

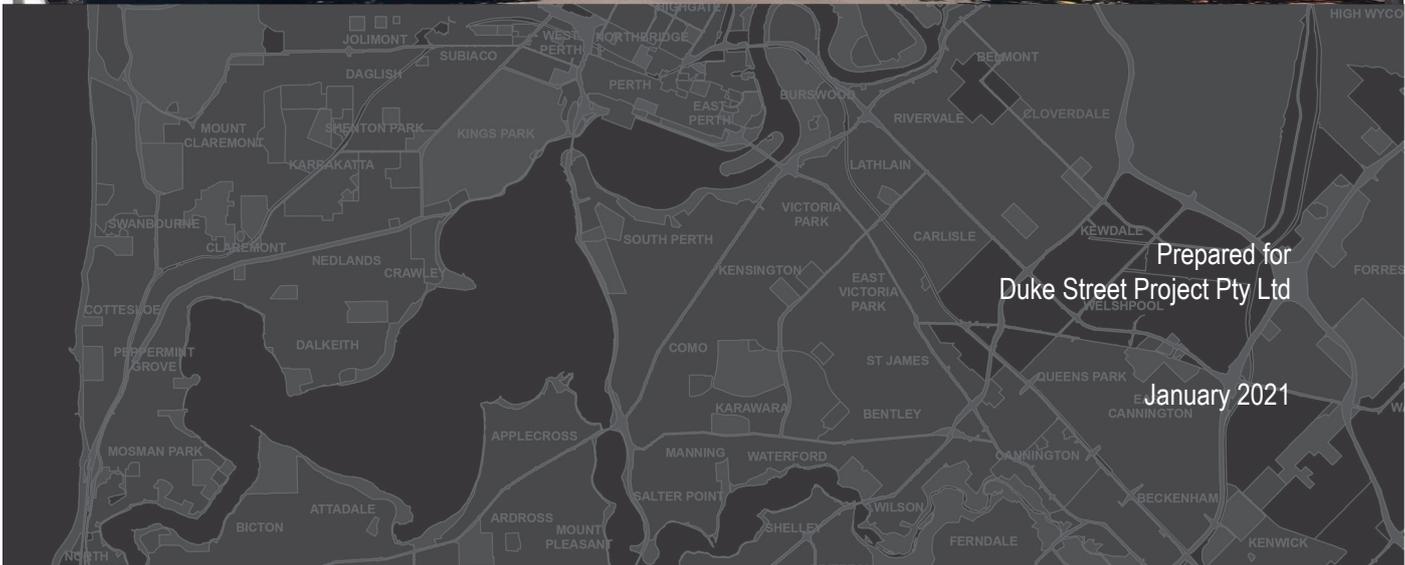
# Proposed Mixed Use Development Development Application Report

DEPARTMENT OF PLANNING, LANDS  
AND HERITAGE

DATE	FILE
21-Jan-2021	SDAU-031-20

Lots 23, 24, 25 and 26 (385) Rokeby Road,  
Subiaco, WA

PLANNING SOLUTIONS  
URBAN & REGIONAL PLANNING



Prepared for  
Duke Street Project Pty Ltd

January 2021

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Direct all inquiries to:

Planning Solutions  
251 St Georges Terrace  
PERTH WA 6000

All correspondence to:  
PO Box 2709  
Cloisters Square WA 6850

Phone: 08 9227 7970  
Email: [admin@planningsolutions.com.au](mailto:admin@planningsolutions.com.au)  
Web: [www.planningsolutions.com.au](http://www.planningsolutions.com.au)

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## Project Details

<b>Job number</b>	6831	
<b>Client</b>	Duke Street Project Pty Ltd	
<b>Prepared by</b>	Planning Solutions	
<b>Consultant Team</b>	Architect	MJA Studio
	Town Planner	Planning Solutions
	Landscape Architecture	See Design
	Traffic	Cardno
	Waste Management	Talis Consulting
	Acoustics	Stantec
	Sustainability	Full Circle
	Economics	Macroplan

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# 1 Preliminary

## 1.1 Introduction

Planning Solutions acts on behalf of Duke Street Project Pty Ltd, the proponent of the proposed development at Lots 23, 24, 25, 26 (385) Rokeby Road, Subiaco (**subject site**). Planning Solutions has prepared the following report in support of a Form 17B Application for Development Approval for a six storey mixed use development on the subject site.

**This application is made pursuant to the significant development pathway under s.271 of the *Planning and Development Act 2005* and requires determination by the Western Australian Planning Commission (WAPC).**

This report will discuss various elements pertinent to the proposal, including:

- Site details.
- Proposed development.
- Statutory planning framework.
- Development assessment.

This report is accompanied by a Residential Design Codes Volume 2 assessment.

## 1.2 Pre-Lodgement Engagement

The applicant and proponent have undertaken pre-lodgement consultation with the Department of Planning, Lands and Heritage's Significant Development Assessment Unit (**SDAU**), the State Design Review Panel (**SDRP**), and the City of Subiaco (**City**) to discuss the development proposal, obtain feedback on the proposed concept plans, and confirm matters to be addressed through the development application.

An initial design concept was presented to senior officers from the City on 12 November 2020. The concept was refined based on feedback from the City, including the removal of a proposed crossover to Rokeby Road.

Following a pre-lodgement meeting with officers of the SDAU on 16 November 2020, a Form 17A preliminary planning application was lodged on 18 November 2020. Through the course of the Form 17A application, the concepts were considered twice by the State Design Review Panel (refer section 4.1 below). The SDAU has also consulted with the City with regard to the proposal.

The SDAU provided written feedback to Planning Solutions on 4 December 2020, which included a summary of the first SDRP meeting. Additional feedback following the second SDRP meeting was received on 22 December 2020. All feedback has been addressed through this report and the accompanying technical reports.

## 2 Site Details

### 2.1 Land Description

Refer to **Table 1** for a description of the land subject to the proposed development.

**Table 1: Lot Details**

Lot	Plan	Volume	Folio	Site Area (m <sup>2</sup> )
23	2352	1279	654	445
24	2352	1277	751	445
25	2352	1927	427	445
26	2352	1157	549	445
<b>Total:</b>				1,780

Refer **Appendix 2** for copies of the Certificates of Title.

### 2.2 Regional Context

The subject site is within the municipality of the City of Subiaco (**City**) and within the suburb of Subiaco. It is located approximately 3.5 kilometres west of the Perth city centre and 950 metres south of the Subiaco town centre. Subiaco is an established suburb within the inner metropolitan area, and comprises a rich diversity of urban forms, land uses, and attractions.

The subject site fronts Rokeby Road, a major urban boulevard that traverses through the heart of Subiaco, linking the subject site to the town centre in the north and Nicholson Road in the south.

The subject site is well serviced by public transport. Bus services are provided along Rokeby Road, linking the subject site to the Subiaco town centre and railway station, the University of Western Australia, and the QEII Medical Centre. Subiaco Railway Station is situated approximately 950 metres north. Established pedestrian and cycling paths are provided along Rokeby Road.

### 2.3 Local Context

The subject site is situated along Rokeby Road, within the Rokeby Road south precinct. Situated immediately south of the Subiaco town centre, the Rokeby Road south precinct comprises a diverse mix of urban form and land uses, including shops, offices, cafes, bars and restaurants. The precinct is characterised as an urban, contemporary, tree lined environment, with buildings of varying ages and style, and heights of between one and four storeys.

The subject site is immediately bound by Duke Street to the north, Rokeby Road to the east, a City owned hall to the south, and a laneway to the west. Single detached residential dwellings are situated on the opposite side of the laneway to the west.

Broadly, the subject site is located within close proximity to a variety of residential, commercial, and civic land uses, including:

- City of Subiaco Municipal Chambers.
- Kings Park.
- QEII Medical Centre.
- University of Western Australia.
- Subiaco Railway Station.
- Shenton Park.
- Subiaco Primary School.
- Bob Hawke Memorial College.

The subject site has convenient access to public transport, open spaces, civic institutions, and a town centre, making it an attractive and sought-after area to live, work, and recreate.

## 2.4 Land Use and Topography

The subject site currently contains a single storey commercial building and hardstand, previously utilised as a funeral parlour. The building is currently vacant. As part of this application, all current structures and vegetation on site will be removed.

The subject site slopes gently from south west to north east, from a low of 35.29 AHD to 36.02 AHD. The rear laneway sits approximately one metre lower than the subject site, at a height of 34.3 AHD. Refer **Photograph 6** below demonstrating the difference in height.

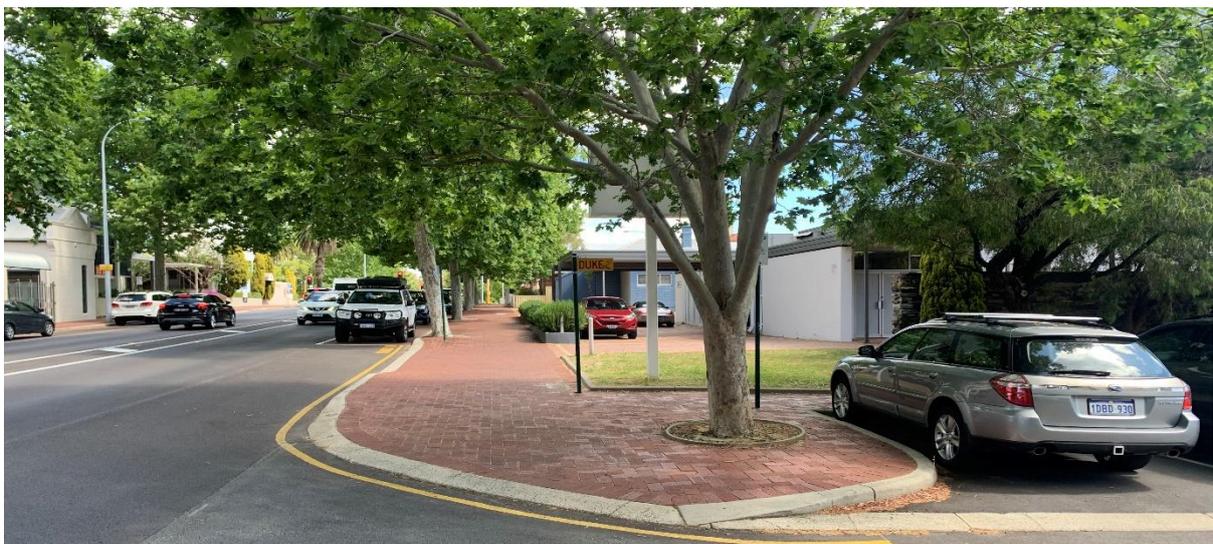
**Photographs 1 to 6** depict the subject site and surrounds. Refer to **Figure 1** aerial photograph depicting the subject site and surrounding area.



Photograph 1: Subject site, as viewed from Rokeby Road.



Photograph 2: Subject site, as viewed from Rokeby Road.



Photograph 3: Rokeby Road streetscape adjacent to subject site.



**Photograph 4: Subject site, as viewed from Duke Street.**



**Photograph 5: Rear laneway adjacent to subject site.**



**Photograph 6: Rear laneway adjacent to subject site, as viewed from Duke Street.**

LEGEND

Subject Site



## 3 Proposed Development

This application seeks development approval for the removal of the existing structures and vegetation on site, and its replacement with a contemporary, six storey mixed use development. The development comprises 532m<sup>2</sup> of commercial space on the ground floor, 37 multiple dwellings on the upper floors, and associated parking, access, landscaping, and amenities.

Refer **Table 2 & 3** below for a summary of the particulars of the development.

**Table 2: Development Summary by Floor**

Level	Summary
Basement 2	31 residential parking bays. 20 x 10m <sup>2</sup> storage units. 8 x 5m <sup>2</sup> storage units.
Basement 1	6 bike bays. 45 residential parking bays. 4 x 5m <sup>2</sup> storage units. 3 x 4m <sup>2</sup> storage units. Transformer / pumps and tank.
Ground Floor	532m <sup>2</sup> commercial space (comprising two tenancies). 12 bike bays. 1 accessible End of Trip facility. 2 residential entrances / lobbies. 1 commercial entrance / lobby (via internal carpark). Single vehicle access / crossover. 23 commercial parking bays. Commercial loading bay. Commercial bin store. Residential bin store. Mail room / letter boxes. Associated services.
Level 1	6 x (2x2) residential apartments. 3 x (3x2) residential apartments. 1 x 6m <sup>2</sup> storage unit. 1 x 4m <sup>2</sup> storage unit. Lobby / bin chute / services.
Level 2	5 x (2x2) residential apartments. 4 x (3x2) residential apartments. Lobby / bin chute / services.
Level 3	5 x (2x2) residential apartments. 4 x (3x2) residential apartments. Lobby / bin chute / services.
Level 4	1 x (2x2) residential apartments. 3 x (3x2) residential apartments. 2 x (4x2) residential apartments. Lobby / bin chute / services.

Level 5	4 x (3x2) residential apartments. Lobby / bin chute / services. Communal rooftop deck.
Roof	Screened services compound. PV cells.

**Table 3: Development Particulars**

Particular	Proposed						
Site Area	1,783m <sup>2</sup>						
Plot Ratio:	Residential: 2.65						
	Commercial: 0.29						
	Total: 2.94						
Height:	Six storeys (with two basement levels).						
Setbacks:	Floor:	Ground	1	2	3	4	5
	Rokeby Road (east):	Nil.	Nil.	Nil.	Nil.	Nil.	1.3m.
	Duke Street (north):	Nil.	Nil.	Nil.	Nil.	Nil.	1.7m.
	Laneway (west):	Nil – 4.5m.	Nil – 8.5m.	Nil – 8.5m.	Nil – 8.5m.	5.4m – 9.7m.	5.4m – 9.7m.
	South:	Nil – 9.1m.	Nil – 9.1m.	Nil – 33.2m.	Nil – 33.2m.	Nil – 33.2m.	1.6m – 33.2m.
Dwelling Yield:	Two-bedrooms: 17.						
	Three-bedrooms: 18.						
	Four-bedrooms: 2.						
Parking:	Commercial: 23 bays (including one accessible bay), situated on the ground floor.						
	Residential: 76 bays, situated within the two basement levels.						
Landscaping:	Deep Soil: 34m <sup>2</sup> .						
	On Structure: 366m <sup>2</sup> .						
	Trees: 4 medium / 2 small.						

Refer **Appendix 3**, development plans.

The design outcomes are shown visually in **Images 1 – 4** over.



Image 1 – Development, viewed from Rokeby Road.



Image 2 – Development, viewed from Duke Street.



Image 3 – Development, viewed from rear laneway.

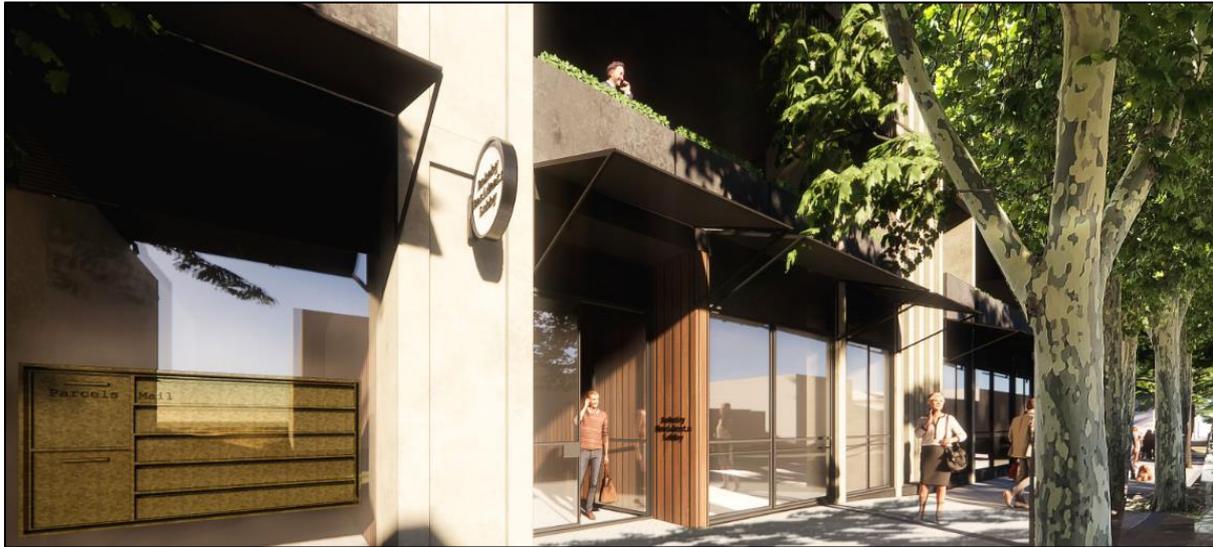


Image 4 – Development, viewed from street level.

### 3.1 Design Statement

The development has been designed in a manner reflective of the prevailing character of the area, in accordance with the intent of the strategic planning framework of the locality. Achieved through a diverse range of textures, materials, and style, the development appropriately responds and reflects the vernacular of the Rokeby Road south neighbourhood, and Subiaco at large.

The development has been intentionally designed to reduce the perception of bulk and scale. As such, the development does not present as a six storey building, but rather a collection of smaller bays and parts, with a perceived height of approximately four storeys (when viewed from the street). This is achieved through the use of setbacks (for the western boundary, and upper floors), a partitioned façade (refer **Image 5** below), separation of mass through varying contrasts / tones, and the prominent use of arches, on and off the structure. By designing the building to step down towards the lower density residential neighbourhood to the west of the subject site, the development appropriately responds to the immediate context of the area, ensuring appropriate separation distances with neighbouring residential properties.

Notwithstanding, the development prominently responds to the Duke Street / Rokeby Road intersection, creating a striking community focal point / landmark, providing visual interest to the street. With a nil ground floor setback, active ground floor uses, the provision of a public parklet, and upgraded laneway, the development is a significant enhancement on existing offerings, and returns the site to its historic retail-oriented, active use.

Whilst responding to the vernacular of the locality, the materiality of the development is contemporary, with the use of stained precast concrete, permeable screenings, shade screens, acrylic renders, stained cladding, rod and rail balustrade, and canvas awnings, with charcoal, grey, and cream tones.

The development makes most of its unique position as an amalgamated corner site, providing a significant increase in residential and employment densities to the locality, as well as an increase in services and amenity for the local community.

Refer to **Appendix 4** for a copy of the Architectural Design Statement, which includes 3D Perspectives depicting the proposed development.

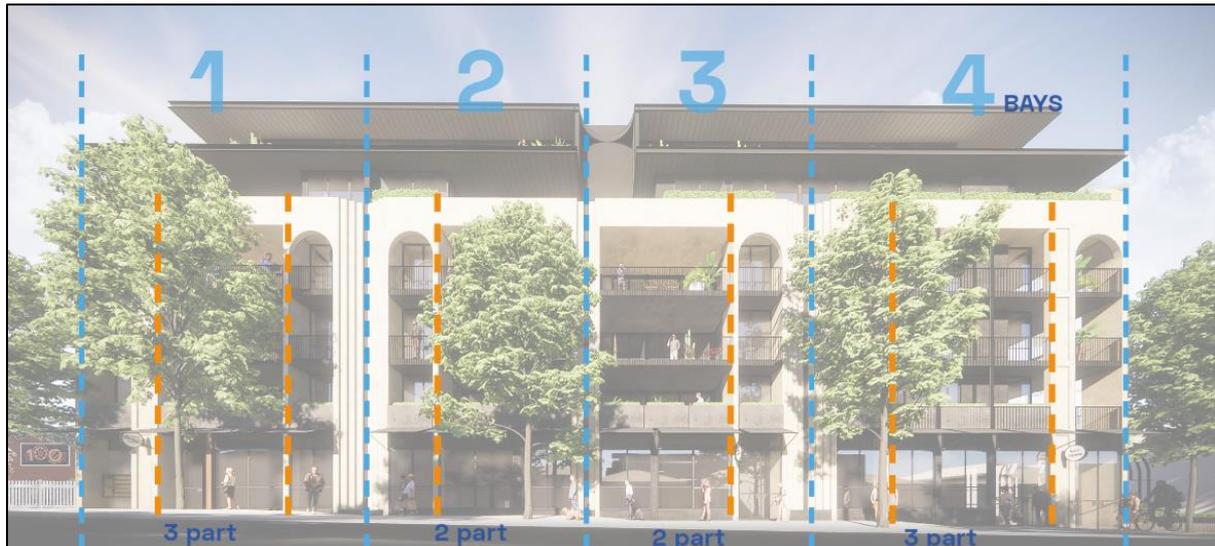


Image 5 – Bays and Parts.

### 3.2 Commercial Tenancies

The development proposes 532m<sup>2</sup> of commercial space over two tenancies on the ground floor. While no operators have been confirmed, it is intended that the tenancies will be leased by a boutique grocer / deli, a café / restaurant, and / or a small bar. It is envisioned that the subject site will create a new community node, focussed on the Duke Street / Rokeby Road corner.

The commercial tenancies will enjoy a fully glazed façade, ensuring both passive surveillance and the activation of Rokeby Road and Duke Street. The commercial tenancies will be complemented by alfresco spaces and the new Duke Street parklet, creating an active urban atmosphere. The proposed uses will ensure activation of the development / immediate area over the course of the day and night, with the café, grocer, and small bar providing morning, day, and night activity, respectively. Refer **Image 6** below.

The tenancies are accessed directly via entrances along the street front, as well as from an independent lobby from the commercial parking on the ground floor. To support the commercial tenancies, a loading dock is provided in the undercroft parking on the ground floor. A commercial bin store is provided within the loading dock.

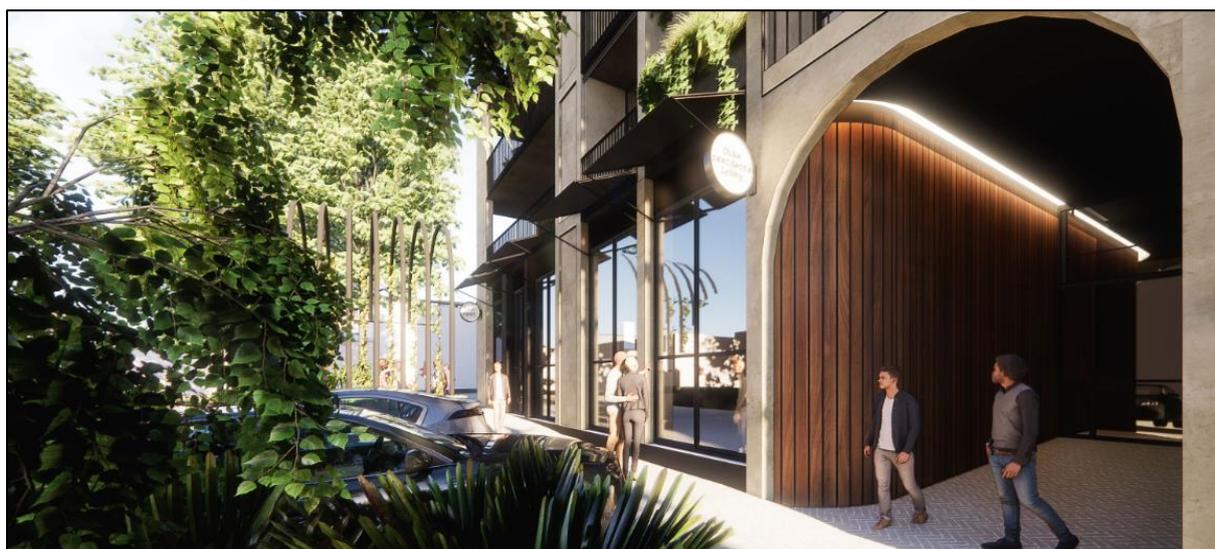


Image 6 – Streetscape and parklet.

### 3.3 Landscaping

The development proposes landscaping throughout the subject site, comprising both on-structure and deep soil planting, as well as the provision of a public parklet and an upgraded laneway. Collectively, the proposed landscaping will enhance the overall presentation of the development, adding depth and character to the building, and improving the relationship to the established tree canopy within the street. The landscaping will enhance both the amenity of the locality for the community at large, as well as the amenity of communal rooftop space / private balconies for residents and visitors alike.

Refer **Appendix 5**, Landscaping Plan. Refer **Image 7** below for the landscaping breakdown.

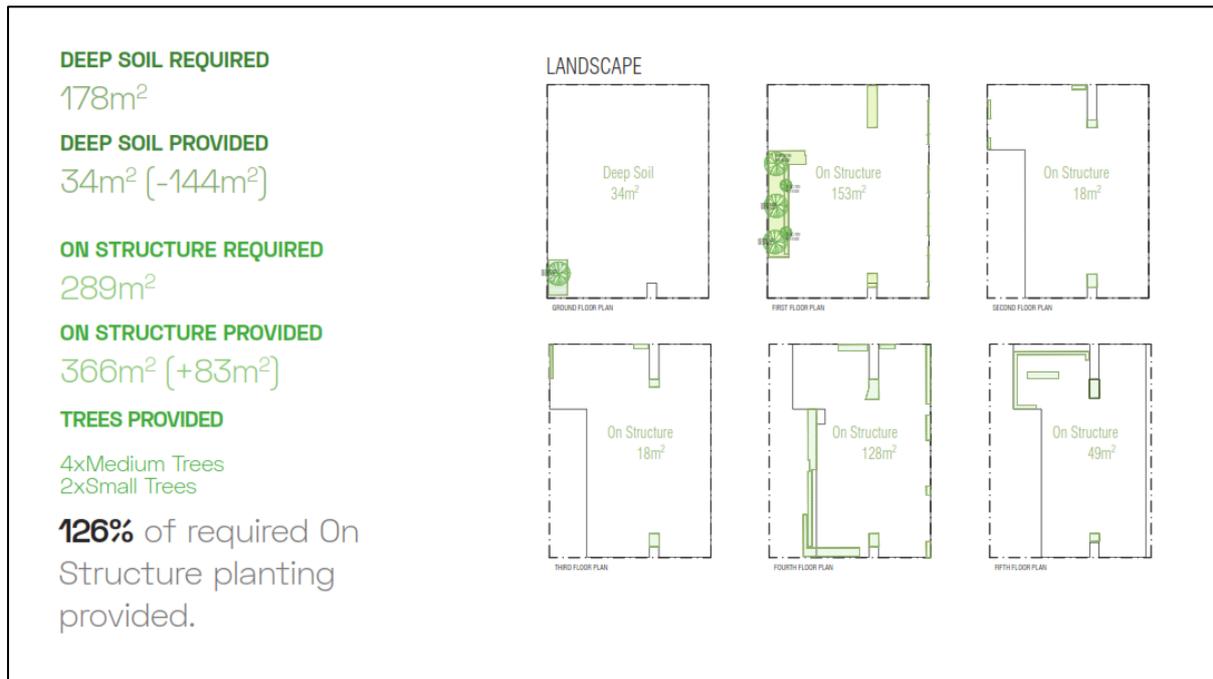


Image 7 – Landscaping breakdown.

#### 3.3.1 Landscaping Design

The development proposes a 34m<sup>2</sup> deep soil zone on the south western portion of the subject site, and 366m<sup>2</sup> of on-structure planting on the eastern, northern, and western elevations, integrated into the architecture of the building. Collectively, the development proposes 400m<sup>2</sup> of landscaping over the subject site, creating a sustainable, and aesthetically pleasing design outcome.

The proposed on-structure planting comprises planters on all upper floors, creating a cascading greenery effect over the development. As well as complementing the architecture of the building and providing a positive streetscape response, the on-structure planting ensures an appropriate interface to adjoining residential properties. The deep soil zone and first floor vegetation strip will also improve the amenity of the laneway, creating a sustainable and liveable urban outcome.

The landscaping plan makes provision for six new trees over the subject site, including one in the deep soil zone along the western (laneway) boundary and five within a planter on the first floor (fronting the laneway). All street trees are proposed to be retained. Planter boxes also frame the communal open space on the upper floor.

All vegetation species have been carefully considered to ensure growth is possible in the nominated space, and are appropriate for the local climate.

### 3.3.2 Parklet

As part of preliminary engagement with the City, it was identified that a public parklet could be provided to Duke Street to provide additional public space to the local community.

While the design is not final, and is subject to further negotiation with the City, it is proposed to remove two existing car bays on Duke Street, to be replaced by the new micro-public open space. The parklet has been designed in a manner reflective of the character of the development, with the use of an arched arbour, as well as materials, colour palette, and vegetation selection comparable to the building.

The parklet will comprise vegetation, decked seating, as well as space for tables, and will complement the proposed commercial tenancies. Importantly, the space is not exclusive, and can be enjoyed by the community at large. As such, it is considered that the parklet will form an accessible community focal / meeting point. Refer **Image 8** below.

It is noted that the parklet would form part of a separate application with the City, outside of the DA process, given it is on public land.



**Image 8 – Proposed public parklet.**

### 3.3.3 Laneway

The development proposes the upgrade of the laneway to the extent of the site boundaries, at the rear of the subject site. Refer **Image 9** below.

Currently utilised as a vehicle thoroughfare, it is understood that the City intends to upgrade the laneway to a pedestrian / cyclist only path at some point in the future. The applicant proposed upgrade would bring this process forward at no cost to the City.

The proposed improvements include the provision of vegetation, upgraded surface treatments, seating, and an arbour, reflective of the materials and vegetation proposed on the subject site and parklet. The enhanced laneway will provide a safe, accessible, and welcoming urban environment for residents and visitors.

Any upgrade to the laneway would form part of a separate application with the City, outside of the DA process, given it is on public land.



Image 9 – Potential laneway enhancement.

### 3.4 Access, Parking, and Loading

#### 3.4.1 Pedestrian / Bicycle Access and Parking

Pedestrians are proposed to access the residential portion of the development via two dedicated entrances on Rokeby Road and Duke Street. Each entrance is prominently designed and designated, ensuring legibility, and leads to an internal lobby and lift. A mail room is also provided within the Rokeby Road entrance.

Bicycles are proposed to access the development via the Duke Street crossover. A total of 18 bicycle bays are provided. An accessible End of Trip facility is also provided within the commercial entrance.

#### 3.4.2 Vehicular Access, Parking, and Loading

Vehicle access is provided by a single crossover to Duke Street. A total of 96 parking bays are provided over the subject site. This comprises 23 commercial bays available for public and staff on the ground floor (including a single accessible bay and shared space), and 76 residential and visitor bays over two basement levels. The basement levels are accessed via internal ramps. All bays will be appropriately designated.

The public parking will be managed privately and is proposed to close at approximately 2200 each night.

A dedicated loading zone is provided on the ground floor for the use of the commercial tenancies. The loading dock is fully enclosed, with the roller door being closed when the dock is not in use. Service vehicles will access the site via the vehicle crossover on Duke Street. Vehicles will reverse into the loading dock and egress in forward gear.

The proposed access and traffic management arrangements have been subject to a detailed analysis, in the form of a Transport Impact Statement (TIS) prepared by Cardno, contained in **Appendix 6**. As confirmed within the TIS, the traffic generation associated from the development was found to have no significant impact on the surrounding road network. The TIS concludes that the proposed parking, access, and internal manoeuvrability arrangements (including for service vehicles) to be satisfactory.

### 3.5 Waste Management

The development proposes two adjoining enclosed bin stores for residential and commercial waste. The bin storage area is situated on the ground floor. Residents will utilise bin chutes to dispose of waste from the upper floors. Commercial tenants will have direct access to the bin store via the loading dock.

Waste is proposed to be collected privately, with service vehicles accessing the bins via the dedicated loading dock. Swept path plans are provided within the TIS, appended in **Appendix 6**. Refer **Appendix 7** for a copy of the Waste Management Plan, prepared by Talis Consultants.

### 3.6 Sustainability

Full Circle has prepared a sustainability report that details the NATHERs ratings achieved by the proposed development. The assessment confirms the apartments with proposed upgrades incorporated would achieve an 8.2-star average. This is achieved through the built form, choice of materials and finishes, appliance selection, energy consumption, waste management, and provision of a solar array.

78% of all apartments achieve cross ventilation, with all apartments enjoying at least 2 hours of sun on 21 June.

Refer to the Sustainability Strategy provided in **Appendix 8**.

### 3.7 Environmental Amenity

As the proposed development is situated within proximity to residential properties, an Environmental Noise Assessment (**ENA**) was prepared in accordance with the *Environmental Protection (Noise) Regulations 1997*.

As detailed within the ENA, the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997* at all times. This includes the use / impact of the loading dock and service / delivery vehicles, residential dwelling noise attenuation measures, and the mixing of commercial and residential uses.

Refer **Appendix 9** for a copy of the Environmental Noise Assessment, prepared by Stantec.

# 4 Design Review

## 4.1 State Design Review Panel

As a significant development and a project of regional or state significance, preliminary concepts of the proposed development were reviewed by the State Design Review Panel (SDRP). The SDRP assessed the plans against the 10 principle of good design, pursuant to State Planning Policy No. 7.0 – Design of the Built Environment (SPP7).

The SDRP considered an initial concept on the 26 November 2020, and a revised concept on 15 December 2020.

Overall, the SDRP supported the proposal with respect to context and character, amenity, safety, community, and aesthetics, and requested further information on the remaining design principles. The panel noted that the “development has the potential to deliver a good mix of uses for the area as well as a high-quality architectural outcome”.

The designs have been refined following these meetings, in particular to the principles that the SDRP requested further information. This includes the reduction in the perception of bulk and scale, minor amendments to the materiality, improvements to the proposed landscaping plans, as well as modifications to the internal layout.

Specifically, in response to the previous SDRP advice, the plans have been amended to:

- Reconfigure the vehicle ramps.
- Amend the southern interface, with an increased upper floor setback, increase in the internal void space, relocation of bedrooms, and façade amendments.
- Provide additional cycling bays and an End of Trip facility.

Refer to the Architectural Design Statement contained within **Appendix 4** for further information.

Refer **Figure 2** below for a summary of the progression of the SDRP summary.

Summary review	DR1	DR2	DR3
Principle 1 - Context and character			
Principle 2 - Landscape quality			
Principle 3 - Built form and scale			
Principle 4 - Functionality and build quality			
Principle 5 - Sustainability			
Principle 6 - Amenity			
Principle 7 - Legibility			
Principle 8 - Safety			
Principle 9 - Community			
Principle 10 - Aesthetics			

	Supported
	Pending further attention
	Not yet supported
	Yet to be addressed

Figure 2: State Design Review Panel Progression Summary.

## 5 Strategic Planning Framework

### 5.1 Perth and Peel @ 3.5 Million

*Perth and Peel @ 3.5 Million* is the overarching spatial planning framework applicable to the Perth and Peel regions. The document provides guidance on where development should occur to ensure sustainable urban growth, protect the environment and heritage and make the most effective use of existing infrastructure. The Perth and Peel @ 3.5 million documents sets the context for four draft sub-regional planning frameworks, including the Central Sub-Regional Planning Framework relevant to the subject site (refer section 5.2 below). The framework guides infill development, with the aim to deliver a compact and connected city.

The proposed development involves an increase in the residential density of a site in close proximity to commercial activities. The development optimises existing civic and community infrastructure within the locality, consistent with the intent of the Perth and Peel @ 3.5 million documents.

### 5.2 Central Sub-Regional Framework

The Perth and Peel @ 3.5 million Central Sub-Regional Planning Framework (**Sub-Regional Planning Framework**) builds upon the principles and vision articulated in the WAPC's *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. The Sub-Regional Planning Framework provides the spatial framework which will guide local governments in achieving optimal urban consolidation over the long term. The Sub-Regional Planning Framework supports the orderly and proper development of infill through the region by encouraging development adjacent to activity centres, station precincts and urban corridors.

While it is acknowledged that careful planning is required to preserve streetscapes and neighbourhood character, new housing is required in a sustainable urban form to promote housing choice and diversity in response to changing community needs.

The Sub-Regional Strategy identifies the subject site as being within an 'Urban Corridor', being a place which links activity centres, and maximises the use of high frequency transport. The Sub-Regional Strategy goes on to note that they *"represent significant opportunities to accommodate increased medium-ride higher density residential development"*.

The Sub-Regional Strategy identifies a crucial role for private sector developers to invest in higher density housing projects and for Local Government to encourage innovative infill and be advocates for the housing needs of future generations. Appendix 3 of the Sub-Regional Planning Framework provides existing and projected dwellings and population for the local government areas within the Central Sub-Regional area. **Table 4** below summarises the projected dwelling and population statistics provided for the City of Subiaco.

**Table 4 – Existing and projected dwellings and population 2011-2050 – Town of Subiaco**

Local Government	Existing Dwellings	Existing Population	Additional Dwellings	Additional Population	Total Dwellings	Total Population
Subiaco	9,150	18,830	6,140	13,520	15,290	32,350

As shown in **Table 4** above, the City of Subiaco is required to provide an additional 6,140 dwellings to house an additional 13,520 persons by 2050. The proposed development, comprising 37 dwellings, will make a small but valuable contribution to meeting the infill targets. Furthermore, the location of the subject site means that these dwellings will be situated in an area close to public open space, public transport, shops, and local services.

### 5.3 Local Planning Strategy

The City of Subiaco's Local Planning Strategy (**strategy**) was endorsed by the WAPC on 28 February 2020. The strategy sets out the long term planning directions for Subiaco, covering the main aspects and trends influencing future development of the district over the next 10 to 15 years.

The strategy identified Rokeby Road as a pedestrian priority area / urban corridor, linking the town centre to Kings Park and key uses and activities in the south of the municipality. In addition, the strategy aims to provide additional housing to meet state dwelling / population targets, in particular along urban corridors like Rokeby Road.

Key relevant objectives of the strategy include:

- (a) To foster local economic development and employment opportunities;*
- (b) To accommodate a reasonable increase in population and housing stock in appropriate locations;*
- (f) To protect and enhance local heritage and character;*
- (g) To develop meeting places for the community;*

The development proposes a six storey mixed use development, designed in a manner responsive to the character of the locality. The development will provide an increase in residents and workers to the City, and is appropriately located along an urban corridor, within the Rokeby Road South precinct.

The development will provide additional amenity to the locality through the provision of a parklet, commercial tenancies, as well as an upgraded laneway.

Overall, the proposal is consistent with the strategic vision of the strategy.

## 6 Statutory Planning Framework

### 6.1 Metropolitan Region Scheme

The subject site is zoned Urban under the provisions of the Metropolitan Region Scheme (**MRS**). The purpose of the Urban zone is to provide for residential development and associated local employment, recreation and open space, shopping, schools, and other community facilities. The subject site is not affected by land reserved by the MRS, nor is it subject to any resolution or declaration made under the MRS or the *Planning and Development Act 2005*.

The proposed development is consistent with the intent of the MRS, and may be approved accordingly.

### 6.2 State Planning Policies

#### 6.2.1 State Planning Policy 7.0 – Design of the Built Environment

*State Planning Policy No.7 – Design of the Built Environment (SPP7)* is the lead policy that elevates the importance of design quality, and sets out the principles, processes and considerations which apply to the design of the built environment in Western Australia, across all levels of planning and development.

SPP7 establishes a set of 10 ‘Design Principles’, providing a consistent framework to guide the design, review and decision-making process for planning proposals. Refer **Appendix 4** for the Architectural Design Statement comprising an assessment against the 10 design principles of SPP7.

#### 6.2.2 State Planning Policy 7.3 Volume 2 – Apartments

*State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes)* applies to the development of multiple dwellings in areas coded R40 and above in Western Australia. The aims of the policy include:

- *to provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *to encourage design that considers and respects local heritage and culture.*
- *to facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

Volume 2 of the R-Codes pertains to the design outcomes for developments involving apartments (multiple dwellings). An assessment against the design element objectives of the R-Codes and the draft LDP (where provisions have been amended from the R-Codes) is provided in **Appendix 1** of this report. In contrast with the R-Codes pertaining to residential development in areas R40 and below, there is no deemed-to-comply provisions, with all design outcomes requiring a merit assessment against the relevant criteria.

### 6.3 City of Subiaco Local Planning Scheme No. 5

As a Form 17B significant development application, the proposal is to have due regard to the intent and provisions of the local planning scheme applicable to the subject site. The local planning scheme applicable to the subject site is the City of Subiaco’s Local Planning Scheme No. 5 (**LPS5**). Under LPS5, the subject site is zoned ‘Mixed Use’, and has an applicable residential density code of R80. Refer **Figure 3**, LPS5 zoning map.

The objectives of the Mixed Use zone, and comments on how the development responds to each is provided in **Table 5** below.

**Table 5: Response to objectives of the Mixed Use zone**

Objective	How the proposed development meets the objective
<p>a) <i>To provide for a wide variety of active uses on the street level which are compatible with residential and other uses on upper levels.</i></p>	<p>The development proposes 532m<sup>2</sup> of commercial space on the ground floor. It is intended that the tenancies will be utilised by a boutique grocer, café / restaurant, and / or small bar. The spaces are designed to be flexible / adaptable, and are directly accessed via the respective street. Each tenancy enjoys a full glazed façade, ensuring passive surveillance and activation. In addition, the tenancies will be designed to 'open' to the street with alfresco / utilisation of the public parklet. The proposed uses will provide additional amenity to the community, and are all compatible with residential uses.</p>
<p>b) <i>To develop a lively, eclectic and diverse mixed use area providing for an extensive range of residential and commercial uses to be established either in association with each other or in a compatible manner.</i></p>	<p>The development proposes a mix of residential and compatible commercial uses. The residential uses are appropriately separated from the commercial tenancies on the ground floor via independent entrances and parking spaces.</p>
<p>c) <i>To encourage buildings of high quality design that respond to and enhance the special character, contributing to a sense of place and a recognition of local history and built form.</i></p>	<p>The development has been designed in a manner that is reflective of the character and vernacular of the local area. This is achieved through a partitioned façade, choice of materials / tones, and use of arches.</p>
<p>d) <i>To promote residential land uses as a vital and integral component of the mixed use zone, supporting the vibrancy and economic sustainability of the zone and the nearby Subiaco Town Centre.</i></p>	<p>The development proposes 37 multiple dwellings, of varying composition and sizes.</p>
<p>e) <i>The consolidation and development of appropriately located sustainable, commercial land uses that can exist in harmony with residential uses</i></p>	<p>The development proposes a mix of commercial uses, including a boutique grocer, café / restaurant, and small bar. These uses are both compatible and complementary to the residential component of the development and the surrounding neighbourhood.</p>
<p>f) <i>To encourage active transport opportunities for residents, workers and visitors.</i></p>	<p>The development is appropriately located in close proximity to the Subiaco Railway Station, and high frequency bus routes along Rokeby Road. 18 bike bays and an End of Trip facility are provided within the development.</p>
<p>g) <i>To promote interaction between mixed use development and surrounding facilities and amenities including entertainment, retail and cultural uses and avoiding buildings that discourage residents, workers and visitors from engaging with nearby amenities.</i></p>	<p>The development is located within the Rokeby Road south precinct, and is in close proximity to a diverse range of civic institutions.</p>
<p>h) <i>To maintain and improve the urban tree canopy across the City.</i></p>	<p>The development does not propose the removal of any street trees. On the contrary, the development proposes the provision of six new trees, and significant on-structure vegetation.</p>

As detailed in **Table 5** above, the development is consistent with the objectives of the Mixed Use zone and warrants approval accordingly.

### 6.3.1 Land Use Permissibility

The proposed development comprises a mix of residential and commercial uses on the subject site.

As the specific land uses of the commercial tenancies are yet to be determined, approval is sought for multiple land uses, as outlined below. It is requested that any approval granted allows flexibility for a suitable range of alternate prospective commercial uses. This would reduce the need for unnecessary change of use applications in the future, saving time and costs for both the City and future owners / tenants.

Accordingly, the development proposes the following uses:

- Convenience Store (D)
- Liquor Store – Small (D)
- Local Shop (P)
- Multiple Dwellings (D)
- Restaurant/café (D)
- Small Bar (A)
- Shop (D)

With the exception of a 'Local Shop', which is permitted as of right, all uses are discretionary, meaning they are not permitted unless the decision maker has exercised their discretion and approved the use (following advertising for the Small Bar use).

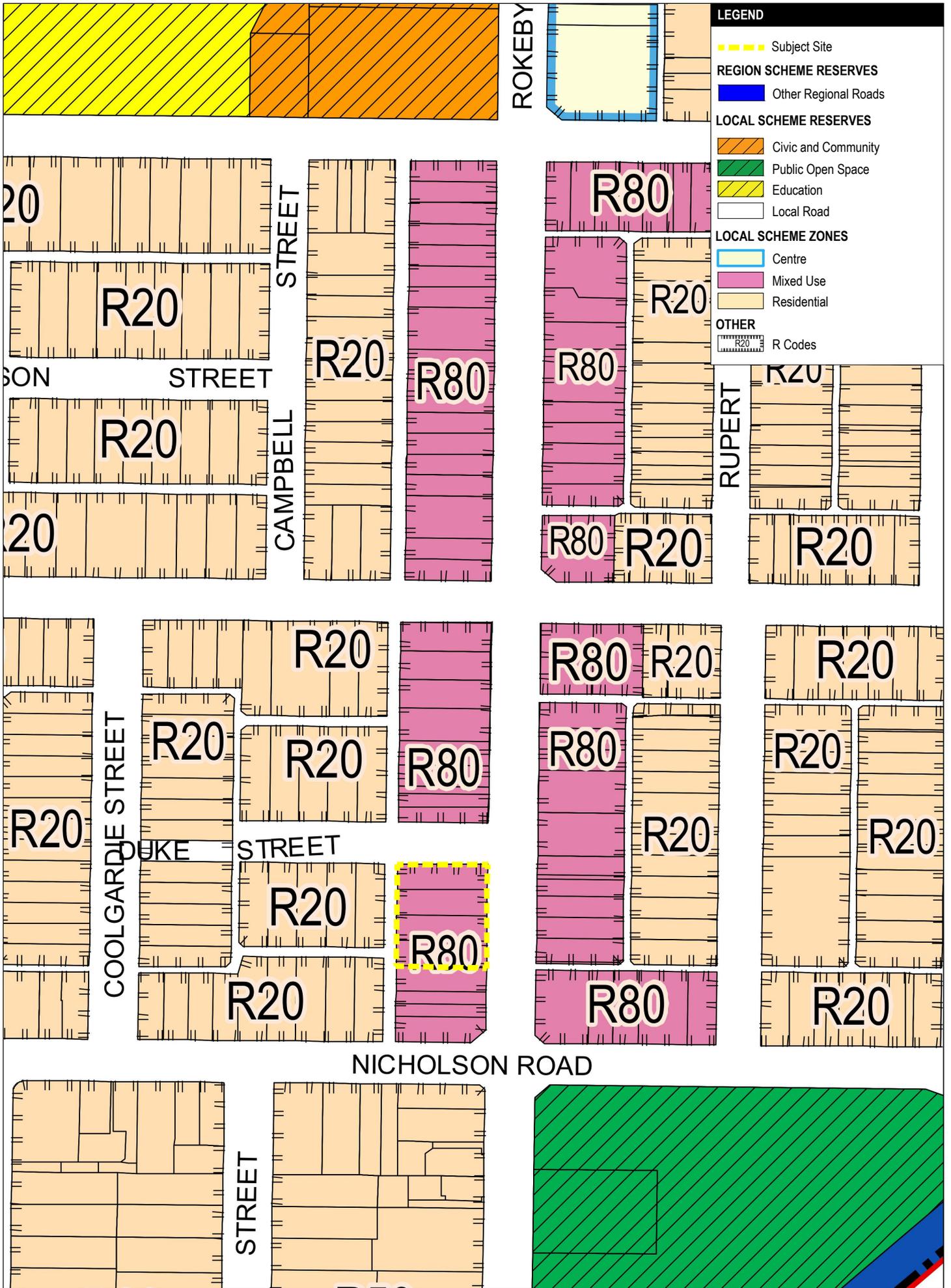
It is considered that above uses are appropriate for establishment on the subject site for the following reasons:

- The proposed development is appropriately situated within the established Rokeby Road south precinct. The proposed uses will complement existing establishments in the locality, providing additional amenity and services to surrounding residents and workers.
- Collectively, the proposed uses will provide a new community node, focused on the Duke Street / Rokeby Road corner. The uses will help activate the street, provide passive surveillance, and add additional employment opportunities. Importantly, each use will be active at different times of the day, ensuring the development will be active from early morning to late at night.
- The proposed 37 multiple dwellings will help provide additional density to the locality, helping the City meet its infill target, as well as reducing the pressure on existing character areas to absorb the required increase in density.
- The proposed boutique grocer will provide a crucial community service for local residents, with the closest grocer being located more than 500 metres north.
- The uses are in accordance with the strategic vision for the locality, and are consistent with the intent of the Mixed Use zone.

### 6.3.1 Development Control Provisions

Part 4 of LPS5 provides the general development standards applicable to the subject site. Pursuant to Clause 32, additional development standards and commercial parking rates are also provided by Schedules 3 and 5.

A full assessment of the development control provisions of LPS5 are provided in Section 7.1 of this report.



## 6.4 Draft Rokeby Road Local Development Plan

Pursuant to Clause 33 of LPS5, development on the subject site is to be guided by an approved Local Development Plan. The draft Rokeby Road Local Development Plan (**draft LDP**) is applicable to the subject site.

Pursuant to Clause 3.1, the subject site is identified as being within the southern sub-precinct.

At time of submission, the draft LDP is under review following public advertising. It is anticipated the draft LDP will be adopted within 2021.

Notwithstanding, as a seriously entertained planning instrument, an assessment against the key land use and primary control provisions of the draft LDP are provided in Section 7.2 of this report.

For all other provisions (which augment / modify the R-Codes), refer to the R-Codes assessment provided in **Appendix 1**.

# 7 Development Assessment

## 7.1 Local Planning Scheme No. 5 Development Requirements

An assessment against the relevant provisions of LPS5 are provided in **Table 6** below.

**Table 6: Assessment against relevant provisions of LPS5**

Clause	Requirement	Proposed	Compliance
<b>Part 4 – General Development Requirements</b>			
26: Modification of the R-Codes (Residential Parking):	2-bed: 1 bay min / 1.5 bay max. 3+ beds: 1 bay min / 2.5 bay max. Visitor: 1 / 4 dwellings (till 12th), 1 / 8 dwellings thereafter.	2-bed: 17-26 bays permitted. 3+ beds: 20-50 bays permitted. Visitors: 7 bays required.  76 residential bays proposed.	✓
	Resident bicycle: 0.5 / dwelling. Visitor bicycle: 1 / 10 dwellings.	23 required.  6 residential bays proposed.	<b>Discretion</b> <i>Refer Section 8</i>
	Motorcycle: 1 / 10 dwellings.	4 required.  0 proposed.	<b>Discretion</b> <i>Refer Section 8</i>
<b>Schedule 3 – General Site and Development Requirements for the Mixed Use Zone.</b>			
Plot Ratio:	1.5.	Residential: 2.65. Commercial: 0.29. Total: 2.94.	<b>Discretion</b> <i>Refer Section 8</i>
Building Height:	Wall height: 9m. Overall height 12m.	Six storeys (21.45m).	<b>Discretion</b> <i>Refer Section 8</i>
Setbacks:	Street: Nil for the first three storeys, 2 metres for the fourth storey.  Rear: Second floor and above shall be setback at least 6 metres.	Varies. Refer <b>Table 3</b> above.	<b>Discretion</b> <i>Refer Section 8</i>
<b>Schedule 5 – Parking Requirements</b>			
Commercial:	Retail: 3 bays per 100m <sup>2</sup> NLA. Other commercial: 1.5 bays per 100m <sup>2</sup> NLA. Food: 1 per 20m <sup>2</sup> NLA.	As the final uses have not been determined, between 9 – 27 bays are required.  23 commercial bays are proposed.	✓
	Cycling:  Retail: employee - 1 class 1 per 100m <sup>2</sup> NLA / visitor - 1 class 3 per 100m <sup>2</sup> . Other commercial: employee – 1 class 1 per 100m <sup>2</sup> NLA / visitor - 1 class 3 per 250m <sup>2</sup> . Food: employee - 1 per class 1 per 100m <sup>2</sup> NLA / visitor – 1 class 3 per 50m <sup>2</sup> .	As the final uses have not been determined, 6 class 1 bays and between 3 – 11 class 3 bays are required.  12 commercial bays are proposed.	<b>Discretion</b> <i>Refer Section 8</i>

Variations to the requirements identified in **Table 6** are discussed in Section 8 of this report.

## 7.2 Draft Rokeby Road LDP Requirements

An assessment against the relevant provisions of the draft LDP is provided in **Table 7** below. For all other provisions (which augment / modify the R-Codes), refer to the R-Codes assessment provided in **Appendix 1**.

**Table 7: Assessment against relevant provisions of the draft LDP**

Clause	Requirement	Proposed	Compliance
2.1: Land Use:	Ground Floor: Active Uses (commercial preferred). Upper Floors: Non-Active (residential preferred).	Ground Floor: Variety of active commercial uses. Upper Floors: Multiple Dwellings.	✓
3.2: Building Height:	Between 3-4 storeys*. <i>*4-5 storeys, with bonus.</i>	6 storeys.	<b>Discretion</b> <i>Refer Section 8</i>
3.3: Street setbacks:	Street: Nil to the third floor, 3 metres fourth floor and above.	Varies. Refer <b>Table 3</b> above.	<b>Discretion</b> <i>Refer Section 8</i>
3.4: Side and Rear Setbacks:	Side: 4 metres above fourth floor. Rear: 3 metres to second floor, 9 metres on third floor and above.	Varies. Refer <b>Table 3</b> above.	<b>Discretion</b> <i>Refer Section 8</i>
3.5: Plot Ratio:	2.0*. <i>*2.5, with bonus.</i>	Residential: 2.65. Commercial: 0.29. Total: 2.94.	<b>Discretion</b> <i>Refer Section 8</i>

Pursuant to Clause 3.8.1 of the draft LDP, development bonuses to vary the building height and plot ratio are available. Notwithstanding, variations to the above requirements identified in **Table 7** above are discussed in Section 8 of this report.

## 8 Performance Assessment

This section provides an assessment against the relevant provisions of the local planning framework where the exercise of discretion is required. Both LPS5 and the draft LDP provide the decision maker flexibility to vary development standards, with additional bonuses provided under the draft LDP (discussed further in Section 8.3 below).

In making a determination on the suitability of a proposal, regard is to be had to the following:

- a) any relevant purpose, objectives and provisions of LPS5 and the draft LDP;
- b) any relevant objectives and provisions of the R-Codes and other State Planning Policies; as well as
- c) orderly and proper planning.

Notwithstanding this discretion, it is noted that the significant development approval process requires the WAPC to give due regard to the above only, with the WAPC not being bound by either document. These considerations are further discussed in Section 9 of this report.

### 8.1 Building Height and Plot Ratio

The proposed development is seeking approval for a six storey mixed use development on the subject site. Discretion for the proposed building height and plot ratio prescribed under both LPS5 and the draft LDP is sought. This is summarised in **Table 8** below.

**Table 8: Height / Plot Ratio Variations**

Standard	Framework	Requirement	Proposed
Building Height:	LPS5:	Wall height: 9m. Overall height 12m.	Six storeys (21.45m).
	Draft LDP:	Between 3-4 storeys*.  *4-5 storeys, with bonus.	
Plot Ratio:	LPS5:	1.5.	Residential: 2.65. Commercial: 0.29. Total: 2.94.
	Draft LDP:	2.0*.  *2.5, with bonus.	

It is considered that the development has been designed in a manner contextual and respectful to its surrounds, ensuring that the development does not unduly impact the streetscape. Furthermore, it is considered that the above minor variations are acceptable, as they do not result in any privacy or overshadowing concerns to neighbouring residential properties. These matters are discussed further below.

The subject site is situated within the Rokeby Road South precinct, an established and diverse corridor / centre within the inner metropolitan area. The precinct currently comprises a mixture of uses, with developments of varying bulk and scale, urban form and materiality, and densities. Additionally, the subject site is in close proximity to a number of civic uses and attractions, and has access to high frequency public transit. With a high level of amenity, the subject site is well suited to a mixed residential / commercial development, providing an increase in residential and employment densities to the locality.

It is important that developments, such as the proposed, are developed in suitable locations, such as Rokeby Road south. This is confirmed by the strategic framework applicable to the locality, which calls for higher density mixed use developments to be situated in locations such as along transit corridors, in close proximity to employment opportunities and amenity.

The subject site is currently vacant and is considered underdeveloped for such a strategic and well sought location. The site currently comprises a small single storey commercial building, with no activation or interaction to the street. The current building is not heritage listed, and offers no value to the locality. As detailed in this application, it is considered that the proposed development will provide a significant enhancement over the subject site, and will offer substantial benefits to the locality.

It is considered that an important balance has been struck between the provision of density / design of the development and respecting the local context. The proposed variations comprise a variation of between one and two storeys, and an additional plot ratio of 0.94 (0.44 when taking into consideration bonuses under the draft LDP). It is considered that these minor variations will not negatively impact the locality, with the development being designed in a manner that is respectful to the prevailing and emerging character of the area, striking the balance between the built form outcome and respecting local context. This is summarised below:

1. Overall, the design of the development has been well received by the SDRP with the design being refined based on advice. In response to comments received, the bulk and scale has been amended by increasing side and rear setbacks, increased landscaping, additional façade treatments to the southern boundary, and an increase in width of the southern void.
2. The proposal has been designed to remove the majority of the building bulk and height away from the residential low density development to the west. The additional height in the development fronts Rokeby Road, and its corner with Duke Street. Notwithstanding, the upper levels are set back to remove the impact of the additional height to the streetscape.
3. Sunlight and shadowing studies confirm the proposed development will enable sufficient sunlight at key public and private spaces. When compared with a compliant, 12 metre high development, the additional shadow does not pose any undue impacts, in particular to neighbouring lower density residential properties on the western boundary. As demonstrated in **Image 10** below, the diagrams demonstrate that these properties will not be impacted by shadow at any time, with the buildings shadow being limited to the commercial property to the south. Additionally, all apartments will receive a minimum of two hours of sunlight on 21 June.
4. Through the use of setbacks, vertical screens, and on-structure planting, the development will have no overlooking / privacy concerns to all neighbouring properties. This is particularly emphasised to the lower residential properties on the western boundary, which will enjoy a building separation to the proposed development of approximately 18 metres for much of the western boundary. This is greater than the nine metres required under SPP7.3. Refer **Image 11** below.
5. It is considered that the proposed building height and bulk will not have any undue impact to the public realm, with the development being designed in a manner that is respectful and in response to the character of the locality.

This is demonstrated with the use of a partitioned façade, which will create a series of narrow vertical parts and bays. This is consistent with the urban form of the immediate area which is dictated by narrow width lots. The use of arches also responds to the vernacular of the area, with several historic and contemporary buildings in Subiaco utilising this architectural feature.

By varying the contrast of materials and colours / tones used, as well as the provision of on-structure planting, the development will not be perceived as a single building mass. Rather, the development will be perceived as a collection of individual vertical and horizontal parts, creating interest and rhythm. Refer **Figures 12-14** below.

The southern interface comprises stained precast concrete, designed to mirror the arches and depths of the other street fronts. By replicating the façade of the other street fronts, the interface is in an acceptable manner to a time that the neighbouring lot is developed.



Image 10: Overshadow diagram.

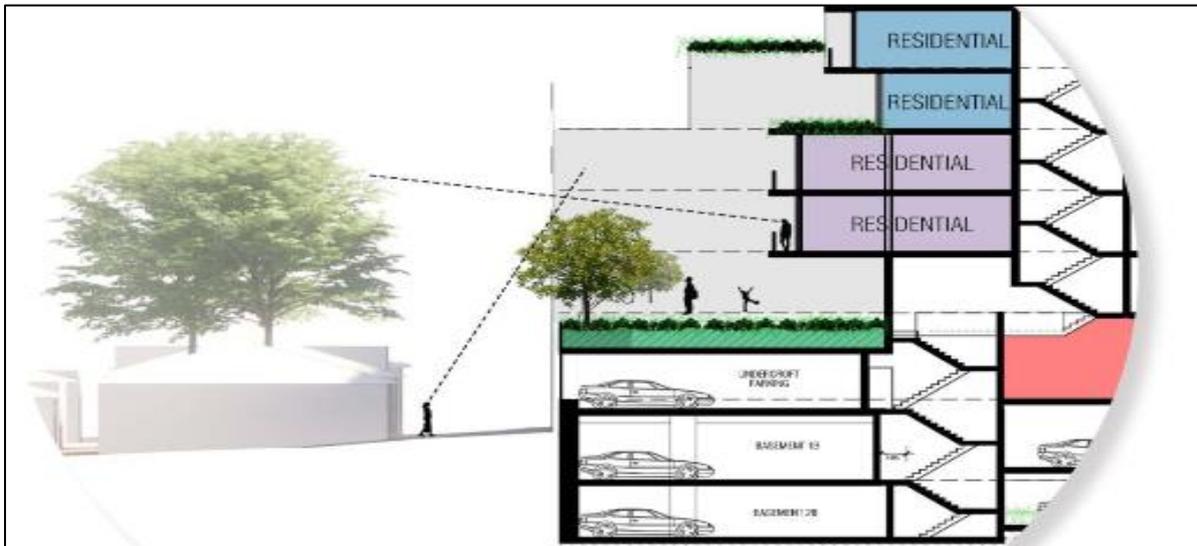


Image 11 Privacy diagram.



Image 12: Development, as viewed from Rokeby Road / Duke Street intersection.



Image 13: Development, as viewed from Rokeby Road looking north.



Image 14: Development, as viewed from laneways west of the subject site.

## 8.2 Setbacks

The proposed development proposes minor variations to the setbacks prescribed under both LPS5 and the draft LDP. These are summarised in **Tables 9** and **10** below.

**Table 9: Setback Requirements**

Framework	Requirement
LPS5:	Street: Nil for the first three storeys, 2 metres for the fourth storey. Rear: Second floor and above shall be setback at least 6 metres.
Draft LDP:	Street: Nil to the third floor, 3 metres fourth floor and above. Side: 4 metres above fourth floor. Rear: 3 metres to second floor, 9 metres on third floor and above.

**Table 10: Proposed Setbacks**

Floor:	Ground	1	2	3	4	5
Rokeby Road (east):	Nil.	Nil.	Nil.	Nil.	Nil.	1.3m.
Duke Street (north):	Nil.	Nil.	Nil.	Nil.	Nil.	1.7m.
Laneway (west):	Nil – 4.5m.	Nil – 8.5m.	Nil – 8.5m.	Nil – 8.5m.	5.4m – 9.7m.	5.4m – 9.7m.
South:	Nil – 9.1m.	Nil – 9.1m.	Nil – 33.2m.	Nil – 33.2m.	Nil – 33.2m.	1.6m – 33.2m.

It is considered that the proposed minor setback variations are acceptable for the following reasons:

1. The development proposes a nil street setback up to the fourth floor, with the upper floor set back between 1.3 and 1.7 metres. As such, the development seeks a variation to the fourth and fifth floors. This minor variation is considered acceptable as it will result in an indistinguishable difference when viewed from the street. Foremost, the upper floor setback will ensure the development presents as a four storey building to the street (in lieu of the three as prescribed under both frameworks).

This is considered acceptable due to the sites strategic corner location. The subject site offers a unique chance to develop a substantial and strategic building as all lots are owned by the same owner amend can be amalgamated. Additionally, the width of Rokeby Road reduces the perception of height. This is also achieved via the established street tree canopy along Rokeby Road, which crowns at the same height as the upper storeys. This mitigates the perceived height when viewed from the street level.

2. It is understood that the intent of the lower floor rear setback is to provide space for deep soil planting to improve the amenity of the laneway. Whilst a small deep soil zone is provided on the southern portion of this boundary, due to the internal ground floor carpark, and required commercial tenancy depth along Rokeby Road, a nil setback is proposed for the northern portion. However, a vegetation strip is provided on the first floor with cascading planting and medium sized trees. As the ground floor sits approximately 1 metre below the laneway, the first floor vegetation achieves the intent of the setback, and as such, is considered acceptable.

The upper floors are appropriately to be setback between 0 and 10.4 metres to the laneway, with the greatest setbacks provided on the southern portion of the building, closest to neighbouring residential properties. Accordingly, the development provides a sufficient building separation with these properties (being greater than the nine metres prescribed under SPP7.3). The portion of the building with a nil setback is situated closest to Duke Street, away from neighbouring residential properties. Notwithstanding, the top two floors of this portion are set back 5.5 metres, with the top floor comprising the communal space. Therefore, mitigating any privacy concerns.

### 8.3 Development Bonuses

Pursuant to Clause 3.8.1 of the draft LDP, a one storey building height and 0.5 plot ratio development bonuses are available, subject to meeting the criteria set out in the clause.

Refer **Table 11** below for an assessment against the criteria prescribed under Clause 3.8.1.

Criteria	Assessment
Design Excellence: Where it is determined that the development demonstrates design excellence on advice from the City of Subiaco Design Review Panel.	The proposed development has not been presented to the City's Design Review Panel ( <b>DRP</b> ). However, the proposal was presented to the SDRP, twice.

Criteria	Assessment
	<p>Overall, the SDRP supported the proposal with respect to context and character, amenity, safety, community, and aesthetics, and requested further information on the remaining design principles. The panel noted that the <i>“development has the potential to deliver a good mix of uses for the area as well as a high-quality architectural outcome”</i>.</p> <p>Refer Section 4.1 of this report for a summary of the SDRP comments, and subsequent amendments made to the design of the development.</p>
<p>Minimum Primary Frontage: The development site comprises a minimum frontage of 20m or greater to Rokeby Road.</p>	<p>The development has a frontage greater than 20 metres to Rokeby Road.</p>
<p>Two or more of the criteria:</p> <ul style="list-style-type: none"> <li>• Sustainability Outcomes: Development is designed and constructed to a 5 star Greenstar rating as accredited by the Australian Green Building Council, or an equivalent rating system as agreed by the Local government and / or a 7 star NATHERS rating for residential development.</li> <li>• Public Facilities: Provision of public facilities (cultural, public toilets, change rooms, meeting places, public plaza) complemented by demonstrated demand or in accordance with the City’s Social Infrastructure Plan to the satisfaction of the Local Government.</li> <li>• Affordable Housing: Development commits to deliver affordable dwellings in partnership with an approved housing provider or not-for-profit organisation recognised by the Housing Authority.</li> <li>• Dwelling Diversity: Where providing a dwelling type identified as a priority by the Local Government, such as aged and dependent dwellings, universal access dwellings, one bedroom apartments, key-worker dwellings or other innovative housing models to meet local demand.</li> </ul>	<p>The development meets two of the listed criteria, being:</p> <ul style="list-style-type: none"> <li>• The development enjoys an 8.2 star NATHERS rating. Refer Section 3.6 of this report, as well as <b>Appendix 8</b> for a copy of the sustainability report.</li> <li>• The development proposes a public parklet along Duke Street. Refer Section 3.3.2.</li> </ul>
<p>Mandatory criteria:</p> <ul style="list-style-type: none"> <li>• The transformer in the laneway between Nicholson Road and Duke Street (Identified in Figure 014: Movement Network) shall be relocated and/or integrated into a development site at the expense of the applicant. In this circumstance, only one of the criteria in iii) is required to be satisfied.</li> </ul>	<p>As the subject site is adjacent to the transformer, it is understood that the provision could be applied to development of the subject site. However, as detailed further below, the development does not propose the relocation of the transformer as there is no clear need and nexus between the relocation of the transformer and the development of the subject site.</p>

### Transformer relocation justification

As noted above, the development does not propose the relocation of the transformer. In the first instance, there is no clear or defined benefit to the subject site from relocating the transformer. It is understood that the intent of the provision is to allow the opening of the portion of laneway in which the transformer sits for vehicular traffic for the remainder of the existing residential properties. Opening the laneway to vehicular traffic would be to the betterment of the whole precinct, not just the land in which it bounds. As such, the cost should not be mandatory and borne by one landholder.

It is estimated that the relocated transformer can cost between \$250,000 - \$500,000. It is unequitable to require one landowner to relocate the transformer to achieve development bonuses, whilst not requiring any other landowner to contribute.

Furthermore, it should not be the responsibility of a landowner to accommodate the transformer on their land, as required by the provision. The transformer is a piece of critical community infrastructure, servicing the immediate district. As such, it should be located within crown land. Should the State require the transformer be situated within private land, the land should be purchased.

For the reasons listed above, it is considered that the required criteria to relocate the transformer is not a fair and equitable planning provision, and should not be considered.

## 8.4 Cycling Infrastructure

The development proposes a total of 18 bicycle bays, as well as an accessible End of Trip (EoT) facility. This comprises six residential bays, and 12 commercial / public bays. This represents a 17 bay residential shortfall, and up to a nine bay commercial shortfall (subject to final land use).

Whilst the subject site is situated within a good cycling environment, it is considered that the above shortfall is acceptable for the following reasons:

1. The development proposes 20 storage lockers at 10m<sup>2</sup>. This represents a significant increase in the minimum requirements as prescribed under the R-Codes. Additionally, each apartment offers a generous internal floorspace. Collectively, it is considered that residents would elect to utilise their personal storage locker and / or apartment to store their bike in lieu of the dedicated bay. The six bays are available for visitors.
2. In respect to commercial parking, it is noted that the required rate was calculated based on a worst case scenario, with a food / beverage tenancy required 1 bay per 50m<sup>2</sup> NLA. It is not intended for the whole of the commercial space to be utilised by this use. As such, with a reduced required rate, the development would be compliant.

Notwithstanding, public bicycle u-rails are provided within the street. It is considered that short term visitors would utilise these bays with staff / longer term visitors utilising the internal bays. Additionally, as the internal floor space of the tenancies has not yet been confirmed, the need for bicycle parking can be adapted once the floor plans and uses are confirmed.

3. Whilst no motorcycle bays are provided, it is noted that most apartments are proposed to have two parking bays. As such, residents can utilise their second bay for storage of motorcycles.

## 9 Significant Development Considerations

This development application is made pursuant to Part 17A of the *Planning and Development Act 2005*. Part 17A includes the requirements for what is known as ‘significant development’ applications, being those with a construction value over \$20 million in the metropolitan area or \$5 million in a regional area. The following sections discuss the rationale for lodging this application via the Part 17A pathway and provide an analysis against the four considerations under Section 275(6) of the Act.

The proposed development is within the City of Subiaco municipal area which is within an area defined as ‘the Metropolitan Region’. The project has an estimated development cost of \$21 million.

### 9.1 Section 275(6) Considerations

Pursuant to s.275(6) of the Planning and Development Act 2005, in considering and determining the development application, the Commission must have due regard to several key matters. These are addressed in detail as follows:

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

The proposed development is subject to the City of Subiaco’s Local Planning Scheme No. 5 (**LPS5**). Whilst, pursuant to s.275(3) of the Act, the decision-maker is not necessarily bound to make a decision consistent with LPS5, it is required to give due regard to LPS5, being proper, genuine and realistic consideration when considering an application for development approval.

This report contains a detailed assessment against the provisions of LPS5, including, but not limited to land use permissibility and applicable development standards. The proposed development is demonstrated to be consistent with LPS5, with the exception of building height, setbacks, and plot ratio that have been appropriately justified in the preceding sections of this report.

Clause 16 of LPS5 provides the objectives of the Mixed Use zone, **Table 12** below details how the development responds to each objective.

**Table 12: Response to objectives of the Mixed Use zone**

Objective	How the proposed development meets the objective
i) <i>To provide for a wide variety of active uses on the street level which are compatible with residential and other uses on upper levels.</i>	The development proposes 532m <sup>2</sup> of commercial space on the ground floor. It is intended that the tenancies will be utilised by a boutique grocer, café / restaurant, and / or small bar. The spaces are designed to be flexible / adaptable, and are directly accessed via the respective street. Each tenancy enjoys a full glazed façade, ensuring passive surveillance and activation. In addition, the tenancies will be designed to ‘open’ to the street with alfresco / utilisation of the public parklet. The proposed uses will provide additional amenity to the community, and are all compatible with residential uses.
j) <i>To develop a lively, eclectic and diverse mixed use area providing for an extensive range of residential and commercial uses to be established either in association with each other or in a compatible manner.</i>	The development proposes a mix of residential and compatible commercial uses. The residential uses are appropriately separated from the commercial tenancies on the ground floor via independent entrances and parking spaces.

Objective	How the proposed development meets the objective
k) <i>To encourage buildings of high quality design that respond to and enhance the special character, contributing to a sense of place and a recognition of local history and built form.</i>	The development has been designed in a manner that is reflective of the character and vernacular of the local area. This is achieved through a partitioned façade, choice of materials / tones, and use of arches.
l) <i>To promote residential land uses as a vital and integral component of the mixed use zone, supporting the vibrancy and economic sustainability of the zone and the nearby Subiaco Town Centre.</i>	The development proposes 37 multiple dwellings, of varying composition and sizes. The proposed development incorporates a combination of 2, 3 and 4 bedroom apartments to provide a variety in the residential offering to the locality.
m) <i>The consolidation and development of appropriately located sustainable, commercial land uses that can exist in harmony with residential uses</i>	The development proposes a mix of commercial uses, including a boutique grocer, café / restaurant, and small bar. These uses are both compatible and complementary to the residential component of the development and the surrounding neighbourhood.
n) <i>To encourage active transport opportunities for residents, workers and visitors.</i>	The development is appropriately located in close proximity to the Subiaco Railway Station, and high frequency bus routes along Rokeby Road. 18 bike bays and an End of Trip facility are provided within the development.
o) <i>To promote interaction between mixed use development and surrounding facilities and amenities including entertainment, retail and cultural uses and avoiding buildings that discourage residents, workers and visitors from engaging with nearby amenities.</i>	The development is located within the Rokeby Road south precinct, and is in close proximity to a diverse range of civic institutions. The proposal will promote further infill residential living whilst providing further commercial tenancies to add vibrancy to Rokeby Road and Duke Street.
p) <i>To maintain and improve the urban tree canopy across the City.</i>	The development does not propose the removal of any street trees. On the contrary, the development proposes the provision of six new trees, and significant on-structure vegetation.

In light of the above, the proposed development is consistent with the purpose and objectives of LPS5 and warrants approval accordingly.

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

All planning instruments have been given due and proper regard in this assessment and local amenity has been a key consideration in this design.

Under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, amenity is defined as:

*“...all those factors which combine to form the character of an area and include the present and likely future amenity”.*

The design has given due consideration to the existing and emerging character of the area. This has also been acknowledged by the SDRP in the two meetings the proposal was presented to.

Foremost, Rokeby Road South is characterised by a rich diversity of urban form and uses, including shops, offices, cafes, bars, and restaurants. An established corridor / centre, the precinct is characterised as an urban, contemporary, tree lined environment, with buildings of varying ages, urban form and materials, with heights of between one and four storeys. The strategic framework for the locality seeks medium density mixed use development, respecting the character of the locality.

The development has been designed in a manner reflective of the prevailing character of the area, in accordance with the intent of the strategic planning framework of the locality. Achieved through a diverse range of textures, materials, and style, the development appropriately responds to the vernacular of the Rokeby Road south neighbourhood, and Subiaco at large. This is achieved through the use of a partitioned façade, creating a series of vertical parts and bays, breaking the building into smaller individual parts rather than a single mass. This is consistent with the urban form of the immediate area which is dictated by narrow width lots. The use of arches also responds to the vernacular of the area, with several historic and contemporary buildings using this architectural feature throughout Subiaco. Additionally, the contrast of materials and colours / tones used ensure the development is not perceived as a single building mass, with the addition of cascading greenery adding visual interest.

The deliberate design response ensures the development reduces the perception of bulk and scale. As such, the development does not present as a six storey building, but rather a collection of smaller pieces, with a height of approximately four storeys (when viewed from the street). This is also achieved through the use of setbacks (for the western boundary, and upper floors). By designing the building to step down towards the lower density residential neighbourhood to the west of the subject site, the development appropriately responds to the immediate context of the area, ensuring appropriate separation distances with neighbouring residential properties.

Notwithstanding, the development prominently responds to the Duke Street / Rokeby Road intersection, creating a striking community focal point / landmark, providing visual interest to the street. With a nil ground floor setback, active ground floor uses, the provision of a public parklet, and upgraded laneway, the development is a significant enhancement of existing offerings, and returns the site to its historic retail-oriented, active use. This also adds additional benefit to the local community.

The proposed development is consistent with the objectives of the local planning framework, including the draft LDP. As such, an approval would be consistent with orderly and proper planning.

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

The State Development Unit Guidelines state that a proposed development seeking determination through the WAPC pathway must clearly demonstrate the need for the development in response to the economic effects of the COVID-19 pandemic. In this regard, the following information is provided:

- The development is being undertaken in a Joint Venture by Windsor Knight Pty Ltd and Celsius Developments, both experienced and respected developers specialising in commercial and residential developments.
- Windsor Knight has delivered a number of successful commercial projects since its inception in 1986, valued at \$560 million. Recent projects include the Marketlane Subi development, Angelo Street Shopping Centre redevelopment, and Kalgoorlie Centro Shopping Centre redevelopment.
- Celsius has delivered a number of successful residential and mixed-use projects since its inception in 2005, with 250 dwellings completed. Recent projects include 650 Albany Highway, Lucent Claremont, and Park Terraces Shenton Park.
- The proponent is in a contractual agreement with the landowner to purchase the site upon approval. On receipt of the approval, the proponent is in a position to substantially commence. This comprises a timeframe of approximately three years, with 12 -18 months of pre-sales / tendering / commencement, and a further 18 months of construction.
- The initial investment of \$21 million on the subject site is likely to generate a further \$26.5 million indirect construction output elsewhere in the wider economy, resulting in a \$47.5 million construction output (direct and indirect) to the economy during the construction phase.
- The development is expected to generate approximately 34 direct and 53 indirect FTE (totalling 87 FTE) construction jobs PA during the construction phase.

- The development proposes 37 apartments which may accommodate up to 78 residents upon completion. These residents are expected to generate \$3.4 million in consumption expenditure per annum, stimulating the local economy.
- The development will generate approximately \$109,989 in residential and commercial rates to the City of Subiaco per annum.
- The development proposes 532m<sup>2</sup> of commercial space on the ground floor. This space, likely to be leased by a boutique grocer, café / restaurant, and / or small bar is expected to generate approximately 19 direct FTE and 4 indirect FTE operational phase jobs.
- Overall, the development will generate a range of community benefits including an increase in housing diversity, increased density and land optimisation, and stimulate the local economy.

Refer to **Appendix 10** for a copy of the Economic Benefits Statement.

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

Relevant state planning policies have been identified in this submission. In particular, a detailed assessment against the element objectives of the R-Codes Volume 2 has been provided in **Appendix 1**. It is demonstrated that the proposed development achieves the element objectives of the R-Codes.

## 10 Conclusion

This Form 17B significant development application seeks approval for a six storey mixed use development on the subject site. Specifically, the proposal comprises 532m<sup>2</sup> of commercial space on the ground floor, 37 multiple dwellings on the upper floors, and associated landscaping, access, amenities, and parking. The proposed development meets the objectives of the R-Codes Volume 2, and offers an excellent design outcome for the subject site.

The relevant provisions of the local planning framework require the exercise of discretion from the WAPC but warrants approval for the following reasons:

- The development has been designed in a manner reflective of the prevailing character of the area, in accordance with the intent of the strategic planning framework of the locality. Achieved through a diverse range of textures, materials, and style, the development appropriately responds to the vernacular of the Rokeby Road south neighbourhood, and Subiaco at large. The design-response positively contributes to the streetscape amenity, with active uses, awnings, and appropriate human scale.
- The development is sympathetic to its historical context, with the use of a partitioned façade, arches, and contrasting tones / materials. The development is also sensitive to its immediate surrounds, stepping down towards lower density residential properties on the western boundary, achieved through the use of reduced setbacks and built form outcomes. Whilst minor variations to the height, setbacks, and plot ratio are requested, overall, the development is deliberately designed to present with a reduced bulk and scale, ensuring the development is compatible within its immediate context. This is demonstrated with no overlooking / privacy or over-shadowing impacts to neighbouring residential properties.
- The proposed development is consistent with the objectives of the Mixed Use zone, and is entirely suitable for establishment within the Rokeby Road south precinct. The development comprises a mix of compatible uses which will provide additional residents, workers, as well as amenity and services to the local area.
- The additional 37 multiple dwellings will help the City achieve its population / dwelling targets, mitigating the need for these residents to be accommodated within the historic character areas of the municipality. The subject site is also located within an established precinct, and in close proximity to public transit and amenities. As such, the development is situated in the most suitable location for infill development.
- The proposed commercial spaces are intended to be leased by local services, including a boutique grocer, café / restaurant, and / or small bar. This will provide additional amenity to the immediate locality and is considered will form a new community focal point. These are complemented by an improved public realm, including upgraded laneway, parklet, and alfresco dining.

The proposal is also consistent with the four considerations under Section 275(6) of the *Planning and Development Act 2005*. Importantly, the development is 'shovel ready' and will generate 87 direct and indirect construction jobs and 23 permanent jobs. This will provide significant economic benefits to the construction and hospitality / retail sector in response to the impacts of COVID-19.

Having regard to the above, it is considered the proposed development warrants approval.