings will occur within suburban areas outside of the preferred locations.

The Subject Site is located on the intersection of two urban corridors as identified in the Central Sub-Regional Planning Framework. The framework sets an infill housing target of 60,330 additional dwellings by 2050 for the City of Stirling, accommodated in strategic locations such as centre precincts and corridors. The Subject Site is ideally located on the intersection of two urban corridors and therefore a suitable location for development of an increased density to assist to achieve the housing target.

5.3 WA Housing Strategy 2020-2030

WA Housing Strategy 2020-2030 is a State-based housing strategy to connect 150,000 WA households to safe, stable, and sustainable homes by 2030. The strategy acknowledges that despite significant investment, particular demographic groups are finding it increasingly difficult to find a home to meet their sustainable needs. Three major themes provide the foundation for the strategy — affordability, sustainability, and equity.

The proposed Mixed- Use development incorporates key values from the framework to create a variety of affordable dwellings that are central to everyday needs. It achieves this through innovative features that incorporate communal areas consisting of lush vegetation that flows into a BBQ and gym area. To ensure equity for a variety of groups there are dwellings catering for families, couples or singles that have all been strategically designed to utilise natural sunlight and airflow.

5.4 City of Stirling Local Planning Strategy

The City of Stirling Local Planning Strategy (**Strategy**) was endorsed by the Western Australian Planning Commission (**WAPC**) on 25 October 2019.

The proposal achieves the planning objectives of the City of Stirling Local Planning Strategy (endorsed by the WAPC on 25 October 2019) in that:

- With the Subject Site being located on the intersection of two urban corridors, the development will meet objective 1 to prioritise growth and investment in activity centres and corridors;
- Objective 2 is “Keep the jobs we have now and Grow them”, the Economic Report outlines that the proposed development is likely to generate 37 full time equivalent jobs (direct and indirect) so the development assists to achieve this objective;
- With the Subject Site being on the intersection of two urban corridors, the development is consistent with Objective 3: Transport and land use will be coordinated and integrated;
- Objective 4 is improving the quality and liveability of the city. The proposal assists to achieve State Government housing targets and will be constructed in accordance with the sustainability report, submitted with the Application. Deep soil areas are proposed with plant species being chosen to minimise water usage, with many areas on site providing excellent opportunities for social interaction within communal areas. The proposal is considered to be consistent with this objective.

In regard to population and housing, one of the key issues identified in the Strategy is to focus residential growth in Activity Centres and along Activity Corridors. Both Main Street and Morley Drive are identified Activity Corridors. Furthermore, in regard to key issue 2.2 in the Strategy, the response is identified as ensuring land is suitably zoned to provide a range of residential accommodation. One of the actions identified is to *“Provide form multiple dwellings only in Activity Centres and identified Corridors as part of the detailed planning (such as an Activity Centre plan) or the “Better Suburbs” program.”* This Development Proposal is consistent with the objectives of the Local Planning Strategy.

5.5 Better Suburbs Strategy

The City of Stirling’s Better Suburb Strategy was endorsed by Council in August 2020. The Better Suburbs Strategy aims to focus on the urban infill targets and future population to be accommodated in or in close proximity to Activity Centres and seeks to provide for increased density along key urban corridors with high frequency public transport corridors. The Better Suburbs Strategy aims to:

- Focus investment, jobs, and housing growth on corridors and in centres;
- Maintain suburban residential areas for the City for family and larger households;
- Increase tree canopy coverage;
- Improve the overall liveability of the City;
- Protect and enhance the City’s natural environment.

This development is consistent with the Better Suburbs Strategy in that it provides for a higher density living on an identified corridor.

Figure 17 shows the site identified in the Better Suburbs Strategy as a local centre with a designation of A2 – with a height of up to 6 storeys.

The Subject Site is within the Nollamara section and is located within a key area of the approach to the Better Suburbs Area and has the potential to stimulate strategy objectives and encourage Mixed use growth within the area. Under the strategy, the Lot is situated on a future local centre site and such is given an A2 status allowing up to a 6-story development.

The location of the development is within walking distance to the newly developed Roselea Shopping Centre (800m), numerous local parks including Wesley/Morley Reserve (130m) as well as a variety of recreational facilities such as the Osborne Park Bowling Club (900m) and the Stirling Lions Soccer Club (750m). The development will contribute to the future Local Centre and is 750m away from a Designated Neighbourhood Centre (Wanneroo/Morley Crossover).

The development improves public interface by having basement carpark bays and ground floor car bays strategically placed within the centre of the complex. Additionally, the deep soil landscaping enables the development to implement mature vegetation and create an increase in tree canopy. This, in conjunction with the proposed facilities at the development will create a strong sense of community within this Local Centre.

The proposal has been designed in accordance with the requirements detailed in **Figure 17** which is to allow for attached dwellings to 6 storeys in height, whilst also providing a commercial component, consistent with the Local Centre proposed coding. In conclusion, the proposal is consistent with the Better Suburbs Strategy.

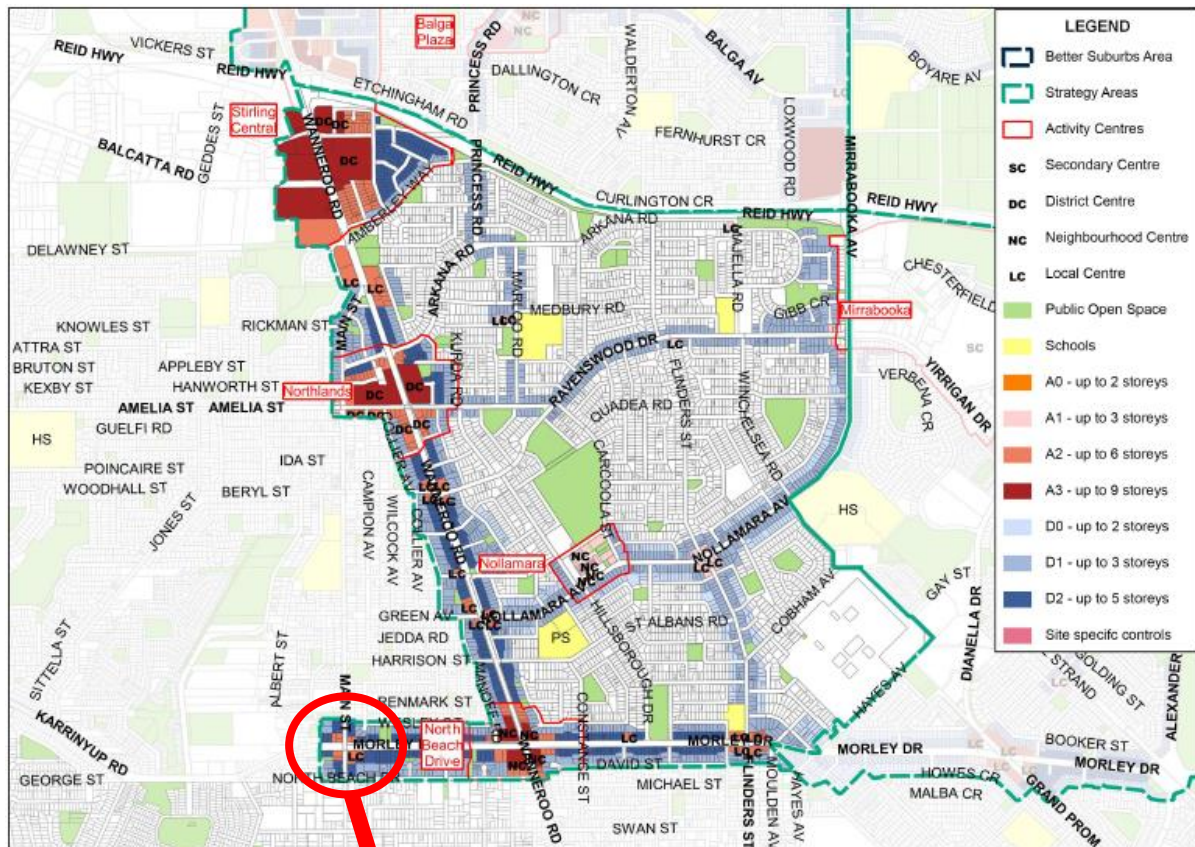


Figure 17: Extract of Better Suburbs Strategy

6.0 RELEVANT STATE PLANNING FRAMEWORK

The following provides comment on a number of the relevant State Planning Policies.

6.1 Metropolitan Region Scheme

The majority of the Subject Site is zoned Urban under the Metropolitan Region Scheme (**MRS**), refer **Figure 19**. However, there is a portion of the site along the Main Street (western) frontage totalling 158m², that is reserved “Other Regional Roads”. The Development Proposal has been designed, taking into account, the “Other Regional Roads” reserve that extends into the Subject Site.

Pursuant to the MRS:

- Morley Drive is reserved as a Primary Regional Road and identified under Plan SP693/5 as Road 18, a road under Main Roads WA’s control and more specifically Category 2 – Frontage access may be allowed subject to approval; and
- Main Street is an “Other Regional Road” and identified under Plan SP 694/4 as Road 55, a road under WAPC’s control and more specifically Category 2 – Frontage access may be allowed subject to approval.

The site has existing vehicular access points to Main Street (towards the southern end of the site) and Morley Drive (to the eastern end of the site) with both vehicular access points being approximately 4 metres in width, allowing for two-way vehicular access at both access points. As the proposal involves an increase in traffic using the existing access onto the (regional) road reservation/s, a Transport Impact Statement has been prepared in accordance with the WAPC’s Transport Impact Assessment Guidelines Volume 4 and accompanies this Application. Refer **Annexure 5** for the Transport Impact Statement.

Figure 18 provides a more detailed plan showing the “Other Regional Road” reservation extending into the Subject Site.

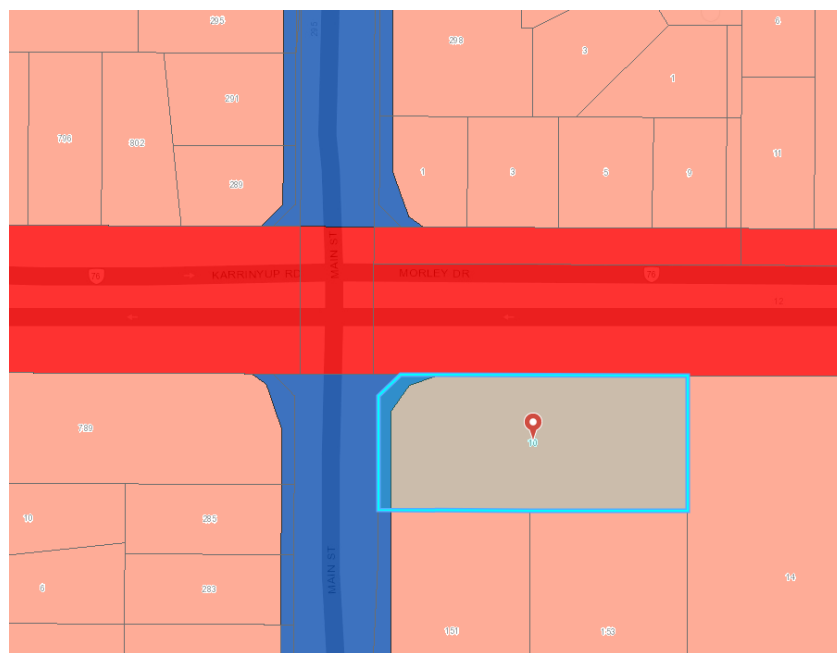


Figure 18: Illustrating the Portion of the Site Reserved Other Regional Road



Figure 19: MRS Plan

6.2 SPP 1 State Planning Framework

The proposal takes into account the general principles for land use planning and development as detailed in SPP1 State Planning Framework including community (high standard of urban design with a higher density development on a high frequency transport corridor), economic (the Application includes an Economic Report at **Annexure 10**) and environment (the Application includes a Sustainability Report at **Annexure 11**).

6.3 SPP 5.4: Road and Rail Noise

State Planning Policy 5.4 Road and Rail Noise (**SPP 5.4**) applies to all stages of planning in Western Australia, where a noise-sensitive land use is proposed within the Policy's trigger distance of specified transport routes or when new or major upgrades of road and rail are proposed Refer **Figures 21 and 21**. The transport routes identified are considered to be of key economic importance due to their high vehicle movements and/or freight handling functions.

The objective of the Policy is to:

- Protect the community from unreasonable levels of transport noise;
- Protect strategic and other significant freight transport corridors from incompatible urban encroachment;
- Ensure transport infrastructure and land-use can mutually exist within urban corridors;
- Ensure that noise impacts are addressed as early as possible in the planning process;
- Encourage best practice noise mitigation design and construction standards.

In particular, SPP5.4 aims to ensure that acceptable levels of acoustic amenity can be achieved through the consideration of interface issues that balance reasonable and practical considerations when noise sensitive land use and/or development is proposed in areas impacted by road and rail noise.

Section 4.1.2 of the Policy specifies trigger distances from transport corridors such that, where any part of the lot is within the specified trigger distance, an assessment against the Policy is required to determine the likely level of transport noise and management/mitigation required. Table 1 identifies the trigger distance from the strategic freight and major traffic routes as 300 metres. The Subject Site lies entirely within the trigger distance area for both Morley Drive and Main Street as both roads are classed as a "Other Significant Freight/Traffic Route".

Table 2 within Section 6 of the Policy sets out noise targets that are to be achieved by proposals under which the Policy applies. Where exceeded, an assessment is required to determine the likely level of transport noise and management/mitigation required. An expert Acoustic Consultant has been engaged to undertake this assessment and determine the management and mitigation measures required. The Acoustic Consultant's Report has been included as **Annexure 9** to this report.

Table 1: Transport corridor classification and trigger distances

Transport corridor classification	Trigger distance	Distance measured from
Roads		
Strategic freight and major traffic routes Roads as defined by Perth and Peel Planning Frameworks and/or roads with either 500 or more Class 7 to 12 Austroads vehicles per day, and/or 50,000 per day traffic volume	300 metres	Road carriageway edge
Other significant freight/traffic routes These are generally any State administered road and/or local government road identified as being a future State administered road (red road) and other roads that meets the criteria of either ≥ 100 Class 7 to 12 Austroads vehicles daily or $\geq 23,000$ daily traffic count (averaged equivalent to 25,000 vehicles passenger car units under region schemes).	200 metres	Road carriageway edge

Figure 20: Transport Corridor Classification & Trigger Distances Table source dplh.wa.gov.au

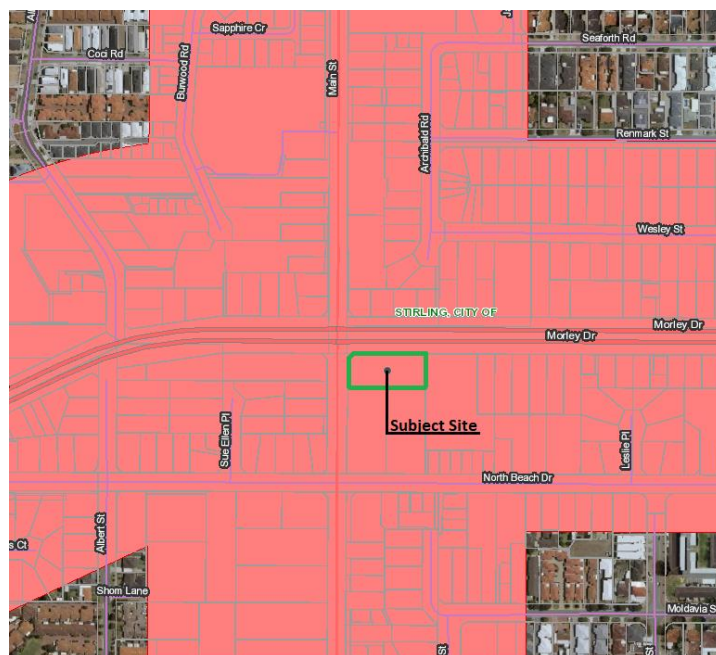


Figure 21: Road and Rail SPP 5.4 source dplh.wa.gov.au

6.4 SPP 7.0 Design of the Built Environment

Design of the Built Environment State Policy emphasises the importance of incorporating good design at an early stage in the development process. It provides a well-balanced framework that uses a variety of functionality and design principals to ensure the success of a development. The proposed Mixed Use development has been designed with these principles in mind to ensure positive longevity for both the locality and residents.

Annexure 6 provides commentary from the Architect in relation to responding to each of the ten design principles.

6.5 SPP 7.3 Residential Design Codes Volume 2 – Apartments

The site is coded R30, State Planning Policy 7.3 – Residential Design Codes Volume 1 (R Codes Vol 1) currently applies to the Subject Site. However, this Application seeks consideration under Part 17 of the Planning & Development 2005 whereby the Western Australian Planning Commission is not bound or restricted by any legal instrument in its determination of an Application.

The development does not comply with the R Codes Volume 1 in regard to a number of aspects. The City of Stirling Strategic Planning Framework, as detailed in the City’s Better Suburbs Strategy (adopted by the Council in August 2020) identifies the Subject Site as “Local Centre” as well as “A2 – up to 6 storeys.”

Given the unique provisions of Part 17 of the *Planning & Development Act 2005*, an assessment of this Application under State Planning Policy 7.3 Residential Design Codes – Volume 2 accompanies this Application. This form of development is more appropriately assessed under the R Codes Volume 2, so whilst the R Codes Volume 2 does not apply under the current zoning, it is a more appropriate assessment tool, given the unique provisions of Part 17 of the *Planning & Development Act 2005*.

State Planning Policy 7.3 Residential Design Codes – Volume 2 provides comprehensive guidance and controls for the development of multiple dwellings in areas coded R40 and above, within Mixed Use development and Activity Centres. Whilst the density coding would require consideration under the R Codes Volume 1, given the discretion being sought for this Application outside the Statutory Planning Framework, the future zoning, and the Mixed Use nature of the proposal, it is considered that it is more appropriate that the Application is assessed under the R Codes Volume 2.

The R Codes Volume 2 contains a number of elements, each with an element objective, acceptable outcomes, and design guidance. As outlined in the preliminary to the R Codes Volume 2 it states: *“In assessing applications for development approval against the R Codes Volume 2, the decision maker shall have regard to the above policy objectives, Element Objectives provided in Parts 2, 3 and 4 of the R Codes Volume 2 and objectives provided within the applicable planning framework.”*

Furthermore, as outlined in relation to acceptable outcomes, the R Codes Volume 2 states: *“Acceptable outcomes are likely to assist in satisfying the objectives but are not a ‘comprehensive deemed to comply’ list. In order to achieve the Element Objectives, proposals may require additional and/or alternative design solutions in response to the site conditions, streetscape and design approach.”*

An assessment under the Design Element Objectives is provided in **Annexure 7** of this report. Further consideration to some key elements of the R Codes Volume 2 is also included in this report.

7.0 LOCAL STATUTORY PLANNING FRAMEWORK

7.1 City of Stirling Local Planning Scheme No. 3.

The Local Planning Scheme applicable to the site is the City of Stirling Local Planning Scheme No. 3 (LPS3). The Subject Site is zoned Residential R30, with a portion of the site reserved for Other Regional Road, as outlined in the preceding section of this report. A Zoning Plan is included as **Figure 22**.

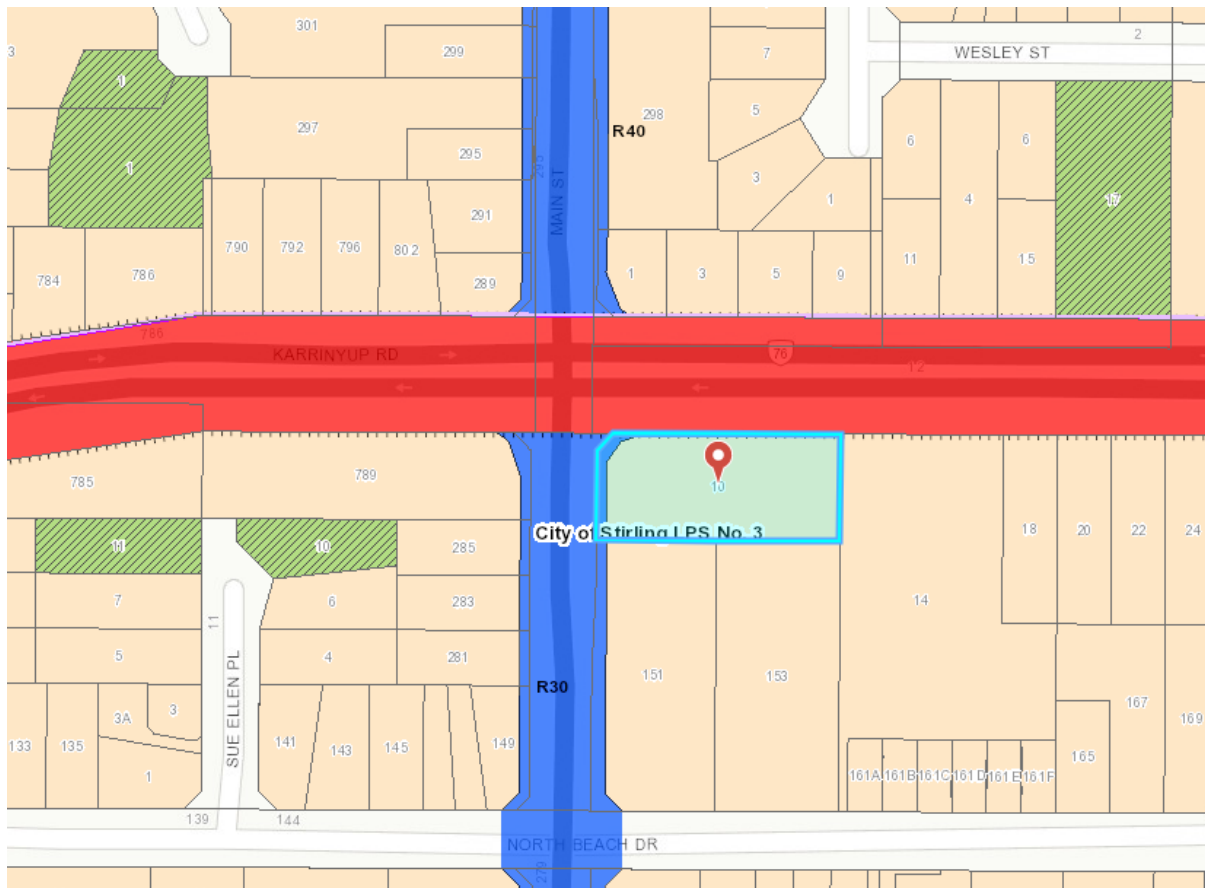


Figure 22: Extract of the Zoning Plan Pursuant to the City of Stirling Local Planning Scheme No. 3. Source stirling.wa.gov.au

This Application seeks consideration under Part 17 of the *Planning & Development Act 2005* whereby the Western Australian Planning Commission is not bound or restricted by any legal instrument in its determination of an Application.

The Development Proposal does not comply with the provisions of LPS3 including the following:

- The proposal exceeds the density permissible under the current zoning of R30 under LPS3;
- The proposal includes Office Uses on the ground floor. Pursuant to Table 1 – Zoning table, an “Office” Use is an “X” use (a use that is not permitted by the Scheme) in the Residential zone;
- Note 1 of Table 1 – Zoning table states that Multiple Dwellings are not permitted in areas coded R35 or below.

- Clause 5.2.2 of LPS3 identifies that development of land for residential purposes dealt with by the R Codes is to conform with the provisions of those Codes.

The Subject Site is currently zoned “Residential zone” R30 under the City’s LPS3. Clause 4.2.12 of LPS3 provides the following objective for the Residential zone:

- To provide for residential development at a range of densities with a variety of housing type and size, to meet the current and future needs of the community.*
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

This Development Proposal is predominantly consistent with the Residential zone objectives.

The City’s, Better Suburbs Strategy, identifies the site as Local Centre. Clause 4.2.7 of LPS3 provides the following objectives for the Local Centre zone:

- To provide for a limited range of small-scale retail, commercial and community facilities to meet the day-to-day needs of the immediate neighbourhood.*
- To ensure safe and convenient access to facilities, in an environment which is conducive to pedestrian movement.*
- To ensure development is sited and designed so as to reinforce a sense of place and attractive streetscapes.*

Under the “Local Centre zone” the development is consistent with the stated objectives. Furthermore, the proposal achieves a variety of objectives outlined in the City’s Better Suburbs Strategy, which is the Strategic Planning Framework for a significant area of the City that aims to revitalise Activity Centres and corridors. As of August 2020, the City has endorsed its new Better Suburbs Strategy.

The proposal is consistent with the aims of the Scheme in that the development would provide a range of housing choices and a high level of amenity. As the Better Suburbs Strategy framework contemplates a different built form to the current zoning, the proposal is consistent with the new strategy.

Regardless, Part 17 of the Planning & Development Act 2005, Sections 270, 273, 274 and 275, allows determination of a Development Application in a circumstance that the legal instrument (being the City of Stirling Local Planning Scheme No. 3) does not apply.

7.2 Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)* have introduced a set of Deemed Provisions within Schedule 2 that automatically form part of LPS3. In particular, Clause 67 of Schedule 2 deals with matters to be considered by Local Government and include the following key provisions relevant to this Application:

Table 4: Matters to be Considered

Matters to be considered	Comment
a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area</i>	The proposal is consistent with the aims of the Scheme in that the development would provide a range of housing choices and a high level of amenity.
b) <i>the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	Whilst the proposal is not consistent with the statutory provisions of LPS3, Part 17 of the <i>Planning and Development 2005</i> (the Act) gives WAPC the discretion to consider an application that may not meet the statutory planning framework but meets the provisions of Section 275 of the Act, including proper and orderly planning. Refer Section 9 of this report detailing how approval of this application would be consistent with the requirement of proper and orderly planning.
c) <i>any approved State Planning Policy</i>	Section 6 of this report details how the proposal meets the requirements of the relevant State Planning Policies.
d) <i>any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d)y;</i>	Not relevant
e) <i>any policy of the Commission</i>	No policies have been noted in regard to this proposal
f) <i>any policy of the State;</i>	No policies have been noted in regard to this proposal. In regard to the Metropolitan Region Scheme, there is no development proposed in the portion of land that is reserved under the Metropolitan Region Scheme as Other Regional Road.
fa) <i>any local planning strategy for this Scheme endorsed by the commission</i>	The proposal is consistent with the City of Stirling Local Planning Strategy, refer to Section 5.4 of this report.
g) <i>any local planning policy for the Scheme area</i>	A summary of the relevant local planning policies is provided in Section 8 of this report.
h) <i>any structure plan or local development plan that relates to the development;</i>	There is no structure plan or local development plan applicable to this site at this time.
i) <i>any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;</i>	The report on the review of the scheme is not available from the City's website, however preliminary advice from the City is that the Scheme Review will seek to rezone the site to Local Centre

Matters to be considered	Comment
	RAC-0, consistent with the Better Suburbs Strategy.
<i>j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;</i>	There is no development proposed in the portion of land that is reserved under the Metropolitan Region Scheme as Other Regional Road.
<i>k) the built heritage conservation of any place that is of cultural significance</i>	The site or surrounding properties are not identified as having cultural heritage significance.
<i>l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;</i>	The site or surrounding properties are not identified as having cultural heritage significance.
<i>m) the compatibility of the development with its setting including</i> <i>I. the compatibility of the development with the desired future character of its setting; and</i> <i>II. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	Whilst the proposal does represent a more intense development when compared to the existing building on site and on the surrounding sites. However, the proposal is consistent with the desired future character as outlined in the Better Suburbs Strategy, where it is identified for a Local Centre zone accommodating a built form of 6 storeys in height.
<i>n) the amenity of the locality including the following —</i> <i>(i) environmental impacts of the development;</i> <i>(ii) the character of the locality;</i> <i>(iii) social impacts of the development;</i>	Whilst the proposal does change the character of the area, the proposed built form of 6 storeys is consistent with that contemplated under the adopted Better Suburbs Strategy. The Sustainable Design Strategy details the measures taken to minimise energy usage and the proposed plantings will provide an environmental benefit. In regard to social impacts, the proposal, with a variety of housing styles will provide for a variety of family structures and demographics with a focus on providing opportunities for social interaction at every level, representing a likely positive social impact.
<i>o) The likely effects of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or water resource.</i>	The Sustainable Design Strategy details the measures taken to minimise energy usage and the proposed plantings will provide an environmental benefit.
<i>p) whether adequate provision has been made for the landscaping of the land to</i>	Refer to the Landscape Plan provided in Annexure 3. The existing verge tree is worthy of retention

Matters to be considered	Comment
<i>which the application relates and whether any trees or other vegetation on the land should be preserved;</i>	and is being retained. The other on site vegetation is not considered worthy of retention. The landscape plan provides a range of plants, including native species suitable for this location.
<i>q) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk</i>	The proposal has been designed to accommodate stormwater on site and this location is not subject to risks identified.
<i>r) the suitability of the land for the development taking into account the possible risk to human health or safety;</i>	The Subject site is suitable to this land use and will not present any risk to human health or safety.
<i>s) The adequacy of -</i> <i>i. the proposed means of access and egress from the site; and</i> <i>ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	A Transport Impact Statement accompanies this application at Annexure 5 , which supports that the access to the site is suitable. The design provides for a suitable bin store area that meets the requirements of the City of Stirling.
<i>t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system in the locality and the probable effects on traffic flow and safety;</i>	A Transport Impact Statement accompanies this application at Annexure 5 , which supports that the roads are capable of accommodating the increased traffic movements associated with this development.
<i>u) The availability and adequacy for the development of the following-</i> <i>iii. public transport services;</i> <i>iv. public utility services;</i> <i>v. storage management and collection of waste;</i> <i>vi. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> <i>vii. access by older people and people with disability;</i>	<p>The site is located on a high frequency bus route.</p> <p>The design takes into account the requirements of public utility services including power, water, fire access etc.</p> <p>The Waste Management Plan provided at Annexure 8 demonstrates that the size and location of the bin store is adequate for anticipated waste generation.</p> <p>The development includes access for pedestrians and also relevant end of trip facilities.</p> <p>The design proposes 4 dwellings to a Platinum Standard of the liveable housing design guidelines (refer R-Code assessment provided at Annexure 7).</p>
<i>v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i>	It is not considered that there will be any loss of community service or benefit as a result of this development.

Matters to be considered	Comment
w) <i>the history of the site where the development is to be located</i>	The history of the site is relevant in that a scheme amendment was submitted in May 2019 and has not been initiated in that time, noting that this has been in agreement with the Landowner and the City.
x) <i>the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</i>	The proposal represents a positive impact on the community, with the dated development, which has a history of antisocial behaviour by the residents, being replaced with a new high quality development.
y) <i>any submissions received on the application;</i>	It is noted that due regard will be given to written submissions received as a result of advertising of this application.
za) <i>the comments or submissions received from any authority consulted under clause 66;</i>	It is noted that due regard will be given to written submissions received as a result of advertising of this application.
zb) <i>any other planning consideration the local government considers appropriate;</i>	Part 17 of the Act is relevant to the determination of this application (refer Section 9 of this report).

In summary, it is considered that this application is capable of approval taking into account the matters to be considered pursuant to Clause 67 of the Deemed Provisions.

8.0 CITY OF STIRLING LOCAL PLANNING POLICIES

The following provides a summary of the relevant Local Planning Policies of the City of Stirling.

8.1 Residential Building Heights (LPP2.6)

The Residential Building Heights Policy (Height Policy) implements building height guidelines on developments to ensure consistency within the neighbourhood whilst maintaining amenity and communal satisfaction. The Policy states that an apartment development is to achieve the following objectives:

- The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change;
- The height of buildings within a development responds to changes in topography;
- Development incorporates articulated roof design and/or roof top communal open space where appropriate;
- The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.

The development is within scale of the area as set out in the Better Suburbs Strategy where the Lot is situated on a future local centre site and has an A2 status allowing up to a 6-story development.

Section 6.2 of the Policy provides development standards in relation to height. Whilst the site is presently zoned R30, the table provides heights including R-AC codings. The preliminary advice from the City was that an R-AC0 coding would apply to the Subject Site. The table contained at Section 6.2 identifies that building height standards for the R-AC0 coding are to be references in the Scheme, Structure Plan or Local Development Plan. The proposed building height of six (6) storeys is consistent with that contemplated in the adopted Better Suburbs Strategy.

8.2 Mixed Use Design Guidelines (LPP4.2)

The proposal is generally consistent with the objectives detailed in the Mixed Use Design Guidelines.

8.3 6.2 Bicycle Parking (LPP 6.2)

Consideration has been given to the City's Local Planning Policy 6.2: Bicycle Parking (Bicycle Parking policy). It is noted that the Bicycle Parking Policy states all developments with 400m² or more of gross floor area shall be provided bicycle parking bays in accordance with the following ratios.

Table 5: Bicycle Parking Ratio's

ACTIVITY / USE No	BIKE PARKING SPACES FOR EMPLOYEES/ RESIDENTS / STUDENTS	No. BIKE PARKING SPACES FOR CUSTOMERS / VISITORS
All other uses	1 space per 400m ² of the gross floor area (GFA)	N/A

Convenience Store	As Above	1 space per 50m ² of GFA Shop
Shop 0 – 5000m ² 5000m ² – 10,000m ² 10,000m ² plus	As Above	1 space per 200m ² of GFA 1 space per 300m ² of GFA 1 space per 400m ² of GFA

Whilst LPS3 defines Gross Floor Area to include all floor areas across the building, as the R Codes Volume 2 provides for bicycle parking development standards for the residential component. Therefore, the calculation of bicycle parking pursuant to this Policy has been limited to the commercial floorspace only. As the development includes 447m² gross floor area of commercial floorspace (proposed to be utilised for office land use), 2 bicycle parking bays are required for the commercial floor space. A total of 4 bicycle parking bays are available for commercial employees and visitors (to both the commercial and residential components of this development).

Noting the requirement for 2 bicycle parking bays, one unisex shower/toilet facility is provided in addition to separate female and male toilets. Given the requirement for only two bicycle bays for the commercial component, no locker facilities are provided.

In regard to the location of the Bicycle Parking Facilities, in accordance with the Policy, the bicycle parking for use by the commercial tenants and visitors is located at ground floor level and does not require access via steps. The bicycle parking is located close to the Main Street vehicle entrance. The bicycle parking area allows informal surveillance of the facility to occur from the vehicle access area and is located away from areas of high pedestrian activity in order to minimise inconvenience or danger to pedestrians. Furthermore, it has its own separate path from Main Street, thus also minimising any conflict with vehicles accessing the site from this location.

In summary, it is considered that the bicycle parking provided is generally in accordance with the objectives and provisions of the Bicycle Parking Policy in so far as it relates to the commercial component of the development.

8.4 Bin Storage Areas (LPP 6.3)

Consideration has been given to the objectives and development provisions of the City's Local Planning Policy in relation to Bin Storage areas being Local Planning Policy 6.3: Bin Storage Areas (**Bin Store Policy**).

The Waste Management Plan (**WMP**) included at **Annexure 8** provides the strategy in relation to waste management and the Development Plans provided at **Annexure 2** illustrate the size and dimensions of the bin store. As outlined in the WMP, the size of the bin store and the generating of waste has been guided by the City of Stirling's advice taking into account relevant WALGA Guidelines in relation to waste generation.

In accordance with the Local Planning Policy, the location of the Bin Storage Area is behind the building setback line and allows adequate space for the City's smaller refuse truck to access the bin area and manoeuvre.

The Bin Storage Area shall be screened from view to a minimum height of 1.8m so that it is not visible from the street and materials shall match with the building. The Bin Store Area shall be regularly cleaned and maintained, and stormwater and effluent drainage facilities shall be contained within this area.

As outlined in the WMP the Strata Manager will be responsible for ongoing monitoring, maintenance, and cleaning of the Bin Store Area. In general, it is considered that the Bin Store Area meets the objectives of the Bin Store Policy.

8.5 Landscaping (LPP 6.3)

Consideration has been given to the objectives and development provisions of the City's Local Planning Policy in relation to Landscaping being Local Planning Policy 6.3: Landscaping (**Landscaping Policy**).

As outlined in this Policy, all Development Applications subject of this Policy is required to submit a Landscaping Plan. A copy of the Landscape Plan is provided in **Annexure 3**.

The Landscaping Plan has been developed taking note of the City's Policy that individual planting areas are to have a minimum width in any direction of 500mm and a minimum plantable area of two square metres. In regard to verge trees, it is proposed to retain the existing verge tree and planting has been proposed in the verge.

The Landscape Plan details proposed planting to satisfy the objectives of this Policy. The Landscape Plan has been prepared by a Landscape Architect with species chosen to suit the climate, environment, location and required function whilst taking into consideration surrounding landscapes.

In accordance with the Policy, all landscaped areas shall be reticulated unless the Applicant can provide satisfactory evidence that reticulation is not necessary. In accordance with the City's Policy a minimum depth of 75mm of mulch (not gravel) will be applied to all landscaping beds.

The Application meets the objectives of the City's Landscaping Policy.

8.6 Parking and Access (LPP6.7)

The Application has been assessed taking into account the City's Local Planning Policy 6.7: Parking and Access (Parking Policy).

The Parking Policy identifies a requirement of 1 parking bay per 30m² of gross floor area (GFA) for an Office Land Use. With a total floor area of 422m² GFA for the commercial component, this results in a parking requirement of 14 bays. The proposal meets this requirement with a total of 16 bays being provided for the commercial component.

As the development does not provide more than 500m² GFA for non-residential floorspace, a delivery bay is not required. The development also provides for 5 bike bays which are able to be used associated with the commercial tenancies.

The Parking Policy requires a Traffic Assessment to be undertaken. A Transport Impact Statement (TIS) has been prepared, which is in accordance with the Transport Impact Assessment Guidelines published by the WAPC. A copy of this Statement is provided at **Annexure 5**.

In regard to residential parking design, layout, and access, as detailed in the TIS included in **Annexure 5**, the parking layout complies with the relevant Australian Standard AS2890.1 and the requirements of the R Codes Volume 2.

A universal access bay has been provided on the ground floor in accordance with the Australian Standard AS2890.6 for visitors.

In general, the development meets the objectives and standards detailed in the Parking Policy.

8.7 Trees and Development Policy (LPP6.11)

Consideration has been given to the objectives and development provisions of the City's Local Planning Policy in relation to trees and development being Local Planning Policy 6.11: Trees and Development (Tree Policy).

A Landscape Plan prepared by a Landscape Architect is included at **Annexure 3**.

The existing site has minimal vegetation with a number of severely pruned trees under power lines adjacent to Morley Drive. As can be seen by **Figure 13** and the landscape plan at **Annexure 3**, it is proposed to remove the existing vegetation that is on site that is severely pruned due to the presence of the power lines.

There is one street tree along Morley Drive (refer **Figure 23**) which is identified as a significant Jarrah (Eucalyptus Marginata) that will be preserved in accordance with 5.2(b) of LPP6.11 which reads:

Street and reserve trees need to be protected at development sites in order to preserve the amenity of streetscapes and neighbourhoods.



Figure 23: Street Tree Along Morley Drive

The development will incorporate a variety of advanced and younger vegetation through a variety of measures involving deep soil and vertical gardens.

Further assessment of the landscaping is provided under the R Code assessment.

It is considered that planting of the vegetation as detailed in the Landscape Plan will achieve the objectives of the City Trees Policy.

9.0 SIGNIFICANT DEVELOPMENT

This Application has been submitted pursuant to Part 17 of the Planning and Development Act 2005. Part 17 of the Planning & Development Act introduced Special Provisions for COVID-19 Pandemic relating to Development Applications. Section 269 under Part 17 introduced the term “Significant Development” which is defined to include development that is within the Perth Metropolitan Region that has an estimated cost of \$20 million or more. With a development value exceeding \$20 million and located within the City of Stirling, this proposal fits within the definition of significant development.

Section 270 of the Planning & Development Act identifies that Part 17 has effect despite any legal instrument. Section 271 enables Applications to be made to the Commission for significant developments.

Section 275 (3) of the Planning & Development Act states that “... for the purposes of the Commission’s consideration and determination of the development application:

- (a) *The legal instrument does not apply; and*
- (b) *The Commission is not otherwise bound or restricted by the level instrument.”*

Section 275 (6) of the Planning & Development Act states:

In considering and determining the development application, the Commission must have due regard to —

- a) *the purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and*
- b) *the need to ensure the orderly and proper planning, and the preservation of amenity, of that locality; and*
- c) *the need to facilitate development in response to the economic effects of the COVID-19 pandemic; and*
- d) *any relevant State planning policies and any other relevant policies of the Commission.*

The following addresses the matters that the Commission must have due regard for in determining this Application.

9.1 Purpose and Intent of the Planning Scheme

The aims of the Scheme are listed in Clause 1.6 of LPS3. These include to provide a range of housing choice and high levels of amenity, to assist employment and economic growth.

The development does not comply with the development standards of a Residential R30 coding. Notwithstanding, the proposal reasonably complies with the objectives of the Residential zone to provide for residential development with a variety of housing types to meet the current and future needs of the community and to also provide a range of non residential uses, which are compatible with and complementary to residential development. Whilst an Office Use is a Prohibited Use in a Residential zone, in this form of development, it is a Ground Floor Land Use which would create any adverse impacts for the residential dwellings above.

However, the design approach for this development takes into account the anticipated future zoning of the Local Centre. The proposal is consistent with that zone in that it provides for small scale commercial development for the immediate neighbourhood. The offices could be occupied to local real estate agents or other small scale local businesses. The design of the development reinforces a sense of plan and promotes an attractive streetscape, consistent with Better Suburbs.

9.2 Proper and Orderly Planning

As outlined in the background, a Scheme Amendment Request of this site was submitted in May 2019. That Scheme Amendment was put on hold pending the City adopting Better Suburbs. However, since adoption of Better Suburbs, the Application has been pursued through the SDAU process.

In the interim, the City is also progressing with its Scheme Review and implementation of the Better Suburbs Strategy through the Scheme Review. The City has been consulted in regard to the progression of the Scheme Amendment that was lodged in May 2019 and have advised that given this Application is progressing through the SDAU process and the likely timing of the Scheme Review being advertised, the draft Scheme Review will propose to rezone the site to Local Centre, in accordance with the Better Betters Strategy.

Given that the City have adopted the Better Suburbs Strategy and is progressing with its Scheme Review which will propose rezoning this site to Local Centre with an R-AC0 coding, it is considered that approval of this Application would be consistent with Proper and Orderly Planning.

9.3 Facilitate Development in Response to the Economic Effects of the COVID-19 Pandemic

An Economic Benefits Snapshot Report has been prepared to accompany this Application, refer **Annexure 10**. The Economic Report demonstrates that the proposal will contribute as follows:

- 96 full time equivalent construction jobs;
- Training and apprenticeship opportunities during the construction phase;
- 38 jobs supported per year directly and indirectly in terms of ongoing benefit; and
- Post development \$15.9 million economic value added per year to the WA economy.

This represents a significant contribution to the economy and provides economic benefits to the local economy. If the project is not approved through the SDAU process, this project will be delayed until after the City of Stirling Scheme Review is adopted and the new Scheme gazetted.

The development is shovel ready with an anticipated start date of October 2021, for the commencement of demolition of the existing building, once demolition is complete, then site works for the construction phase of the development can commence.

The development does not rely on significant presales for the commencement of construction with financing arrangements in place to secure the construction of the project.

Therefore, approval of this application through this process will provide a substantial benefit to the economy, thus having a positive impact on the economic effects of the COVID-19 pandemic.

9.4 State Planning Policies and any other Relevant Policies of the Commission

The proposal has been designed taking into account relevant State Planning Policies.

The proposal is consistent with the general principles for land use planning and development as detailed in SPP1 State Planning Framework including community (high standard of urban design with a compact development of a greater density on a high frequency transport corridor), economic (employment opportunities and benefit to the economy as outlined in the economic report in **Annexure 10**) and environment (the Application will include a Sustainability Report).

Annexure 2 includes comments in relation to assessment of the proposal under SPP 7.0 Design of the Built Environment. The Planning Application Report includes a full assessment of the proposal under each of the Element Objectives of SPP 7.3 Residential Design Codes Volume 2 – Apartments.

The Acoustic Report accompanying the Application provides an assessment under SPP 5.4 Road and Rail Noise and includes recommendations, which will be implemented to ensure that the development will be appropriately constructed to meet the requirements of SPP5.4.

It is considered that the proposal satisfies the objectives of the relevant State Planning Policies, noting that the Application is being considered under *Part 17 of the Planning & Development Act 2005* and requires consideration under the provisions of Part 17 in so far as the proposal does not comply with the standards of the R30 coding (current zoning).

10.0 CONCLUSION

On behalf of Truenorth Properties Pty Ltd we seek support of the Western Australian Planning Commission for the proposed multi-storey Mixed Use development at Lot 16 (10) Morley Drive (corner Main Street), Tuart Hill.

It can be seen that:

- Whilst the proposal is not consistent with the Scheme in terms of land use, zoning and development standards, the proposal is generally consistent with the relevant aims of the Scheme and objectives.
- The development is consistent with the City of Stirling's Local Planning Strategy and the Better Suburbs Strategy.
- The development will help stimulate the local economy by way of construction and ongoing direct and indirect employment.
- The development will be consistent with achieving the City of Stirling's objectives set out in their newly adopted Better Suburbs Strategy and is also consistent with the State Strategic Planning Framework.
- The development will assist the State and City of Stirling in meeting increased infill targets in an appropriate location, being at the intersection of two urban corridors and comprising a suitable mix of commercial and residential development.
- The proposal facilitates an arrangement of car parking and pedestrian access that is appropriate to the form of development.
- The proposal will improve local amenity with the removal of the currently deteriorated building and replace it with a modern development that will showcase a high quality Mixed Use development, that is reflective of the type of projects contemplated in Better Suburbs.

We therefore seek the favourable consideration and support of the Western Australian Planning Commission for this proposal to allow for approval on this landmark development.