Metropolitan Redevelopment Authority

SCARBOROUGH LAND REDEVELOPMENT COMMITTEE MEETING 20

City of Stirling Administration Centre | 25 Cedric Street | Stirling

19 June 2018 | 8.30 am

MRA Office | GPO Building | Perth

20 June 2018 | 8.30am
Development Management

Proposed 43 Storey Mixed Use Development, Scarborough (Reconsideration)

Report Information
Reporting Officer: Executive Director Planning
Certifying Officer: A/Chief Executive Officer
Business Unit: Statutory Planning
Project: Scarborough Redevelopment Area

Information
File Number: MRA-6303
Location: 10 Scarborough Beach Road, 206 West Coast Highway and 45 Filburn Street, Scarborough
Title Description: Lots: 601, 43, 86; Vols: 2696, 1776; Fols: 437, 438; Plans: 67806, 3670
Owner: 3 Oceans Property (Scarborough) Pty Ltd
Applicant: Felipe Soto, Hillam Architects
Proposal: 43 Storey Mixed Use Development
Lodgement Date:
19 May 2017 – Original DA
16 March 2018 – Reconsideration Proposal
21 May 2018 – Revised Reconsideration Proposal
11 June 2018 – Revised Reconsideration Proposal
Construction Cost: $250 million

Location Plan
Report Purpose
The purpose of this report is to recommend that the Scarborough Land Redevelopment Committee (Scarborough LRC) recommends to the Metropolitan Redevelopment Authority (MRA) Board that it sets aside the decision to refuse the development application submitted by Hillam Architects for a proposed 43 storey mixed use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough, and substitutes it with a decision to approve the application, subject to conditions.

Recommendation
That the Scarborough Land Redevelopment Committee RECOMMENDS to the Metropolitan Redevelopment Authority Board, in accordance with the orders issued by the State Administrative Tribunal on 3 May 2018 in reconsidering the revised development application submitted by Hillam Architects for a proposed 43 storey mixed use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough, that it sets aside its decision of 7 December 2017 by:

a. Rescinding the decision to refuse the application; and
b. Substituting it by granting development approval, subject to the conditions and advice notes contained in Attachment 5.

Implications
Redevelopment Objectives
Sense of Place
The proposal includes a mixture of uses that is complementary to the Scarborough area. The quality of the design of the building has also been improved, including incorporation of a coastal themed aesthetic and range of attractors within the building itself. However, the height of the towers is beyond the prescribed built character for Scarborough established under the approved Scarborough Master Plan and adopted Scarborough Design Guidelines.

Economic Wellbeing
The proposed mixed use development would stimulate investment and spending in the Scarborough Redevelopment Area by businesses, residents and visitors.

Urban Efficiency
The mixed use nature of the building will facilitate a substantial residential population and employment opportunities, which will leverage existing State investment in precinct infrastructure. However, the same critical mass of population will add pressure to the infrastructure of the area, particularly in relation to the restricted vehicle access and egress arrangements that may compromise the efficient and safe operation of the local road network without capacity improvements.

Connectivity
The proposal provides an increase in the use of the private motor vehicle by way of the inclusion of a public car park. However, this is balanced by providing a minimum on-site car parking allocation to non-residential uses and residential car parking below the prescribed maximum. The traffic resulting from the additional yield proposed would add pressure on the
capacity of the local road network, and have an impact on the functionality of the broader road network.

**Environmental Integrity**
The revised proposal commits to achieving a 5 Star Green Building Council of Australia (GBCA) Rating that would accord with this objective.

**Social Inclusion**
The proposal contains a variety of apartment sizes, as well as designated Affordable Housing units, that meet the objective of social inclusion.

**Risk and Link to Corporate Risk Register**

*Operational Risk O.1 – Non-compliance with statutory, regulatory and legislative requirements*

This risk has been mitigated by the assessment of the application against the relevant planning framework with discretion to be applied based on the merits of this specific proposal.

**Financial**
The issues identified in relation to the network capacity will likely require further investment in transport infrastructure solutions prior to the completion of the development. Further costs may also be incurred by the MRA as part of the State Administrative Tribunal (SAT) process.

**Policy**
The proposed development has been assessed against the relevant planning framework for Scarborough, including the Scarborough Design Guidelines and Scarborough Development Policies.

**Legal**
The current consideration of this application forms part of a review process with the SAT, lodged by the applicant on 21 December 2017. In accordance with SAT provisions, the MRA has been invited to reconsider its decision of December 2017. The applicant may choose for the matter to proceed though the SAT process if it is dissatisfied with the MRA’s reconsidered decision.

**Background**
On 19 May 2017, the MRA received a Development Application for a 43 storey mixed use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough (subject site), which proposed:

- two towers of 43 storeys and 35 storeys each;
- 346 residential apartments;
- a 158 room hotel with conference facilities;
- 835 car parking bays in total (including 109 public car parking bays);
- 2,800m² shop and restaurant floor space; and
- art gallery, gallery café and public viewing deck.

On 7 December 2017, the MRA Board resolved to refuse the application on the basis of the following six reasons for refusal:
1. The proposed development is inconsistent with the Metropolitan Redevelopment Authority (MRA) Redevelopment Area Objectives as outlined in Section 66 (1) of the Metropolitan Redevelopment Authority Act 2011, Regulation 14 of the Metropolitan Redevelopment Authority Regulations 2011 and the Vision and Scheme Objectives of the Scarborough Redevelopment Scheme in that it fails to build a sense of place, promote economic wellbeing or urban efficiency, or enhance connectivity within the Scarborough Redevelopment Area.

2. The proposed development is inconsistent with clause 5.17 of the Scarborough Redevelopment Scheme ‘Key Matters for Consideration in Determination’ and section 5.2 ‘Parking’ of the Scarborough Design Guidelines in that the increased development yield and associated car parking numbers would be contrary to orderly and proper planning as the traffic generated by the development would have a detrimental impact on the amenity of the area and the operational efficiency of the road network within the locality.

3. The proposed development is inconsistent with sections 4.1 ‘Height’, 4.2 ‘Podium’ and 4.3 ‘Towers’ of the Scarborough Design Guidelines (the Design Guidelines), in that:
   - it exceeds the permitted base height of 12 storeys up to 43 metres;
   - the podium height exceeds the permitted height of 3 storeys up to 11.5 metres; and
   - the proposed towers exceed the maximum floorplate dimensions of 30 x 35 metres, which individually and collectively result in a building of excessive bulk and scale that is inconsistent with the established and intended built form and character of the area.

4. The proposed development is inconsistent with section 2.2 ‘Design Excellence’ of the Scarborough Design Guidelines, as it has not demonstrated good design across all aspects of the development or demonstrated achievement of design excellence consistent with the principle of good design.

5. The proposed development is inconsistent with sections 2.1 ‘Character’, 3.1 ‘Streetscape’ and 3.2 ‘Active Edges’ of the Scarborough Design Guidelines, as it has not demonstrated an architectural outcome which responds to the existing or envisaged character of the area, does not adequately respond to the topography of the site, and contains inactive frontages including where above ground parking areas abutting the street edge which undermines the required physical interaction between buildings and pedestrians at street level.

6. The proposed development is inconsistent with [section] 4.4 ‘Building Layout and Orientation’ of the Scarborough Design Guidelines with regard to access to natural light and ventilation, and section 4.6 ‘Visual Privacy’ of the Design Guidelines as adequate screening has not been provided to communal balconies located on the boundary to prevent overlooking of neighbouring properties, resulting in inadequate levels of amenity for residents and occupants of the proposed development and neighbouring sites.

The applicant has exercised their right to have that decision reviewed by the SAT. Prior to progressing into the formal SAT process a mediation process facilitated by the Director General of the Department of Planning, Lands and Heritage (DPLH) has been undertaken.
Given the quality of design was a fundamental aspect of the previous refusal (3 out of 6 reasons related to design matters), a Design Mediation Panel (DMP) comprising three independent architects was agreed by both parties to assist in mediation of design matters.

A reconsideration proposal was subsequently submitted for a proposed 43 and 38 storey two tower mixed use development at the subject site on 16 March 2018. The proposal comprised of the following:

- 324 residential apartments;
- 148 hotel rooms;
- 750 car parking bays, including:
  - 486 allocated residential bays;
  - 229 bays combined residential and non-residential (commercial/retail) visitor bays; and
  - 35 public bays (surplus to minimum requirement for other uses);
- a convention centre (2,158m² Net Lettable Area (NLA));
- retail and food and beverage tenancies (3,136m² NLA);
- observation deck with art gallery and restaurant/café (1,167m² NLA); and
- ‘WA Coastal Experience Centre’ (1,045m² NLA).

Following preliminary assessment, including stakeholder, DMP and public comment, a revised proposal was received on 21 May 2018, which included the following amendments:

- height of eastern tower reduced from 38 storeys to 35 storeys;
- number of residential apartments reduced from 324 to 314 units; and
- on-site parking provision increased from 750 to 752 bays, including:
  - 422 allocated residential bays;
  - 228 bays combined commercial and residential visitor bays;
  - 100 public bays (surplus to minimum requirement for other uses); and
  - 2 bays for vehicles under a ‘shared arrangement’.

A final set of revisions was subsequently submitted on 11 June 2018 that included:

- height of the eastern tower further reduced from 35 storeys to 33 storeys;
- height of the linking element between the two towers reduced from 7 storeys to 6 storeys;
- number of hotel rooms reduced from 148 rooms to 119 rooms;
- on-site parking provision reduced from 752 bays to 720 bays, including:
  - 407 allocated residential bays;
  - 211 bays combined commercial and residential visitor bays;
  - 100 public bays (surplus to minimum requirement for other uses); and
  - 2 bays for vehicles under a ‘shared arrangement’;
- reduction in Convention Centre floor area by 68m²; and
- reduction in retail and food and beverage tenancies by 154m².

This final revised proposal is the subject of this report.

Refer to Attachment 1 – Development Plans.
The subject site is located in the Beach Road Inner Core Precinct of the Scarborough Redevelopment Area (Redevelopment Area), and is subject to compliance with the Scarborough Redevelopment Scheme (Scheme), Scarborough Design Guidelines (Design Guidelines) and Scarborough Development Policies.

### Reconsideration Proposal Comparison

The proposed amendments to the previously refused development and current Scarborough Planning Framework are summarised in the following table:

<table>
<thead>
<tr>
<th>Building Form</th>
<th>Refused Plans 8 Dec 2017</th>
<th>Current Revised Plans 11 June 2018</th>
<th>Compliance with Planning Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Podium Height</td>
<td>3 to 7 storeys/up to 30m</td>
<td>3 storeys/up to 15m</td>
<td>Remains non-compliant (up to +3.5m variation)</td>
</tr>
<tr>
<td>Western Tower</td>
<td>43 storeys/up to 158.7m</td>
<td>43 storeys/up to 158.7m</td>
<td>Remains non-compliant (+25 storeys/94.7m)</td>
</tr>
<tr>
<td>Eastern Tower</td>
<td>35 storeys/up to 125.9m</td>
<td>33 storeys/up to 118.15m</td>
<td>Remains non-compliant (+15 storeys/54.15m)</td>
</tr>
<tr>
<td>Tower separation</td>
<td>Nil (Levels 3-6) 32.2m (above level 6)</td>
<td>Nil (levels 3 -5) 21.714m (above level 5)</td>
<td>Remains non-compliant between levels 3 - 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Uses</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td>346 units</td>
<td>314 units</td>
<td>No prescriptive development control.</td>
</tr>
<tr>
<td>Hotel Rooms</td>
<td>158 rooms</td>
<td>119 rooms</td>
<td>Achieves 50+ rooms required to qualify for additional storeys</td>
</tr>
<tr>
<td>Non-residential floor space</td>
<td>5,493sqm</td>
<td>7,014sqm</td>
<td>No prescriptive development control.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking and Access</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>835 bays</td>
<td>720 bays</td>
<td>Exceeds total bays possible under a compliant height/yield</td>
</tr>
<tr>
<td>Residential Allocated Parking</td>
<td>505 bays</td>
<td>407 bays</td>
<td>Within prescribed range of avg. ratio of bays to dwellings</td>
</tr>
<tr>
<td>Combined Non-Residential and Residential Visitor</td>
<td>221 bays</td>
<td>213 (incl. 2 bays for a subscription-based car share service)</td>
<td>Meets minimum requirement</td>
</tr>
<tr>
<td>Public bays (surplus to minimum requirement for other uses)</td>
<td>109 bays</td>
<td>100 bays</td>
<td>Achieves 100 public bays required to qualify for additional storeys</td>
</tr>
<tr>
<td>Access Arrangements</td>
<td>2-way vehicle access point on Filburn Street, and one-way left-in entrance on West Coast Highway</td>
<td>As per previous proposal (unchanged)</td>
<td>Access concerns relating to impact on local street network</td>
</tr>
</tbody>
</table>
Overall design changes from the refused proposal are summarised as follows:

- reconfiguration of internal layouts across the development generally, in particular ground and first floor levels and apartment layouts;
- modification to the form of the towers and podium to provide greater definition between the tower and podium;
- enhance interface between the development and the surrounding streets;
- changes to the overall design aesthetic, in particular materiality changes at the lower levels and addition of coloured glazing to tower;
- provision of a ‘WA Market Hall’ (699 m² NLA);
- addition of ‘WA Coastal Experience Centre’ on the first and second levels (1,045 m² NLA); and
- minor changes to the design of:
  - the convention centre on levels two and three; and
  - the observation deck with art gallery and restaurant/café on levels 40 to 43.

**Development Compliance**

**Metropolitan Redevelopment Authority Act**

Development proposals are assessed under the provisions of Part 6 of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act). In particular, Section 66(1) prescribes the following matters that the MRA must have regard to in considering a development application:

(a) the approved redevelopment scheme that applies to the land on which the development is proposed;
(b) the objectives for the redevelopment area in which the development is proposed that are prescribed under section 30(5)(c);
(c) any submission received from a person notified under section 64;
(d) the requirements of orderly and proper planning;
(e) the desired amenity of the redevelopment area in which the development is proposed.

These matters form the basis of the assessment below.

**Scarborough Redevelopment Scheme**

**Determination When Non-Compliant**

Clause 5.18 of the Scheme states that if an application does not comply with a provision of the Scheme, Design Guidelines or Policy, the MRA may approve the application if it is satisfied that the development:

(a) is consistent with the Scheme Vision and Objectives;
(b) is consistent with sustainable development and orderly and proper planning;
(c) would not have a significant adverse impact on the current or intended amenity of the locality; and
(d) would not compromise the development intent of the relevant precinct.

Pursuant to this clause, the MRA has the discretion to grant approval to the extent of variations proposed, providing it is satisfied with the four elements identified. It is noted these elements are consistent with the matters prescribed under Section 66(1) of the MRA Act. The consistency of the proposal with the Scheme Vision and Objectives are discussed below. The remaining points are best considered under the provisions of the Design Guidelines, which provide refined criteria relating to the precinct and locality more specifically.
**Scheme and Precinct Vision**
The vision for the Scheme Area overall and the Beach Road Precinct are articulated under Clauses 2.1 and 3.4 of the Scheme respectively. The vision statements focus on the intended mixed use character of the area with a combination of medium to high density residential development together with commercial and tourism based uses. The precinct intent does note the separation from the foreshore and the predominance of West Coast Highway and Scarborough Beach Road by stating that the commercial development would not be directly dependant on the beachfront. The mixed use nature of the proposed development is considered to accord with the vision statements in this regard. The vision statements do not address the built form aspects on the intended future character of the area, as these are dealt with through the detailed provisions of the Design Guidelines, which are discussed below.

**Scheme Objectives**
The Scheme Objectives are based on the objectives of the redevelopment area prescribed in the Metropolitan Redevelopment Authority Regulations 2011 (MRA Regulations) under section 30(5)(c) of the MRA Act. These are addressed earlier in the report under the Implications and Redevelopment Objectives heading.

**Scarborough Design Guidelines**
The Design Guidelines are adopted under the Scheme and are similarly based on the Redevelopment Area Objectives. The Design Guidelines acknowledge, under Clause 1.5, that the guidelines provide a flexible and innovative approach to deliver high quality developments that meet the MRA’s objectives. Where variations to the Design Guidelines are proposed, as is the case with the current proposal, Clause 1.7 provides:

*The Authority may approve a development application where the applicant(s) or owner(s) has departed from the recommended Development Standards, including any height provisions, where in the Authority’s opinion the applicant(s) or owner(s) has demonstrated that the alternative solution(s) is consistent with the Scheme and meets the Design Intent. Compliance with the Development Standards does not guarantee approval.*

As with Clause 5.18 of the Scheme, it is therefore open to the MRA to exercise discretion to grant approval to the extent of variations proposed if it is of the opinion that the proposal is consistent with the Scheme and meets the Design Intent.

An assessment against the Design Guidelines is summarised below.

**Design Excellence**
Section 2.2 of the Design Guidelines requires development to demonstrate Design Excellence through the elements of good design as defined in the Government Architect’s Better Places and Spaces Policy 2013.

Design Excellence, is a prerequisite for consideration of development above the permitted 12 storey building height limit, up to a maximum of 18 storeys.
A DMP consisting of three independent registered architects (recognised as experts in the fields of built environment and design) was formed to provide advice on design related matters, including whether the revised design is considered to meet the principles of Design Excellence. While an equivalent Design Review Panel (DRP) was engaged during the assessment of the previous development application, a revised panel was constituted with one member from the previous DRP (for continuity) but two new members to provide an independent design perspective as part of the mediation and reconsideration process. It is noted that the new DMP did concur with the conclusions of the previous DRP in relation to the refused proposal.

Substantial progress has been made in terms of design quality in the revised proposal, particularly at the lower podium levels and the relationship between the towers and podium. The functionality and internal layout of the previous proposal was also considered inadequate and has been improved.

The DMP has concluded that the proposal has achieved Design Excellence for the purpose of assessment under the Design Guidelines, subject to conditions to address a number of issues, including the following:

- impact of the various glass colours on internal environmental amenity and views from the apartments;
- reflectivity of gold glazing to the scalloped courtyards, which may affect legibility and activation of these spaces;
- concern with the current balcony/wintergarden proposal where ventilation is limited to one-metre high vertical openable ventilation, which is not considered to be ‘commensurate with or reflective of Design Excellence benchmarks’. The DMP is of the opinion that a minimum of 75% of the openable area of the balcony (i.e. above balustrade height) must be maintained and any future wintergarden solution must retain the balcony function and characteristic;
- the environmental performance of the fully glazed façade particularly given that the applicant’s ‘The Iconic Thermal Comfort Study’ relies heavily on high performance glass to achieve its comfort levels; and
- necessary area allowance for the tree root pits in the basement.

Refer to Attachment 2 – DMP Design Report.

The above matters could be addressed through conditions of approval should the MRA on balance consider that the proposal is supportable to the extent that the previous refusal could be set aside.

If, on balance, it is deemed that there is insufficient justification to set aside the previous decision entirely, the advancements in design quality would warrant the refusal reasons being amended to delete reasons 4 to 6 (refer to ‘Background’). These three reasons would be deleted on the basis they related to design quality deficiencies on the previously approved proposal, which have now been satisfactorily addressed.
Building Height and Scale
The overall proposed building height and scale of the development is greater than the intended built form character for Scarborough established under both the MRA's Scarborough Master Plan and Design Guidelines.

Section 4.1 'Height' of the Design Guidelines permits a maximum overall building height of 12 storeys on the subject site, with potential for an additional 6 storeys (to a maximum of 18 storeys) at the discretion of the MRA where the application demonstrates all of the following:

- compliance with the common and site specific controls applicable to the site;
- compliance with the Scarborough Development Policies;
- design excellence; and
- one or more of the items identified under 'Requirements for Additional Storeys' in section 4.1 of the Design Guidelines (refer to 'Community Benefits').

The overall building height of 43 storeys (158.7m) has not changed from the refused plans. However, it is considered that the revised proposal is now capable of achieving the requisite level of Design Excellence (based on advice from the DMP) to qualify for the six additional storeys in accordance with the requirements of the Design Guidelines, increasing the maximum building height to 18 storeys (64 metres).

The overall height of 43 storeys continues to represent a significant variation to the maximum height limit, as it is more than double the allowable number of storeys and exceeds the maximum height above natural ground level by nearly 95 metres (as summarised in the below table).

<table>
<thead>
<tr>
<th>Permitted</th>
<th>Proposed</th>
<th>Variation</th>
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</thead>
<tbody>
<tr>
<td>Podium Height</td>
<td>3 storeys/11.5m</td>
<td>3 storeys/12m to 15.4m</td>
</tr>
<tr>
<td>Overall Building Height (Base Limit)</td>
<td>12 storeys/43m</td>
<td>West Tower: 43 storeys/158.7m</td>
</tr>
<tr>
<td>Overall Building Height (Maximum Including Additional Storeys)</td>
<td>18 storeys/64m</td>
<td>East Tower: 33 storeys/118.15m</td>
</tr>
</tbody>
</table>

The future intent for Scarborough, as outlined in the Master Plan and the Design Guidelines, does provide for greater height and scale than most of the existing built form. The proposal, however, remains significantly taller than the existing surrounding development, being 25 storeys taller than the Rendezvous Hotel. The Rendezvous Hotel building is pertinent as it was the benchmark for the upper height limit (with bonuses) of 18 storeys in the Beach Road Inner Precinct around the Scarborough Beach Road and West Coast Highway intersection. The 18 storeys height limit is the tallest height 'zone' in the Redevelopment Area reflecting the landmark location of this primary street intersection. The Rendezvous Hotel, aesthetic qualities aside, could therefore be argued to reflect both the current and intended future scale of the Beach Road Inner Precinct.

Relevantly, the Design Intent under Section 4.1 of the Design Guidelines states:
Buildings will have regard to the scale of the street or place and that of their neighbours and create a clear connection and interface between the public and private realm.

The Design Guidelines employ built form measures (including height, setbacks and tower footprints) to guide development outcomes in place of floor space or plot ratio calculations. Notwithstanding, the permissible floor space of a built form outcome that could comply with the Design Guidelines provides an indication of the scale of a ‘compliant’ development for comparison. The original development application was presented, in part, in this manner.

The table below provides a floor space comparison between the refused and revised proposals to the base and bonus heights under the Design Guidelines.

<table>
<thead>
<tr>
<th></th>
<th>Gross Floor Area (GFA)</th>
<th>Additional Yield + Percentage Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliant – 12 Storeys</td>
<td>40,718m²</td>
<td></td>
</tr>
<tr>
<td>Refused proposal</td>
<td>69,247m²</td>
<td>+28,529m² (70%)</td>
</tr>
<tr>
<td><strong>Revised (11 June 2018)</strong></td>
<td><strong>60,379m²</strong></td>
<td><strong>+19,661m² (+48%)</strong></td>
</tr>
<tr>
<td>Compliant – 18 Storeys</td>
<td>56,222 m²</td>
<td></td>
</tr>
<tr>
<td>Refused proposal</td>
<td>69,247m²</td>
<td>+13,025m² (23%)</td>
</tr>
<tr>
<td><strong>Revised (11 June 2018)</strong></td>
<td><strong>60,379m²</strong></td>
<td><strong>+4,157m² (+7%)</strong></td>
</tr>
</tbody>
</table>

This comparison indicates a reduction in floor area of 8,868sqm (approx. 13%) from the refused proposal. While this is considered to be a meaningful reduction, the revised proposal continues to exceed the potential gross floor area (GFA) yield of a ‘compliant’ 18 storey proposal by 4,157sqm (approx. 7%).

This indicates that while the proposed variation in terms of height (storeys and metres) is clear and substantial, being more than twice the 18 storeys height limit, this only translates into a 7% variation in floor space yield. This is largely achieved by way of smaller tower floorplates than the maximum permitted under the Design Guidelines. In this regard, notwithstanding the height variation, the intensity of development can be considered to be not inconsistent with the yield of development expected for the site under the Scarborough Master Plan. On this basis, the applicant’s justifications that the reduced yield means that the proposal may no longer be considered an overdevelopment of the subject site could be supported.

The proposed height, in and of itself, is a variation and requires discretion to be exercised by the MRA. The proposed benefits proposed and potential impacts of the increased height are discussed further below.

**Community Benefits**

Section 4.1 of the Design Guidelines sets outs a number of ‘community benefits’ which can be delivered to qualify for additional storeys. The Design Guidelines state that one or more are to be provided to qualify for the additional height (six storeys up to a total maximum of 18 storeys on the subject site). In addition to Design Excellence, discussed above, the proposed development incorporates the following aspects in this regard:

- 4 star hotel with 119 rooms and convention facilities with 900 person capacity (minimum 3 star hotel with 50 rooms required);
- 100 parking bays available to the public, above the development demand (minimum of 100 public parking bays required); and
- 5 Star Green Star rating (minimum 5 Star Green Star rating required).
While the Design Guidelines stipulate a maximum height bonus that is permitted even if multiple community benefits are provided, strict enforcement of the height control may result in a loss of some of these community benefits from the proposal. The MRA may choose to give due regard to these ‘additional’ community benefits in considering whether to exercise discretion in relation to height variation.

In justifying the proposed variations to the planning framework, beyond the bonus height, the applicant identifies a number of other aspects that are argued to warrant the application of discretion to increase the building height up to 43 storeys, including:

- ‘WA Coastal Experience Centre’ proposed to ‘showcase the wonders of the Western Australian coast’;
- ‘Taste of WA’/Market Hall food precinct; and
- Rooftop Sky Gallery, comprising of exhibition space and bar/café (level 40), observation area (level 41) and restaurant (level 42).

While these features are considered to be preferred uses within a mixed use development that are likely to contribute positively to the Scarborough area, they are shown within the submitted information to be commercial propositions that benefit the profitability of the proposal. As a result, while suitable uses, they are not prescribed under the Design Guidelines and are not considered to warrant the further exercise of discretion in relation to increased building heights and floor space.

Public Space
Further to the above, the applicant has proposed that the amount of publically accessible open space provides additional community benefit to support the proposed variations.

The Design Guidelines permit a maximum of 80% site coverage regardless of height. The 20% open space could be provided as private open space for the sole use of occupants and visitors to the building. It is proposed to provide approximately 28% open space with the majority of this adjacent to the public realm. To be considered truly public realm these areas would need to be ceded to the City of Stirling (City), or at least subject to appropriate public access easements to ensure they remain accessible to the general public in perpetuity. Neither of these options are proposed. Therefore, the provision of the required open space albeit adjacent to and accessible from the surrounding public realm is an element of Design Excellence that is a prerequisite to any height bonus as opposed to warranting further exercise of discretion.

Transport Contribution
The revised Development Application proposes a $5 million monetary contribution towards unspecified transport upgrades, in lieu of the previously mooted pedestrian bridge over West Coast Highway (notwithstanding that the bridge did not form part of the refused proposal).

The impact of the proposal on the surrounding street network has been identified as a concern by the relevant transport agencies, as discussed below. The contribution from a private developer towards any necessary upgrades would be beneficial to facilitate their delivery. However, it is not appropriate for a lump sum payment to be accepted by the MRA unless the applicant can demonstrate a need and nexus between the proposed development, the amount of monies to be paid and the specific upgrades. As these potential upgrades have not yet been determined, the impact that they may have on the traffic and access issues generated by the development cannot be assessed. The potential monetary contribution has therefore not been considered towards the exercise of discretion.
Podium and Tower Form
Sections 4.2 ‘Podium’ and 4.3 ‘Towers’ of the Design Guidelines requires developments to incorporate a human-scale, three storey podium form (up to a maximum of 11.5m above natural ground level) and slender towers above with a maximum floor plate of 30m x 35m, achieving a minimum 20m separation between towers in order to maximise views through the site.

Following the design mediation process, changes have been made to the massing and form of the proposal, resulting in more defined podium and tower elements, improving the response to sections 4.2 and 4.3 of the Design Guidelines. It is noted that while bulk has been removed from the lower levels, the floor plate size of the upper levels of the towers has increased. The minimum separation between the towers has also decreased although this is partly mitigated by the rotation of the towers to provide an improved relationship between the towers in terms of privacy. Overall, the upper levels of the towers are broadly within the prescribed floor plate and maximum dimensions.

The area of non-compliance remains the tower footprint on levels 3 to 5 (inclusive) where the hotel is positioned in between the two towers. It is noted this component was reduced in height by a storey in the final amendments made to the proposal. This linking element restricts the opportunity for views between the towers at the lower levels and results in greater building bulk than envisaged under the Design Guidelines (contrary to section 4.4 Building Layout and Orientation). The additional building bulk at levels 3 to 5 would have the most direct impact on views towards the coast from surrounding site and vantage points, given that the majority of development in proximity to the site is between 1 – 8 storeys.

This impact, however, should be considered in the context of the topography rising to the north. Those properties are elevated above the subject site, therefore, reducing the relative height to those properties. Given that this part of the building is occupied by the hotel, which is identified within the Design Guidelines as desirable community benefit, the degree of view loss is considered acceptable.

Setbacks
The revised design results in encroachments into the side (street) and rear boundary setback from levels 3 to 42, whereas previously the setbacks were compliant.

The applicant’s justification for the setback variations is that the towers have been ‘rotated’ to minimise direct views between the towers whilst maintaining the minimum separation distance required under the Design Guidelines (which has resulted in the tower corners encroaching into the setbacks).

As only the corners of the towers encroach into the setback areas, the setback variation is considered to be minor and the applicant’s justification is accepted in this regard.

Streetscape Activation
Section 3.1 ‘Streetscape’ of the Design Guidelines requires buildings at the ground floor to follow the topography of the subject site, with ‘stepped’ floor plates to accommodate level changes and maximise physical interaction between buildings and pedestrians at street level. The design of ground level tenancies is required to activate and engage with the public realm in accordance with Section 3.2 ‘Active Edges’ and Crime Prevention Through Environmental Design (CPTED) principles.
Improvements to the design of the lower levels of the development are noted, particularly with regard to the form and treatment of the podium, which now incorporates more human scale elements, better responds to the topography of the site and demonstrates a response to Scarborough’s coastal character. Universal Access has also improved at the ground floor level.

Some elevations retain minor departures from the quantitative measures of activation with the Design Guidelines. Reduced activation was a reason for refusal under the previous development application. However, the approach to the street elevations was a key focus of the design process with the DMP with the outcome now deemed, overall, as achieving Design Excellence. The minor variation, particularly on Filburn Street, is considered to satisfy reason for refusal number five in this regard.

Building Layout and Orientation
The Design Intent for Section 4.4 Building Layout and Orientation of the Design Guidelines requires that:

- Buildings will be oriented and internal spaces arranged, to maximise access to natural light and ventilation. The impact of overshadowing from development on the public realm and adjacent development will be minimised. Spaces in a building must be functional and suitable for their intended purpose or a range of uses.

Improvements have been made to access natural light to the hotel corridors, and the rotation of the towers has changed the shadowing effect to the public realm of Scarborough Beach Road. However, the submitted shadow diagrams identify shadows cast across surrounding sites that would not be impacted by an 18 storey building and the shadows reach the beachfront in the morning beyond 9am. While these shadows would have a direct impact upon completion of the development, the future impact would be diminished as developments of surrounding sites will intercept these shadows and create shading of their own making.

Waste and Servicing
It is considered that the logistics of servicing and waste management for the ground and first floor level food and beverage/retail tenancies has not been adequately resolved (as required by section 5.5 Waste Reduction and Management), as follows:

- the Waste Management Strategy relies on all waste from ground floor and first floor tenancies being transported to the bin store on level 2 for collection. However, no direct service access route is provided between the levels, requiring waste to be ferried a significant distance through shared/public spaces;
- only one loading zone area on level 2 is proposed for use by up to 26 food and beverage/retail tenancies and the hotel/convention centre, which is considered insufficient to cater for the likely demand resulting in a high risk of conflicts between service vehicles, general traffic entering the development from the same accessway and local traffic on Filburn Street as a result; and
- the proposed Scarborough Beach Road drop-off bays at the ground floor level are likely to be informally used for service deliveries for the ground floor tenancies — making the bays unavailable for taxis, hotel valet or ride share services. It is also noted that these drop-off bays on are located within the area of Scarborough Beach Road required to be set aside for road widening, so cannot be relied upon in the longer term.
The above matters regarding waste and servicing require further development but are surmountable and could be conditioned on any approval.

**Parking**

Section 5.2 of the Design Guidelines requires the provision of sufficient car parking to accommodate the anticipated requirements of the development, whilst encouraging alternate means of transport in order to promote sustainability and pedestrian amenity while reducing traffic impacts in the redevelopment area.

The overall number of bays within the development has decreased by 115 bays (14%) from 835 down to 720 bays, as summarised in the below table.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Bays</th>
<th>Maximum Bays</th>
<th>Refused Proposal</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>F&amp;B + Retail (incl. WA Experience Centre)</td>
<td>41</td>
<td>201</td>
<td>320 ‘shared’ public bays proposed (no specific allocation)</td>
<td>41</td>
</tr>
<tr>
<td>Convention Facilities</td>
<td>21</td>
<td>105</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>Community Gallery (incl. Viewing Deck and café/restaurants)</td>
<td>11</td>
<td>56</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>Hotel</td>
<td>60</td>
<td>119</td>
<td></td>
<td>59</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>133</strong></td>
<td><strong>481</strong></td>
<td></td>
<td><strong>132</strong></td>
</tr>
<tr>
<td>Car Share Bays</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Public Bays</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Residential units</td>
<td>236</td>
<td>471</td>
<td>505</td>
<td>407</td>
</tr>
<tr>
<td>Residential visitors</td>
<td>79</td>
<td>79</td>
<td>0</td>
<td>79</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>448</strong></td>
<td><strong>1031</strong></td>
<td><strong>835</strong></td>
<td><strong>720</strong></td>
</tr>
</tbody>
</table>

The proposed volume of parking is within the allowable ratio limits of the Design Guidelines with the minimum allocation provided to non-residential uses being balanced against the inclusion of the 100 public bays.

The revised residential parking ratio has also been reduced from 1.5 to 1.3 bays per dwelling and is therefore within the prescribed ratio range in the Design Guidelines. However, the increased total yield associated with the proposed height variation has the potential to still result in more traffic movements than envisaged under the Master Plan and Design Guidelines.

Both the Department of Transport (DoT) and the City do not support the proposed quantum of residential bays because of the likely traffic impacts on the local road network and as it would undermine the sustainable transport goals of the Master Plan. DoT and the City suggest that (to offset any impact from the increased yield proposed) the ratio of allocated bays should be reduced to 1 bay per dwelling, with any remaining bays remaining ‘unbundled’ to increase efficiency of parking and allow for future re-use of the parking areas.

The revised proposal is considered to include an extra 36 dwellings compared to a building with a compliant equivalent floor space, which would yield a total of 278 dwellings. The maximum number of residential parking bays that would be permitted for a development of that yield under
the Design Guidelines would be 417 bays (max. average of 1.5 bays per dwelling). The proposed residential parking of 407 bays is below that equivalent number of bays. Together with the non-residential car parking being kept to a minimum, it can be considered that the proposed overall parking provision is reasonable and not inconsistent with the expectation of the Master Plan.

**Site Access**
The revised proposal has not altered the vehicle access arrangements from the previous proposal and would result in an impact on the amenity of the locality, as follows:

- unacceptably high levels of traffic likely to exceed 4,000 vehicles per day will be diverted along more than 6km of local streets;
- the City further suggests that the closure of Manning Street immediately east of Filburn Street would be necessary to ensure the amenity of Manning Street does not deteriorate as a result of the increase in traffic and undermine the safe delivery of the proposed bicycle boulevard, which would further constrain accessibility to and from the development and exacerbate traffic impacts on the local road network;
- while it has been suggested that local access arrangements could be improved by modifying the Manning Street / West Coast Highway intersection, this is not supported by Main Roads Western Australia (MRWA) which has management and control of West Coast Highway and as such this cannot be conditioned upon any approval with any reasonable certainty; and
- the current proposed access arrangements are not supported by the City or the MRA’s traffic consultant.

Given the restrictions of the surrounding road network, particularly the lack of access from Manning Street to West Coast Highway, it is considered likely that the increased volume of traffic resulting from the increased development yield will impact on the local road network. Cross-governmental work is underway to identify necessary road network solutions that will need to consider the potential development of the subject and surrounding sites. This work has not yet identified specific solutions and, as discussed above, the quantum of parking proposed by the applicant is considered not inconsistent to the Master Plan expectations.

**Traffic and Transport**
While the quantum of on-site car parking has now been reduced to be within reasonable expectations of the Master Plan and requirements of the Design Guidelines, the applicant’s Traffic Impact Assessment (Cardno, 18 May 2018) was found to retain several deficiencies when reviewed by the City and the MRA’s independent traffic consultant (Flyt). These are summarised as follows:

- the Traffic Impact Assessment (TIA) does not encompass all of the elements typically required to assess the overall traffic impacts of such a prominent site and development (as per the WAPC Transport Impact Assessment Guidelines);
- the TIA does not acknowledge the intersection of Scarborough Beach Road and Filburn Street as an existing safety ‘black spot’ and that the increase in traffic generated by the development poses a safety issue at this point;
- the TIA focuses on the ‘Key Intersections’ of the major (regional) roads surrounding the site which the development does not have direct access to, and does not demonstrate consideration of impacts on local streets (despite indicating in the applicant’s report that the proposed access strategy is aimed at redirecting a proportion of inbound and outbound traffic away from the Scarborough Beach Road / West Coast Highway intersection);
- as outlined above, vehicles exiting the development will have to travel up to 6km along local streets, away from the development to access the regional road network and the points at
which the traffic would re-enter the regional road network are likely to be un-signalised intersections which do not rate highly in terms of safety or capacity (e.g. Pearl Parade or Elliott Road), nor are the impacts of which assessed in the TIA;

- the layout of the proposed public car parking offers poor legibility, half of the bays can only be accessed by circulating through three levels with a number of decision points and no parking management system has been devised. This is considered to be pertinent to have been resolved at this stage as the proposal relies on the provision of public car parking to support the proposed variations;
- there is a potential conflict between service vehicles and cars entering/exiting the development resulting in obstruction of the only egress point (and primary access point); and
- no provision has been made for daily service deliveries for hotel and food and beverage/retail uses.

Advice from the City indicates that traffic issues cannot be effectively dealt with by a revised traffic management plan as a condition of approval as a change in the building layout may be required. However, this change in layout would be mostly internal and could form part of a reasonable condition on any approval.

Consistent with advice from the DoT and the City, it is considered that an integrated transport solution would be necessary to address impacts on the local network, including:

- specified and costed traffic / transport upgrades to promote alternative transport modes such as the Scarborough Beach Road Rapid Transit Corridor and the Manning Street Bicycle Boulevard accompanied by an assessment of how such improvements would facilitate a modal shift and reduce traffic impacts caused by the development; and
- modifications to the design to facilitate use of shared vehicles and potential for adaptable reuse of parking areas.

Given the proposed yield and car parking provision has been reduced to be within the requirements of the Design Guidelines and reasonable expectations of the Master Plan, reason for refusal 2 could be considered satisfied.

**Development Policies**

The proposed development is considered to be generally consistent with the relevant Scarborough Development Policies, as follows:

- **Development Policy 1 ‘Green Building’** – the proposed 5 Star (Tier 2) Green Star ‘Design & As Built’ Rating exceeds the minimum requirement for achievement for a 4 Star (Tier 3) Rating at the subject site under the Policy;
- **Development Policy 3 ‘Sound and Vibration Attenuation’** – an Acoustic Report has been submitted in support of the proposal which indicates that the design would achieve the levels of acoustic performance required by the Policy (for a noise sensitive premises in proximity to West Coast Highway);
- **Development Policy 4 ‘Providing Public Art’** – the applicant has confirmed that it intends on delivering the required Public Art Contribution under the Policy; and
- **Development Policy 9 ‘Affordable and Diverse Housing’** – a total of 37 one-bedroom and studio dwellings are proposed as affordable housing units which meets the 12% minimum provision required by the Policy.
Development Policies 2 ‘Heritage Places’, 5 ‘Additional Structures’, 6 ‘Signage’, 7 ‘Home Based Business’ and 8 ‘Hosting Public Events’ are not applicable to the application. Compliance with Development Policy 10 ‘Accessible Housing’ would be a condition of any approval.

**Stakeholder Consultation**
In accordance with Section 64 of the MRA Act the reconsideration application submitted on 16 March 2018 was referred to the following stakeholders for consideration and comment:
- the City;
- DPLH, formerly Department of Lands;
- DoT;
- MRWA;
- Department of Communities (DoC, formerly the Housing Authority); and
- Tourism Western Australia (Tourism WA).

The proposal was generally supported by DPLH, DoC, MRWA, and Tourism WA. However, a number of concerns were raised by the City, DoT and MRWA, which are summarised below.

**City of Stirling**
A formal position of the full Council was not provided. The City’s administration did, however, raise that a number of outstanding concerns have not been addressed, including the traffic and transport related concerns outlined above.

Other concerns were raised by the City Planning (Built Form), Environmental Health, Waste, Parks and Sustainability, Arts and Activation and Community Safety Business Units, relating to:
- parking layout including dimensions of bays and aisles, sightlines, turning bays and conflict between bike racks and parking spaces;
- ground floor and street interfaces;
- inadequate weather protection for pedestrians;
- servicing and waste management deficiencies;
- provision of visitor bicycle bays;
- interface between market hall tenancies and the street;
- blank frontage addressing street;
- internal amenity of apartments; and
- inadequate provision for taxis and ride share services.

Resolution of these items largely remains outstanding but could generally be conditioned if an approval was granted.

**Department of Transport**
DoT raised concern with regard to the traffic impacts with regard to the volume of parking bays within the development and expressed that a lower parking supply is required in conjunction with the resolution of active and public transport issues to accommodate the impact of the proposal.

DoT has recommended that allocated residential parking be capped at a maximum of 1 bay per dwelling, with any remaining parking be built and permanently maintained as public parking.
It further advised that the layout of the parking areas required substantial review to provide for safe circulation particularly where it is planned for shared use. The proposal needs to demonstrate the ability and flexibility of car parking areas to enable (at least part of) these areas to be repurposed in future.

These matters are discussed above in relation to Traffic and Transport.

MRWA
MRWA acknowledges there are outstanding planning and traffic issues associated with the proposal but has advised that if these issues can be resolved it would support the development subject to conditions. With yield and car parking now reduced, the main area of contention remains improvements to the surrounding road network and the potential re-connection of Manning Street to West Coast Highway.

Refer to Attachment 3 – Summary of Stakeholder Submissions

The final revisions submitted on 11 June 2018 were not referred to the key stakeholders as they reduced the scale and intensity of development, including car parking quantum and rations, and the comments discussed above were considered to remain relevant.

Public Consultation
The proposal was advertised for a period of 21 days in accordance with the procedure set out in clause 5.14 of the Scarborough Redevelopment Scheme, which included:
- written notification to all property owners within the Redevelopment Area;
- newspaper notices in The West Australian and The Stirling Times;
- two signs erected on site; and
- a notice on the MRA website.

Under the provisions of Clause 5.14 of the Scheme, the MRA is required to have regard matters raised in any submission, including but not limited to the potential impact on:
- the amenity of the locality;
- environmental or social impacts; and
- any other comments relevant to orderly and proper planning and sustainable development.

The MRA received a total of 1,445 submissions during the public consultation period including 794 submissions in support (54.9%) of the proposed development and 636 not in support (44.0%) and 14 neutral submissions (1%).

The submissions in support generally commented on the following positive aspects:
- aesthetics/quality of the architectural design;
- the provision of cultural and dining/entertainment facilities;
- local economic benefits and job creation;
- increased residential options/affordable housing provision;
- revitalisation of an underutilised site;
- building upon the Scarborough foreshore redevelopment works; and
- supporting tourism development.

The submissions not supporting the proposal raised the following concerns:
- building height not appropriate for the location, scale of the building does not relate to the surrounding area and/or would have a negative impact on local amenity;
- traffic impacts have not been adequately addressed;
- local infrastructure capacities have not been adequately considered;
- wind impacts;
- obstruction of views from surrounding properties;
- concern that the proposal is inconsistent with and undermines the publicly endorsed planning framework;
- concern regarding the precedent that would be set for other developments; and
- economic impacts including perceived negative impact on property values and/or demand for other future developments.

The most common comment made (for or against) was concern raised in regard to the non-compliant height and scale of the towers with 587 individual submissions raising this as a specific issue/reason for non-support.

*Refer to Attachment 4 – Summary of Public Submissions*

The revised proposals that were submitted after the public consultation process were not re-advertised for public comment, as the revisions were considered to have reduced the scale and intensity of development. The nature of the variations to the planning framework also remained the same, albeit to reduced degrees. The comments received during the advertising period were considered to remain relevant and have been taken into consideration as part of the assessment of the revised proposal.

Whilst the total number of submissions in support was greater than the number of objections, with regard to those received from owners/residents within the Scarborough Redevelopment Area a significantly higher percentage of submissions in opposition to the development was received than in support (66% opposed, 33% in support, 1% neutral/queries). It is also noted the suburbs immediately adjacent to Scarborough had strong opposition to the development (64% opposed, 35% in support, 1% neutral/queries).

Also received during the public comment period were a petition in support of the proposal from the Construction, Forestry, Mining, Maritime and Energy Union (CFMEU) and its members with 347 signatures; and the results of a survey commissioned by PropertyESP including 890 responses.

The results of consultation confirm substantial public interest in the proposed development but do not conclusively demonstrate a consensus of opinion overall. The majority of submissions, however, came from the local area being those most impacted by the proposal. As with the previous development application, the local response was mostly against the variations in height, bulk and scale. It is considered that the process has identified that many of the concerns raised through stakeholder submissions and assessment against the planning framework have been reiterated by members of the public.
Delegation
The application was determined by the Board under Delegation Schedule item 5.5(6), as the development has a value of more than $50 million. As the determining body of the original application, the Board is requested by the SAT to reconsider its decision.

The Scarborough LRC is requested to make a recommendation to the Board.

Conclusion
The revised proposal for a 43 storey mixed use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough, has addressed the majority of the fundamental issues that formed the reasons for refusal. In particular:

- the quality of design has been improved such that the Design Mediation Panel has advised they consider it now demonstrates Design Excellence, subject to conditions, for the purpose of assessment under the Design Guidelines;
- the yield of the overall development has been reduced in relation to number of residential dwellings, hotel rooms and related floorspace such that it could be considered not inconsistent with expectations of the Scarborough Master Plan and related planning framework; and
- the quantum of car parking has been reduced to be commensurate with a development that conformed with the building envelope provisions, including relevant building height bonuses, with the Design Guidelines.

The remaining, albeit significant, consideration is whether the proposed variation to the prescribed built form parameters within the Design Guidelines is, in the MRA’s opinion consistent with the Scheme and Design Intent. In considering whether the exercise of discretion is warranted based on the merits of this individual proposal the proposed built form would need to be considered to meet the desired or intended amenity of the area. Should the proposal be deemed to meet that intent, despite the height variation, it could then be considered consistent with orderly and proper planning to exercise the available discretion and set aside the previous decision for refusal.

If the Scarborough LRC, having considered the relevant matters under Section 66(1) of the MRA Act as well as Clauses 5.17 and 5.18 of the Scheme, is satisfied that the exercise of discretion in accordance with Clause 1.7 of the Design Guidelines has been justified in the circumstances of this matter then it is recommended that the Scarborough LRC recommends to the Board that it sets aside the decision to refuse the development application submitted by Hillam Architects for a proposed 43 storey mixed use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough, and substitutes it with a decision for approval, subject to the conditions an advice notes in Attachment 5 – Recommended conditions of approval.
Alternative Option
If the Scarborough LRC, having considered the relevant matters under Section 66(1) of the MRA Act as well as Clauses 5.17 and 5.18 of the Scheme, is satisfied that the exercise of discretion in accordance with Clause 1.7 of the Design Guidelines has not been justified in the circumstances of this matter then it is recommended that the decision be varied as outlined in Attachment 6 – Amended Reasons for Refusal.

As discussed throughout the report, various improvements have been made to the design to address previously raised concerns such that the DMP has concluded that the revised proposal has achieved Design Excellence for the purpose of assessment under the Design Guidelines, subject to conditions on any approval.

Consequently, it could be considered that reasons for refusal 4 to 6 (inclusive) have been satisfied.

In addition, the revised proposal has reduced the yield of the development with regard to residential dwellings, hotel rooms, and car parking provision to an extent that the quantum of development is not inconsistent with the expectations of an equivalent 18 storey development on the site. Given the mixture of uses is in accordance with the Scheme area and Precinct area Vision under the Scheme, it could be considered that reasons for refusal 1 and 2 are also satisfied.

However, in line with the above assessment of the revised proposal, it remains evident that the fundamental issues pertain to the height, bulk and scale of the development and whether it is consistent with the desired or intended amenity of the locality. This is the focus of reason for refusal 3. Should the MRA not be of the opinion that exercise of discretion be justified in relation to the Design Intent and built form parameters within the Design Guidelines, this reason for refusal would not be satisfied and would be retained.

Given the achievement of Design Excellence and prescribed community benefits being provided, minor amendments would be made to the wording of reason for refusal number three to reflect the permissible height of 18 storeys in lieu of 12, and advice notes in order to reflect the revised proposal.

Refer to Attachment 6 – Amended Reasons for Refusal

Attachments
Attachment 1 Development Plans (circulated separately).
Attachment 2 DMP Design Report
Attachment 3 Summary of Stakeholder Submissions
Attachment 4 Summary of Public Submissions
Attachment 5 Recommended conditions of approval
Attachment 6 Amended Reasons for Refusal
1

GENERALLY
This report is in response to the documents issued to MRA 21 May 2018. Within the documentation provided, the Panel believes that there are still issues to be resolved, as set out in this report. However, these issues could be set out as conditions of approval.

2

PROCESS
This is the third Panel Report. Previous Reports, No.1 (17.3.18) and No.2 (28.2.18) followed a mediation process and related drawing issues. Advice Sheet 1 was also issued (28.4.18) in response to interim information issued as part of the iterative process, but was not part of formal reporting to MRA. A further email in response to request for clarification from Hillam Architects was issued 6.5.18 (attached as Addendum 1).

3

GENERAL ISSUES

FAÇADE
The panel understand that the façade elevations are detailed as per ‘typical section details’ issued 5.4.18. This gives more refined detailing without exposed aluminium framing on the external façade and the Panel supports this approach. The façade detail drawings A6-15 rev A Section D4 Double Hung Conversion Detail is not recommended for approval. An alternative to this Conversion Option to wintergardens is discussed later.

The panel has previously suggested that further testing of alternatives is required, and that colour renderings of a partial elevation (perhaps over two or three levels) with frames coloured black (as specified on the drawings) and showing some shift in glass colour. This has been partially done but without the framing or slab edge coloured black.

The impact of the various glass colours on environmental amenity and views from the apartments also needs analysis.

RESIDENTIAL AMENITY
Generally, the apartment planning has now achieved acceptable levels of residential amenity. All bedrooms now have natural light and ventilation, and the wintergardens have generally been replaced with open balconies. The Panel supports this initiative. However, it is noted that some balconies may need to be protected from particularly harsh conditions (those facing SE have been nominated as such) and the proposed solution is for...
double hung windows. The Design Advisory Panel has been consistent in its view that this is a substandard solution. Alternative solutions that maximise the open area above balustrade height will deliver superior amenity outcomes.

The living areas in some apartments only have access to natural light and ventilation from the balconies. In some cases this will deliver relatively poor natural daylighting of primary living spaces, which may be partly ameliorated through the optimal use of lighter and more light-reflective finishes to balcony surfaces.

Some apartments still have living areas deep in the plan away from perimeter light. The 2-bed apartment in the SE is an example and it occurs in both towers on most levels and is also the most likely to have the balcony enclosed. The panel believes some replanning is required in this regard, potentially involving a shallower balcony and living space glass line closer to the building perimeter.

There is also concern that any enclosed balcony solution could be retrofitted to any (or all) balconies in the future (unless otherwise conditioned) and so needs to work both environmentally and as part of the façade treatment. Options for enclosure of balconies is discussed under the section WINTERGARDENS (below).

The Panel is of the opinion that the apartment layouts could be still improved by rationalisation of different unit mix on different levels, providing more internal space by slightly reducing the depth of some balconies, and improved functional relationships, for example avoiding;

- Bathroom / toilet facilities facing into dining areas.
- Separated bathrooms from bedrooms in 1-bedroom apartments.
- Traversing living areas to bedroom doors
- WIR blocking natural light.

**WINTERGARDENS**

The DMP maintains that simply enclosing a balcony with double hung windows does not deliver a successful wintergarden design, and would exhibit the same characteristics as a room. A wintergarden should ensure large openable ventilation and characteristics similar to that of a balcony.

We would not describe the current balcony/glazing proposal as commensurate with or reflective of Design Excellence benchmarks.

The current proposal illustrates a solution which would limit the ventilation to 1-meter high vertical openable ventilation. This is similar to previous proposals but with a fixed glazed balustrade at 1.1m high.

As stated previously, there is potential for a three panel frameless glass system such that the lowest balustrade piece is fixed and the top panels vertically slide down to line with the top of the balustrade to give full opening above (1.9m clear).

A horizontal sliding frameless glass system could also be developed and reviewed as an option but the panel is of the opinion that a minimum of 75% of the openable area of the balcony (i.e. above balustrade/ handrail height) must be maintained and any wintergarden solution must retain the balcony function and characteristic.
Systems such as these should only be considered where necessary but designed so that it retains the balcony condition in good weather conditions.

Any revised design solution of the wintergarden façades will affect the overall elevation of the towers, and should be fully modelled and tested as part of the detailed design process.

MATERIALS/COLOUR
The Materials Schedule lists 4 blue and 4 green glass colours. This is a reduction from the earlier 10 separate colours. It is difficult to assess the façade without detailed elevation studies to understand the relationship between the glass colour, the black frame, and the treatment of openings. The detail elevations all show the black frame and slab edge treatment as white. The panel suggests that prototyping of a full-sized window unit of the apartment and the respective colours of the glass is recommended so that the developer could survey the market/user response to the suggested window glass colours in the apartments.

The bronze or gold glass proposed for the scalloped courtyard glazed wall is difficult to assess without seeing the glass sample and framing proposed. As an initial reaction there are some issues of concern; if highly reflective it may make the space less legible and confusing with bouncing reflections. As a colour it seems to deviate from the oyster analogy and could be too dominant against the surrounding stone cladding. The panel considers that a more transparent glass finish may be more engaging allowing internal uses to activate the external spaces.

ENVIRONMENTAL CONSIDERATIONS
The DMP remains concerned about the environmental performance of the fully glazed façade. Both towers are exposed in the round to all weather conditions and the lack of shading will mean the highest performance from the façade is necessary to deal with extremes of hot and cold, especially heat gain in the summer months.

The Iconic Thermal Comfort Study relies heavily on high performance glass to achieve its comfort levels. The Panel suggests that MRA commission an independent study to verify these assumptions.

4
DETAILED ISSUES

LANDSCAPE
The area allowance for the tree root in the basement pits seems too small. The DMP recommends that the MRA seek an opinion from a landscape architect to ensure the root ball of the selected species will not be constrained by the proposed root ball pit. The casuarinas specified as part of the local street tree planting would need approval by council and clarification of maintenance responsibility

PODIUM STONE CLADDING
Drawing A 605 as contained in the REQUEST FOR CLARIFICATIONS (6th April 2018) shows a SECTION DETAIL PODIUM STONE CLADDING with a pin support anchor. The DMP suggest
that this detail be carefully reviewed as failure at the top pin of the limestone could have consequences on the stability of the cladding.

PLANNING

- Noise conflict between residential pool and residences on east tower L7 and the floors immediately above and facing the pool remains an issue, as does noise conflict between hotel pool and hotel rooms L4.
- The ‘WA Experience’ lift location ‘fouls’ the sight line from lobby to courtyard. We suggest an alternative location or a glass lift to lessen its impact and add visual interest.
- The residential storage areas for the east tower seem well located for lift access, those for the west tower are more scattered, and may be too public or not as easily accessible.
- Hotel corridors generally have access to natural light. This should be introduced also to NW corridor L3.

DETAILS

- Precast feature concrete planters on elevations are blockwork with stone cladding in Materials Schedule - needs clarification.
- Balcony ledge. The flat top of the balustrade should have an upturn (possibly glass) on the outer edge of approx. 100mm, to avoid glasses, bottles, etc, placed there from falling, or be sloped at 45 degrees to avoid anything being placed on this edge.
- The DMP also suggests that the proponent consider the proposed height of balustrades given the height of the buildings, the wind effects etc. and that a higher than normally prescribed balustrade height may add more safety and amenity to the apartments.
- There are some conflicts in the documents - such as the TV in front of the sliding door (E1 Dwg. A6-15), however we believe these can be resolved during the design development stage.

5

CONCLUSION/RECOMMENDATIONS

There was continuous improvement in the architectural design throughout the mediation process from 27th January 2018 to 22nd February 2018.

Subsequently, the applicant has continued to improve the design and act on the issues raised by the Design Mediation Panel. Some issues are still outstanding.

The DMP believes that should the current proposal be approved then the issues outlined in this report should be conditioned.
EMAIL 6.5.18

David,

After discussion with Bill and Fred, we support the solution of open balconies, as it removes any ambiguity that a fully sealed wintergarden presents.

Noting however that the SW facing balcony may need some screening in the future (though not shown in the latest rendering), we believe a solution that could be applied should be developed to avoid the potential for inappropriate retrofitting in the future.

In this regard is there potential for a three panel frameless glass system such that the lowest balustrade piece is fixed and the top panels slide in line with it to give full opening above (1.8m to 2m clear)? A system such as this should only be considered if necessary but designed so that it retains the balcony condition in good weather conditions.

Regards,
Peter
PETER MOULD
### Table 1 – Stakeholder Submissions

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Summary</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Stirling</td>
<td>The City’s administration provided comments on 29 May 2018 in relation to the May plans, which are summarised as follows:</td>
<td>1. Noted.</td>
</tr>
<tr>
<td></td>
<td>1. The revised proposal and revised Traffic Impact Statement is not supported by the City.</td>
<td>2. Noted.</td>
</tr>
<tr>
<td></td>
<td>2. Consider that the trip generation numbers appear to have been underestimated.</td>
<td>3. Agree. This has also been identified as a concern by the MRA’s traffic consultant.</td>
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<tr>
<td></td>
<td>3. Inadequacy of a single service bay and conflict between service vehicles and other general vehicle movements.</td>
<td>4. Noted.</td>
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<tr>
<td></td>
<td>4. Impacts on Filburn Street caused by conflicts between trucks waiting to enter the loading bay, residents and visitors to the development and residents of Filburn Street.</td>
<td>5. Noted. Providing building layout changes are internal only an appropriate condition could be drafted.</td>
</tr>
<tr>
<td></td>
<td>5. Traffic issues cannot be effectively dealt with by a revised traffic management plan as a condition of approval as a change in the building layout may be required.</td>
<td>6. Agree. This has also been identified as a concern by the MRA’s traffic consultant.</td>
</tr>
<tr>
<td></td>
<td>6. Concerns regarding the parking layout including dimensions of bays and aisles, sightlines, turning bays and conflict between bike racks and parking spaces.</td>
<td>7. Noted.</td>
</tr>
<tr>
<td></td>
<td>7. Access arrangements proposed are not acceptable to the City. Unacceptably high levels of traffic will be diverted along residential streets. More than 6km of local streets would be impacted by increased traffic from the proposal development.</td>
<td>8. Noted, however, as West Coast Hwy (WCH) is under the management and control of Main Roads WA, its approval is required for any modification to the WCH/Manning St intersection. Main Roads WA continues to express its opposition to this proposal, and as such it cannot be imposed as a condition or considered as a potential access solution in the assessment of the current application.</td>
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<td></td>
<td>8. Proposes that the partial reopening of the Manning Street/West Coast Highway intersection could provide an alternate access/egress arrangement but notes that Main Roads WA has to date opposed this proposal.</td>
<td>9. Noted. Given that Main Roads WA is not supportive of reopening the WCH/Manning St intersection, the closure of Manning St east of Filburn St would further exacerbate the limited access and egress options for the proposed development, resulting in longer detours through local streets.</td>
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<td></td>
<td>9. Suggests that the closure of Manning Street immediately east of Filburn Street would be necessary to ensure the amenity of Manning Street does not deteriorate as a result of the increase in traffic and undermine the safe delivery of the proposal bicycle boulevard.</td>
<td>10. As identified above, without the support of Main Roads WA, it would not be appropriate to impose a condition with respect to modifications to the intersection of WCH/Manning St.</td>
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<tr>
<td></td>
<td>10. Requests that any approval be conditional on access changes to be funded by the developer including:</td>
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<td></td>
<td>• Left turn and right turn access from Manning Street onto West Coast Highway under signal control;</td>
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<tr>
<td></td>
<td>• Right turn access from SBR into Filburn Street; and</td>
<td></td>
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<tr>
<td></td>
<td>• Right turn from Filburn onto SBR prohibited.</td>
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</tbody>
</table>
11. Supports the applicant's proposed $5 million contribution towards unconfirmed traffic improvements and suggests a number of measures it could be spent on, including improvements to SBR, WCH and the Manning Street bicycle boulevard.

12. Suggest reduction in dedicated car parking for residential units to an average of:
   - 0.75 bays per 1 bedroom unit
   - 1 bay per 2 bedroom unit
   - 1.25 bays per 3 bedroom + unit
   with the remainder to be provided as shared parking.

13. Bicycle parking for residents and staff appears to be adequate, but proposes the following additional be provided:
   - 47 bays for residential visitors (15% of units)
   - 20 bays for commercial visitors

   The City confirmed its advice from its previous response dated 17 April in relation to the City Planning (Built Form), Environmental Health, Waste, Parks and Sustainability, Arts and Activation and Community Safety Business Units, which is summarised as follows:

14. Concerns regarding the ground floor and street interfaces:
   - Inadequate weather protection for pedestrians
   - Servicing
   - Bicycle bays
   - Interface between market hall tenancies and the street
   - Blank frontage addressing street

15. Apartment Amenity:
   - Many too deep for single aspect apartments, poor light and ventilation
   - Bedrooms reliant on borrowed light from wintergardens

16. Landscaping – detailed landscaping plans have not been provided;

17. Public Art – no specifics included in the documentation;

18. Wayfinding signage to direct visitors to Public Parking within the complex, public parking should be time restricted to encourage vehicle turnover (with initial free period to encourage usage);

19. Larger queueing areas required for taxis and ride share services as this cannot be accommodated on surrounding streets.
| Department of Transport | The Department of Transport’s comments are summarised as follows: 1. A lower parking supply is required in conjunction with the resolution of active and public transport issues to accommodate the impact of the proposal. 2. Recommends allocated residential parking be capped at a maximum of 1 bay per dwelling, with any remaining parking be built and permanently maintained as public parking. 3. The current parking design presented for almost every level is not safe or acceptable even if it was not a public car park. Resolving these issues could require significant modifications to the building design. 4. Proposal needs to demonstrate the ability and flexibility of car parking areas to enable (at least part of) these areas to be repurposed in future. 5. The layout of the parking areas requires substantial review to provide for safe circulation particularly where it is planned for shared use. | 1. Noted. This proposal was also supported by the City. 2. It is noted that the proposed average of 1.32 bays per unit is greater than that suggested by the DoT but compliant with the Design Guideline ratios and reasonable given the mixture of uses. 3. Noted. This concern has also been raised by the City and the MRA’s traffic consultant. 4. Noted. Details were provided as part of current submission. 5. These concerns have also been raised by the City and the MRA’s traffic consultant. |
| Department of Lands Planning and Heritage (DPLH) | DPLH’s comments are summarised as follows: 1. reviewed the proposal in the context of its role regarding “other regional roads” (Scarborough Beach Road) and advised that it has no objection on the basis that there is no direct access/crossover from the development onto Scarborough Beach Road. | 1. Noted. |
| Main Roads Western Australia | Main Roads WA’s comments are summarised as follows: 1. supportive of this project and the multitude of benefits that it will provide to the Western Australian community once it has been completed; 2. acknowledges there are a range of planning and traffic issues associated with the proposal but has advised that if these issues can be resolved it would support the development subject to the following conditions:  • All redundant crossovers to West Coast Highway are to be removed and the verge made good at the applicant’s expense;  • As West Coast Highway is part of the freight network, noise amelioration measures will need to be incorporated into the design and construction of this development;  • No stormwater drainage is to be discharged onto the West Coast Highway road reserve;  • No earthworks are to encroach into the West Coast Highway road reserve; | 1. Noted. 2. Noted. It is considered that the majority of concerns raised by Main Roads WA could be resolved through conditions. |
- Construction methodologies will need to ensure that the operation of West Coast Highway is not be impacted during construction activities;
- Lifting of materials and equipment shall not encroach over West Coast Highway at any time;
- A separate development application will be required for all signage and lighting visible from or with the potential to impact the operation of West Coast Highway.

### Tourism Western Australia

Tourism WA’s comments are summarised as follows:

1. Advised that its comments on the previous version of the proposal remain valid, it has no further comment to provide on the basis that the hotel component in the revised submission has only marginally reduced in scale.
2. Is aware that 3 Oceans included a “WA Coastal Experience Centre” in their plans and Tourism WA supports such a development, however on no occasion has Tourism WA ever committed to any ‘Partnership’ for such a development and as a Government Agency, Tourism WA is very unlikely to ever ‘Partner’ with private sector developers on any such project. It must also be noted that currently Tourism WA has no available funds to commit to this type of development.

### Department of Communities

1. Department of Communities (Housing Authority) has confirmed that, on the condition that a minimum 4m² store room will be included for each unit, the mix of 37 affordable housing dwellings and the quantum of car and scooter bays proposed should fulfil the MRA’s Development Policy 9 requirements.
### Table 1 - Summary of Submissions and MRA Response (Total of 1,445 individual Submissions Received)

<table>
<thead>
<tr>
<th>Summary</th>
<th>MRA Response</th>
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</thead>
<tbody>
<tr>
<td><strong>Total of 636 Objections Received – Key Issues Raised</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Issue 1</strong> – Concern regarding height and scale of the building.</td>
<td>The overall building height of 43 storeys has not changed from the refused plans. Accordingly, the height, bulk and scale of the proposed development remains non-compliant with the built form parameters under the adopted Scarborough Design Guidelines.</td>
</tr>
<tr>
<td><strong>Issue 2</strong> – Concerns that the variations to the planning framework are unjustified (undermines planning framework) and will set a negative precedent for the area.</td>
<td>The proposed variations to the Scarborough planning framework have been reduced in the revised proposal with particularly attention to residential dwellings, hotel rooms, and car parking. The proposed variation to building height remains the primary non-compliance and will be considered on its merits including the community benefits as identified with the Design Guidelines proposed within the building.</td>
</tr>
<tr>
<td><strong>Issue 3</strong> – Concerns regarding the exacerbation of pre-existing parking and traffic congestion issues</td>
<td>The revised proposal has reduced the car parking provision from the refused proposal as well as from the advertised proposal. Non-residential parking rates have been kept to the minimum required and the residential ratios are less than the maximum permitted to the extent they are commensurate with an equivalent 18 storey outcome.</td>
</tr>
<tr>
<td><strong>Issue 4</strong> – Concerns regarding impacts on amenity of surrounding properties/area, with regard to:</td>
<td>The revised design offers a better response to the urban coastal character of Scarborough, particularly evident in the podium form and selected materials and finishes with beach and ocean references. The design development process undertaken in collaboration with the Design Mediation Panel (DMP) has improved the functionality of the building and relationship to the adjoining public realm in addition to external appearance. However, it remains evident that the amenity impacts associated with the proposed height variation are the primary issues. The potential impacts are discussed in the report.</td>
</tr>
<tr>
<td>• overshadowing;</td>
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<tr>
<td>• loss of views;</td>
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<td>• wind impacts;</td>
<td></td>
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<td>• environmental concerns;</td>
<td></td>
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<tr>
<td>• overlooking/privacy impacts;</td>
<td></td>
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<tr>
<td>• poor integration with surrounding streetscape;</td>
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<tr>
<td>• impacts on the capacity of the existing service infrastructure; and/or</td>
<td></td>
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<tr>
<td>• impacts on economic supply and demand.</td>
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</tbody>
</table>

| **Total of 724 Submissions in Support Received – Key Supporting Comments** |  |
| **Comment 1** – support for aesthetics/quality of the architectural design of the building. | Given the quality of design was a fundamental aspect of the previous refusal, a Design Mediation Panel (DMP) comprising three independent architects was agreed by both parties to assist in mediation of design matters. It is considered that the revised proposal has now achieved the requisite level of Design Excellence (based on advice from the DMP), subject to conditions, in accordance with the requirements of the Design Guidelines. |
| **Comment 2** – appreciates the proposed land uses/attractions within the development, including cultural and dining & entertainment facilities, public car parking and sky gallery. | These features are considered to be preferred uses within a mixed use development as anticipated in the Scheme and Precinct vision that are likely to contribute positively to the surrounding area. A number of the uses, including hotel and public car park are also identified within the Design Guidelines as warranting a height bonus to ensure their viable delivery. |
| **Comment 3** – the proposal will facilitate in urban infill and provide increased residential (including affordable housing) and hotel accommodation options within the area. | The proposal includes a mix of dwelling types, including the minimum provision of 12% affordable housing units required by the MRA Development Policy 9 – Affordable and Diverse Housing. The proposal also includes a 4 star hotel with 105 rooms, which exceeds the minimum 3 star hotel with 50 rooms required to qualify for additional storeys under section 4.1 of the Scarborough Design Guidelines. |
| **Comment 4** – support for the development’s contribution to the revitalisation of Scarborough, in particular that it will: | The MRA is supportive of proposals that would improve the vibrancy and economic wellbeing of the Scarborough redevelopment area. The Scarborough Master Plan, Scheme and Design Guidelines were established to facilitate holistic development across a number of sites within the Redevelopment Area. Each proposal must demonstrate they are delivered in an orderly and proper manner that as well as providing a viable development of that site, preserves and enhances the amenity of the locality. |
| • revitalise an underutilised site; | |
| • encourage economic investment; | |
| • attract tourism; and/or | |
| • provide employment opportunities. | |
Attachment 5 – Recommended Conditions and Advice Notes

Conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, details of which are to be provided at working drawings stage, to the satisfaction of the Metropolitan Redevelopment Authority (MRA), prior to the commencement of construction. The approved plans and documents of development are listed as follows:

<table>
<thead>
<tr>
<th>Plan / Document Name</th>
<th>Ref.</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement 3 Plan</td>
<td>A2-00(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Basement 2 Plan</td>
<td>A2-01(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Basement 1 Plan</td>
<td>A2-02(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Ground Floor Plan</td>
<td>A2-03(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Ground Mezzanine Plan</td>
<td>A2-04(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Level 1 Plan</td>
<td>A2-05(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Level 1 Mezzanine Plan</td>
<td>A2-06(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Level 2 Plan</td>
<td>A2-07(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 3 Plan</td>
<td>A2-08(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 4 Plan</td>
<td>A2-09(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 5 Plan</td>
<td>A2-10(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 6 Plan</td>
<td>A2-11(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 7-8 Plan</td>
<td>A2-12(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 9 Plan</td>
<td>A2-13(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 10-19 Plan</td>
<td>A2-14(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 20-24 Plan</td>
<td>A2-15(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 25-27 Plan</td>
<td>A2-16(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 28-30 Plan</td>
<td>A2-17(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 31 Plan</td>
<td>A2-18(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 32 Plan</td>
<td>A2-19(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 33-35 Plan</td>
<td>A2-20(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 36-38 Plan</td>
<td>A2-21(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 39 Plan</td>
<td>A2-22(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 40 Plan</td>
<td>A2-23(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 41 Plan</td>
<td>A2-24(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Level 42 Plan</td>
<td>A2-25(Rev 2)</td>
<td>11 June 2018</td>
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<tr>
<td>Upper Level 42 Plan</td>
<td>A2-26(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Roof Plan</td>
<td>A2-27(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Scarborough Beach Road Elevation (South)</td>
<td>A03-01(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Rear Elevation (North)</td>
<td>A03-02(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Filburn Street Elevation (East)</td>
<td>A03-03(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>West Coast Highway Elevation (West)</td>
<td>A03-04(Rev 2)</td>
<td>11 June 2018</td>
</tr>
<tr>
<td>Diagrammatic Section One</td>
<td>A4-01(Rev 2)</td>
<td>11 June 2018</td>
</tr>
</tbody>
</table>

2. The design is to be amended to enhance amenity, functionality and usability of spaces in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel demonstrating:

- all bedrooms, or rooms capable of being used as bedrooms, are provided with direct access to natural light and ventilation;
- improved functional relationships of internal apartment layouts;
- all winter gardens and balconies are provided with seamless floor level connection with the adjacent living area(s); and
- the external area above the balustrade or handrail of all winter gardens and balconies is to be a minimum 75% permanently open or openable. (Refer Advice Note c)

3. The design is to be amended to incorporate natural light, outlook and, where possible, ventilation to all common residential and hotel corridors to achieve design quality and enhanced amenity for residents and visitors in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel. (Refer Advice Note d)

4. An Integrated Transport Strategy, including a Traffic and Access Management Plan, to promote and enable greater active and public transport use and an updated Traffic Impact Assessment are to be provided at working drawings stage to the satisfaction of the MRA in consultation with Main Roads WA and the City of Stirling. (Refer to Advice Note e)

5. Detailed plans of all necessary road works for the development to operate in a safe and legible manner, informed by the Integrated Transport Strategy and Traffic Impact Assessment, are to be provided at working drawings stage and are to be completed by the developer at its expense prior to the occupation of the development, to the satisfaction of the MRA in consultation with Main Roads WA and the City of Stirling, including:
   - improvements to active and public transport infrastructure in the vicinity of the site as recommended in the Integrated Transport Strategy;
   - modifications to the Filburn Street / Scarborough Beach Road intersection to provide safe right turn access into Filburn Street from Scarborough Beach Road and prohibit right turn movements from Filburn Street onto Scarborough Beach Road; and
   - all other intersection and road reserve modifications required to provide safe and legible access to and egress from the development.
   (Refer to Advice Note f)

6. The design, layout and operation of the car park, loading and delivery areas is to be amended in consultation with the MRA and the City of Stirling and supported by a Car Parking Management Plan, to demonstrate:
   - safe vehicular access, egress, and movement within the site; and
   - the ability and flexibility of the design to repurpose parking spaces for alternate uses should demand for parking bays decrease in the future;

details of which are to be provided at working drawings stage, to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note g)

7. Elevations and specifications detailing high quality, durable materials, finishes and colours for the development (including colour swatches or material samples) consistent with the approved development plans, are to be provided at the working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel. (Refer Advice Note h)
8. A development contribution payment, in accordance with the Scarborough Development Contribution Plan, is to be provided at working drawings stage, to the satisfaction of the MRA. (Refer to Advice Note i)

9. A Wind Amelioration Report demonstrating acceptable environmental wind conditions in the public realm, alfresco areas, accessible areas of the podium and tower roofs and all apartment balconies/wintergardens is to be provided at the working drawings stage to the satisfaction of the MRA. (Refer Advice Note j)

10. All building entrance levels are to be consistent with the constructed paving levels of the adjoining public realm, details of which are to be provided at working drawings stage to the satisfaction of the MRA.

11. End of trip facilities are to be provided in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note k)

12. A Design Review Certificate from the Green Building Council of Australia demonstrating that the proposal has been designed to achieve a minimum 5 Star Green Star rating in accordance with the MRA’s Development Policy 1 – Green Building is to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note l)

13. A report and certification from the Green Building Council of Australia is to be provided within six months of practical completion of the development confirming the development has achieved the minimum 5 Star Green Star ‘as built’ rating, to the satisfaction of the MRA.

14. An Acoustic Attenuation Report and certification from a qualified acoustic consultant, confirming that the design and construction of the building will achieve an appropriate level of sound attenuation in accordance with Development Policy 3 – Sound and Vibration Attenuation is to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note m)

15. A report and certification from a qualified acoustic consultant is to be submitted at practical completion stage and prior to occupation of the building, confirming that all recommendations of the Acoustic Attenuation Report integral to achieving compliance with Development Policy 3 – Sound and Vibration Attenuation, have been implemented, to the satisfaction of the MRA. (Refer Advice Note n)

16. Public art is to be provided in accordance with the MRA’s Development Policy 4 – Providing Public Art, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note o)

17. A Signage Strategy, detailing the proposed location and size of all external signage consistent with the MRA’s Development Policy 6 – Signage, is to be submitted at working drawings stage to the satisfaction of the MRA. (Refer Advice Note p)

18. Affordable Housing is to be provided in accordance with the MRA’s Development Policy 9 – Affordable and Diverse Housing, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the Department of Communities. (Refer Advice Note q)

19. Adaptable Housing is to be provided in accordance with the MRA’s Development Policy 10 – Adaptable Housing, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note r)
20. All service areas, service related hardware and piped/wired services (such as car park gates, plant areas, fire booster cabinets, service meters, exhaust systems and air-conditioning units) are to be designed as an integral component of the development or screened from public view, to minimise any detrimental impact on the architectural quality of the building and the public realm, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note s)

21. Windows and glazed areas on the ground floor are not to be provided with dark or reflective tinting, visually obtrusive signage, obscured glazing or roller shutters, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note t)

22. All exposed parapet walls or walls adjacent to boundaries are to be finished to the same standard as the remainder of the development, details of which are to be provided at working drawing stage to the satisfaction of the MRA.

23. A Venue Management Strategy for the development, including the hotel and its amenities, convention centre, restaurant/cafés, small bars and any associated alfresco dining areas, and the art gallery/viewing deck, is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling, and thereafter implemented by each venue operator. (Refer Advice Note u)

24. A Place Management Strategy for the plaza areas and WA Coastal Experience Centre courtyard, demonstrating activated, inviting, safe and well-maintained spaces, is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note v)

25. A Landscape Plan detailing both ‘soft’ and ‘hard’ landscaping elements for the plaza area, WA Coastal Experience Centre courtyard, and podium roofs as well as effective integration of the development into the wider Scarborough Redevelopment Area and incorporating deep root zones in accordance with the requirements of the Scarborough Design Guidelines, is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note w)

26. A Lighting Strategy, detailing lighting of the building exterior and ground floor public areas to enhance building features, amenity and security is to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note x)

27. A report prepared by a suitably qualified person confirming the development has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note y)

28. A report prepared by a suitably qualified person confirming the development has been designed in accordance with Universal Access principles is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note z)

29. A Delivery and Waste Management Plan demonstrating that hotel and tenant deliveries, bin collection and waste management services can be adequately managed within the development, and without restricting general vehicle access and egress, is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note aa)
30. A Construction Management Plan is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer Advice Note bb)

31. A dilapidation survey of the footpaths, kerbs, roads, buildings and open space areas adjacent to the site is to be carried out and provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. Any damage caused to the footpaths, kerbs, roads, buildings and open space areas is to be made good at the applicant’s expense prior to occupation of the development.
**Advice Notes:**

a) A covering letter and six (6) copies (hard and digital/USB) of final working drawings are to be submitted to the MRA prior to an application being made for a building permit and must be cleared prior to the commencement of works onsite. Working drawings are to comply with all of the above conditions and any variations from the approved drawings are required to be clearly identified.

In accordance with section 62(3) of the *Metropolitan Redevelopment Authority Act 2011* no works are to be undertaken prior to obtaining development approval or in contravention of any condition to which the approval is subject.

Upon satisfactory assessment of the working drawings, including referral to any stakeholders as required, the MRA will provide a clearance letter and copies of the plans to the City of Stirling to assist building permit assessment.

b) A building permit application is required to be submitted to the City of Stirling and approved prior to the commencement of any works on site and should include a construction management plan detailing how construction works will be managed to minimise impact on the surrounding community, including management of noise, dust, temporary parking, and delivery and storage of materials (in accordance with Condition 31 of this approval).

c) With regard to Condition 2, the following matters should be addressed in the design amendments:

- any proposal for study areas or walk in robes with no windows will need to demonstrate a size and layout reflective of the intended use;
- Internal apartment layout should be modified to improve functionality to:
  - avoid bathroom/toilets facing onto dining areas;
  - avoid walk in robes blocking penetration of natural light into apartments;
  - separate bathrooms from bedrooms in 1-bedroom apartments;
- the enclosure of balconies with double hung windows is not considered to constitute an appropriate winter garden and does not meet the Design Guidelines requirements for private open space. Balconies and/or winter gardens should be provided with an adequate open or openable area to provide amenity and ventilation, including:
  - a minimum of 75% of the area above a 1 metre balustrade / handrail to be permanently unenclosed (balcony) or fully openable (winter garden);
  - winter gardens to include a horizontal or vertical sliding glass system to give a 1.9m clear opening between the balustrade and soffit.

The Thermal Comfort Study prepared by Cadds Energy Group dated 14 May 2018 should be updated in response to any design changes affecting the design of the winter gardens/façade of the development.

d) With regard to Condition 3, in order to be eligible for additional storeys above the 12 storey base height for the site, the Scarborough Design Guidelines require Design Excellence to be achieved with (amongst other aspects) the design and layout of buildings and internal spaces to enhance the amenity of workers, residents and visitors and maximise solar access and passive ventilation.

In addition, the draft Design WA State Planning Policy and associated Apartment Design Policy require common circulation spaces to achieve amenity through access to daylight and natural ventilation.
Accordingly, natural light should be provided to all communal corridors including the north-western hotel corridor on level 3.

e) With regard to Condition 4, under the MRA’s Scarborough Redevelopment Scheme and Design Guidelines, development is required to demonstrate a design response aimed at encouraging alternative transport modes, in order to support a sustainable and pedestrian-friendly movement network. As such, an Integrated Transport Strategy is required to demonstrate how residents, staff and visitors will access the development prioritising a mix of public transport patronage and active transport modes (walking and cycling), and providing for car share / ride share schemes.

The Integrated Transport Strategy should inform the preparation of a revised Traffic Impact Assessment, which should also address the following outstanding matters:

- comprehensive assessment of all traffic impacts and outcomes resulting from the development, including safety, site access and parking management;
- assessment of opening year vehicle impacts on intersections including Filburn Street /Scarborough Beach Road; and
- assessment of the impact of traffic on Filburn Street and other local streets commensurate with their status of ‘Access Streets’.

The Traffic Impact Assessment (Cardno, 18 May 2018) identifies that the intersection of Filburn Street and Scarborough Beach Road will be impacted by the development, and would rely on ‘courtesy gaps’ in westbound traffic in peak periods for right-out movements. As such, an appropriate configuration of this intersection should be agreed with the City of Stirling to ameliorate traffic and safety issues.

f) With regard to Condition 5, in accordance with the conclusions of the Integrated Transport Strategy and updated Traffic Impact Assessment, all road upgrades required for the development to integrate with the surrounding road, cycle and footpath network and to operate in a safe and legible manner, are required to be funded by the applicant and delivered prior to the occupation of the development.

g) With regard to Condition 6, the Car Parking Management Plan is to include details on

- effective and safe management of traffic movements to, from and within the internal car parking areas, consistent with Condition 4;
- traffic management techniques for the development, including any additional management measures for special events (such as those to be held within the convention centre);
- the dimensions of all car parking bays, loading bays, vehicle entrances, crossovers, aisle widths and circulation areas complying with AS 2890.1;
- allocation of car parking bays to the specific uses within the development in accordance with Condition 4 and the minimum requirements under section 5.2 of the Scarborough Design Guidelines;
- identification and management of ACROD bays, and accessible bays in accordance with the MRA’s Development Policy 10 – Adaptable Housing;
- identification of the shared car scheme parking bays and further details of the management of the scheme including details of the shared car provider, resident/ visitor marketing and booking systems;
- identification of parking, loading, delivery and waste management areas in accordance with the Delivery and Waste Management Plan; and
- identification of clear, safe and accessible pedestrian paths through car parking and delivery areas;
- identification and management of public parking bays, including wayfinding signage and electronic signage to prominently advise motorists of the number of available bays before entering the development;
- sufficient provision of drop off bays/areas for use by taxi, and other vehicle pick up services, tourist coach vehicles, and deliveries associated with the hotel, convention centre and food and beverage uses;
- ventilation of car parking areas in accordance with *Australian Standard AS 1668.2*; and
- amendments to the car park design to ensure the following:
  - width of aisle(s) between perpendicular parking spaces and motorcycle parking bays opposite to be a minimum 6300mm (AS2890.1 sec 2.4.4 (b) (iii));
  - all tandem bays increased to min 10.8m in length; and
  - incorporation of additional turnaround bays and truncations to assist with manoeuvring and safety.

All car parking bays are to be marked/signed and operated in accordance with the approved Car Parking Management Plan.

Any 'paid parking' provision established within the development should consist of parking time restrictions to ensure vehicle turnover occurs and consist of an initial free period to encourage its use by the public.

h) With regard to Condition 7 further details and information, including final specifications and samples, are to be provided for all external elevations, demonstrating high quality and durability of materials has been maintained (or enhanced) from development application stage through to working drawings and construction.

The façade detail, materials and finishes are to meet, or exceed, the benchmark quality identified in the approved development plans, to ensure the development is commensurate with the achievement of Design Excellence. Consideration should also be given to minimising reflectivity of external glazing and maximising light transmission through winter garden glazing to apartments.

i) With regard to Condition 8, the development contribution payment is calculated on the total developable site area (excluding areas required to be ceded for road widening or otherwise) and maximum 'base height' permitted to be delivered on the site, in accordance with the following table and Schedule 2 – Maximum Building Heights Plan in the Scarborough Development Contribution Plan.

The contribution payable for the site is calculated at $734,366.68, based on an estimated developable site area of 7,276m² and permitted maximum base building height of 12 storeys.

<table>
<thead>
<tr>
<th>Maximum Building Height (Base)</th>
<th>Cost ($/m²)</th>
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<tbody>
<tr>
<td>2 storeys / 8 metres</td>
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<tr>
<td>3 storeys / 11.5 metres</td>
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<td>4 storeys / 15 metres</td>
<td>$33.64</td>
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<tr>
<td>8 storeys / 29 metres</td>
<td>$67.29</td>
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<tr>
<td><strong>12 storeys / 43 metres</strong></td>
<td><strong>$100.93</strong></td>
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</table>
j) With regard to Condition 9, wind amelioration strategies are to be integrated into the building design, detailing and function. The use of wind break ‘add-ons’ such as screens and physical barriers are not supported as these are considered to obstruct visual and physical permeability of the public realm and limit the integration and activation of the ground floor land uses.

k) With regard to Condition 11, end of trip facilities are to be provided in accordance with Part 5.3 of the Scarborough Design Guidelines including adequate cycle parking, showers and lockers in an accessible location with safe access to such facilities demonstrated.

The MRA will consider the incorporation of a wall mounted bicycle rack within each individual residential store in lieu of a communal resident bike store in recognition of the storage requirements, consistent with the draft State Planning Policy - Design WA.

l) With regard to Condition 12, the development application has committed to the achievement of a minimum 5 star green star rating from the Green Building Council of Australia (GBCA) in accordance with the section 4.1 of the Scarborough Design Guidelines, over and above the requirement under Development Policy 1 – Green Building on Tier 2 sites to be designed and built to achieve a minimum 4 Star Green Star rating. All buildings are to be design to comply with the redevelopment objective of enhancing environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology.

In particular the design, construction and operation/management of the building and associated areas of public open space should demonstrate a “whole of site” approach to sustainable design and address, as a minimum:

- water efficiency;
- strategies to minimise potable water usage through rain water capture and reuse and/or waste water recycling;
- energy efficiency and energy efficient fixtures and appliances; and
- a naturally comfortable indoor environment including access to natural light and ventilation as well as thermal comfort levels.

m) With regard to Condition 14, the applicant is advised that the report is to certify that the construction of the building will achieve an appropriate level of sound attenuation in accordance with Development Policy 3 – Sound and Vibration Attenuation. The report should address (amongst other issues):

- potential impacts and mitigation of noise and vibration from West Coast Highway and Scarborough Beach Road; and
- mechanical service systems (such as car park and restaurant exhaust systems and air conditioners) to be designed and located to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997.

n) With regard to Condition 15, the certification submitted at practical completion stage should include results of onsite testing to confirm appropriate levels of sound attenuation/mitigation have been achieved.

o) With regard to Condition 16, the provision of public art is to be in accordance with Development Policy 4 – Providing Public Art, with a minimum contribution, either as public art or cash-in-lieu, of $1.5million based on the development value of $250 million.
The applicant is encouraged to discuss the approach to public art with the MRA’s Urban Design Directorate and the City of Stirling prior to preparing working drawings.

p) With regard to Condition 17, the Signage Strategy should provide an indicative plan of all proposed signage (including wayfinding signage) outlining the locations and dimensions, demonstrating that such signage will be complementary to the architectural design and character of the buildings and not obscure architectural detail and materiality.

The MRA’s Development Policy 6 – Signage requires signage to demonstrate restraint in scale, size and collective amount of signage installed, in order to minimise visual clutter, protect amenity, and support a safe, attractive and legible public realm. All signs and advertising is to relate to the development and is not to include third party commercial advertising.

A separate development application will be required for all signage and lighting visible from or with the potential to impact the operation of West Coast Highway.

q) In relation to Condition 18, the applicant is advised:
- consistent with the approved development plans, 37 affordable housing units (12% of the total number of dwellings) are to be provided within the development and maintained in perpetuity, in compliance with Development Policy 9 - Affordable and Diverse Housing;
- the affordable housing units are to be sold by the developer to the Department of Communities (or alternative housing provider approved by the MRA) at construction cost (based on the MRA’s construction cost chart dated July 2016), at the time of practical completion of the development;
- a restrictive covenant is to be registered against the certificates of title of the relevant affordable housing units (the subject units are to be identified on the working drawings) restricting the use of the units for affordable housing in perpetuity pursuant to section 129BA of the Transfer of Land Act 1893;
- the restrictive covenant is to be prepared at the applicant’s expense and must be executed in registrable form prior to the clearance of working drawings to the satisfaction of the MRA. A template document is available from the MRA, which is to be completed by the applicant and reviewed by its lawyers prior to submission; and
- a draft strata plan and management statement is to be prepared at the applicant’s expense and provided at working drawings stage demonstrating how ongoing costs of the affordable housing units will be minimised including but not limited to:
  - minimising unit entitlements; and
  - restricted access to common amenity areas (with potential to opt in).

r) With regard to Condition 19, a report and associated documentation is to be provided demonstrating that 20% of the total number of dwellings delivered as part of the development conform to the Core Liveable Housing Design Elements outlined in the MRA’s Development Policy 10 – Adaptable Housing.

It is recommended the applicant consider registering a notification on the strata title of each adaptable dwelling to alert current and future prospective purchasers and owners that the dwelling is designed and constructed as an adaptable dwelling.

s) With regard to Condition 20, services and service related infrastructure includes but is not limited to all piped and wired services, car parking areas, roof plant / plant areas,
bin storage areas, service meters and related infrastructure, fire booster cabinets, exhaust systems, air-conditioning units, antennae and satellite dishes.

Car park entry doors, service and plant areas, and service infrastructure are to be integrated into the development in a manner that does not undermine the overall architectural quality. Details to be provided at working drawings stage should include material treatment, finishes and detailing that is consistent with the remainder of the façade, to ensure the design quality of the development is not compromised.

The applicant is advised to liaise with service authorities to rationalise and consolidate service infrastructure, where possible.

t) With regard to Condition 21, protection of windows from the sun or privacy screening, should be achieved through architectural devices, passive solar design and appropriate glazing specifications, rather than through reflective glazing, coatings or roller shutters/security blinds.

Samples and specification details demonstrating the non-reflective finish and solar performance of all proposed glazing is required to confirm compliance with this condition.

The Thermal Comfort Study prepared by Cadds Energy Group dated 14 May 2018 should be updated to reflect any changes to the glazing specifications.

u) With regard to Condition 23, the Venue Management Strategy is intended to provide guidance for all future tenancies and may inform the development of individual Venue Management Plans as required. The Strategy is to include, but not be limited to the following:

- hours of operation;
- types of proposed liquor licences;
- location of service/back of house areas for each the market hall tenancies, ensuring an active interface between the tenancies and the street is maintained;
- any proposed entertainment or music, including noise attenuation reports and plans for any premises proposing live music, amplified music or other entertainment with noise levels above ordinary background music;
- management of noise and patron behaviour to minimise adverse impacts on residents within the development and the locality;
- ongoing management of the art gallery/viewing deck as a publicly accessible facility including measures for equitable access to the general public in terms of cost, availability, opening hours and security;
- details of the hotel operator, security measures for hotel guests, and location and times for hotel deliveries, waste collection and laundry services;
- details of hotel management of drop-off bays, including any traffic management, valet or concierge services;
- alfresco management, including location of alfresco, proposed structures and furniture, wind impact management, operating times, alcohol service and any music/entertainment;
- management and maintenance of the swimming pools/spas; and
- any other matters deemed appropriate by the MRA.

v) With regard to Condition 24, the Place Management Strategy is to include, but is not limited to the following:

- Details of measures to maintain ongoing public access to the central, eastern and western plaza spaces and the ~3.5m wide public access thoroughfare
proposed inside the lot boundary along the Scarborough Beach Road frontage, in perpetuity;

- the role and function(s) of the central plaza area and other public spaces, and how these complement, as opposed to compete with or replicate, the activation of the wider Scarborough area;
- detail of how each public space has been designed to accommodate the intended functions and activation of the space, including the flexibility of the space to operate as an area to provide shade and shelter, a transient space and an event space;
- details of all infrastructure in the plaza area and surrounds, including fixtures and fittings to enable installation of lighting and sound equipment and any other event related structure(s);
- details of security measures to support the intended functions and activation of the public spaces;
- details of any alfresco areas provided for ground floor restaurants/cafes;
- details of the ongoing maintenance, management and security of the public spaces;
- integration of wind amelioration strategies into the plaza design to ensure pedestrian comfort as a stationary, transient and event space;
- details of permanent and occasional seating fixtures;
- provision of adequate storage in close proximity to the plaza to ensure bump-in and bump-out of events with minimal disruption to the public realm and operation of the development generally; and
- loading details to ensure the car park has the capacity to accommodate additional loadings associated with events within the plaza area.

With regard to Condition 25, the Landscape Plan should include (but not be limited to):

- details of how the landscape design, materials, plantings and levels will effectively integrate with the adjacent public realm;
- existing and proposed site levels and provision of universal access;
- species, sizes and types of plantings;
- reticulation to plantings including rain/grey water capture and re-use;
- paving, kerbs and other surface treatments;
- details of materials and finishes of the hotel drop off area;
- seating, lighting, shade structures and other hard infrastructure;
- integration of public art;
- necessary area allowance for the tree root pits in the basement; and
- details of ongoing management and maintenance.

The Landscaping Plan should be informed by the Place Management Strategy.

Due to the development size, the owner should be responsible for the maintenance of all verge paving, furniture, landscaping outside the development, in accordance with a maintenance agreement with the City of Stirling, to the satisfaction of the City.

With regard to Condition 26, the Lighting Strategy is to:

- include a plan which illustrates how the building will be illuminated to highlight architectural elements, to provide an attractive building at night;
- demonstrate how lighting and safe access will be provided between the development and the public realm and within loading areas and pathways; and
- be designed to comply with Australian Standard 1158 (Public Lighting Code) and Australian Standard 4282 (Control of the Effects of Outdoor Lighting) in
order to ensure that any nuisance light to adjoining properties and to passing vehicular traffic are controlled to an acceptable level.

Static aircraft hazard lighting should be provided in lieu of flashing beacons, in order to reduce traffic safety distractions for motorists and water craft.

y) With regard to Condition 27, the CPTED Report is required to include locations, specifications, coverage and management responsibilities of CCTV cameras on the building façade and in the public realm. The CPTED Report should inform the Landscape Plan, Place Management Strategy and Lighting Strategy.

z) With regard to Condition 28, the applicant is advised that the development is to comply with the requirements of Part D3 of the Building Code of Australia (Access for People with Disabilities) and Australian Standard 1428.1 and the Disability Discrimination Act 1992.

aa) With regard to Condition 29, the Delivery and Waste Management Plan is to ensure all deliveries and collections occur within the car park for the hotel, residences and all tenancies, including the provision of adequate loading, storage and vehicle manoeuvring space for such functions. The Plan is to include the following:

- proposed management regime to facilitate controlled access and egress to the car park, consistent with the Car Parking Management Plan required under Condition 6 above.
- demonstrate provision of a direct service access route between the lower levels and the bin store areas on level 2. The existing waste strategy which relies on waste from ground and first floor tenancies being ferried a significant distance through shared/public spaces for collection is not considered to represent an appropriate outcome.
- demonstrate the provision of adequate loading bays to cater for likely volume of service deliveries for the development. The single loading zone area on level 2 proposed for use by the 26 food and beverage/retail tenancies as well as the hotel/convention centre, is considered insufficient to cater for the likely demand.

The applicant is advised to liaise with the City of Stirling regarding the City’s standards for waste management plans.

bb) With regard to Condition 30, the Construction Management Plan is to address the following matters:

- construction operation days/hours, with consideration for surrounding premises and residents;
- construction methodologies which ensure that the operation of west coast highway will not be impacted during construction activities;
- management of dust, noise, vibration and other construction activities;
- details of deliveries, collections and on site storage;
- workers car parking arrangements;
- traffic management, including management of all construction works traffic and all measures to minimise disruption to traffic and pedestrian movements within the vicinity of the site;
- details of all signage and fencing, including high quality site hoardings, and any gantry arrangements;
- measures to limit the impact of disturbance to the operation and amenity of surrounding buildings;
community consultation to notify surrounding premises of the works, contact
details to manage enquiries and complaints and details of complaint resolution
procedures; and
any other matters deemed appropriate by the MRA, City of Stirling or Main
Roads WA.

Construction work outside the period 7.00 am to 7.00 pm Monday to Saturday and at
any time on Sundays and Public Holidays is not permitted unless a Noise Management
Plan for the construction site has been approved in writing by the City of Stirling.

cc) The City of Stirling advises the following matters should be addressed in preparation
of working drawings and other approval required from the City:

- No permanent structures are permitted within the road widening reserves. Any
  encroaching building elements or structures must be easily removable from the
  building structure if and when required.
- All proposed stairs and ramps are to be designed to ensure that tactiles and
  handrails do not encroach into the existing or future road reserve in compliance
  with the relevant Australian Standards.
- Any landscaping or additional structures within the road widening areas are
  installed at the owner’s risk, and shall be removed at the applicant’s expense if
  and when the road widening is required.
- For all proposed works within the road reserve relating to the subject
development, a separate written approval is required from the City’s
Engineering Design Unit. Detailed civil engineering construction plans must be
submitted by a suitably qualified person for approval to the Manager of
Engineering Design or his representative. Written approval must be obtained
from the City, prior to any work occurring within the road reserve
- This approval does not constitute approval of a Crossover Permit. The applicant
  is required to make a separate application to the City of Stirling and/or Main
  Roads WA for any works located outside of the lot boundary.
- All redundant crossovers to West Coast Highway, Scarborough Beach Road and
  Filburn Street are to be removed and the verge made good at the applicant’s
  expense prior to the occupation of the development.
- Stormwater from all roofed and paved areas shall be collected and contained
  on site. Stormwater must not affect or be allowed to flow onto or into any other
  property or road reserve, including West Coast Highway. The applicant is
  advised to liaise with the City of Stirling regarding drainage design.
- The development is to comply in all respects with the Health (Public Building)
  Regulations 1992. The public building forms are to be submitted to the City of
  Stirling and an inspection is to be undertaken by the City’s Health Department
  prior to operation.
- The food premises are to comply with the Building Code of Australia, FSANZ
  Food Safety standards, the Food Act 2008 and the Australia New Zealand Food
  Standards Code.
Attachment 6 – Amended Reasons for Refusal:

1. The proposed development, having demonstrated design excellence and provision of one or more prescribed community benefits, is inconsistent sections 4.1 ‘Height’, 4.2 ‘Podium’ and 4.3 ‘Towers’ of the Scarborough Design Guidelines (the Design Guidelines), in that:
   - it exceeds the maximum permitted bonus height of 18 storeys up to 43 metres;
   - the podium height exceeds the permitted height of 3 storeys up to 11.5 metres; and
   - the proposed towers exceed the maximum floorplate dimensions of 30 x 35 metres between levels 3 and 5,

which individually and collectively result in a building of excessive bulk and scale that is inconsistent with the established and intended built form and character of the area. (Refer to Advice Note a)
Advice Notes:

a) With regard to Reason for Refusal 3, section 4.1 ‘Height’ of the Scarborough Design Guidelines permits a maximum overall building height of 12 storeys on the subject site, with potential for an additional 6 storeys (to a maximum of 18 storeys), at the discretion of the MRA, where the application demonstrates all of the following:

- Design Excellence; and
- one or more of the items identified under ‘Requirements for Additional Storeys’ in section 4.1 of the Guidelines; and
- compliance with the common and site specific controls applicable to the site.

Notwithstanding that the proposal is considered to be capable of achieving Design Excellence and meets the ‘Requirements for Additional Storeys’ in section 4.1, the overall building height of 43 storeys (158.7m) represents a significant variation as it is more than double the 18 storey limit and exceeds the maximum height above natural ground level by nearly 95 metres.

Further, the proposal does not comply with the common controls applicable to the site, under sections 4.2 ‘Podium’, 4.3 ‘Towers’ and 4.4 ‘Building Layout and Orientation’ of the Design Guidelines. The variations to these provisions, restrict the opportunity for views between the towers at the lower levels and results in greater building bulk than envisaged under the Design Guidelines.

Accordingly, the overall height, bulk and scale is inconsistent with both the existing and intended character and amenity of the area.
**Conditions and Advice Notes**

**CONDITIONS:**

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, details of which are to be provided at working drawings stage, to the satisfaction of the Metropolitan Redevelopment Authority (MRA), prior to the commencement of construction. The approved plans and documents of development are listed as follows:

<table>
<thead>
<tr>
<th>Plan / Document Name</th>
<th>Ref.</th>
<th>Date Received</th>
</tr>
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<tbody>
<tr>
<td>Basement 3 Plan</td>
<td>A2-00 (Rev 2)</td>
<td>11 June 2018</td>
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<td>Basement 2 Plan</td>
<td>A2-01 (Rev 2)</td>
<td>11 June 2018</td>
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<td>Basement 1 Plan</td>
<td>A2-02 (Rev 2)</td>
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<td>Ground Floor Plan</td>
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<td>Ground Mezzanine Plan</td>
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<td>Level 1 Mezzanine Plan</td>
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2. The design is to be amended to enhance amenity, functionality and usability of spaces in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel demonstrating:

i. all bedrooms, or rooms capable of being used as bedrooms, are provided with direct access to natural light and ventilation;

ii. improved functional relationships of internal apartment layouts;
iii. all winter gardens and balconies are provided with seamless floor level connection with the adjacent living area(s); and

iv. the external area above the balustrade or handrail of all winter gardens and balconies is to be a minimum 75% permanently open or openable. (Refer to Advice Note d)

3. The design is to be amended to incorporate natural light, outlook and ventilation to all common residential and hotel corridors to achieve design quality and enhanced amenity for residents and visitors in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel. (Refer to Advice Note e)

4. An Integrated Transport Strategy, including a Traffic and Access Management Plan, to promote and enable greater active and public transport use and an updated Traffic Impact Assessment are to be provided at working drawings stage to the satisfaction of the MRA in consultation with Main Roads WA and the City of Stirling. (Refer to Advice Note f)

5. Detailed plans of all necessary road works for the development to operate in a safe and legible manner, informed by the Integrated Transport Strategy and Traffic Impact Assessment, are to be provided at working drawings stage and are to be completed by the developer at its expense prior to the occupation of the development, to the satisfaction of the MRA in consultation with Main Roads WA and the City of Stirling, including:

   i. improvements to active and public transport infrastructure in the vicinity of the site as recommended in the Integrated Transport Strategy;
   ii. modifications to the Filburn Street / Scarborough Beach Road intersection to provide safe right turn access into Filburn Street from Scarborough Beach Road and prohibit right turn movements from Filburn Street onto Scarborough Beach Road; and
   iii. all other intersection and road reserve modifications required to provide safe and legible access to and egress from the development.

(Refer to Advice Note g)

6. The design, layout and operation of the car park, loading and delivery areas is to be amended in consultation with the MRA and the City of Stirling and supported by a Car Parking Management Plan, to demonstrate:

   i. safe vehicular access, egress, and movement within the site; and
   ii. the ability and flexibility of the design to repurpose parking spaces for alternate uses should demand for parking bays decrease in the future.

details of which are to be provided at working drawings stage, to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note h)

7. Elevations and specifications detailing high quality, durable materials, finishes and colours for the development (including colour swatches or material samples) consistent with the approved development plans, are to be provided at the working drawings stage to the satisfaction of the MRA in consultation with the MRA’s Design Mediation Panel. (Refer to Advice Note i)

8. A development contribution payment, in accordance with the Scarborough Development Contribution Plan, is to be provided at working drawings stage, to the satisfaction of the MRA. (Refer to Advice Note j)
9. A Wind Amelioration Report demonstrating acceptable environmental wind conditions in the public realm, alfresco areas, accessible areas of the podium and tower roofs and all apartment balconies/wintergardens is to be provided at the working drawings stage to the satisfaction of the MRA. (Refer to Advice Note k)

10. All building entrance levels are to be consistent with the constructed paving levels of the adjoining public realm, details of which are to be provided at working drawings stage to the satisfaction of the MRA.

11. End of trip facilities are to be provided in accordance with the Scarborough Design Guidelines, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note l)

12. A Design Review Certificate from the Green Building Council of Australia demonstrating that the proposal has been designed to achieve a minimum 5 Star Green Star rating in accordance with the MRA's Development Policy 1 – Green Building is to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note m)

13. A report and certification from the Green Building Council of Australia is to be provided within six months of practical completion of the development confirming that the building is capable of achieving 5 Star Green Star ‘as built’ rating, to the satisfaction of the MRA.

14. An Acoustic Attenuation Report and certification from a qualified acoustic consultant, confirming that the design and construction of the building will achieve an appropriate level of sound attenuation in accordance with Development Policy 3 – Sound and Vibration Attenuation is to be provided at working drawing stage to the satisfaction of the MRA. (Refer to Advice Note n)

15. A report and certification from a qualified acoustic consultant is to be submitted at practical completion stage and prior to occupation of the building, confirming that all recommendations of the Acoustic Attenuation Report integral to achieving compliance with Development Policy 3 – Sound and Vibration Attenuation, have been implemented, to the satisfaction of the MRA. (Refer to Advice Note o)

16. Public art is to be provided in accordance with the MRA’s Development Policy 4 – Providing Public Art, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note p)

17. A Signage Strategy, detailing the proposed location and size of all external signage consistent with the MRA’s Development Policy 6 – Signage, is to be submitted at working drawings stage to the satisfaction of the MRA. (Refer Advice Note q)

18. Affordable Housing is to be provided in accordance with the MRA’s Development Policy 9 – Affordable and Diverse Housing, details of which are to be provided at working drawings stage to the satisfaction of the MRA in consultation with the Department of Communities. (Refer to Advice Note r)

19. Adaptable Housing is to be provided in accordance with the MRA’s Development Policy 10 – Adaptable Housing, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note s)

20. All service areas, service related hardware and piped / wired services (such as car park gates, plant areas, fire booster cabinets, service meters, exhaust systems and air-
conditioning units) are to be designed as an integral component of the development or screened from public view, to minimise any detrimental impact on the architectural quality of the building and the public realm, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer Advice Note t)

21. Windows and glazed areas on the ground floor are not to be provided with dark or reflective tinting, visually obtrusive signage, obscured glazing or roller shutters, details of which are to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note u)

22. All exposed parapet walls or walls adjacent to boundaries are to be finished to the same standard as the remainder of the development, details of which are to be provided at working drawing stage to the satisfaction of the MRA.

23. A Venue Management Strategy for the development, including the hotel and its amenities, convention centre, restaurant/cafés, small bars and any associated alfresco dining areas, and the art gallery/viewing deck, is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling, and thereafter implemented by each venue operator. (Refer to Advice Note v)

24. A Place Management Strategy for the plaza areas and WA Coastal Experience Centre courtyard, demonstrating activated, inviting, safe and well-maintained spaces, is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note w)

25. A Landscape Plan detailing both ‘soft’ and ‘hard’ landscaping elements for the plaza area, WA Coastal Experience Centre courtyard, and podium roofs as well as effective integration of the development into the wider Scarborough Redevelopment Area and incorporating deep root zones in accordance with the requirements of the Scarborough Design Guidelines, is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note x)

26. A Lighting Strategy, detailing lighting of the building exterior and ground floor public areas to enhance building features, amenity and security is to be provided at working drawings stage to the satisfaction of the MRA. (Refer to Advice Note y)

27. A report prepared by a suitably qualified person confirming the development has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note z)

28. A report prepared by a suitably qualified person confirming the development has been designed in accordance with Universal Access principles is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note aa)

29. A Delivery and Waste Management Plan demonstrating that hotel and tenant deliveries, bin collection and waste management services can be adequately managed within the development, and without restricting general vehicle access and egress, is to be provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note bb)

30. A Construction Management Plan is to be submitted at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. (Refer to Advice Note cc)
31. A dilapidation survey of the footpaths, kerbs, roads, buildings and open space areas adjacent to the site is to be carried out and provided at working drawings stage to the satisfaction of the MRA in consultation with the City of Stirling. Any damage caused to the footpaths, kerbs, roads, buildings and open space areas is to be made good at the applicant’s expense prior to occupation of the development.
ADVICE NOTES:

a) A covering letter and six (6) copies (hard and digital/USB) of final working drawings are to be submitted to the MRA prior to an application being made for a building permit and must be cleared prior to the commencement of works onsite. Working drawings are to comply with all of the above conditions and any variations from the approved drawings are required to be clearly identified.

In accordance with section 62(3) of the Metropolitan Redevelopment Authority Act 2011 no works are to be undertaken prior to obtaining development approval or in contravention of any condition to which the approval is subject.

Upon satisfactory assessment of the working drawings, including referral to any stakeholders as required, the MRA will provide a clearance letter and copies of the plans to the City of Stirling to assist building permit assessment.

b) A building permit application is required to be submitted to the City of Stirling and approved prior to the commencement of any works on site and should include a construction management plan detailing how construction works will be managed to minimise impact on the surrounding community, including management of noise, dust, temporary parking, and delivery and storage of materials (in accordance with Condition 31 of this approval).

c) The applicant is advised of the MRA’s expectation that all required plans, elevations, technical reports, specifications and associated management plans are prepared and submitted at agreed gateway points to demonstrate throughout the remaining design phases that the proposal continues to achieve Design Excellence prior to construction.

All Management Plans, and the Integrated Transport Strategy should be prepared and submitted upfront in the early stages of design development to inform the evolution of the design and provided to the MRA prior to preparation of working drawings. The MRA seeks to work with the applicant collaboratively throughout the process of preparation of the management plans and transport strategy to ensure a mutually agreeable outcome.

d) With regard to Condition 2, the following matters should be addressed in the design amendments:

- any proposal for study areas or walk in robes with no windows will need to demonstrate a size and layout reflective of the intended use;
- Internal apartment layout should be modified to improve functionality to:
  - avoid bathroom/toilets facing onto dining areas;
  - avoid walk in robes blocking penetration of natural light into apartments;
  - separate bathrooms from bedrooms in 1-bedroom apartments;
- the enclosure of balconies with double hung windows is not considered to constitute an appropriate winter garden and does not meet the Design Guidelines requirements for private open space. Balconies and/or winter gardens should be provided with an adequate open or openable area to provide amenity and ventilation, including:
  - a minimum of 75% of the area above a 1 metre balustrade / handrail to be permanently unenclosed (balcony) or fully openable (winter garden); and
  - winter gardens to include a horizontal or vertical sliding glass system to give a 1.9m clear opening between the balustrade and soffit.

The Thermal Comfort Study prepared by Cadds Energy Group dated 14 May 2018 should be updated in response to any design changes affecting the design of the winter gardens/façade of the development.
The applicant is advised that any design modifications necessary to resolve outstanding matters will require detailed justification demonstrating that the proposal continues to achieve Design Excellence to the satisfaction of the MRA in consultation with the Design Mediation Panel. The quality of the public benefits/amenities proposed within the development, including the public parking and public spaces should also not be diminished in this regard.

e) With regard to Condition 3, in order to be eligible for additional storeys above the 12 storey base height for the site, the Scarborough Design Guidelines require Design Excellence to be achieved with (amongst other aspects) the design and layout of buildings and internal spaces to enhance the amenity of workers, residents and visitors and maximise solar access and passive ventilation.

In addition, the draft Design WA State Planning Policy and associated Apartment Design Policy require common circulation spaces to achieve amenity through access to daylight and natural ventilation.

Accordingly, natural light should be provided to all communal corridors including the north-western hotel corridor on level 3.

f) With regard to Condition 4, under the MRA’s Scarborough Redevelopment Scheme and Design Guidelines, development is required to demonstrate a design response aimed at encouraging alternative transport modes, in order to support a sustainable and pedestrian-friendly movement network. As such, an Integrated Transport Strategy is required to demonstrate how residents, staff and visitors will access the development prioritising a mix of public transport patronage and active transport modes (walking and cycling), and providing for car share / ride share schemes.

The Integrated Transport Strategy should inform the preparation of a revised Traffic Impact Assessment, which should also address the following outstanding matters:

- comprehensive assessment of all traffic impacts and outcomes resulting from the development, including safety, site access and parking management;
- assessment of opening year vehicle impacts on intersections including Filburn Street /Scarborough Beach Road; and
- assessment of the impact of traffic on Filburn Street and other local streets commensurate with their status of ‘Access Streets’.

The Traffic Impact Assessment (Cardno, 18 May 2018) identifies that the intersection of Filburn Street and Scarborough Beach Road will be impacted by the development, and would rely on ‘courtesy gaps’ in westbound traffic in peak periods for right-out movements. As such, an appropriate configuration of this intersection should be agreed with the City of Stirling to ameliorate traffic and safety issues.

g) With regard to Condition 5, in accordance with the conclusions of the Integrated Transport Strategy and updated Traffic Impact Assessment, all road upgrades required for the development to integrate with the surrounding road, cycle and footpath network and to operate in a safe and legible manner, are required to be funded by the applicant and delivered prior to the occupation of the development.

h) With regard to Condition 6, the Car Parking Management Plan is to include details on

- effective and safe management of traffic movements to, from and within the internal car parking areas, consistent with Condition 4;
• traffic management techniques for the development, including any additional management measures for special events (such as those to be held within the convention centre);
• the dimensions of all car parking bays, loading bays, vehicle entrances, crossovers, aisle widths and circulation areas complying with AS 2890.1;
• allocation of car parking bays to the specific non-residential uses within the development in accordance with Condition 4 and the minimum requirements under section 5.2 of the Scarborough Design Guidelines;
• allocation of residential car parking bays to specific residential dwellings up to a maximum average of 1.296 bays per dwelling, being a total of 407 residential bays;
• provision of a minimum of 100 public car parking bays within the development, to be maintained as such in perpetuity.
• identification and management of ACROD bays, and accessible bays in accordance with the MRA’s Development Policy 10 – Adaptable Housing;
• identification of the shared car scheme parking bays and further details of the management of the scheme including details of the shared car provider, resident/visitor marketing and booking systems;
• identification of parking, loading, delivery and waste management areas in accordance with the Delivery and Waste Management Plan; and
• identification of clear, safe and accessible pedestrian paths through car parking and delivery areas;
• identification and management of public parking bays, including wayfinding signage and electronic signage to prominently advise motorists of the number of available bays before entering the development;
• sufficient provision of drop off bays/areas for use by taxi, and other vehicle pick up services, tourist coach vehicles, and deliveries associated with the hotel, convention centre and food and beverage uses;
• ventilation of car parking areas in accordance with Australian Standard AS 1668.2; and
• amendments to the car park design to ensure the following:
  o width of aisle(s) between perpendicular parking spaces and motorcycle parking bays opposite to be a minimum 6300mm (AS2890.1 sec 2.4.4 (b) (iii));
  o all tandem bays increased to min 10.8m in length; and
  o incorporation of additional turnaround bays and truncations to assist with manoeuvring and safety.

All car parking bays are to be marked/signed and operated in accordance with the approved Car Parking Management Plan.

Any ‘paid parking’ provision established within the development should consist of parking time restrictions to ensure vehicle turnover occurs and consist of an initial free period to encourage its use by the public.

i) With regard to Condition 7, further details and information, including final specifications and samples, are to be provided for all external elevations, demonstrating high quality and durability of materials has been maintained (or enhanced) from development application stage through to working drawings and construction.

The façade detail, materials and finishes are to meet, or exceed, the benchmark quality identified in the approved development plans, to ensure the development is commensurate with the achievement of Design Excellence. Consideration should also be given to minimising reflectivity of external glazing and maximising light transmission through winter garden glazing to apartments.
j) With regard to Condition 8, the development contribution payment is calculated on the total developable site area (excluding areas required to be ceded for road widening or otherwise) and maximum ‘base height’ permitted to be delivered on the site, in accordance with the following table and Schedule 2 – Maximum Building Heights Plan in the Scarborough Development Contribution Plan.

The contribution payable for the site is calculated at $734,366.68, based on an estimated developable site area of 7,276 m² and permitted maximum base building height of 12 storeys.

<table>
<thead>
<tr>
<th>Maximum Building Height (Base)</th>
<th>Cost ($/m²)</th>
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<tbody>
<tr>
<td>2 storeys / 8 metres</td>
<td>$16.82</td>
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<tr>
<td>3 storeys / 11.5 metres</td>
<td>$25.23</td>
</tr>
<tr>
<td>4 storeys / 15 metres</td>
<td>$33.64</td>
</tr>
<tr>
<td>8 storeys / 29 metres</td>
<td>$67.29</td>
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<tr>
<td><strong>12 storeys / 43 metres</strong></td>
<td><strong>$100.93</strong></td>
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k) With regard to Condition 9, wind amelioration strategies are to be integrated into the building design, detailing and function. The use of wind break ‘add-ons’ such as screens and physical barriers are not supported as these are considered to obstruct visual and physical permeability of the public realm and limit the integration and activation of the ground floor land uses.

l) With regard to Condition 11, end of trip facilities are to be provided in accordance with Part 5.3 of the Scarborough Design Guidelines including adequate cycle parking, showers and lockers in an accessible location with safe access to such facilities demonstrated.

The MRA will consider the incorporation of a wall mounted bicycle rack within each individual residential store in lieu of a communal resident bike store in recognition of the storage requirements, consistent with the draft State Planning Policy - Design WA.

m) With regard to Condition 12, the development application has committed to the achievement of a minimum 5 star green star rating from the Green Building Council of Australia (GBCA) in accordance with the section 4.1 of the Scarborough Design Guidelines, over and above the requirement under Development Policy 1 – Green Building on Tier 2 sites to be designed and built to achieve a minimum 4 Star Green Star rating. All buildings are to be designed to comply with the redevelopment objective of enhancing environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology.

In particular the design, construction and operation/management of the building and associated areas of public open space should demonstrate a “whole of site” approach to sustainable design and address, as a minimum:

- water efficiency;
- strategies to minimise potable water usage through rain water capture and reuse and/or waste water recycling;
- energy efficiency and energy efficient fixtures and appliances; and
- a naturally comfortable indoor environment including access to natural light and ventilation as well as thermal comfort levels.
n) With regard to Condition 14, the applicant is advised that the report is to certify that the construction of the building will achieve an appropriate level of sound attenuation in accordance with Development Policy 3 – Sound and Vibration Attenuation. The report should address (amongst other issues):

- potential impacts and mitigation of noise and vibration from West Coast Highway and Scarborough Beach Road; and
- mechanical service systems (such as car park and restaurant exhaust systems and air conditioners) to be designed and located to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997.

o) With regard to Condition 15, the certification submitted at practical completion stage should include results of onsite testing to confirm appropriate levels of sound attenuation/mitigation have been achieved.

p) With regard to Condition 16, the provision of public art is to be in accordance with Development Policy 4 – Providing Public Art, with a minimum contribution, either as public art or cash-in-lieu, of $1.5million based on the development value of $250 million.

The applicant is encouraged to discuss the approach to public art with the MRA’s Urban Design Directorate and the City of Stirling prior to preparing working drawings.

q) With regard to Condition 17, the Signage Strategy should provide an indicative plan of all proposed signage (including wayfinding signage) outlining the locations and dimensions, demonstrating that such signage will be complementary to the architectural design and character of the buildings and not obscure architectural detail and materiality.

The MRA’s Development Policy 6 – Signage requires signage to demonstrate restraint in scale, size and collective amount of signage installed, in order to minimise visual clutter, protect amenity, and support a safe, attractive and legible public realm. All signs and advertising is to relate to the development and is not to include third party commercial advertising.

A separate development application will be required for all signage and lighting visible from or with the potential to impact the operation of West Coast Highway.

r) In relation to Condition 18, the applicant is advised:

- consistent with the approved development plans, 37 affordable housing units (12% of the total number of dwellings) are to be provided within the development and maintained in perpetuity, in compliance with Development Policy 9 - Affordable and Diverse Housing;
- the affordable housing units are to be sold by the developer to the Department of Communities (or alternative housing provider approved by the MRA) at construction cost (based on the MRA’s construction cost chart dated July 2016), at the time of practical completion of the development;
- a restrictive covenant is to be registered against the certificates of title of the relevant affordable housing units (the subject units are to be identified on the working drawings) restricting the use of the units for affordable housing in perpetuity pursuant to section 129BA of the Transfer of Land Act 1893; and
- the restrictive covenant is to be prepared at the applicant’s expense and must be executed in registrable form prior to the clearance of working drawings to the satisfaction of the MRA. A template document is available from the MRA, which
is to be completed by the applicant and reviewed by its lawyers prior to submission; and

- a draft strata plan and management statement is to be prepared at the applicant’s expense and provided at working drawings stage demonstrating how ongoing costs of the affordable housing units will be minimised including but not limited to:
  - minimising unit entitlements; and
  - restricted access to common amenity areas (with potential to opt in).

s) With regard to Condition 19, a report and associated documentation is to be provided demonstrating that 20% of the total number of dwellings delivered as part of the development conform to the Core Liveable Housing Design Elements outlined in the MRA’s Development Policy 10 – Adaptable Housing.

It is recommended the applicant consider registering a notification on the strata title of each adaptable dwelling to alert current and future prospective purchasers and owners that the dwelling is designed and constructed as an adaptable dwelling.

t) With regard to Condition 20, services and service related infrastructure includes but is not limited to all piped and wired services, car parking areas, roof plant / plant areas, bin storage areas, service meters and related infrastructure, fire booster cabinets, exhaust systems, air-conditioning units, antennae and satellite dishes.

Car park entry doors, service and plant areas, and service infrastructure are to be integrated into the development in a manner that does not undermine the overall architectural quality. Details to be provided at working drawings stage should include material treatment, finishes and detailing that is consistent with the remainder of the façade, to ensure the design quality of the development is not compromised.

The applicant is advised to liaise with service authorities to rationalise and consolidate service infrastructure, where possible.

u) With regard to Condition 21, protection of windows from the sun or privacy screening, should be achieved through architectural devices, passive solar design and appropriate glazing specifications, rather than through reflective glazing, coatings or roller shutters/security blinds.

Samples and specification details demonstrating the non-reflective finish and solar performance of all proposed glazing is required to confirm compliance with this condition.

The Thermal Comfort Study prepared by Cadds Energy Group dated 14 May 2018 should be updated to reflect any changes to the glazing specifications.

v) With regard to Condition 23, the Venue Management Strategy is intended to provide guidance for all future tenancies and may inform the development of individual Venue Management Plans as required. The Strategy is to include, but not be limited to the following:

- hours of operation;
- types of proposed liquor licences;
- location of service/back of house areas for each the market hall tenancies, ensuring an active interface between the tenancies and the street is maintained;
- any proposed entertainment or music, including noise attenuation reports and plans for any premises proposing live music, amplified music or other entertainment with noise levels above ordinary background music;
• management of noise and patron behaviour to minimise adverse impacts on residents within the development and the locality;
• ongoing management of the art gallery/viewing deck as a publicly accessible facility including measures for equitable access to the general public in terms of cost, availability, opening hours and security;
• details of the hotel operator, security measures for hotel guests, and location and times for hotel deliveries, waste collection and laundry services;
• details of hotel management of drop-off bays, including any traffic management, valet or concierge services;
• alfresco management, including location of alfresco, proposed structures and furniture, wind impact management, operating times, alcohol service and any music/entertainment;
• management and maintenance of the swimming pools/spas; and
• any other matters deemed appropriate by the MRA.

w) With regard to Condition 24, the Place Management Strategy is to include, but is not limited to the following:
• Details of measures to maintain ongoing public access to the central, eastern and western plaza spaces and the public access thoroughfare proposed inside the lot boundary along the Scarborough Beach Road frontage, in perpetuity;
• the role and function(s) of the central plaza area and other public spaces, and how these complement, as opposed to compete with or replicate, the activation of the wider Scarborough area;
• detail of how each public space has been designed to accommodate the intended functions and activation of the space, including the flexibility of the space to operate as an area to provide shade and shelter, a transient space and an event space;
• details of the ongoing tenure, management and programming of these spaces to ensure the public spaces remain of high quality and publicly accessible;
• details of all infrastructure in the plaza area and surrounds, including fixtures and fittings to enable installation of lighting and sound equipment and any other event related structure(s);
• details of security measures to support the intended functions and activation of the public spaces;
• details of any alfresco areas provided for ground floor restaurants/cafes;
• details of the ongoing maintenance, management and security of the public spaces including measures for equitable access to the general public;
• integration of wind amelioration strategies into the plaza design to ensure pedestrian comfort as a stationary, transient and event space;
• details of permanent and occasional seating fixtures;
• provision of adequate storage in close proximity to the plaza to ensure bump-in and bump-out of events with minimal disruption to the public realm and operation of the development generally; and
• loading details to ensure the car park has the capacity to accommodate additional loadings associated with events within the plaza area.
• any other matters deemed appropriate by the MRA.

x) With regard to Condition 25, the Landscape Plan should include (but not be limited to):
• details of the how the landscape design, materials, plantings and levels will effectively integrate with the adjacent public realm;
• existing and proposed site levels and provision of universal access;
• species, sizes and types of plantings;
• reticulation to plantings including rain/grey water capture and re-use;
- paving, kerbs and other surface treatments;
- details of materials and finishes of the hotel drop off area;
- seating, lighting, shade structures and other hard infrastructure;
- integration of public art;
- necessary area allowance for the tree root pits in the basement; and
- details of ongoing management and maintenance.

The Landscaping Plan should be informed by the Place Management Strategy.

Due to the development size, the owner should be responsible for the maintenance of all verge paving, furniture, landscaping outside the development, in accordance with a maintenance agreement with the City of Stirling, to the satisfaction of the City.

y) With regard to Condition 26, the Lighting Strategy is to:

- include a plan which illustrates how the building will be illuminated to highlight architectural elements, to provide an attractive building at night;
- demonstrate how lighting and safe access will be provided between the development and the public realm and within loading areas and pathways; and
- be designed to comply with Australian Standard 1158 (Public Lighting Code) and Australian Standard 4282 (Control of the Effects of Outdoor Lighting) in order to ensure that any nuisance light to adjoining properties and to passing vehicular traffic are controlled to an acceptable level.

Static aircraft hazard lighting should be provided in lieu of flashing beacons, in order to reduce traffic safety distractions for motorists and water craft.

z) With regard to Condition 27, the CPTED Report is required to include locations, specifications, coverage and management responsibilities of CCTV cameras on the building façade and in the public realm. The CPTED Report should inform the Landscape Plan, Place Management Strategy and Lighting Strategy.

aa) With regard to Condition 28, the applicant is advised that the development is to comply with the requirements of Part D3 of the Building Code of Australia (Access for People with Disabilities) and Australian Standard 1428.1 and the Disability Discrimination Act 1992.

bb) With regard to Condition 29, the Delivery and Waste Management Plan is to ensure all deliveries and collections occur within the car park for the hotel, residences and all tenancies, including the provision of adequate loading, storage and vehicle manoeuvring space for such functions. The Plan is to include the following:

- proposed management regime to facilitate controlled access and egress to the car park, consistent with the Car Parking Management Plan required under Condition 6 above.
- demonstrate provision of a direct service access route between the lower levels and the bin store areas on level 2. The exiting waste strategy which relies on waste from ground and first floor tenancies being ferried a significant distance through shared/public spaces for collection is not considered to represent an appropriate outcome.
- demonstrate the provision of adequate loading bays to cater for likely volume of service deliveries for the development. The single loading zone area on level 2 proposed for use by the 26 food and beverage/retail tenancies as well as the hotel/convention centre, is considered insufficient to cater for the likely demand.
The applicant is advised to liaise with the City of Stirling regarding the City’s standards for waste management plans.

cc) With regard to Condition 30, the Construction Management Plan is to address the following matters:

- construction operation days/hours, with consideration for surrounding premises and residents;
- construction methodologies which ensure that the operation of west coast highway will not be impacted during construction activities;
- management of dust, noise, vibration and other construction activities;
- details of deliveries, collections and on site storage;
- workers car parking arrangements;
- traffic management, including management of all construction works traffic and all measures to minimise disruption to traffic and pedestrian movements within the vicinity of the site;
- details of all signage and fencing, including high quality site hoardings, and any gantry arrangements;
- measures to limit the impact of disturbance to the operation and amenity of surrounding buildings;
- community consultation to notify surrounding premises of the works, contact details to manage enquiries and complaints and details of complaint resolution procedures; and
- any other matters deemed appropriate by the MRA, City of Stirling or Main Roads WA.

Construction work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling.

dd) The City of Stirling advises the following matters should be addressed in preparation of working drawings and other approval required from the City:

- No permanent structures are permitted within the road widening reserves. Any encroaching building elements or structures must be easily removable from the building structure if and when required.
- All proposed stairs and ramps are to be designed to ensure that tactiles and handrails do not encroach into the existing or future road reserve in compliance with the relevant Australian Standards.
- Any landscaping or additional structures within the road widening areas are installed at the owner’s risk, and shall be removed at the applicant’s expense if and when the road widening is required.
- For all proposed works within the road reserve relating to the subject development, a separate written approval is required from the City’s Engineering Design Unit. Detailed civil engineering construction plans must be submitted by a suitably qualified person for approval to the Manager of Engineering Design or his representative. Written approval must be obtained from the City, prior to any work occurring within the road reserve.
- This approval does not constitute approval of a Crossover Permit. The applicant is required to make a separate application to the City of Stirling and/or Main Roads WA for any works located outside of the lot boundary.
- All redundant crossovers to West Coast Highway, Scarborough Beach Road and Filburn Street are to be removed and the verge made good at the applicant’s expense prior to the occupation of the development.
• Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve, including West Coast Highway. The applicant is advised to liaise with the City of Stirling regarding drainage design.

• The development is to comply in all respects with the Health (Public Building) Regulations 1992. The public building forms are to be submitted to the City of Stirling and an inspection is to be undertaken by the City's Health Department prior to operation.

• The food premises are to comply with the Building Code of Australia, FSANZ Food Safety standards, the Food Act 2008 and the Australia New Zealand Food Standards Code.

ee) With respect to the approved hotel use, the hotel rooms are not to be sold as individual strata lots to investors under a Managed Right Scheme or alternative sale process where owners have the right to opt out of a management agreement with a hotel operator. This would allow private use, or at least private rental of rooms and can significantly undermine the guest experience and therefore the viability of the hotel operator.
The Scarborough Master Plan and MRA’s Scarborough Redevelopment Scheme were the result of extensive community engagement so why did MRA consider a development application that is so different from the existing guidelines?

The legislation under which MRA operates allows for the consideration of development applications which - whilst they may not meet all items specified in the design guidelines - do provide additional benefits to the community and catalyse future development and investment in the area.

MRA’s multi-disciplinary and experienced team facilitates a thorough process when assessing development applications including encouraging the local and wider community to express their views.

Early engagement with the community is an integral part of the MRA’s approach to urban redevelopment and is essential in setting a future vision for the redevelopment area. The planning framework provides a guide for development with discretionary powers utilised to ensure that long-term delivery continues to meet market demand, match community sentiment and accommodate for growth.

MRA has received feedback for and against development in Scarborough and the Iconic Scarborough proposal in particular has revealed a notable shift towards more intense development over the past three years.

Is the Scarborough Master Plan still relevant?

Yes. The Master Plan captures important concepts and aspirations for Scarborough. It provides a base framework from which to build and is intended to guide future development in the area.

Are there any plans to review development guidelines for Scarborough?

Scarborough’s planning framework will be reviewed periodically to ensure it is still aligned with broader State planning objectives, community aspirations and presents opportunities that optimise Scarborough’s coastal features, heritage and its tourism, commercial, residential and cultural potential.

Has there been sufficient opportunity for the community to have their say on the proposal?

Yes. Public comment has been sought twice on the proposal and MRA has actively sought feedback from a number of stakeholders and interested parties.

All comments received have been carefully considered, along with expert design advice, to inform the MRA’s planning assessment report which was then made available to the Scarborough Land Redevelopment Committee (LRC). Membership of the LRC includes
representatives from the City of Stirling and others with expertise in tourism, planning and urban renewal.

All 1,445 community members who made a submission during the most recent public comment period were also afforded an opportunity to speak at the Scarborough LRC meeting. On 19 June 2018, the LRC received 25 public deputations (five in support and 20 against the recommendation) from local residents, industry and community groups in relation to the proposed development.

The MRA also received a number of petitions which were noted as part of the community and stakeholder feedback.

What weight does the MRA put on community opinion?

Within our redevelopment areas, it is invariably a case of looking not only at local community opinion, but the wider community too – and balancing what are often competing views or interests.

MRA’s role is to consider the issues, concerns and benefits of each submission on its own merits as part of a much bigger decision-making process.

All development applications are assessed against six key objectives in respect to the broader redevelopment area, including to achieve a sense of place, enhance connectivity, enhance environmental integrity, promote social inclusion, economic wellbeing and urban efficiency.

The MRA’s progressive assessment approach ensures development proposals – particularly for key, strategic sites with unique features – are considered in the context of city planning and in line with the State Government’s strategic planning direction.

I am a Scarborough local, are my comments considered differently to community members that live outside the area?

All public comments are reviewed and considered individually. MRA’s planning assessment takes into consideration the views of the local and wider community and also how a proposal relates to the local amenity and responds to the surrounding character of an area.

How is the proposal considered to be consistent with the vision for Scarborough?

The City of Stirling and MRA invested $100million to transform the foreshore into a landmark beachfront destination to attract local, interstate and international visitors and encourage private investment.

Private investment attraction is fundamental to the success of the redevelopment area. With improved community facilities and public amenity, the investment potential for key sites is significantly improved and consequently will provide additional housing, retail, hospitality and tourism options for Scarborough.

The Iconic Scarborough proposal delivers a bold opportunity in terms of tourism, entertainment and vibrancy, and serves as a catalyst for more economic and social activity in this important tourism precinct.
Does the proposal set a precedent for future development at Scarborough and other coastal areas?

No, each development application is assessed on its individual merits in the context of the surrounding amenity, community sentiment and strategic value of the location.

Will the increase in building heights turn Scarborough into the Gold Coast?

No – far from it.

The Gold Coast's tallest buildings range between 65 and 80 storeys. Only a very limited number of sites within the Scarborough Redevelopment Area can support large-scale development restricting the potential to reflect Gold Coast-style development.

Who is responsible for overseeing construction on the site?

The developer is ultimately responsible for overseeing construction activities. All developers are required to submit comprehensive construction, traffic, noise and environmental management plans to MRA as a condition of approval prior to works commencing.

MRA works with local government authorities, other State Government agencies and developers to ensure the necessary processes are in place and adhered to. This is a process that will be closely monitored by the MRA during design and construction to ensure that a quality outcome is achieved and to minimise disruption to the local community wherever possible.

MRA also ensures developers adhere to a robust communications strategy which gives site neighbours and the local community sufficient information about upcoming works, and a means to communicate with the developer with regards to concerns and enquiries during the construction period.

Who is responsible for the management and planning for traffic and transport in Scarborough?

Managing and planning for traffic and transport in Scarborough is a joint local and State Government effort with a number of different agencies involved.

Under the direction of the Minister for Planning and Transport, a Traffic and Transport Working Group has been convened and has been meeting regularly to consider future transport requirements for Scarborough.

What are the next steps for this development?

A Directions Hearing at the State Administrative Tribunal remains open and is scheduled for 6 July 2018. The outcome of that hearing will determine the next steps.
Pursuant to orders made by the State Administrative Tribunal, the Board has reconsidered the revised development application submitted by Hillam Architects for a proposed 43 storey mixed-use development at Lot 601 (No. 10) Scarborough Beach Road, Lot 43 (No. 206) West Coast Highway and Lot 86 (No. 45) Filburn Street, Scarborough. The Board set aside its decision of 7 December 2017, rescinding the decision to refuse the development application and substituted it by granting development approval of the revised development application, subject to conditions and advice notes.

The Board in arriving at its decision to approve the revised development application, in addition to the matters described in the Management Report, gave regard to:

- the provisions of section 66 of the Metropolitan Redevelopment Authority Act 2011;
- submissions received in relation to the revised proposal;
- the recommendation by the Scarborough Land Redevelopment Committee that the Board approve the revised Development Application;
- significant improvements in design matters reflecting the Design Mediation Panel’s endorsement of the design achieving Design Excellence, which has led to improvements with the podium and ground level interface with the public domain, a reduction in the overall development yield (including gross floor area) to a level more in keeping with the existing planning framework, and a consequent reduction in car parking to reduce the impact on traffic;
- the vision and objectives for the Scarborough Redevelopment Area as articulated in the Scarborough Redevelopment Scheme;
- Scarborough’s role as an Activity Centre under Perth and Peel@3.5million with medium to high density residential, commercial and tourism development; and
- the requirements of orderly and proper planning in its decision making process to ensure the revised development is consistent with the Scarborough Redevelopment Scheme and meets the design intent.

The decision was accompanied by these documents:
- Report Special Board Meeting June 2018.
- Attachment 1 architectural drawings proposed 43-storey mixed-use development.
- Conditions and Advice Notes – 43-storey mixed-use development Scarborough.
- FAQs 43-storey mixed-use development Scarborough.
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