



# Proposed Mixed Use Development

**Lots 3 & 4 (Nos. 109 & 111) Robert Street and Lots 118 &  
119 (Nos. 469 & 471) Canning Highway, Como**

March 2021

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## 1.0 Background

### 1.1 Purpose

The following submission has been prepared by Altus Planning to accompany an Application for Development Approval on behalf of the following landowners ('our clients'):

- The Baptist Union of Western Australia Inc., registered proprietor of Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como, on behalf of the Como Baptist Church; and
- Como Bridge Pty Ltd ATF Como Bridge Unit Trust, registered proprietor of Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como, whose only unit holder (beneficiary) is the Como Baptist Church.

Specifically, this application is being made under section 271 of the *Planning and Development Act 2005* ('the Act') for determination by the Western Australian Planning Commission and seeks approval of a 'Mixed Use Development' ('the proposed development' or 'proposal') at the abovementioned properties.

### 1.2 Project Background & Objectives

The proposed development is being undertaken by Como Baptist Church who have been serving the community on the site at 109-113 Robert Street for almost 100 years. The Church itself was borne out the needs to provide public education and support to the local community and particularly the disadvantaged. The Church operates both Church facilities and a separate community services organisation ('the Bridge') that operates an Early Learning Childhood Centre ('ELC'). The Church works under the umbrella of, and in association with, the Baptist Churches Western Australia, who is the trustee of the property. As trustee, it acts under the instructions of the local church membership. The site at 469-471 Canning Highway has been acquired through a unit trust held for the benefit of the Church ('The Como Bridge Unit Trust') established specifically for this purpose to integrate this additional site into a broader development proposal to achieve an enhanced integrated development outcome with the closure of Robert Street. This enables the Church to temporarily relocate during the redevelopment of the church site and to permanently relocate the ELC to this adjacent site with the project being undertaken in stages so the Church and ELC can remain operational at all times.

To assist the Church with these outcomes, Baptist Development Australia Pty Limited ('BDA') is working alongside the Church in providing development expertise, resources and capital to progress the project. BDA is a subsidiary of Baptist Financial Services Australia Ltd ('BFS'). BFS is a national Baptist organisation, with substantial financial resources (over \$500M) and the capacity to fund the development project.

The heart of the project is to create a new community space that incorporates enhanced church and community facilities as well a place to live that helps build better connected community and creates enhanced social outcomes. A place where people can live, work, meet, access, commute, obtain local services and find points of connection. This is important to building social fabric and identity as well as the provision of the specific services.

Significant public benefits are achieved through the project which include:

- Significant investment (\$120 million overall) and job creation which is highly stimulatory in the context of economic impacts of COVID 19.
- Provision of a public plaza on the development site and on public land including the closure of Robert Street at the cost of the development – a contribution to public infrastructure of over \$1M at no cost to government. This provides a place for community events and activities that does not presently exist in the Como/Cassey precinct.
- Pedestrian links and spaces that more effectively connect the Como/Cassey precinct to the major bus, train and transport interchange and the future bus transport link via Casey Street and provide necessary infrastructure and amenity for commuters (encouraging reduced reliance on motor vehicles and serving the needs of an increasing population).
- Provision of significant public services including both the existing ELC and broader community services.
- On site placemaking with full time staff presence (including living on site) dedicated to the operation of both the church and public facilities and providing a point of contact and connection for building community and engagement.
- Setting an improved benchmark for development in the Como/Cassey precinct within the Canning Bridge Activity Centre Plan ('CBACP') demonstrating and modelling integrated community development. This is intended to have a positive impact on the future character of development in the precinct aligned to the CBACP.
- Creation of a hub at which the community can connect and develop, including the formation and building of social relationships.
- Honouring and highlighting the heritage of the church through the retention of the original church chapel space as well as honouring the heritage of the

indigenous community and the broader local community through visual and experiential markers, displays, heritage walking trail and broader art strategy.

- Access to daily needs for local community and commuters such as the local store, cafes and other amenities (medical services/pharmacy/public toilets/end of trip facilities).
- Wellness and improved health programmes including meeting formal Fitwell benchmarks for improved healthy living.
- Significant Environmentally Sustainable Development ('ESD') initiatives and outcomes in accordance with the bonus provisions of the CBACP and reducing reliance on car transport.
- Creating spaces that are accessible and serve the needs of those with disabilities, welcoming spaces for children and for those that are more senior.
- Providing an increased mix of housing options including both affordable and adaptable housing options.
- Maximisation of parking within basement areas and thereby maximising public amenity.

### 1.3 Pre-Lodgement Engagement

Prior to submitting this application, the Applicant and their various consultants have undertaken pre-lodgement engagement with the Department of Planning, Lands and Heritage ('DPLH'), Main Roads Western Australia ('MRWA'), the City of South Perth ('the City') including their technical officers and elected members, the Canning Bridge Activity Centre Plan Design Review Panel ('DRP') and the local community.

Specifically, an initial concept design for a proposed development at Lots 3 & 4 Robert Street, Como was presented to the City's technical officers on 11 December 2019 and subsequently considered by the DRP for the first time on 5 February 2020.

Following the February DRP meeting and in response to the feedback received, the Applicant substantially redesigned the proposal which included the acquisition of Lots 118 & 119 Canning Highway, Como. The redesigned proposal was presented to the City's officers on 4 June 2020 and considered a further two times by the DRP on 1 July 2020 and 2 September 2020. Refer to **Appendix 18** for the DRP Comments of 2 September 2020.



A community consultation day was held by the Applicant on 10 October 2020, prior to the Form 17A Pre-Lodgement Advice Request being lodged with the DPLH's State Development Assessment Unit ('SDAU') on 12 October 2020.

The SDAU provided written feedback on the proposal on 10 November 2020 and subsequent meetings were held with the SDAU officers on 25 November 2020 and 18 December 2020.

All feedback has been considered and addressed through revisions to the design, the following planning report and the accompanying technical reports.

## 1.4 Property Description, History & Context

The subject lands can be more fully described as per Table 1 below:

**Table 1: Lot particulars**

| Lot | Diagram/<br>Plan | Volume | Folio | Area                | Street Address               | Project Reference            |
|-----|------------------|--------|-------|---------------------|------------------------------|------------------------------|
| 3   | 80841            | 1938   | 882   | 620m <sup>2</sup>   | 109 Robert Street,<br>Como   | 'West' Site                  |
| 4   | 80841            | 1938   | 883   | 2,811m <sup>2</sup> | 111 Robert Street,<br>Como   |                              |
| 118 | 3486             | 1950   | 240   | 977m <sup>2</sup>   | 469 Canning Highway,<br>Como | 'East' or 'Triangle'<br>Site |
| 119 | 3486             | 1679   | 491   | 1,290m <sup>2</sup> | 471 Canning Highway,<br>Como |                              |

Refer to **Appendix 1** for copies of the Certificates of Title.

The subject lands are located approximately 6km south of Perth CBD, within the City of South Perth local government area. Collectively, the subject lands have a total area of approximately 5,698m<sup>2</sup> and frontages to Robert Street, Cassey Street, Lily Lane and Canning Highway.

Furthermore, the subject lands are located in what is predominantly a residential area, characterised by single and double storey dwellings interspersed with low-rise apartment buildings. Local shops and restaurants are located to the north-east of the site and Neill McDougall Park is located further to the east.

The lands are also located within easy walking distance of the Canning Bridge bus and rail interchange which is located at the junction of the Canning Highway and Kwinana Freeway, approximately 240m to the south-west. Whilst the Canning River is located approximately 270m directly west.

Refer to aerial imagery at Figure 1.





**Figure 1: Site Location (Source: DPLH PlanWA 2020)**

In terms of the individual land parcels subject of this application, Lots 3 & 4 slope downward gently from approximately 11.5m AHD near Lily Lane to approximately 9.5m AHD near Robert Street. As for existing development, Lot 3 currently exists with a single storey bricked dwelling that is being utilised as an office for the 'Como Baptist Church', whilst Lot 4 currently exists as the 'Canning Bridge Early Learning Centre' and the 'Como Baptist Church' itself. The Church has a long history at the site which dates back to the 1930s, including the original Chapel which still stands today.

As for Lots 118 & 119, the topography of these lots is generally flat with site elevation varying between approximately 9.0m AHD and 10.0m AHD. Both lots are currently vacant with a 26m high, heritage listed Tuart tree existing on Lot 119.

Refer to site surveys at **Appendix 2**.

Furthermore, both Lots 118 & 119 are affected by a 2.5m wide road widening reservation along the south-eastern boundary (i.e., Canning Highway).

## 2.0 Proposal

### 2.1 Proposed Development

The proposal seeks to redevelop the existing Como Baptist Church site at Lots 3 & 4 (Nos. 109 & 111) Robert Street, together with Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como, into a mixed-use development that contains a substantial portion of public realm (approximately 1,970m<sup>2</sup>) between the sites which will be made possible through the proposed closure of Robert Street (subject to approval under separate application which has already been lodged with the City).

Specifically, the proposed development comprises of three (3) towers; two (2) of which are to be located on Lots 3 & 4 ('the West Site') and developed around the historical Chapel, with the third tower located on Lots 118 & 119 ('the Triangle Site'). The tower on the Triangle Site is to have a maximum height of 10 storeys, whilst the towers on the West Site will have a maximum height of 15 storeys. Both the Triangle and West Sites will be serviced by two (2) levels of basement parking, with an access point for each site's basement levels provided from Robert Street.

The proposed development will retain the existing Church functions through the physical retention of the Chapel, as well as other associated Church services, on the West Site and proposes to relocate the existing ELC to a new purpose-built facility on the Triangle Site which centres the outdoor play area around the heritage-listed Tuart tree.

The podium levels will also incorporate other commercial uses including retail, cafes and a medical centre, with the upper levels of the towers providing a variety of residential dwellings, along with communal facilities.

In all, the proposed development includes:

- 224 residential apartments, comprising of:
  - 12 studio apartments (0 west, 12 east);
  - 54 one-bedroom apartments (29 west, 25 east);
  - 138 two-bedroom apartments (95 west, 43 east);
  - 19 three-bedroom apartments (12 west, 7 east); and
  - 1 four-bedroom apartment (1 west, 0 east).
- Approximately 1,305m<sup>2</sup> of commercial, retail and medical space.
- Approximately 2,005m<sup>2</sup> of Church, Early Learning Centre and community space.
- Approximately 2,100m<sup>2</sup> of street level public plaza.
- 258 car parking bays located within the basement levels.

Notable floor by floor specifics of the proposed development are summarised in Table 2.

**Table 2: Floor by floor development particulars**

| Floor Level  | Site   |   |
|--------------|--|---|
|              | West   | Triangle / East   |
| Basement 2   | <ul style="list-style-type: none"> <li>• 94 car bays               <ul style="list-style-type: none"> <li>○ 2 ACROD/visitor bays</li> <li>○ 2 visitor bays</li> </ul> </li> <li>• 3 motorcycle/scooter bays</li> <li>• 52 storage spaces</li> </ul>  | <ul style="list-style-type: none"> <li>• 42 car bays               <ul style="list-style-type: none"> <li>○ 2 ACROD bays</li> </ul> </li> <li>• 6 motorcycle/scooter bays</li> <li>• 13 storage spaces</li> </ul>   |
| Basement 1   | <ul style="list-style-type: none"> <li>• 84 car bays               <ul style="list-style-type: none"> <li>○ 3 ACROD/visitor bays</li> <li>○ 24 visitor bays</li> <li>○ 10 electric charging bays</li> <li>○ 5 car share bays</li> </ul> </li> <li>• 3 motorcycle/scooter bays</li> <li>• End of trip facilities               <ul style="list-style-type: none"> <li>○ 59 bicycle spaces</li> <li>○ 12 lockers in double-loaded arrangement (= 24)</li> <li>○ 4 toilets</li> <li>○ 4 showers</li> </ul> </li> <li>• 17 storage spaces</li> <li>• 2 res. refuse areas (28 MGBs total)</li> </ul>  | <ul style="list-style-type: none"> <li>• 38 car bays               <ul style="list-style-type: none"> <li>○ 2 ACROD/visitor bays</li> <li>○ 6 visitor bays</li> <li>○ 5 electric charging bays</li> <li>○ 3 car share bays</li> </ul> </li> <li>• 2 motorcycle/scooter bays</li> <li>• End of trip facilities               <ul style="list-style-type: none"> <li>○ 16 bicycle spaces</li> <li>○ 3 lockers in double-loaded arrangement (= 6)</li> <li>○ 1 toilet</li> <li>○ 1 shower</li> </ul> </li> </ul> |
| Ground Floor | <ul style="list-style-type: none"> <li>• 441m<sup>2</sup> worship floor space incl. existing Chapel</li> <li>• Church lobby &amp; reception area</li> <li>• Male &amp; female ablutions near worship areas               <ul style="list-style-type: none"> <li>○ M: 4 urinals, 4 toilet stalls, 4 wash basins</li> <li>○ F: 7 toilet stalls, 4 wash basins</li> <li>○ 1 disabled toilet</li> <li>○ 1 disabled changeroom</li> </ul> </li> <li>• Male &amp; female ablutions near retail/comm. areas               <ul style="list-style-type: none"> <li>○ M: 2 urinals, 2 toilet stalls, 2 wash basins</li> <li>○ F: 5 toilet stalls, 3 wash basins</li> </ul> </li> <li>• 1 cafe (32m<sup>2</sup>)</li> <li>• 1 retail/café (61m<sup>2</sup>)</li> <li>• 2 retail shops (140m<sup>2</sup> &amp; 110m<sup>2</sup>)</li> <li>• Comm. Lobby/retail (51m<sup>2</sup>)</li> <li>• 2 res. lobby (north &amp; south)</li> <li>• 2 refuse areas (49 MGBs total)</li> <li>• 3 storage areas</li> </ul> | <ul style="list-style-type: none"> <li>• Childcare, including amenities (450m<sup>2</sup>)</li> <li>• Outdoor play area (555m<sup>2</sup>)</li> <li>• Res. lobby</li> <li>• 2 retail shops (40m<sup>2</sup> &amp; 80m<sup>2</sup>)</li> <li>• Retail &amp; ELC refuse area (11 MGBs)</li> <li>• Res. refuse area (20 MGBs)</li> <li>• Shared zone for loading dock, basement access and pedestrian access through to Canning Highway (via Robert St – south)</li> </ul>                                       |

|            |   |  |
|------------|---|--|
|            | <ul style="list-style-type: none"> <li>• Service lane (via Lily Lane), including 6 motorcycle/scooter bays</li> <li>• Basement access (via Robert St – north)</li> </ul>  |  |
| Level 1    | <ul style="list-style-type: none"> <li>• Comm. lounge area (334m<sup>2</sup>)</li> <li>• 8 meeting rooms (10-28m<sup>2</sup>)</li> <li>• 3 offices (16-20m<sup>2</sup>)</li> <li>• Open plan office area (82m<sup>2</sup>)</li> <li>• Multipurpose room (167m<sup>2</sup>)</li> <li>• Recording studio (59m<sup>2</sup>)</li> <li>• Male &amp; female ablutions (north) <ul style="list-style-type: none"> <li>○ M: 3 urinals, 5 toilet stalls, 3 wash basins</li> <li>○ F: 5 toilet stalls, 3 wash basins</li> <li>○ 1 disabled toilet</li> </ul> </li> <li>• Male &amp; female ablutions (south) <ul style="list-style-type: none"> <li>○ M: 3 urinals, 3 toilet stalls, 3 wash basins</li> <li>○ F: 3 toilet stalls, 2 wash basins</li> </ul> </li> <li>• 2 comm./medical centre areas (188m<sup>2</sup> &amp; 341m<sup>2</sup>)</li> <li>• 2 storage areas</li> </ul> | <ul style="list-style-type: none"> <li>• 12x studio apartments*</li> <li>• 3x 1-bedroom apartments*</li> <li>• 3x 2-bedroom apartments*</li> </ul> |
| Level 2    | <ul style="list-style-type: none"> <li>• Wellness centre (344m<sup>2</sup>)</li> <li>• Church use area (84m<sup>2</sup>)</li> <li>• Lift lobby</li> <li>• Storeroom</li> <li>• 2 communal terraces (139m<sup>2</sup> &amp; 106m<sup>2</sup>)</li> <li>• Terrace (290m<sup>2</sup>)</li> <li>• 2x 1-bedroom apartments</li> <li>• 5x 2-bedroom apartments</li> </ul>   | <ul style="list-style-type: none"> <li>• 4x 1-bedroom apartments</li> <li>• 6x 2-bedroom apartments</li> </ul>                                     |
| Level 3    | <ul style="list-style-type: none"> <li>• 3x 1-bedroom apartments</li> <li>• 10x 2-bedroom apartments</li> </ul>   | <ul style="list-style-type: none"> <li>• 4x 1-bedroom apartments</li> <li>• 6x 2-bedroom apartments</li> </ul>                                     |
| Levels 4-6 | <ul style="list-style-type: none"> <li>• 5x 1-bedroom apartments</li> <li>• 9x 2-bedroom apartments</li> </ul> <p><b>per floor</b></p>  | <ul style="list-style-type: none"> <li>• 4x 1-bedroom apartments</li> <li>• 6x 2-bedroom apartments</li> </ul> <p><b>per floor</b></p>             |
| Level 7    | <ul style="list-style-type: none"> <li>• 4x 1-bedroom apartments</li> <li>• 7x 2-bedroom apartments</li> <li>• 2x 3-bedroom apartments</li> </ul>   | <ul style="list-style-type: none"> <li>• 1x 1-bedroom apartment</li> <li>• 4x 2-bedroom apartments</li> <li>• 2x 3-bedroom apartments</li> </ul>   |
| Level 8    | <ul style="list-style-type: none"> <li>• 3x 1-bedroom apartments</li> <li>• 9x 2-bedroom apartments</li> <li>• 2x 3-bedroom apartments</li> <li>• Lounge (45m<sup>2</sup>)</li> </ul>   | <ul style="list-style-type: none"> <li>• 1x 1-bedroom apartment</li> <li>• 4x 2-bedroom apartments</li> <li>• 2x 3-bedroom apartments</li> </ul>   |
| Level 9    | <ul style="list-style-type: none"> <li>• 1x 1-bedroom apartment</li> </ul>  | <ul style="list-style-type: none"> <li>• 2x 2-bedroom apartments</li> </ul>  |

|          |   |  |
|----------|---|--|
|          | <ul style="list-style-type: none"> <li>• 8x 2-bedroom apartments</li> <li>• 1x 3-bedroom apartment</li> </ul>   | <ul style="list-style-type: none"> <li>• 3x 3-bedroom apartments</li> <li>• Communal roof terrace (80m<sup>2</sup>)</li> </ul>             |
| Level 10 | <ul style="list-style-type: none"> <li>• 5x 2-bedroom apartments</li> <li>• 1x 3-bedroom apartment</li> <li>• Solar panels</li> </ul>   | <ul style="list-style-type: none"> <li>• Communal roof terrace (222m<sup>2</sup>)</li> <li>• Various plant &amp; infrastructure</li> </ul> |
| Level 11 | <ul style="list-style-type: none"> <li>• 1x 1-bedroom apartment</li> <li>• 8x 2-bedroom apartments</li> <li>• 4x 3-bedroom apartment</li> <li>• 1x 4-bedroom apartment</li> </ul> |  |
| Level 12 | <ul style="list-style-type: none"> <li>• 5x 2-bedroom apartments</li> <li>• 1x 3-bedroom apartment</li> </ul>   |  |
| Level 13 | <ul style="list-style-type: none"> <li>• 6x 2-bedroom apartments</li> <li>• Communal roof terrace (237m<sup>2</sup>)</li> </ul>   |  |
| Level 14 | <ul style="list-style-type: none"> <li>• 5x 2-bedroom apartments</li> <li>• 1x 3-bedroom apartment</li> <li>• Solar panels</li> </ul>   |  |
| Level 15 | <ul style="list-style-type: none"> <li>• Communal roof terrace (223m<sup>2</sup>)</li> <li>• Pool</li> <li>• Various plant &amp; infrastructure</li> </ul>                        |  |
| Roof     | <ul style="list-style-type: none"> <li>• Solar panels on pergola structure</li> </ul>   | <ul style="list-style-type: none"> <li>• 3 awning structures integrated with solar photovoltaic systems</li> </ul>                         |

*Note:*

*\* Proposed affordable / student housing on Level 1 of the Triangle/East Site*

Refer to **Appendix 3** for the full suite of development plans and **Appendix 4** for the landscape design concepts.

## 2.2 Staging

To facilitate the retention of the existing Church and Early Learning Centre facilities on-site, it is proposed that construction of the development will be staged in accordance with the Staging Plans contained in Appendix 3 and the description in Table 3 below.

**Table 3: Proposed staging timeline**

| Stage    | Description   | Commencement Timeframe  |
|----------|---|---|
| Stage 1  | Construction of Triangle Site (10 storey tower), landscaping and temporary relocation of Church facilities to Level 1 of the Triangle Site. | As soon as practical following receipt of planning and building approvals (approximately 6 months).   |
| Stage 2A | Construction of north tower (12 storeys) on West Site and landscaping of surrounds.   | Construction tender and marketing to begin 8 months prior to the completion of Stage 1, with construction of Stage 2A & 2B commencing thereafter. |
| Stage 2B | Construction of south tower (15 storeys) on West Site, landscaping of surrounds and   |   |

|          |  |   |
|----------|--|---|
|          | relocation of Church facilities back to West Site.<br><br>Level 1 of Triangle Site converted to residential units. |   |
| Stage 2C | Landscaping of public plaza and remaining areas.   | Subject to: <ul style="list-style-type: none"> <li>• Canning Highway widening by MRWA.</li> <li>• Robert Street closure (separate application).</li> <li>• Cassey Street Linking Pathway roadworks related to the future Canning Bridge Transport Interchange.</li> </ul> |

### 3.0 Planning Considerations

#### 3.1 Planning and Development Act 2005 – Part 17

As mentioned, section 271 of the Act allows for the WAPC to consider a development application for a 'significant development' In response to the COVID-19 pandemic. Pursuant to section 269, a 'significant development' is a development which has an estimated cost of \$20 million or more when proposed wholly or partly within the metropolitan region.

The proposed development has an estimated cost of \$107 million and is located within the metropolitan area. It therefore fits the definition of 'significant development'.

In accordance with section 275(6) of the Act, the WAPC must have due regard to the following when considering such an application:

- (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.*



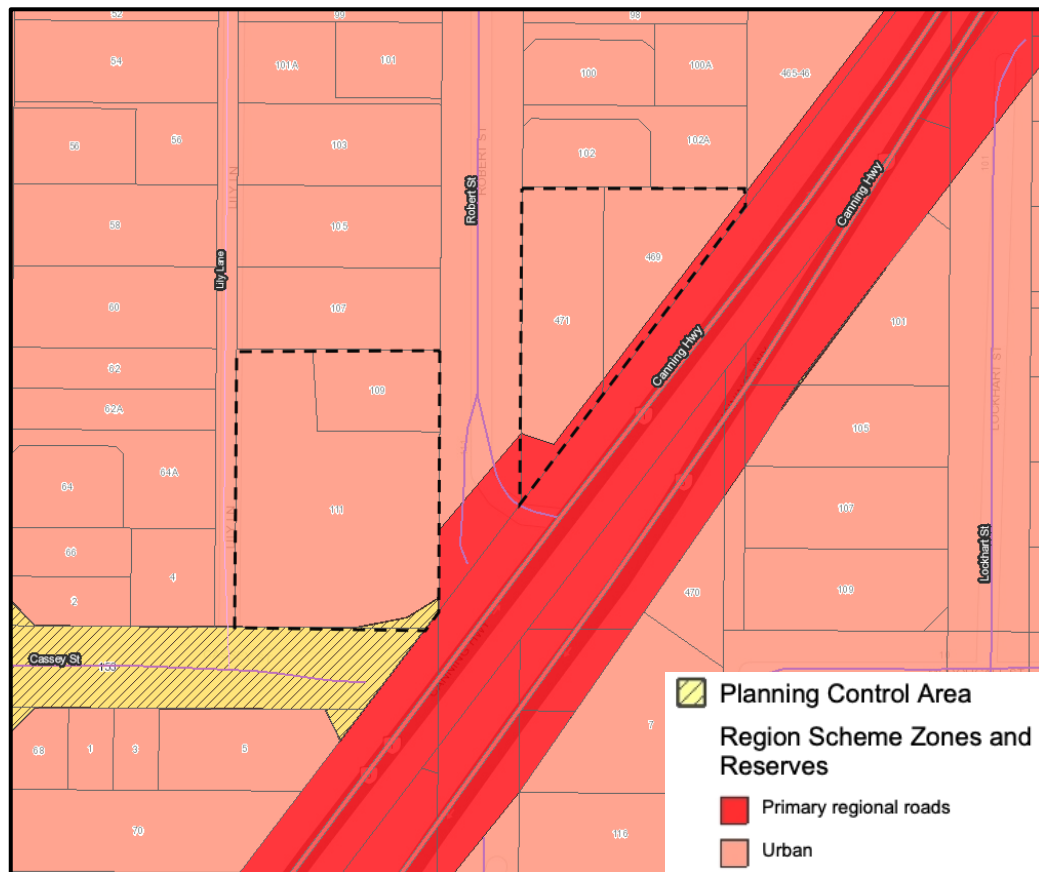
These aforementioned considerations are addressed in the following sections of this report.

### 3.2 Metropolitan Region Scheme

The subject lands are all zoned 'Urban' pursuant to the Metropolitan Region Scheme ('MRS').

The south-eastern corner of Lot 4 is affected by Planning Control Area No. 153, whilst a 2.5m wide strip along the south-eastern boundary of Lots 118 & 119 (i.e., frontage to Canning Highway) is contained within the 'Primary Regional Roads' reservation.

Refer to Figure 2 below.



**Figure 2: MRS Zonings & Reservations (Source: DPLH PlanWA 2020)**

The above has been taken into consideration in the preparation of the proposed development.

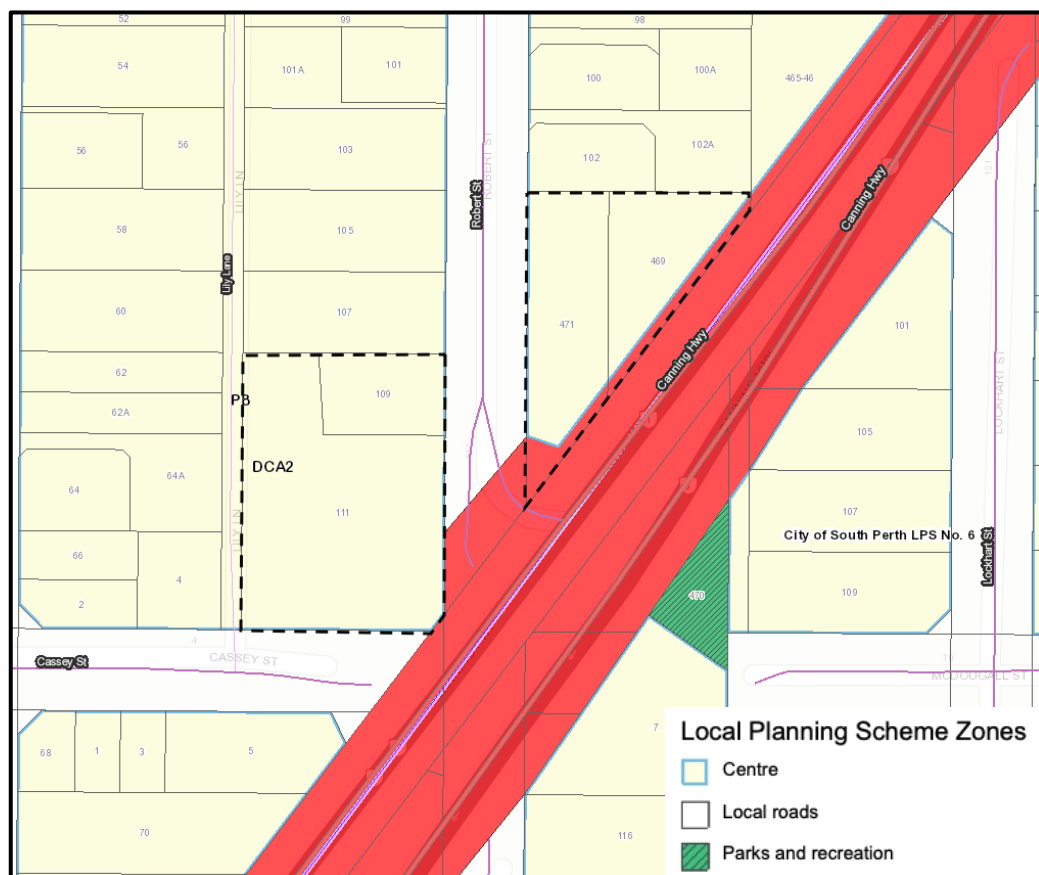


### 3.3 City of South Perth Town Planning Scheme No. 6

#### 3.3.1 Zoning & Objectives

The subject lands are zoned 'Centre' pursuant to the City's Town Planning Scheme No. 6 ('TPS6' or 'the Scheme'). Furthermore, the lands are within the 'Como Beach' precinct ('P8') and Development Contribution Area No. 2 ('DCA2').

Refer to Figure 3 below.



**Figure 3: TPS6 Zonings & Reservations (Source: DPLH PlanWA 2020)**

In accordance with clause 1.6(1) of TPS6, the overriding objective of TPS6 is to require and encourage performance-based development in a manner which retains and enhances the City's attributes, whilst recognising individual precinct objectives and desired future character.

Furthermore, the general objectives of TPS6 are outlined in clause 1.6(2). In particular, it is considered that the proposed development demonstrates consistency with the following:

- (i) the City's predominantly residential character and amenity [subclause a)];

- (ii) the performance-based controls [subclause b)];
- (iii) facilitates a diversity of dwelling styles and densities in appropriate locations and retains the desired streetscape character [subclause c)];
- (iv) establishes a community identity and 'sense of community', also encouraging more community consultation [subclause d)];
- (v) safeguards and enhances the amenity of residential areas [subclause f)];
- (vi) protects residential areas from encroachment of inappropriate uses [subclause g)];
- (vii) utilises and builds on existing community facilities, i.e., the Church and ELC [subclause h)];
- (viii) responds to the hierarchy and designated function of commercial centres [subclauses i) & j)]; and
- (ix) recognises and preserves areas, buildings and sites of heritage value, i.e., the Church and Tuart tree [subclause k)].

Pursuant to the zone objectives at clause 3.1(3) of TPS6, the purpose of this zoning is to provide a basis for future detailed planning in accordance with a Structure Plan or Activity Centre Plan. The applicable Activity Centre Plan is the CBACP and is addressed in the following section.

Furthermore, clause 4.3(1)p) states:

*In the Canning Bridge Activity Centre, the R-Codes apply to the extent specified in the Canning Bridge Activity Centre Plan.*

Both the CBACP and *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* ('SPP7.3' or 'the R-Codes Vol. 2') are addressed in further detail below.

### 3.3.2 Heritage

In accordance with Schedule A – Supplemental Provisions to the Deemed Provisions, clause 7A (3) provides the following:

*Development involving demolition or significant alteration to a place in Management Category A or B of the Heritage List or entered in the Register of Places under the Heritage of Western Australia Act 1990, shall not be permitted. Where development is proposed on a Category C place, such development shall not be permitted unless a*

*heritage assessment is first carried out and the assessment determines that the place is not of such cultural heritage significance as to warrant retention.*

The 'Como Baptist Church' building on Lot 4 (No. 111) Robert Street is included in the Local Heritage Inventory as 'Place No. 12' and is assigned 'Management Category C'. Accordingly, this application is accompanied by a Heritage Impact Assessment ('HIA') prepared by Heritage Intelligence (WA) and concludes as follows:

*The proposed redevelopment of Como Baptist Church has provided a unique opportunity to retain and reveal the original 1931 church and celebrate its significant value to the community's sense of place.*

*For the first time since 1965, with the proposed removal of the intrusive additions and other buildings, the original church will be visible to the street frontages (Robert Street and Canning Highway). Its visible presence will provide a historical perspective to the activated plaza space and the overall development, with a point of difference in what will be a landmark site.*

*The retention and revelation of the original South Como Baptist Church will have a significantly positive impact on its heritage significance and recognition, and the community's sense of place within the landmark development.*

Refer to HIA at **Appendix 13**.

### 3.4 Canning Bridge Activity Centre Plan

The CBACP has been prepared in accordance with *State Planning Policy 4.2 Activity Centres for Perth and Peel* ('SPP4.2') and establishes objectives and goals for ongoing development of the area, guidelines for the expected style of built form, and an implementation framework for orderly improvements to infrastructure and land over time.

The CBACP area is centred around the Canning Bridge bus and rail interchange which incorporates land within both the City of Melville and the City of South Perth.

It is proposed that the CBACP area incorporates a mix of residential, civic, office, retail and entertainment use against the backdrop of the Swan and Canning Rivers and the adjacent open space.

In accordance with the CBACP, the subject lands are included in the 'M10' zone ('Mixed Use' up to 10 storeys) and furthermore, are contained within 'Q3 – Cassey Quarter'. The subject lands are also adjacent to the Cassey Street linking pathway which extends from the bus and rail interchange transport hub to a pedestrian crossing on the Canning Highway.

In terms of the relationship between the CBACP and the R-Codes Vol. 2, the CBACP states as follows:

*As enabled by the R-Codes, the CBACP Design Guidelines have been established as an alternative to the requirements of the R-Codes within the CBACP area. The R-Codes do not apply in part or in whole to the CBACP area except where specifically referred to either below or in the Requirements of the Plan.*

*Within Q3, Q4 or Q5, the provisions of Parts 3 & 4 (only) and Elements 2.6 and 2.7 of the State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2) shall apply to residential development. Where the CBACP provides a more specific design outcome/requirement than the R-Codes, the provisions of the CBACP shall prevail.*

*The following elements are not augmented by the Elements of the CBACP and therefore are to apply in full;*

- 3.1 Site Analysis and Design Response; and,
- 4.2 Natural Ventilation, 4.3 Size and Layout of Dwellings, 4.11 Roof Design, 4.13 Adaptive Reuse, and 4.18 Utilities.

An assessment of compliance against the applicable CBACP requirements has been undertaken by Altus Planning and is provided at **Appendix 6**.

The following paragraphs address the departures from the deemed-to-comply requirements or where further explanation is required and should be read in conjunction with Appendix 6.

It should also be noted that to avoid duplication, the comments below and the assessment at Appendix 6 are largely silent on any requirements which defer to the R-Codes Vol. 2 as a complete, separate assessment has been undertaken of those requirements.

### 3.4.1 Land Use

The Ground Floor of the proposed development includes retail and café spaces in addition to on-going religious activities and a fully accredited Early Learning Centre which will be provided by the Como Baptist Church as part of their continued community-based offering. The storeys above will include a medical centre, consulting rooms, offices, a recording studio, wellness centre, high quality multiple dwellings, a range of single bedroom dwellings, affordable residential dwellings, student accommodation, and a range of passive and active private and public recreation spaces.

Whilst not all the aforementioned uses are listed in clause 1.7 and 1.8 as 'Preferred Uses' for the M10 zone of Q3, clause 1.16 allows for the consideration of other uses

provided it is consistent with the relevant Desired Outcome. In this regard DO 1.3 of the CBACP states as follows:

*Within Q3, both residential and office development will be encouraged in the M10 and M15 areas, although more focus on restaurant and incidental retail opportunities will be encouraged for the development of the ground floor in buildings along Cassey Street. This is particularly the case as Q3 is a key linkage through to Q6.*

The proposal is consistent with the above to the extent that the ground floor provides restaurant and retail opportunities (amongst others) which provide activation and attraction, with residential and office development on the upper levels.

Consideration should also be given to the overarching objective for Element 1 – Land Use which is:

*To reinforce the CBACP as a vibrant and high use area, where employment and accommodation options are plentiful and varied.*

The totality of uses proposed is considered to result in a mix of commercial, community and residential land uses which are aimed at providing activation, attraction, employment and housing choice consistent with the guiding principles, objectives and goals of the CBACP. It is therefore submitted that the proposed land use mix warrants approval.

### 3.4.2 Height

The 'East Building' (i.e., on the Triangle Site) complies with the height control in terms of the number of storeys, being a maximum of 10. However, the building does exceed the height control of 32m by up to 1.5m.

The 'West Building' (i.e., on the existing Church Site) seeks to utilise the maximum bonus height of 5 additional storeys, as provided for in Elements 21 and 22 of the CBACP. With this in mind, the 'West Building' adheres to the 15-storey maximum however, it also exceeds the maximum height limit in metres, going up to 2.5m above the 48m maximum.

The maximum height limits in metres equates to an average floor height of 3.2m which is considered inadequate to provide a high-quality mixed-use development. In this regard, it should be noted that:

- The R-Codes Vol. 2. require a minimum ceiling height of 2.7m however the proposal provides 3.1m to create comfortable internal spaces and to enable sufficient levels of natural light and ventilation.

- Element 3 of the CBACP requires a minimum podium height of 7m (or a minimum of 3.5m per level) however the proposal provides a minimum ceiling height of 4m for the communal lobby, retail/café, medical, worship and service areas to allow for the building structure and services to operate properly, whilst providing comfortable internal spaces with sufficient natural light.
- The proposal also incorporates an extensive range of podium and rooftop gardens and green roofs to facilitate sustainable design and high levels of outdoor amenity. A minimum floor to floor height of 3.25m is required for residential floors providing roof / podium terraces and green roofs to enable adequate terrace set down and drainage provisions.

Furthermore, the relevant Desired Outcome (DO 3) states as follows:

*To ensure that building heights are consistent with the desired scale and built form of the centre and to ensure that the interface between Zones is appropriately managed and the amenity of property both within and adjacent to the CBACP is adequately considered.*

*Applicants are encouraged to provide variation in scale, bulk and form along the streetscape as per Figure 8.*

*Where an applicant proposes heights greater than those identified in these requirements the applicant may choose to have the development assessed against the Requirements of Element 21 and Element 22 of these Guidelines.*

It is submitted that the proposal is consistent with the above as it results in a scale and form of development that is anticipated by the CBACP and creates a new, vibrant, community-focused precinct with dynamic sculptural form that adds interests to the skyline whilst also providing a transition from the lower density H8 zone to the north through to the higher density M15 zone to the south.

It is also considered that the additional height in metres will have no adverse overshadowing impacts on the surrounding properties as the subject lands are to the south of immediate adjoining properties and the bulk of additional overshadowing is to be cast over Canning Highway or the adjoining M15 zone to the south (where there are nil overshadowing requirements in accordance with Element 3.2 of the R-Codes Vol. 2.).

### 3.4.3 Bonus Height Considerations

As mentioned, the proposal development on the West Site seeks the maximum five (5) storey bonus height allowance as provided for in Elements 21 and 22 of the CBACP.

Prior to pursuing approval of this proposal under Part 17 of the Act, the development was tabled before the DRP on three (3) occasions, the last being on 2 September 2020

where the DRP concluded that *“the proposal is very close to meeting exemplary design”* (refer to **Appendix 18**).

Importantly, since that time, further revisions have been made to the design, not only in response to the DRP’s comments but also those received from officers of the SDAU. Specifically, the proposed design now provides:

- A colonnade to Canning Highway and provision for connectivity and a continuing colonnade to the north with the future development of No. 467 Canning Highway;
- Greater activation of the ground floor adjacent to Canning Highway;
- A shared zone through the Triangle Site connecting Canning Highway to the expansive landscaped plaza on Robert Street;
- Improved legibility and way-finding for residential lobbies and visitor parking areas through a ‘kit of parts’ and integrated signage; and
- A softened interface with the properties on the western side of Lily Lane including greening of the Lily Lane façade and visually screening delivery and waste collection service areas.

Accordingly, it is submitted that the proposed development can be considered as now meeting ‘exemplary design’.

Furthermore, the proposal is compliant with the other relevant requirements of Element 21 and achieves eight (8) of the 11 community benefits listed in Element 22 which is well beyond the minimum of four (4) that is required.

For all these reasons, the proposal is considered to warrant the bonus height allowance.

### 3.4.4 Street Setbacks

#### 3.4.4.1 Robert Street setback for East Building

The development on the Triangle Site above and including the fourth floor proposes a 3m setback to Robert Street in lieu of the 5m required by clause 4.1 of the CBACP. Due to the significant constraints of this landholding including its triangular shape, the required road widening for Canning Highway and the retention of the large, heritage Tuart tree, the proposed setback allows for the site to be developed sufficiently.

The Desired Outcome (DO 4) in relation to street setbacks states:

*To ensure that the setback to buildings contributes to a distinct street character and that the form of multi-level development is sensitive to pedestrian scale.*



*Podiums will provide an opportunity for creating a diversity of scale and form at lower levels, whilst taller elements are encouraged with setbacks comprising rooftop terraces and gardens at varying levels throughout development.*

*Alternative means to reduce bulk and scale such as green walls and façade articulation are also encouraged.*

*New buildings that are setback from the street boundary should not adversely affect the vibrancy and activity required to support the expected outcomes of the CBACP by creating unnecessary breaks in active frontages as per Figure 7.*

In relation to the above, it is considered that the proposed development still contributes to a distinct street character and is sensitive to pedestrian or human scale. To this extent, the development incorporates a podium that is consistent with the CBACP requirements and due to the large off set at the northern end of the site, which is required to retain the heritage tree, there is no disruption to the streetscape as there are no immediately adjoining properties to the south. In fact, the Triangle Site's only adjoining property is to the north and therefore the reduced setback will not result in any adverse overshadowing.

Furthermore, this Robert Street frontage is located adjacent to the extensive public plaza area that is proposed and should be considered as a major destination along the Cassey Street linking pathway which contributes to the overall quality of the CBACP at this location, in line with clause 4.6.

#### 3.4.4.2 Colonnade fronting Canning Highway for East Building

In accordance with the recent amendments to the CBACP, the proposed design on the Triangle Site has given due consideration to the requirement at clause 4.4 for a colonnade along the Canning Highway frontage at a minimum depth of 3m. This has been a significant constraint in the design process.

As mentioned, the Triangle Site is already constrained by a 2.5m wide road widening dedication along the entire Canning Highway frontage which results in excess of 200m<sup>2</sup> of site area being lost, as well as the unusual triangular shape of these allotments which has no depth on the southernmost extremity of the site. To compound this, the proposal has dedicated significant site area to retain the heritage-listed 26m high, Tuart tree on the Robert Street frontage as part of the ELC outdoor play area.

Working with these constraints and in considering the feedback received from officers of the City and SDAU, as well as the DRP, the proposal now provides for a 2.0m wide colonnade (which narrows to 1.5m near the vehicular ramp) that will allow for a seamless connection with the future redevelopment to the north. It is also proposed that an awning with a width of 2.5m will extend from the colonnade over the adjoining footpath, allowing for approximately 4.5m of weather-protected pedestrian access.

This colonnade and awning will connect to the proposed 'Shared Zone' through the Triangle Site to the Robert Street plaza, the West Site and the Cassey Street linking pathway.

Whilst this design solution still requires the exercise of discretion and due regard, it is considered an appropriate solution that recognises the significant constraints of developing on the site and is consistent with the desired outcome of ensuring the setback to buildings contributes to a distinct street character in a visual sense, whilst also providing weather protection to pedestrians and facilitating vibrancy and activity.

#### 3.4.4.3 Other minor incursions to street setbacks

The tower components of the proposed development, on both sites, also include several balconies and minor incidental components such as stores which encroach into the street setback areas. Specifically, these include the Triangle Site's setback to Canning Highway and the West Site's setbacks to Robert Street, Cassey Street and Lily Lane.

These balcony incursions provide modulation and visual relief to the form and mass of the proposed development, without resulting in any adverse overshadowing or privacy impacts to the surrounding properties and areas.

Accordingly, it is submitted that the proposal warrants the exercise of discretion for the lesser street setbacks, as proposed.

#### 3.4.5 Side and Rear Setbacks

As per the above, the proposed tower elements on the West Site include several balconies and minor incidental components which encroach on the 4m side (north) and rear (west) setback requirement of clause 5.3. However, the principal built form of the tower elements on the West Site (i.e., the apartments), achieve a minimum setback of 9m to the north and 5.2m to the west.

The applicable Desired Outcome (DO 5) states as follows:

*To provide a continuity of frontage at ground and podium levels to encourage activity whilst providing interest.*

*To allow opportunities for tower elements to access sunlight, ventilation and view corridors throughout the area from and between multi-level developments.*

*To ensure that development opportunities throughout the precinct are maximised.*

*Developers should consider the amenity of the precinct by minimising overlooking and overshadowing of adjacent and adjoining properties through appropriate design response, supported by the setback provisions of this Element.*

In this regard, as the proposed setback incursions relate to the tower component and not the podium component, the proposed design does not impact on the continuity of frontage or the activation of the ground and podium levels.

Furthermore, it is reiterated that these balcony incursions provide modulation and visual relief to the form and mass of the proposed development, without resulting in any adverse overshadowing or privacy impacts to the surrounding properties and areas.

As mentioned, the specific justification regarding Element 2.7 – Building Separation of the R-Codes is provided at **Appendix 7**.

For all the above and attached reasons, the proposed side and rear setbacks are considered to warrant the exercise of discretion.

### 3.4.6 Parking

Tables 4 & 5 below provide the parking requirements of Element 18 relevant to the proposed development, with Table 6 outlining the proposed design response.

**Table 4: CBACP parking requirements (West Site)**

| Type        | CBACP Req.                                       | Yield            | Total Spaces Req. |
|-------------|--|------------------|-------------------|
| Residential | Studio or single bedroom dwellings (car parking) | 0 x S            | 21.75             |
|             | 0.75 bays per dwelling                           | 29 x 1B          |                   |
|             | Two- or three-bedroom dwellings (car parking)    | 95 x 2B          | 107               |
|             | 1.0 bays per dwelling                            | 12 x 3B          |                   |
|             | Four or greater bedroom dwellings (car parking)  | 1 x 4B           | 1.25              |
|             | 1.25 bays per dwelling                           |                  |                   |
|             | <b>SUBTOTAL</b>                                  |                  | <b>130</b>        |
|             | Residential visitor (car parking)                | 137 dwellings    | 17.125            |
|             | 1 per eight dwellings                            |                  |                   |
|             | Motorcycle/Scooter parking                       | 147.125 car bays | 14.7125           |

|                        |  |  |      |
|------------------------|--|--|------|
|                        | 1 motorcycle/scooter space for every 10 car bays                           |  |      |
|                        | <b>Bicycle storage/parking</b>   |  |      |
|                        | 1 bay per dwelling   | 137 dwellings  | 137  |
|                        | <b>Bicycle storage/parking (visitors)</b>                                  |  |      |
|                        | 1 bay per 10 dwellings   | 137 dwellings  | 13.7 |
| <b>Non-residential</b> | <b>Car parking</b>   | 310sqm (retail)<br>530sqm (cml./med.)<br>1,500sqm (church/comm.)<br><br>= 2,340sqm | 46.8 |
|                        | <b>Motorcycle/Scooter parking</b>  |  |      |
|                        | 1 motorcycle/scooter space for every 5 (non-residential) car bays required | 46.8 car bays  | 9.36 |
|                        | <b>Bicycle storage/parking</b>   |  |      |
|                        | 1 bay per 100sqm NLA   | 2,340sqm   | 23.4 |

**Table 5: CBACP parking requirements (Triangle / East Site)**

| Type               | CBACP Req.  | Yield           | Total Req.   |
|--------------------|---|-----------------|--------------|
| <b>Residential</b> | <b>Studio or single bedroom dwellings (car parking)</b> | 12 x S          | 27.75*       |
|                    |   | 25 x 1B         |              |
|                    | 0.75 bays per dwelling                                  |                 |              |
|                    | <b>Two- or three-bedroom dwellings (car parking)</b>    | 43 x 2B         | 50           |
|                    |   | 7 x 3B          |              |
|                    | 1.0 bays per dwelling                                   |                 |              |
|                    | <b>Four or greater bedroom dwellings (car parking)</b>  | 0 x 4B          | 0            |
|                    | 1.25 bays per dwelling                                  |                 |              |
|                    | <b>SUBTOTAL</b>   |                 | <b>77.75</b> |
|                    | <b>Residential visitor (car parking)</b>                |                 |              |
|                    | 1 per eight dwellings                                   | 87 dwellings    | 10.875       |
|                    | <b>Motorcycle/Scooter parking</b>                       |                 |              |
|                    | 1 motorcycle/scooter space for every 10 car bays        | 88.625 car bays | 8.8625       |
|                    | <b>Bicycle storage/parking</b>                          | 87 dwellings    |              |

|                        |  |               |      |
|------------------------|--|---------------|------|
|                        | 1 bay per dwelling   |               | 87   |
|                        | <b>Bicycle storage/parking (visitors)</b>                                  |               |      |
|                        | 1 bay per 10 dwellings   | 87 dwellings  | 8.7  |
| <b>Non-residential</b> | <b>Car parking</b>   |               |      |
|                        | 1 per 50sqm NLA  | 570sqm        | 11.4 |
|                        | <b>Motorcycle/Scooter parking</b>  |               |      |
|                        | 1 motorcycle/scooter space for every 5 (non-residential) car bays required | 11.4 car bays | 2.28 |
|                        | <b>Bicycle storage/parking</b>   |               |      |
|                        | 1 bay per 100sqm NLA   | 570sqm        | 5.7  |

Note:

\* Level 1 of the Triangle/East site proposed to be affordable/student housing with no car parking allocation for residents

**Table 6: Compliance with CBACP parking requirements**

| Type                      |                      | Total Req. under CBACP |      |       | Provision    |              |               |
|---------------------------|----------------------|------------------------|------|-------|--------------|--------------|---------------|
|                           |                      | West                   | East | Total | West         | East         | Total         |
| <b>Car</b>                |                      | 195                    | 101* | 296*  | 178<br>(-17) | 80<br>(-21)* | 258<br>(-38)* |
| <b>Motorcycle/Scooter</b> |                      | 25                     | 12   | 37    | 12<br>(-13)  | 8<br>(-4)    | 20<br>(-17)   |
| <b>Bicycle</b>            | <b>Res.</b>          | 137                    | 87   | 224   | 137**        | 87**         | 224**         |
|                           | <b>Vis./Non-Res.</b> | 38                     | 15   | 53    | 59<br>(+21)  | 26<br>(+11)  | 85<br>(+32)   |

Notes:

\* Level 1 of the Triangle/East site proposed to be affordable/student housing with no car parking allocation for residents (i.e., requirement reduced by 13.5 bays)

\*\* Represents minimum number of bicycle parking opportunities split amongst in-dwelling and basement storage supply (i.e., West: 90 in-dwelling storage & 69 basement storage opportunities, East: 81 in-dwelling storage & 9 basement storage opportunities) as permitted by Clause 18.8 of the CBACP

Having regard to Tables 4-6 above, it is acknowledged that the proposal results in a technical car parking shortfall of 38 bays. However, the following should be noted:

- The studio and single bedroom apartments on Level 1 of the Triangle/East site are proposed to be marketed as affordable/student housing with no car parking allocation for residential use. With this being considered, the overall car parking shortfall is reduced by 13.5 bays (i.e., 18 x 0.75) to a shortfall of 8 bays for the East site or 25 bays across the whole development.

- This shortfall is only applicable to the non-residential and visitor parking requirements and the proposed closure of Robert Street provides the opportunity for 2 short-term car parking bays which can be used for these non-residential/visitor purposes, further reducing the calculated shortfall.

The proposal also results in a motorcycle/scooter parking shortfall of 17 bays.

In terms of sustainability, Goal 'G8' of the CBACP states that:

*The CBACP area will be a model for the development of greener buildings, more efficient transport usage, and more sustainable lifestyle options. The local residential community will be encouraged to work in the area or travel via public transport to work and public open spaces will be encouraged horizontally and vertically throughout.*

In this regard, the proposed development is seeking to promote sustainability-focused travel behaviours for the occupiers, users and visitors of the proposed development. Specifically, as a means of 'off-setting' the car parking shortfall, the proposal provides a total of 32 bicycle parking spaces more than what the CBACP requires for non-residential and visitor use. The proposal also provides a total of 15 electric vehicle charging stations (13 more than clause 11.4 of the CBACP requires), as well as 8 car share scheme spaces. The Church also intends on providing regular shuttle bus /carpool services for the members and local community to travel to/from the site for any Church functions and activities.

In considering all the above, as well as the likely travel demand behaviours and patterns of the uses and their users, the site's accessibility to existing and future public transport facilities and the surrounding walking and cycling infrastructure, the TIAs have concluded that sufficient parking has been provided to cater for the proposed development.

For these reasons, we submit that the proposal warrants the exercise of discretion available through the CBACP being a consideration to be given 'due regard' in accordance with clause 67 of the Deemed Provisions.

### 3.4.7 Public Art

The requirement at clause 17.2 of the CBACP states as follows:

*All development which is greater than \$1 million in total capital cost of development shall contribute 1.0% of the total capital cost of development to a CBACP wide public art fund. The fund is to be used solely for the development of a strategy and acquisition of public art works to be displayed within the CBACP area. Alternatively the developer may propose to provide on-site public art works which are integrated*

*into the design of the development. Any public art proposed shall form part of the development application to be considered by the Design Advisory Group.*

In accordance with the second limb of clause 17.2, on-site public art works are proposed to be integrated into the design of the development. This is also described as 'Option A – Public art or public art space within the development itself' in accordance with the City's (local planning) Policy P316 Development Contribution for Public Art & Public Art Spaces ('Policy P316').

The 'Conditions to Option A' within Policy P316 require artwork concepts to be assessed and approved against the Qualitative Assessment Criteria provided within the City's 'Public Art Toolkit – A Guide for Developers' ('Public Art Toolkit'). Furthermore, Policy P316 allows for a percentage of the contribution to be delivered as a 'Public Art Space'.

Whilst the 'Public Art Toolkit' notes that it is a standard planning condition that a 'Public Art Concept Application' be submitted and approved before the issuance of a Building Permit, a Public Arts Masterplan has been prepared by The Bridge Organisation Inc. (the on-going site manager) to outline the opportunities and potential distribution of 'Public Art Space' and 'Public Art Works' throughout the development, as well as an implementation strategy.

Specifically, it is identified that a Public Art Space(s) can be facilitated within the expansive public plaza, the foyer space at the entry of the Church and within the Chapel as these areas lend themselves to exhibitions, displays, demonstrations and educational opportunities. Partnerships with the existing arts community who focus on religious and indigenous art are being investigated.

It is also identified that there are several opportunities to create a well curated collection of Public Art Works which reflect the historical elements and heritage of the overall site, including local indigenous and religious history. More specifically, a heritage walk is envisaged, providing directional markers to several elements of interest, including the Tuart Tree and the original Chapel, amongst other artworks.

Refer to the Public Arts Masterplan at **Appendix 17**.

In undertaking a provisional assessment against the qualitative assessment criteria within the Public Art Toolkit, the Public Arts Masterplan identifies the capability of the program to adhere to the 'essential' criteria for both Public Art Works and Public Art Spaces, as well as many of the 'desirable' criteria for both.



### 3.4.8 Sustainability

Clauses 11.1 to 11.4 of the CBACP prescribe requirements in relation to end-of-trip facilities and electric charging bays. These requirements and the proposed design response are illustrated in Table 7.

**Table 7: CBACP sustainability requirements**

| Type                    | CBACP Req.                                    | Yield    | Total Req. | Provided |
|-------------------------|---|----------|------------|----------|
| End-of-trip changerooms | 1 room per storey of non-residential land use | 3 (W)    | 3 (W)      | 4 (W)    |
|                         |   | 1 (E)    | 1 (E)      | 1 (E)    |
| End-of-trip showers     | 1 per 10 bicycle bays (non-residential)       | 23.4 (W) | 3 (W)      | 4 (W)    |
|                         |   | 5.7 (E)  | 1 (E)      | 1 (E)    |
| End-of-trip lockers     | 1 locker per bicycle bay (non-residential)    | 23.4 (W) | 24 (W)     | 24 (W)   |
|                         |   | 5.7 (E)  | 6 (E)      | 6 (E)    |
| Electric charging bays  | 1 per 25 bicycle bays (non-residential)       | 23.4 (W) | 1 (W)      | 10 (W)   |
|                         |   | 5.7 (E)  | 1 (E)      | 5 (E)    |

As illustrated in the above table, the proposed development complies with the sustainability requirements. In fact, the proposal exceeds the requirements in relation to changerooms, showers and electric charging bays, all of which promote sustainable/alternative travel behaviours.

## 3.5 State Planning Policy 7.0 Design of the Built Environment

*State Planning Policy 7.0 Design of the Built Environment* ('SPP7.0') provides the broad framework for design of the built environment across the State and applies to all levels of the planning hierarchy.

Furthermore, SPP7.0 provides a set of ten (10) design principles which establish a definition of 'good design' that can inform the design, review and decision-making processes.

The architects (DEM) have provided a response to these 10 design principles at Section 14.0 of the Urban Design Report (refer to **Appendix 5**).

## 3.6 State Planning Policy 7.2 Precinct Design

State Planning Policy 7.2 Precinct Design ('SPP7.2') will become operational on 16 February 2021 and aligns with the amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* ('LPS Regulations') which took effect as of 15 February 2021, including the replacement of 'activity centre plans' with 'precinct structure plans'.

The purpose of SPP7.2 is to guide the preparation, assessment, determination and implementation of precinct structure plans, local development plans, and subdivision and development applications.

Clause 7.2 of SPP7.2 defines a 'precinct structure plan' as follows:

*a document prepared and approved under the provisions of a local planning scheme. Precinct structure plans outline land use, density and development (including built form), access arrangements, infrastructure, environmental assets and community facilities at a precinct scale to facilitate future subdivision and development.*

In accordance with clause 7.3, a precinct structure plan is generally not required to be prepared over an area where an endorsed activity centre plan exists. To this extent, given that the CBACP has been endorsed, was recently amended, and addresses what a 'precinct structure plan' would, such a structure plan is not required in this instance.

### **3.7 State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments**

The purpose of the Residential Design Codes, generally, is to provide a comprehensive basis for the control of residential development throughout the State, with SPP7.3 providing the planning and design standards for multiple dwellings in areas coded R-40 and above, within mixed use development and activity centres.

Ordinarily, clause 4.3(1)p) of TPS6 infers that the applicable development standards are principally provided in the CBACP unless specified otherwise. However, in light of the considerations outlined in section 275(6) of the Act, a complete R-Codes Vol. 2 assessment has been undertaken and is provided at **Appendix 7** of this report and should be read in conjunction with Urban Design Report at **Appendix 5**.

Notwithstanding the above, section 2.1 of SPP7.3 states that the default development standards contained within Table 2.1: Primary Controls Table do not supersede any development standard provided within the CBACP.

### **3.8 State Planning Policy 4.2 Activity Centres for Perth and Peel**

The purpose of SPP4.2 is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres, and with coordinating their land use and infrastructure planning.

The CBACP is the primary document for development and planning requirements and provides guidance in accordance with the desired future direction of the locality. The area is recognised as an activity centre under SPP4.2 and establishes a foundation for

objectives and goals for its ongoing development. SPP4.2 is the principal piece of policy which has informed development of the CBACP. Further, the objectives of the 'Centre' zone where the subject lands are situated are to designate land for future development as a town centre or activity centre.

The objectives of SPP4.2 are listed in section 4 of the policy and include the following which are relevant to the proposal:

- Increase the range of employment in activity centres and contribute to the achievement of sub-regional employment self-sufficiency targets.
- Increase the density and diversity of housing in and around activity centres to improve land efficiency, housing variety and support centre facilities.
- Ensure activity centres provide sufficient development intensity and land use mix to support high frequency public transport.
- Maximise access to activity centres by walking, cycling and public transport while reducing private car trips.
- Plan activity centre development around a legible street network and quality public spaces.
- Concentrate activities, particularly those that generate high numbers of trips, within activity centres.

It is considered that the proposed development is consistent with the aforementioned objectives for the following reasons:

- The proposal is for a mixed-use development which is to accommodate for a variety of land uses at sufficient intensity to cater for the daily and weekly needs of the locality's residents, whilst also providing a range of employment opportunities.
- The proposal provides density and diversity of housing to improve land efficient, housing variety and to support the centre's facilities.
- The proposal seeks to capitalise on its close proximity to both the existing and proposed public transport options (bus and rail), providing the necessary facilities to promote walking and cycling, whilst also co-locating like activities to reduce private car trips.

### 3.8.1 Draft State Planning Policy 4.2 Activity Centres (August 2020)

The DPLH has recently released *draft State Planning Policy 4.2 Activity Centres (August 2020)* ('draft SPP4.2') for public comment.

Similar to the current version of SPP4.2, draft SPP4.2 notes that South Perth is a 'district centre'. As mentioned previously, the CBACP was prepared in accordance with the current SPP4.2 and in turn, the proposed development is considered consistent with the CBACP, particularly in relation to the preferred uses.

In addition, the total amount of 'activity centre use(s)' within the proposed development (i.e., retail, café, commercial and church use), as per the definition in section 9 of draft SPP4.2, is approximately 3,310m<sup>2</sup>. This is below the floorspace threshold in Table 2 for a 'district centre' which means the proposal is not considered a 'major development' for the purposes of draft SPP4.2 and therefore, is not required to provide a 'Needs Assessment' and/or an 'Impact Test'.

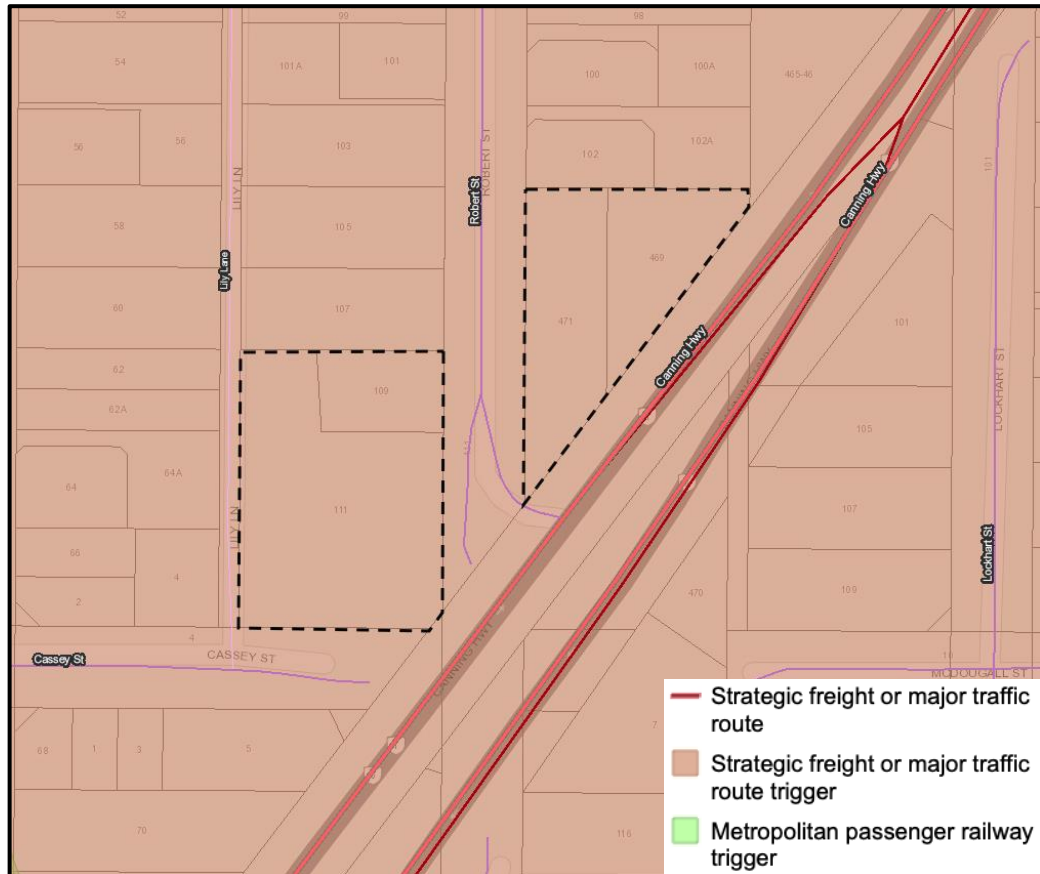
## 3.9 State Planning Policy 5.4 Road and Rail Noise

The purpose of *State Planning Policy 5.4 Road and Rail Noise* ('SPP5.4') is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes and other significant freight and traffic routes.

In accordance with clause 4.1, SPP5.4 applies for any development which proposes the following:

- (a) *noise-sensitive land-use within the policy's trigger distance of a transport corridor as specified in Table 1;*
- (b) *new or major upgrades of roads as specified in Table 1 and maps (Schedule 1,2 and 3); or*
- (c) *new railways or major upgrades of railways as specified in maps (Schedule 1, 2 and 3); or any other works that increase capacity for rail vehicle storage or movement and will result in an increased level of noise.*

As per clause 4.1(a) and Table 1, application of SPP5.4 is required in this instance as the development proposes residential land use within 300 metres 'trigger distance' of a 'strategic freight or major traffic route'. Refer to Figure 4 overleaf.



**Figure 4: Strategic freight or major traffic routes and trigger distances under SPP5.4 (Source: DPLH PlanWA 2020)**

Consistent with clause 6.4 of SPP5.4, this proposal is accompanied by a Noise Management Plan ('NMP') prepared by Herring Storer Acoustics which assesses the noise that would be received within the development area from vehicles travelling along Canning Highway (for future traffic volumes) and compares the results with the accepted criteria, developing a framework for the management of noise where exceedances exist.

Refer to **Appendix 8** for the Noise Management Plan.

The results of the acoustic assessment indicate that noise received at the development from future traffic would exceed external noise level criteria. However, noise amelioration in the form of "Quiet House" design upgrades are required (as detailed in Appendix B of the NMP) and would allow compliance with the requirements of SPP5.4, along with notifications on title for the development.

It is expected that both the requirement to implement the quiet house design upgrades and the notifications on title would form conditions of approval, consistent with clause 6.5.3.1 of SPP5.4.

### 3.10 Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to regulation 10(4) of the LPS Regulations, the provisions in Schedule 2 are deemed provisions that are applicable to all local planning schemes, regardless of whether the provisions are incorporated into the scheme text.

Specifically, clause 67(2) of the Deemed Provisions outline the matters to be given due regard, where relevant, in considering an application for development approval. An assessment of the proposal against these considerations is provided in Table 8 below.

**Table 8: Clause 67(2) considerations**

| Matter to be Considered  | Response   |
|--|--|
| (a) the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;  | As per Section 3.3 of this report, the subject lands are zoned 'Centre' pursuant to TPS6. The proposed development is consistent with the objectives of the Scheme and has been designed in accordance with the CBACP, as required for developments in the 'Centre' zone.  |
| (b) 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; | As per the above, the proposal has been developed in accordance with the applicable CBACP, including the amendments made in 2020, as required by the Scheme for development in the 'Centre' zone. Furthermore, consideration has also been given to all other applicable planning policies, including draft SPP4.2 which is currently being advertised for public comment. |
| (c) any approved State planning policy;  | As per Sections 3.5 to 3.9 of this report, due regard has been given to, and the proposal is considered to be compliant with, the following State Planning Policies: <ul style="list-style-type: none"> <li>• SPP4.2 (including draft SPP4.2);</li> <li>• SPP5.4;</li> <li>• SPP7.0; and</li> <li>• SPP7.3.</li> </ul>   |
| (h) any structure plan or local development plan that relates to the development;  | As per Section 3.4 of this report, the proposal has been developed in accordance with the applicable requirements of the CBACP. Whilst the proposal does seek departures from the applicable requirements in relation to height, setbacks and parking, it is considered that the applicable desired outcomes and the overall goals/objectives of                           |

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|  | the CBACP have been met and therefore warrant the exercise of discretion.  |
| (k) the built heritage conservation of any place that is of cultural significance;   | As per Section 3.3.2 of this report and the HIA at Appendix 13, the proposed development retains and promotes the original Chapel on the West Site which is listed as a 'Management Category C' under the Local Heritage Inventory.  |
| (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;  | The HIA at Appendix 13 concludes that the proposed retention of the original Chapel in the redevelopment will have a significant positive impact on the Chapel's heritage significance.  |
| (m) the compatibility of the development with its setting, including –<br><ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(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 height, bulk, scale, orientation and appearance of the development;</li> </ul> | As per Section 3.4 and Appendix 6, the proposed development has been designed in accordance with the provisions of the CBACP. Furthermore, consideration has been given to the allowable height limits of the surrounding properties with the proposed tower elements providing a transition from the lower density H8 zone to the north through to the higher density M15 zone to the south.  |
| (n) the amenity of the locality including the following –<br><ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>  | <p>Further to the above, not only has the proposed development been designed in accordance with the CBACP, but it also proposes an extensive public plaza between the two (2) sites which will be made possible through the closure of Robert Street (subject to a separate application).</p> <p>The proposed development also ensures that all on-site parking is provided through two (2) basement levels on each site, providing greater opportunities for activation and vibrancy at ground level, consistent with the goals and objectives of the CBACP.</p> <p>Having regard to the above responses to subclauses (m) and (n), the proposed development is not considered to result in any adverse amenity impacts both now and in a future context.</p> |
| (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees  | The proposed development retains the existing heritage Tuart tree on the Triangle  |



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| <p>or other vegetation on the land should be preserved;</p>   | <p>Site and has made it a feature of the ELC outdoor play area.</p> <p>Aside from the above, the trade-off with providing all on-site parking within the basement levels is that there are no further opportunities for deep soil planting on-site. However, the proposed development seeks to provide high quality on structure planting through the green wall to Lily Lane and the communal rooftop terraces and gardens, consistent with the provisions of the CBACP.</p> <p>In addition, the proposed closure of Robert Street will allow for an extensive public plaza to be provided by the Church which will provide a large area for deep soil planting where trees identified as being of 'high' retention value can be replaced.</p>  |
| <p>(s) the adequacy of –</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site; and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles</li> </ul> | <p>A single point of vehicular access is proposed to the basement levels of each site with servicing of the West site to occur via Lily Lane and the servicing of the East site to occur via the 'shared zone'. With respect to the shared zone, the TIA has considered that given that the use of service vehicles will be infrequent, will impede the driveway aisle for only seconds and is likely to occur outside of peak car park access periods, the layout is unlikely to present as a significant risk to car park users.</p> <p>Furthermore, although the setback controls of the CBACP allows a nil-setback along Lily Lane, the podium has been setback 0.5m to accommodate the future widening of the laneway in accordance with Planning Bulletin 33/2017 Rights-of-way or laneways in established areas. It is understood that the City will apply the same requirement to all properties either side of Lily Lane as they are redeveloped.</p> <p>In terms of parking, the proposal does result in a technical shortfall of 38 car bays and 17 motorcycle/scooter bays based on the requirements of the CBACP. However, when due regard is given to the considerations</p> |

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|  | outlined in this report and the accompanying TIAs, such as the affordable/student housing proposed, the surplus of bicycle parking and end-of-trip facilities and the surplus electric vehicle charging stations, the level of parking is considered appropriate and sufficient based on the anticipated demand by the proposed uses/activities and the travel behaviours of the likely users.  |
| (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 effect on traffic flow and safety;   | As per the TIAs provided at Appendix 14, Cardno have assessed that it is unlikely the proposed development will detrimentally affect traffic safety or flow on the surrounding road network. Furthermore, the TIAs note that the main traffic impacts affecting the surrounding road network will be background traffic growth.   |
| (u) the availability and adequacy for the development of the following –<br><ul style="list-style-type: none"> <li>(i) public transport services;</li> <li>(ii) public utility services;</li> <li>(iii) storage, management and collection of waste;</li> <li>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</li> <li>(v) access by older people and people with disability;</li> </ul> | <p>As identified earlier, the proposal seeks to promote sustainable travel, capitalising on its siting adjacent to the 'Linking Pathway' identified in the CBACP. In addition, as per the assessments against the CBACP and R-Codes Vol. 2 provisions, the proposal provides a surplus of facilities to accommodate pedestrian and cyclist activity and has also been designed to be universally accessible.</p> <p>As for waste, the Waste Management Plans prepared by Cardno at Appendix 15 have demonstrated that the proposed development provides sufficiently sized bin storage areas and allows for on-site collection by the City.</p> |
| (w) the history of the site where the development is to be located;  | As mentioned throughout the various accompanying reports, the Como Baptist Church has served the community from the premises on the West Site for close to 100 years and through this proposed development seeks to retain and enhance the retain the existing Church functions through the physical retention of the original Chapel, as well as other associated Church services. Furthermore, the existing ELC is also proposed to be retained, albeit relocated to the Triangle Site.   |

## 4.0 COVID-19 Economic Recovery

The SDAU's Guide for Applicants outlines the following with respect to 'COVID-19 economic recovery':

*A key driver of this assessment pathway is to support the State's economic recovery from the COVID-19 pandemic through a more streamlined development assessment process. Projects that have investment certainty, are well-designed and ready for construction to commence soon after approval are important in this economic recovery.*

The proposed development is considered to satisfy this key consideration for the following reasons:

- (i) BFS has the full capacity to fund Stage 1 without any pre-sale requirement and therefore construction can commence upon receipt of development approval, construction documentation and a building permit.
- (ii) The marketing advice received identifies the proposal as being very attractive to apartment buyers, particularly due to the amenities and facilities offered to residents, and that a higher demand from apartment investors is currently being experienced in Perth.
- (iii) The proposal will provide a direct investment of \$120 million into the State, with expenditure on consultant services already exceeding \$1 million.
- (iv) The design and construction phase will create a minimum of 150 direct jobs for Stage 1 and 350 direct jobs for Stage 2, with a conservative 2x multiplier.
- (v) The nature of the development, and the proposed uses, are such that the economic benefits expand post-construction with the East site creating approximately 20 full-time equivalent ('FTE') long term direct jobs and the West site creating approximately 50 FTE long term direct jobs.
- (vi) The proposal also includes numerous public benefits, such as:
  - a. The creation of a public plaza exceeding \$1 million;
  - b. The retention and restoration of the original 1931 Chapel;
  - c. The retention of the heritage Tuart tree;
  - d. A significant public art strategy and expenditure exceeding \$500,000; and
  - e. The provision of public community spaces and facilities,

as well as significantly improved amenity and accessibility for the locality.

Refer to **Appendix 16** for the Economic Impact Statement and Market Research for further information.

## 5.0 Conclusion

This application seeks approval for a mixed-use development that comprises of 3 towers that range in height from 10 to 15 storeys and will retain and build upon the Church's near 100-year history at the site. The proposal is not for the categoric redevelopment of the sites but rather, the proposed development links the past to the future.

Specifically, the proposal retains the existing Chapel building, provides a modern ELC, as well as introducing retail, café, commercial and medical uses in the podium levels, with 224 residential apartments above. A flagship of this development is the large publicly accessible plaza area that will be created between the eastern and western sites, made possible by the closure of Robert Street.

This application is being made in accordance with Part 17 of the Act and has duly considered and responded to the four (4) considerations set out in section 275(6). Specifically:

***(a) the purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and***

The proposed development is subject to the City's LPS6 which has an overriding objective to provide for performance-based development and is considered consistent with the general objectives of the Scheme which include facilitating a diversity of dwelling styles and densities, establishing a sense of community, utilising and building upon existing facilities, and recognising and preserving buildings and sites of heritage value.

As for development control, LPS6 diverts to the CBACP and R-Codes Vol. 2 which the proposal has been designed in accordance with.

***(b) the need to ensure the orderly and proper planning, and the preservation of amenity of that locality; and***

In preparing the application, due and proper regard has been given to all relevant local and state planning instruments. These have been addressed in Section 3.0 of this report, as well as the accompanying assessments and technical reports.

Furthermore, the current and likely future amenity of the locality has been a key consideration in the formation of the proposed development. Being designed in accordance with the CBACP and the applicable provisions which relate to the subject

lands, the proposal is considered to align and positively contribute to the residential amenity of the locality, both now and into the future.

As outlined in this report, the proposal does seek the exercise of discretion in relation to the preferred land uses, building height, setbacks and parking requirements. These areas of discretion should be examined in the context of the entire proposal and its setting. The proposal is considered to provide a vibrant, community-integrated mixed-use development, with a built form that acts as a visual marker in the Como skyline. Importantly, these areas of discretion result in active podiums and roof terraces that create a superior outdoor amenity offering, internal spaces with a high standard of amenity and access to natural light and ventilation, as well as ensuring that there are no resultant overshadowing of surrounding properties and public realms, nor privacy impacts.

Accordingly, the proposed development is considered consistent with the objectives of the local planning framework and the principles of orderly and proper planning.

***(c) the need to facilitate development in response to the economic effects of the COVID-19 pandemic; and***

The proposed development will provide a direct investment of \$120 million into the State of Western Australia, with expenditure on consultant services already exceeding \$1 million. The proposal will also result in approximately 150 and 350 direct jobs across Stages 1 and 2, respectively, as well as providing on-going employment opportunities for approximately 70 FTE across both sites in the operational phase.

It should also be noted that the proposal will add 224 apartments in the current economic climate, which is experiencing high demand from apartment investors, particularly in locations such as the subject lands where access to the CBD, airport and universities is simple and convenient.

Importantly, the project is being undertaken by a non-for-profit organisation with experience in property development and will not rely on pre-sales in order to make an immediate start on construction (following planning approval, construction documentation and receipt of a building permit).

***(d) any relevant State planning policies and any other relevant policies of the Commission.***

The proposed development has also duly considered the relevant SPPs, including SPP7.0, SPP7.2, SPP7.3, SPP4.2 (current and draft) and SPP5.4. In particular, a detailed R-Codes Vol. 2 assessment has been provided which demonstrates compliance with the policy objectives, as well as the 10 design principles of SPP7.0.

For all these reasons, the proposed development is considered to warrant approval.

We trust that this information is to your satisfaction and welcome the opportunity to review any draft suite of conditions of approval prior to any determination. We otherwise look forward to your prompt and favourable determination.

Altus Planning

