



Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 3 May 2012 at 5:30pm
Meeting Number: 5
Meeting Venue: City of Fremantle Council Chambers
1st Floor, 8 William Street, Fremantle

Attendance

DAP Members

Mr Neil Foley (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Richard Smith (City of Rockingham Local Government Member – Item 8.1)
Cr Joy Stewart (City of Rockingham Alternate Local Government Member – Item 8.1)
Cr Andrew Sullivan (City of Fremantle Local Government Member – Item 8.2)
Cr Josh Wilson (City of Fremantle Local Government Member – Item 8.2)

Officers in attendance

Mr Stephen Ferguson (Department of Planning)
Mr Ross Underwood (Senior Planning Officer, City of Rockingham – Item 8.1)
Mr Mike Ross (Manager Statutory Planning, City of Rockingham – Item 8.1)
Mr Bob Jeans (Director Planning & Development Services, City of Rockingham – Item 8.1)
Ms Sharon Peacock (Senior Planning Administration Officer, City of Rockingham – Item 8.1)
Ms Natalie Martin Goode (Manager Statutory Planning, City of Fremantle – Item 8.2)
Mr Steve Sullivan (Coordinator Planning Mediation, City of Fremantle – Item 8.2)

Local Government Minute Secretary

Mrs Tanya Toon-Poynton (City of Fremantle)

1. Declaration of Opening

The Presiding Member, declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

2. Apologies

3. Members on Leave of Absence

4. Noting of Minutes

Minutes of the Metro South-West JDAP meeting 4 held on the 27 April 2012 not yet available at time of agenda preparation.

5. Disclosure of Interests

Member/Officer	Report Item	Nature of Interest
Mr Neil Foley	8.1	Impartiality
Ms Rachel Chapman	8.2	Impartiality

6. Declarations of Due Consideration

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

7. Deputations and Presentations

7.1 Presentation by Mr Peter Simpson, TPG Town Planning Urban Design and Heritage (Applicant) for item 8.1 concerning amendments to conditions.

7.2 Presentation by Mr Ray Haeren, Urbis Pty Ltd (Applicant) for item 8.2 concerning planning to conditions.

8. Responsible Authority Reports

8.1 Application Details: Proposed Four-Storey Mixed Use Development Fronting onto Malibu Road (38 Multiple Dwellings, 12 Short Stay Accommodation Units, Restaurant, 4 Shop/Office Tenancies, 139 Car Parking Spaces and 7 On-Street Car Parking Spaces)

Property Location: Lot (No. 434) and Lots 1-5 on Strata Plan 11787 (No. 432) Safety Bay Road, Safety Bay

Applicant: TPG Town Planning and Urban Design

Owner: 434 Safety Bay Road Pty Ltd

Responsible authority: City of Rockingham

Report date: 23 April 2012

DoP File No: DP/12/00130

8.2 Application Details: Proposed Three – Six Storey, Mixed Use Development with Basement Car Parking

Property Location: Lot 348 (No. 11) Queen Victoria Street, Fremantle

Applicant: Urbis Pty Ltd

Owner: Ms Leonie McLeod for Ms Mary Christine Hennessey

Responsible authority: City of Fremantle

Report date: 19 April 2012

DoP File No: DP/12/00213

9. Amending or cancelling DAP development approval

Nil.

10. Appeals to the State Administrative Tribunal

Nil.



City of Rockingham Report
(Regulation 12, 17)

Proposed Four-Storey Mixed Use Development Fronting onto Malibu Road (38 Multiple Dwellings, 12 Short Stay Accommodation Units, Restaurant, 4 Shop/Office Tenancies, 139 car parking spaces and 7 on-street car parking spaces) – Lot 1 (No.434) and Lots 1-5 on Strata Plan 11787 (No.432) Safety Bay Road, Safety Bay

DAP Name:	South West Metropolitan JDAP
Applicant:	TPG Town Planning and Urban Design
Owner of Property:	434 Safety Bay Road Pty Ltd
LG Reference:	28/0456-15; 20.2012.24.1
Reporting Agency:	City of Rockingham
Authorising Officer:	Mr Mike Ross, Manager Statutory Planning
Application No and File No:	20.2012.24.1 and 28/0456-15
Report Date:	23rd April 2012
Application Receipt Date:	24th January 2012
Application Process Days:	90 days
Attachment(s):	1a – Letter from TPG dated 29 March 2012 1b – Amended Development Plans received on 29 March 2012 1c – Addendum to Transport Assessment received 29 March 2012 2 – Amended Master Plans for Basement Level and Ground Floor Level and Amended Ground Floor Level Plan received on 23 April 2012 3 – Schedule of Submissions 4 – City’s Letter dated 22nd March 2012 5 – City’s Design Guidelines

Recommendation:

That the South West Metropolitan Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference 12/00130 and amended plans received on 29th March 2012, in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:
 1. This Approval shall be subject to further amendments being made to the submitted plans generally in accordance with the amended Master Plan for the basement level and ground floor level received on the 23rd April 2012 as follows:-
 - a) Delete the basement vehicle access ramp onto Malibu Road;
 - b) Provide a new basement vehicle access point near the southern corner of the proposed building, and provide a connection to the existing carpark;

- c) Relocate the bin store to the south western side of the building, and include a new service road to provide vehicle access to the bin storage area;
 - d) Convert the existing bin store to short stay accommodation units;
 - e) Alter the size, shape and frontage of the end shop/office tenancies; and
 - f) Convert the on-street waste truck space to a regular on-street car parking space.
2. Arrangements shall be made for the payment of financial contributions to the City of Rockingham for the development and administration of community infrastructure identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit - Certified.
 3. Earthworks shall be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.
 4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to the issue of a Building Permit - Certified, and works being undertaken prior to the occupation of the development.
 5. The existing carpark between the proposed development and the existing commercial building on Strata Plan 11787, shall be upgraded in accordance with the following requirements:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit – Certified;
 - (ii) include two car parking space(s) dedicated to people with disabilities and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Car parking for people with disabilities*;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (iv) have lighting installed, prior to the occupation of the development.
 6. Eight on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, prior to the issue of a Building Permit - Certified.
 7. Bicycle Parking and end-of trip facilities shall be provided in accordance with the City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.

8. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to occupation of the development.
9. The development shall be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
10. Clothes drying facilities (excluding electric clothes dryers) shall be designed for each Multiple Dwelling, screened from public view, prior to applying for a Building Permit - Certified.
11. Entries and window frontages facing the street of tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
12. Street verandahs shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street verandah.
13. A Schedule of colours and texture of building materials, demonstrating that the proposed development complements the surrounding area, shall be provided, prior to applying for a Building Permit - Certified.
14. An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and with a door that accesses either communal space or a car parking space allocated to the same unit, shall be designed for each Multiple Dwelling, prior to applying for a Building Permit - Certified.
15. The Shop/Office tenancies are approved for the use of both a 'Shop' and 'Office' land use.
16. All Multiple Dwellings are approved for both permanent and Short Stay accommodation.
17. A Management Statement shall be prepared for the Multiple Dwellings and Short Stay Accommodation, detailing the proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors to the satisfaction of the City of Rockingham, prior to applying for a Building Permit - Certified.
18. The balconies of Units 12, 25 and 37 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of survey strata lots proposed by the current subdivision application on the land (WAPC Ref: 66-12) within 7.5m of the balconies, prior to the issue of a Building Permit - Certified.
19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to the issue of a Building Permit - Certified.

20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit - Certified:

- (i) the location of bin storage areas and bin collection areas;
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan for the duration of development.

21. Arrangements shall be made for the provision of pedestrian crossing facilities (including a refuge island) on Malibu Road between the development site and Waikiki Road, prior to occupation of the development.

22. The existing commercial building and advertisements on 432 Safety Bay Road shall be upgraded to an equivalent maintenance standard of buildings in the locality (including the proposed Mixed Use development), and the upgrading works completed prior to the occupation of the development.

23. An Acoustic Report shall be provided demonstrating that the development will comply with the *Environmental Protection (Noise) Regulations 1997*, particularly with regard to the following, and the development designed to incorporate the recommendations of the acoustic report, prior to applying for a Building Permit - Certified:

- mechanical ventilation, air conditioning and plant equipment;
- soundproofing against noise transmission between units;
- soundproofing against noise from the existing service station and car vacuum bay at 430 Safety Bay Road; and
- soundproofing against noise transmission from the commercial units to the residential units within the development.

24. External fixtures, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from Malibu Road.

25. Arrangements shall be made for the lot boundary between Strata Plan 11787 and Lot 1 Safety Bay Road to be realigned to ensure the approved development does not encroach over lot boundaries, meets fire separation requirements and provides for right of access to the surface-level carpark, prior to applying for a Building Permit - Certified.

26. The development shall be designed to incorporate a rear door to the Restaurant tenancy for access to the service corridor, to facilitate direct access to the bin store.

Footnotes

- (a) This approval shall expire if development is not substantially commenced within two years of the date of this approval.
- (b) All advertisements associated with the proposed development will require approval under the *City of Rockingham Signs, Hoardings and Bill Posting By-law*; contact the City's Building Services for more information.
- (c) The applicant is reminded of the need to obtain approval from the Executive Director of Public Health at the Department of Health prior to the installation of the pools and spa; contact the City of Rockingham's Health Services for more information.
- (d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the *Local Government (Miscellaneous Provisions) Act 1960*; contact the City's Building Services for more information.
- (e) The car parking requirement for this development has been calculated as 129 car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of 139 car parking spaces which meets the minimum car parking requirement and is deemed acceptable.
- (f) In relation to Condition 7, the bicycle parking shall be designed with the following:
- The doorway to the basement bicycle compound shall have a minimum width of 1.5m; and
 - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from the on-street car parking spaces.
- (g) In relation to Condition 14, Store 2 shall be designed such that the door is oriented to the accessway and not the accessible car parking space.
- (h) The applicant is encouraged to investigate energy efficiency and water efficiency devices that may be cost effective to install within the development.
- (i) The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park gophers within the carpark basement.
2. **Advise** the applicant and the City of Rockingham of its decision accordingly.

Background:

Table 1 - Background

Property Address:	432-434 Safety Bay Road, Safety Bay	
Zoning	MRS:	Urban
	TPS:	Commercial
Use Class:	Multiple Dwellings, Short Stay Accommodation, Office, Shop, Restaurant	
Strategy Policy:	Community Plan (2011)	
Development Scheme:	City of Rockingham Town Planning Scheme No.2	
Lot Size:	2.5851ha	
Existing Land Use:	432 Safety Bay Road - Commercial Building, 434 Safety Bay Road - Vacant	
Value of Development:	\$10.5 million	



Figure 1 - Location Plan



Figure 2 - Aerial Photo



Figure 3 - Malibu Road view towards coast

The subject site was used for over 45 years as a hotel and motel, known as the “Waikiki Hotel”. The hotel and motel complex was demolished three years ago.

432 Safety Bay Road includes a strata building constructed in 1983 with five Shop tenancies. One tenancy is currently occupied by a Shop (Beachfront Supa Deli); the other four tenancies are vacant. The building has been repainted recently but is in a degraded condition.



Figure 4 - Existing Shops on 432 Safety Bay Road

Since 2007, the Council has issued three Planning Approvals for Mixed Use developments on the subject site, as follows:

(i) In September 2007, the Council issued Planning Approval for a Mixed Use development on 434 Safety Bay Road, comprising:-

- 121 Multiple Dwellings;
- Tavern;
- Shops (liquor store, betting agency, deli and retail tenancy);
- Restaurant;
- Recreational facilities;
- 437 car parking spaces; and
in two buildings (one five storeys and one eight storeys); and
- 44 Grouped Dwellings.

432 Safety Bay Road was not affected by this approval.

(ii) In September 2009, renewal of the 2007 Planning Approval was issued by the City. The proponent (Saville) went into receivership and the development was not substantially commenced. This Planning Approval has since expired.

(iii) In December 2010, the Council issued Planning Approval for a Mixed Use development on 432-434 Safety Bay Road comprising:-

- 387 Multiple Dwellings and Short Stay accommodation;
- Tavern;
- Betting agency;
- Commercial tenancies (Shop or office use);
- Restaurant (including café);
- Recreational facilities;
- 860 car parking bays, and
- 15 on-street parking bays along Malibu Road.

The development included six new buildings with three eight-storey buildings, one five-storey building and two three-storey buildings, plus the retention of the existing Shops on 432 Safety Bay Road. It includes a five-storey building with ground floor shops and 44 Multiple Dwellings fronting onto Malibu Road in a similar location to the current proposal.

The development has not commenced; the Planning Approval expires on the 16th December 2012.

Details: outline of development application

The applicant seeks Planning Approval for a revised Mixed Use development, comprising:-

- 38 Multiple Dwellings;
- 12 Short Stay accommodation units,
- 4 Office/Shop tenancies;
- Restaurant;
- 85 basement car parking spaces;
- 54 at grade car parking spaces;

- 8 on-street bays on the Malibu Rd verge;
- 49 bicycle parking spaces;
- in a four storey building fronting Malibu Road; and
- The retention of the existing commercial building on 432 Safety Bay Road.

The application included a transport assessment titled “*Waikiki Hotel Site, Proposed Mixed Use Development, Traffic Assessment for Stages 1 and 2*”, by Riley Consulting, dated January 2012 (Transport Assessment).

The application includes 14 serviced apartments on the ground floor, defined as ‘Short Stay accommodation’ under TPS2. There is also a lobby with a desk at the main entrance. The application includes one employee, where perhaps an employee would be located the desk at the lobby.

The proposed building, basement carpark and communal open space covers only part of 432-434 Safety Bay Road (the subject site), being a portion of land approximately 3,437m² in area fronting Malibu Road; which is referred in this report as the “development site”. The location of the development site is identified on the following figure (as Lot 102):



Figure 5 - Location of the development site (Lot 102) within the subject site

In March 2012, the City provided the applicant with a list of preliminary issues with the proposal (see Attachment 4). The applicant provided amended plans and further information by email on 29th March 2012, a copy of which is included at Attachments 1a and 1b. The amendments to the development plans include:

- All balconies have been reviewed and modified to ensure that each unit has access to a balcony no less than 10m² with minimum dimensions of 2.4m as required under State Planning Policy 3.1 – Residential Design Codes (R-Codes).
- A verge-side waste disposal vehicle parking space, protected by bollards, has been provided on Malibu Road to facilitate the collection of waste.
- The location and design of the on-street car parking spaces has been modified in accordance with AS 2890.5—1993, *Parking Facilities Part 5: On-street car parking*, and to ensure that they do not obstruct driver sightlines for vehicles exiting the basement carpark.
- The existing surface level carpark on 432 Safety Bay Road has been redesigned, a new crossover included to Malibu Road.
- An additional accessible car parking space is provided in the basement level.
- The bicycle parking room in the basement level has been modified to show parking being in accordance with AS 2890.3—1993, *Parking Facilities, Part 3: Bicycle parking facilities*, to show 16 Class 2 parking spaces, the modification of the entrance to a minimum width of 1.5m and height of 2.25m, and replacing the entry staircase with a ramp.
- The end-of-trip facilities rooms have been modified to show a single room with a shower and basin, and 15 clothes lockers in the parking compound.
- Eight short-term bicycle parking spaces have been included on the Malibu Road verge.
- The site plan, floor plans and elevation have been modified to remove elements that are not related to this application including parts of structures and landscaping for future stages, and showing modifications to the existing carpark on 432 Safety Bay Road as well as proposed verge treatments.
- The floor plans identify a retaining wall along the western side of the basement level. Storeroom no.45 has been modified where it meets this wall.
- Storerooms have been modified so that no more than one storeroom door opens out onto any one car parking space.

An addendum to the Transport Assessment was also provided; this is included at Attachment 1c.

Following a meeting with City Officers in relation to concerns regarding waste disposal and access onto Malibu Road, the applicant agreed to make further modifications to the proposal by:

- a) Deleting the basement vehicle access onto Malibu Road;

- b) Providing a new basement vehicle access point near the southern corner of the proposed building, and provide a connection to the existing carpark;
- c) Relocate the bin store to the south western side of the building, and include a new service road to provide vehicle access to the bin storage area;
- d) Converting the existing bin store to short stay accommodation units;
- e) Altering the size, shape and frontage of the end shop/office tenancies; and
- f) Converting the on-street waste truck space to a regular on-street car parking space.

The Master Plan shows a service road along the southwest edge of the proposed development, which would also service the adjacent future building. This service road would be partly constructed at this stage, given the level difference between the bin storage area and the existing adjacent carpark.

The changes are shown in amended basement and ground floor level Master Plan received on the 23rd April 2012, which are included as Attachment 2 and include the following ground floor plan:

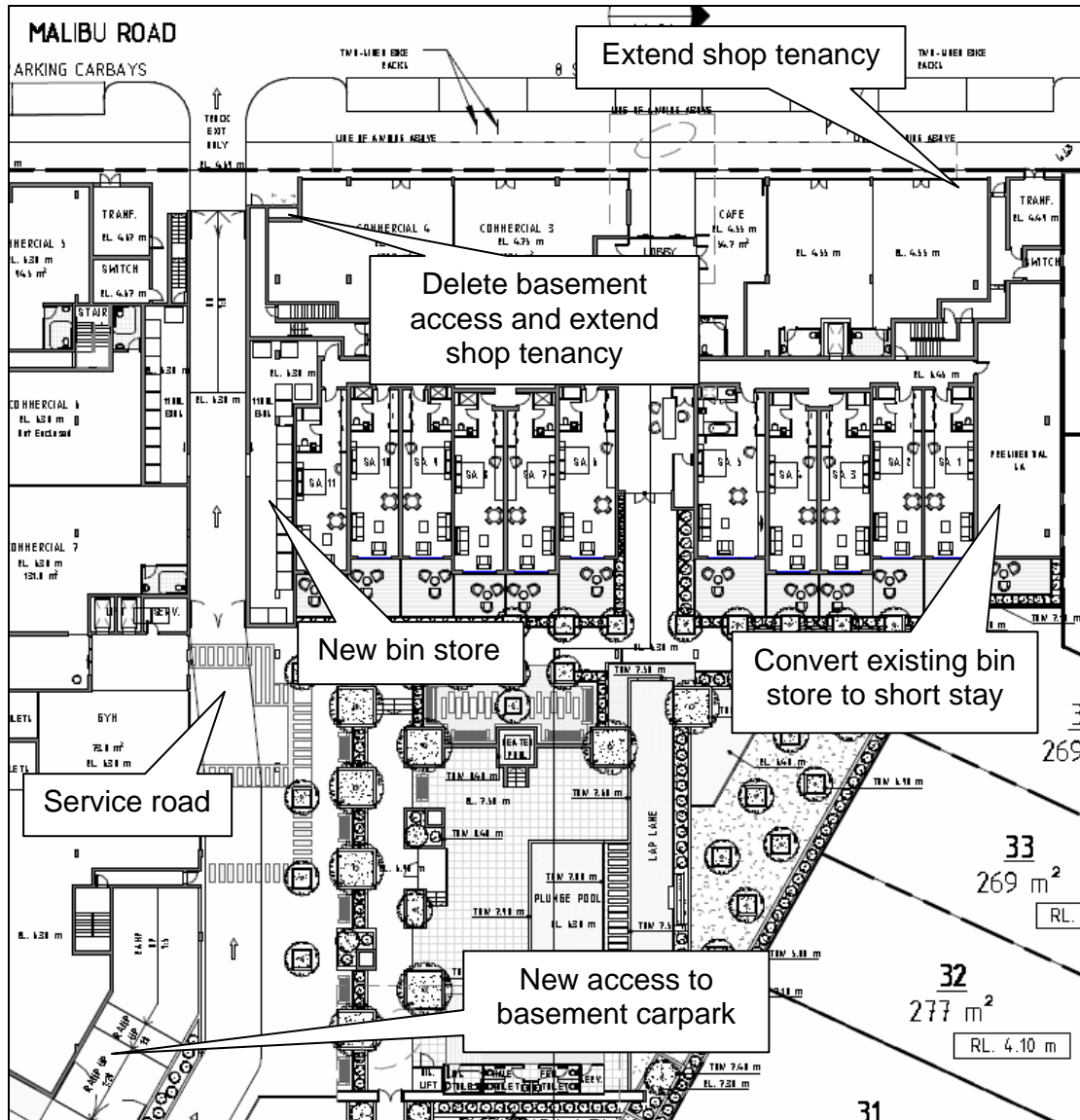


Figure 6 - Extract from ground floor Master Plan (23 April 2012)

Legislation & policy:

Legislation

Requirement for Planning Approval

Planning Approval is required for the proposed development, pursuant to the following legislation:-

- a. Clause 6.1.1 City of Rockingham Town Planning Scheme No.2 (TPS2).
- b. Subclause 24(1) Metropolitan Region Scheme (MRS).

Development Standards

Section 4.6 and 4.15 of TPS2 include the development standards and car parking requirements applying to the Commercial zone. Section 4.18 of TPS2 deals with amenity. Section 5.3 of TPS2 includes the requirements for advertisements.

Clause 4.6.2(a) of TPS2 requires the Council to ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality, and in this regard the City's Design Guidelines, discussed in the planning assessment section of this report, were a useful assessment tool.

Development Contributions

In December 2011, the Council resolved to adopt for final approval proposed Amendment No.114 to TPS2, which will require residential development and subdivision to provide a financial contribution towards the development and administration of community infrastructure in the district. Before Amendment 114 is finalised, relevant development and subdivision approvals require owners to make arrangements for the payment of contributions upon the gazettal of the amendment by the Minister. Essentially this requires owners to enter into a legal agreement with the City or the upfront payment of the applicable contribution.

State Government Policies

R-Codes

The proposal complies with the R-Code requirements that relate to Mixed Use development on un-coded land (where a default code of R-AC3 applies), except for visual privacy. The R-Codes also provide guidelines on built form for Mixed Use development, with consideration of building size, building height, street setback and side setbacks. TPS2 does not allocate a density code to the Commercial zone, and in this respect Note d of Table 4 of the R-Codes provides that residential elements of Mixed Use development within non-R-coded land is to be assessed against the R-AC3 provisions.

State Planning Policy 2.6 – State Coastal Planning Policy (SPP2.6)

The proposed development complies with the requirements of SPP2.6, including s.5.3 which states that the height of buildings within 300m of the coast should be limited to a maximum of five storeys (and not exceeding 21m). Draft amendments to SPP2.6 were recently advertised for public comment in February 2012, and propose the removal of height restrictions, in favour of other criteria for assessing the suitability of building heights; these amendments do not affect the proposed development.

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)

Clause 6.6.1(4) requires proposals to demonstrate consistency with SPP4.2; relevant requirements include:

- a. *Activity Centre Hierarchy*: the development site is located within a 'local centre' in the hierarchy of centres. Local centres are described in SPP4.2 as containing delicatessens and convenience stores that provide for the day-to-day needs of local communities. The proposal is consistent with the objectives for a local centre.
- b. *Activity*: the proposed land uses and residential density are consistent with the role and function of a local centre.

- c. *Movement*: the proposal is consistent with the objectives of SPP4.2 relating to movement. It also requires parking to be provided for all users (including parents and motorcycles), but given the scale of development proposed the provision of dedicated parent and motorcycle parking is not considered necessary.
- d. *Urban Form*: SPP4.2 requires centres to be designed with a well-formed structure consisting of small, walkable blocks. The proposed development does not appear to prejudice future planning options for the subject site, and the proposal incorporates street-front development in accordance with the requirements of SPP4.2.
- e. *Resource Conservation*: SPP4.2 requires building orientation and design to maximise opportunities for passive solar and natural ventilation and the use of renewable sources of energy such as solar panels and wind turbines. The proposal does not demonstrate any resource conservation initiatives. Regardless, the development will be required to meet the energy efficiency requirements of the Building Code of Australia. The applicant should be encouraged to incorporate water saving and energy saving devices into the development.

Planning Bulletin 83 – Planning for Tourism (Planning Bulletin 83)

WAPC Planning Bulletin No.83 largely applies to tourism-zoned sites. The City does not have a strategy that identifies tourism sites, and therefore these requirements do not apply. The City, however, recognises there is significant tourist potential for the site.

Local Policies

Planning Policy 6.3 – Local Commercial Strategy (LCS)

Subject site forms part of the larger “Waikiki Hotel Site” centre in the City’s LCS, which includes the existing BP Service Station at 430 Safety Bay Road on the corner of Malibu Road, and a site zoned ‘Special Commercial’ at 21 Malibu Road (currently used as a single house). The LCS allocates the centre a maximum Shop/retail floorspace of 1,495m² NLA; the proposed development complies with the maximum permitted Shop/retail floorspace.

Planning Policy 2.3 – Development Considerations for Disabled Persons (PP2.3)

The proposal complies with PP2.3, except that car parking spaces dedicated for people with disabilities are required to be 3.2m wide. The City’s PP2.3 is being reviewed for consistency with Australian Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*. It is recommended that the dimensions used in the Australian Standards be applied to this proposal, rather than the standards applied in PP2.3.

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

The application proposes 16 bicycle parking spaces in a 72m² Class 2 compound in the basement level, which meets the requirements for long-term (staff and residents) parking under PP3.3.14. It is secured by a door approximately 1.0m wide; this door does not meet the design requirement of Australian Standard AS 2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities* which requires a passage at least 1.5m wide and 2.25m high.

An EOT (end-of-trip) room is provided off the bicycle parking compound; it contains a shower and basin. Fifteen clothing lockers are provided in the parking compound. The end-of-trip facilities meet the requirements of PP3.3.14.

The application also proposes 8 bicycle parking spaces located in the Malibu Road verge near the front entries to the commercial tenancies, at right angle to the footpath; this meets the requirements of PP3.3.14 for short-term (customers and visitors) parking. The spaces must be setback at least 0.6m from the on-street car parking spaces (which is currently not achieved).

Consultation:

Public consultation

In accordance with clause 6.3.3 of TPS2 and Planning Procedure 1.3 – Community Consultation, the application was advertised for public comment for a period of 32 days, as follows:-

- Written notice of the proposal was given to all landowners and occupiers within 500 metres of the proposed development. This included a brief explanation of the proposal and a plan of the proposal. A submission response form was also included.
- A notice was published in the Public Notices section of the *Weekend Courier* newspaper that circulates in the area on 17th February 2012 and 24th February 2012.
- Signage was erected fronting Malibu Road and Safety Bay Road for the duration of the comment period.
- The proposal was displayed on the City's Website, www.rockingham.wa.gov.au. All of the plans were available for public viewing 24/7.
- A display was erected in the City's Administration Building for the duration of the advertising period.
- Written notice was provided to the Safety Bay Ratepayers Association Inc.

At the conclusion of the comment period on 19th March 2012, a total of 62 submissions were received. Support and no objection for the proposed development was received from 47 submissioners, representing 76% of all the submissions received. Objection to the proposal was received from 15 submissioners, representing 24% of all the submissions received.

All submissions were mapped according to the address of the submissioner's affected property. Most of the submissions received were from within 500m of the subject site.

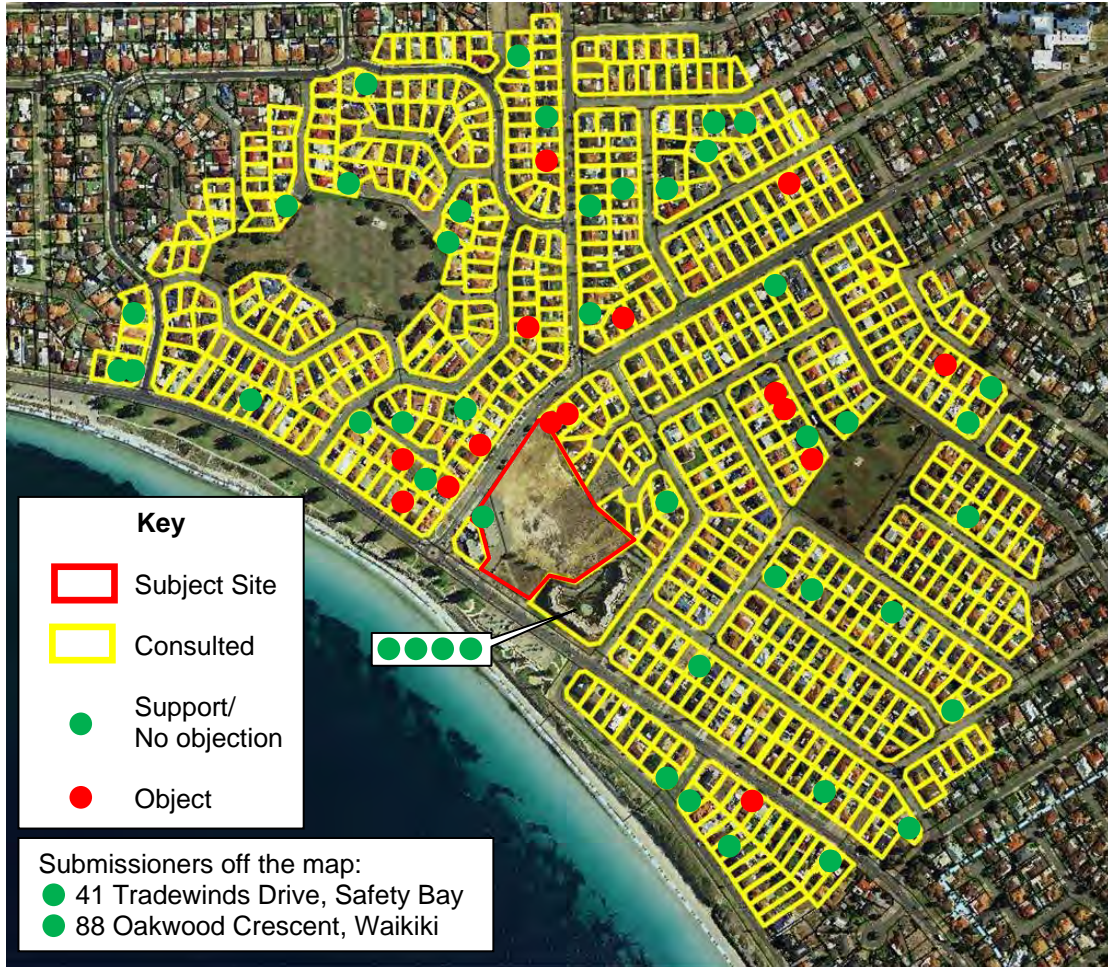


Figure 7 - Map of Submissioners

A significant submission was received from the owners of No's 6 and 14 Malibu Road; this submission is included in Attachment 3 as Submission No.53 (Schedule of Submissions).

Support

The major comments made by submissioners in support of the proposal are summarised in the table below:

Table 2 – Reasons for Support

Order	Comments	Number of Submissioners
1	Benefit to the Area	21
2	Shops and Restaurant	11
3	Timing of Development	9
4	Building Height	4
5	Tourism	4

1. *Benefit to the area*

Twenty one submissioners expressed a positive view of the proposal, on the basis that it will benefit the area. Comments include; *'it is something the area needs', 'to see and have quality buildings with Shopping facilities would be most welcomed by us', 'this would be an asset to the district' and 'development would be great for the area'*. Other comments of this nature also reflected on the run-down nature of the subject site; *'the area you mention needs urgent attention, it is now a dust bowl lowering the standards of the area', 'the eye sore which exists now', 'the development will give much overdue facelift to Safety Bay.'*

2. *Shops and Restaurants*

Eleven submissioners suggested there was a lack of Shopping and Restaurant facilities in the area. Comments include; *'my family would like to see a new family pub and Restaurant, coffee Shop/café/deli', 'I live locally and would personally utilise the Restaurants, hotels and businesses which are being proposed.'*

3. *Timing of development*

Many submissioners expressed a desire for development to proceed as soon as possible; *'we are desperate for the area to be developed', 'very supportive – just hurry up!!'*

4. *Building height*

Four submissioners supported the proposed four storey development. Building height is discussed in the Planning Assessment section of this report.

5. *Tourism*

Four submissioners supported the development noting that it will improve tourism in the area; *'there is a growing attraction to this part of the coast due to the many water activities and such a complex would be a massive benefit to our community tourism etc.'*

A number of submissioners in support of the proposal also made comments critiquing aspects of the proposal. These are included in the table below.

Concerns

The main concerns received from objectors and concerns raised by those in support of the proposal were traffic increases, building height, deli appearance and residential density, as follows:-

Table 3 – Concerns and Reasons for Objection

Order	Comments	Number of Submissioners
1	Traffic	8
2	Building Height	4
3	Existing commercial building	4
4	Multiple Dwellings	4
5	Street Setback	3
6	Car parking	3
7	On-street car parking	3
8	Benefit to the area	2
9	Amenity	2
10	Visual Privacy	2

11	Climate	2
12	Short Stay Accommodation	1
13	Licensed Restaurant	1
14	Solar Access	1
15	Views	1
16	Vehicle Access	1
17	Plot Ratio	1

1. *Traffic*

Traffic increase from the proposed development was the most frequent concern raised by objectors. Traffic concerns were sometimes linked to residential density and referred to the extra traffic placing a strain on the road network and in particular Malibu Road. Objector comments suggested there was already congestion on Malibu Road and its intersections with Charthouse Road and Safety Bay Road, and motorists using Tropicana Way as a shortcut. Other comments noted that the applicant's Transport Assessment does not take into consideration the existing schools and Shops on Malibu Road.

On submission from an affected property adjacent to the carpark entry stated that the additional traffic will cause headlights to shine into windows of houses along Malibu Road.

Comment

The applicant's Transport Assessment states that the proposed development will attract 590 vehicle trips per day. The expected traffic distribution is shown on the following table:

Table 4 – Trip Generation

Street	Flow (based on 2006 data)	Attraction	Increase	%
Malibu Road	6,100	60%	+354	+5.8%
Safety Bay Road west	11,121	15%	+89	+0.8%
Safety Bay Road southeast	11,087	25%	+147	+1.3%

The Transport Assessment states that variations in traffic flows by +/-5% are expected and will have no significant impact. It also states that the total traffic volume for Malibu Road of less than 7,000 vehicles per day (vpd) is appropriate for a neighbourhood connector, and accordingly Malibu Road will continue operating in a manner appropriate to its classification. The application does not propose any upgrading of Malibu Road.

The management of traffic on Malibu Road and its side streets (including Tropicana Way and Charthouse Road) is an issue that the City will continue to address, regardless of whether or not the subject development proposal progresses.

The Transport Assessment states that proposal will have no significant impact to Safety Bay Road, and minimal impact on the operation of the Safety Bay Road / Malibu Road roundabout intersection. The proposal to move the basement carpark access off Malibu Road may result in more traffic access Safety Bay Road directly, and the impact may be higher than that stated in the Transport Assessment. The Transport Assessment includes an assessment of the full development (including access onto Safety Bay Road) and states that full development will still maintain an appropriate level of service on Safety Bay Road. In light of this information, the proposed development is not considered to have a significant impact on Safety Bay Road.

There are a number of statements within the applicant's Transport Assessment which are either incorrect or misleading. For example, it states that a default 50km/h speed limit applies on Malibu Road (it is a posted 60km/h road). This is not likely to have a significant impact on the recommendations of the Transport Assessment, and it is considered that the design is robust enough to accommodate fluctuations in traffic volumes.

Headlight glare is a matter that cannot be addressed by the development as there must be vehicle access to a public street. Affected owners could screen headlight glare through thick curtains, the planting of screening vegetation or the construction of a street fence.

2. *Building Height*

Four submissioners opposed the four storey height of the proposed development; two of which are located on the northern side of Malibu Road adjacent to the development site. Comments include; *'it is much too high and too close to the verge of the road, especially having Shops and a Restaurant in the building'*, it is *'not a balanced transition from suburbia to high rise apartments'*.

Comment

Under Table 4 of the R-Codes, a maximum external wall height of 18m and pitched roof height of 21m applies. At the Malibu Road frontage a wall height of 14.6m is proposed. A roof height of 15.4m above natural ground level is proposed. The proposal complies with the height requirements of the R-Codes. The proposal also complies with the maximum heights of the City Design Guidelines (see Figure 13).

3. *Existing commercial building*

Four submissioners commented on the retention of the existing commercial building at 432 Safety Bay Road, noting; *'I had hoped existing Shops would be bulldozed as they are a blight on the prime location,' 'it's a shame the old deli won't sell to make way for a better plan.'*

Comment

The proposal does not involve the redevelopment of the existing commercial tenancies at 432 Safety Bay Road.

Clause 4.18.2 of TPS2 states that no property shall be maintained or finished so that in the opinion of the Council its external appearance would disfigure the locality or tend to blight the appearance of neighbouring properties.

The existing commercial building at 432 Safety Bay Road is in a degraded condition; four of the five tenancies have all openings boarded up, with the fifth tenancy operating as a deli. Advertisements are displayed on the building in an ad-hoc manner with no evidence of an overall signage strategy – the advertisements are of different sizes, obstruct architectural features (the archways) and display advertisements for vacant tenancies. The carpark is worn and potholed and the pathways degraded. See Figure 4.

The existing commercial building, carpark and advertisements should be repaired and maintained, as a condition of Planning Approval, to be consistent with the appearance of other buildings in the area, including the appearance of the proposed Mixed Use development.

4. *Multiple Dwellings*

Four submissions objected to the development of Multiple Dwellings, comments stating; that the development will be an ‘eye sore’, ‘who will own them?’ Another submissioner commented that the development does not provide for families due to the number of bedrooms proposed and lack of space.

Comment

The submission concerns regarding the appearance of the proposed development being an ‘eye sore’ is a subjective comment that was not reflected by the majority of submissioners. Likewise it is not within the City’s scope to determine who will own the proposed Multiple Dwellings, as these could be permanent or short term occupants. The serviced apartments would be used for short stay accommodation by visitors and tourists.

The proposal complies with the requirements of the R-Codes relating to multiple dwellings in a mixed use development.

5. *Street setback*

Three submissioners requested an increase in the building setback to Malibu Road, with one saying; ‘the street aspect will be void of landscaping as there is no road side verge and no setback space to create a visually meritous nor pleasing development.’

Comment

The proposed development is four storeys high with all stories having a 0m setback to Malibu Road. An inconsistency was noted with the City Design Guidelines. The Guidelines recommended that any levels above three storeys be setback 4.0m to 8.0m from Malibu Road, but the application proposes four storeys on the Malibu Road boundary. There is a valid basis for considering a 0m setback to Malibu Road because the proposed development includes ground floor commercial in a Main Street scenario.

The Planning Assessment section of this report includes an R-Code assessment of setbacks.

6. *Car parking*

Four submissioners didn’t consider there was sufficient car parking proposed, with two commenting that the proposal will impact on the amount of parking available in the Waikiki Beach carpark adjacent to the subject site. One submissioner commented that the proposal does not provide adequate parking for residential visitors.

Comment

The proposed development was assessed for compliance with clause 4.15.1.3 of TPS2 and the R-Codes, which requires car parking spaces to be provided as per the following table:

Table 5 – Car Parking Calculation

Use	Bays required
Parking for the Multiple Dwellings (14 small and 24 medium)	44
Visitor parking for residential visitors	10
Short Stay Accommodation	13
Restaurant tenancy	4
Shop tenancies (based on the amended Master Plan received on 23 April 2012)	27
Existing shops – 432 Safety Bay Road	31
Total Required	129

Based on the above table, a total of 129 car parking spaces are required. Provided are 85 spaces in the basement carpark and 54 ground level, or 139 on-site spaces, which complies with the car parking requirements of TPS2. The distribution of spaces is explained, as follows:-

- a) There are sufficient basement spaces for 1.5 car parking bays for each multiple dwelling plus one space for each short stay accommodation unit, which exceeds the parking requirements in the R-Codes. It is expected that staff of the commercial tenancies will also utilise the basement carpark.
- b) The commercial component of the development requires the provision of 62 parking spaces. It is expected that some staff will utilise the basement carpark, and on this bases there is considered to be sufficient car parking provided for the commercial component of the development.
- c) The eight on-street car parking spaces provide short-term parking for visitors of the commercial units, plus provides for residential visitor parking. Residential visitors will also have use of the carpark in front of the commercial building at 432 Safety Bay Road after hours.

The proposal provides 10 spaces in excess of the minimum number of on-site car parking spaces required under TPS2.

7. *On-street car parking*

Three submissions were received raising concern about the proposed on-street car parking spaces on Malibu Road, with one comment stating; '*verge parking along Malibu Road is a traffic hazard; all car parking should be at rear of development.*' Other submissioners argued that all parking should be provided on-site.

Comment

On-street parking is integral for short-term parking for commercial developments. The application proposes seven on-street car parking spaces indented into the verge area adjacent to the proposed development. The spaces are 6.3m long and 2.3m wide; the end space is 6.6m long. The widths of the spaces will need to be increased to 2.6m to meet the requirements for short-term parking and use by delivery vehicles under Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking* which requires spaces to be 2.6m wide. If the spaces are widened they can be used by service vehicles providing deliveries to the commercial tenancies.

Based on the removal of the on-street waste disposal space (see the waste disposal section), an additional on-street parking space will be provided at the same dimensions as required above.

8. *Benefit to the area*

Two submissioners questioned whether the proposal benefits the community. Comments include; '*complete disregard for the local community*', '*in place of a Community Hotel, we will end up having high density dwellings and office space.*'

Comment

The City recognises that the subject land is zoned Commercial and that it must be developed for commercial purposes. The residential development of the site is therefore subservient to achieving commercial development. The proposal includes ground floor commercial tenancies. These could be used for both shop and office land uses, to service the community. The proposal is also the second of four stages proposed for the land. In later stages, the concept shown on the applicant's Master Plan is for more commercial development, including a licensed premises.

9. *Amenity*

Two submissioners were concerned about the impact of additional noise, traffic and litter in the area as a result of the proposed development will be detrimental to their quality of life.

Comment

The increased activity in the area which will result from the development may result in an increase in noise, traffic and litter in the immediate vicinity of the proposed development. This is considered normal for a commercial development of its size, but the impacts can be mitigated through appropriate management of proposed commercial uses and the provision of on-street waste receptacles.

10. *Visual privacy*

Two submissioners objected to the proposal because it would result in the overlooking of the front yards and windows of houses on the northern side of Malibu Road.

Comment

The R-Codes requires all balconies to be setback at least 7.5m line-of-sight from any other habitable space. The existing houses on the north-western side of Malibu Road are separated from the proposed development by the width of the road reserve (30m) plus the front setback of the houses (typically 6m). At this distance, overlooking is not considered to be a concern. In addition, the fronts of these houses are already exposed to public view by virtue of frontage onto a public road.

11. *Climate*

Two submissioners considered the proposal will adversely affect sea breezes in the area.

Comment

It is accepted sea breezes are an aspect of amenity enjoyed by residents. The resultant impact of the proposed development on sea breeze has not been quantified. The proposed development has a building orientation that is sided towards the coastline. It is considered that the proposal is more likely reduce the impact of the south-west sea breeze within the development itself, rather than have any significant impact on the adjacent residential area.

12. *Short Stay accommodation*

One submission objected to Short Stay accommodation because of social problems caused by Short Stay clients in the Rockingham Beach area.

Comment

There was a perception of Single bedroom accommodation will attract a cliental that will detract from the population mix of families and retirees. Rental accommodation was linked to potential unruly behaviour.

The City recognises the need to facilitate Short Stay accommodation in the Rockingham district. The site is suitable for tourism purposes and the proposed serviced apartments are appropriate to their coastal location and are supported. A condition of Planning Approval for the previous Mixed Use developments for the site, stated that the multiple dwellings may be used for either permanent residential or Short Stay Accommodation and that a similar condition is implied to this application. The flexibility of Short Stay Accommodation will be important to allow demand to evolve.

It is also recommended that a Management Statement be prepared in accordance with the requirements of WAPC Planning Bulletin No.83, as a condition on any Planning Approval, to ensure that the operation of Short Stay does not impact on the amenity of permanent residents in the locality. The Management Statement should include a complaint handling procedure and code of conduct for occupants.

13. *Licensed Restaurant*

One submissioner opposed the Restaurant (café) being able to provide takeaway food and being licensed to serve liquor opposite houses on Malibu Road.

Comment

The café tenancy was assessed in accordance with the 'Restaurant' definition of TPS2. This includes premises licensed under the *Liquor Control Act 1988*. The sale of takeaway food is common for all cafés, and it is not considered necessary or appropriate to restrict the café tenancy to prevent the sale of takeaway food or liquor for a sit-down meal in accordance with a Restaurant licence.

14. *Solar access*

One submission objected to the proposal on the basis that it will overshadow houses on Malibu Road on summer mornings.

Comment

The R-Codes require that the shadow cast at midday, 21st June does not affect more than 25% of any adjoining property coded R20. Overshadowing diagrams that have been provided for the proposed development demonstrate that at the winter solstice (June 21), it will not overshadow any other residential property at 9am, 12 noon or 3pm.

The development has the potential to overshadow properties at the western end of Malibu Road in the early hours of the morning in summer. The extent of overshadowing of properties in summer is minimal, and affected properties enjoy unrestricted access to sunlight at all other times.

Another consideration is shadowing of the street. Although the building is 14.6m high with no setback to the Malibu Road footpath, the building is north-facing and the street and footpath will have full access to sunlight at most times of the day.

15. *Views*

One submission commented that the proposal will block views enjoyed by residents.

Comment

The topography of the locality is largely level, and the development of a four-storey building will have no greater impact on views than the establishment of a double-storey building. The side profile of the proposed development to the coastline generally retains ocean views to the rear of the development site, where the height of existing houses are predominately single-storey.

16. *Vehicle access*

The owner of the Deli tenancy at 1/432 Safety Bay Road noted that the proposed development will impact on vehicle access to the existing carpark.

Comment

This matter has been addressed via the submission of amended plans. The amended plans received on the 29th March 2012 identified the retention of crossover access to Malibu Road and the redesign of the existing carpark. The potential traffic conflict between the two carpark accesses (access to the ground-level and basement level carparks) necessitated a redesign of the proposed development, and the amended Master Plan received on the 23rd April 2012 proposes that the access ramp to the basement level be located in the subject site, with no direct access to Malibu Road (see Figure 6). This proposal is considered to have the following benefits:

- a) It retains access between Malibu Road and the carpark servicing the existing deli and commercial tenancies at 432 Safety Bay Road;
- b) It removes the potential for traffic conflict by having only a single crossover onto Malibu Road; and
- c) Having access to the basement carpark from within the subject development provides a safer outcome where traffic entering and exiting the basement carpark can be safely managed and more effectively dispersed.

17. *Plot ratio*

One submissioner commented that the figures for the plot ratio calculation used in the applicant's report do not match the figures used elsewhere in the report.

Comment

Under Table 4 of the R-Codes, a maximum plot ratio of 2.0 applies. The application states that a plot ratio of 1.3 is proposed, but it is noted that the areas stated for the commercial tenancies and the development site area in the applicant's planning report do not match the figures used elsewhere in the report. Using the correct figures for the commercial tenancies and the development site area, a plot ratio of 1.19 is proposed (4,100m² total floorspace over a 3,437m² site), which complies with the R-Codes.

Other Concerns

Submissioners also made a number of other comments that are either outside the scope of the planning assessment, or relate to matters not the subject of this application. Six submissions received related to a Tavern or pub (not proposed as part of this application), of which three supported a Tavern and three were opposed. Comments in favour of a Tavern cited the desire for a local licensed premises in the area, and objectors cited antisocial behaviour associated with the former Waikiki Hotel, which operated from the subject site until 2008.

Other comments made by submissioners relate to:

- Property values;
- Services (water, sewerage, power);
- Financial feasibility;
- Profit;
- Subdivision;
- Development of balance of site;
- Prefer the previous application;
- Foreshore toilet block; and
- Foreshore lighting.

Full details of submissions received are included in the Schedule of Submissions included at Attachment 2.

Consultation with other agencies or consultants

As the proposed development does not exceed a height of five storeys, the approval of the WAPC is not required in accordance with Clause 32 (No.63) of the Metropolitan Region Scheme. The criteria by which development between five and eight storeys adjacent to the coastline is set out in the WAPC's State Planning Policy 2.6.

Planning assessment:

The following planning assessment considers those matters not previously addressed by the City's comments on submissions.

Site Context

The subject site is zoned 'Commercial' under TPS2. The site forms part of the larger "Waikiki Hotel Site" local centre (the Centre) which includes the existing service station at 430 Safety Bay Road on the corner of Malibu Road, and a site zoned 'Special Commercial' at 21 Malibu Road (currently used as a single house). PP6.3 allocates the Centre a maximum Shop/retail floorspace of 1,495m² NLA.

The site context is illustrated in the following extract from the TPS2 Scheme Map:



Figure 8 - City of Rockingham Town Planning Scheme No.2 – Scheme Map

There is a three-storey, 55 Multiple Dwelling development known as 'Seaside Apartments' on 436 Safety Bay Road, which adjoins the southeast boundary of the subject site. The remainder of the locality comprises largely single-storey single houses on lot sizes between 500m² - 1,000m².



Figure 9 - View west of existing Deli on Malibu Road (R20)



Figure 10 - Seaside Apartments on Safety Bay Road (R50)

A small, undeveloped park adjoins the northeast boundary of the subject site. This park has access to Reef Place and Harbour Court via the cul-de-sac heads of these streets.



Figure 11 - View of the subject site from the Reef Place/Harbour Court park

The site has a pleasant seaside aspect overlooking Warnbro Sound, and a public carpark is located on Safety Bay Road directly adjacent to the subject site.



Figure 12 - Safety Bay Road Carpark

Land Use Permissibility

TPS2 controls the permissible land uses in the Commercial zone. The proposed uses and their permissibility in the Commercial zone are as follows:-

- Multiple Dwellings are not permitted ('D') unless the City has exercised its discretion by granting Planning Approval;
- Short Stay Accommodation ('D' use);
- Restaurant ('D' use);
- Shop is a permitted ('P') land use, providing the use complies with the relevant development standards and the requirements of TPS2; and
- Office ('D' use).

Shop/Office

The applicant proposes the creation of four tenancies for the purpose of 'Shop/office'. Given that both land uses are permitted under TPS2, Planning Approval could permit these commercial tenancies to be used for both shops and offices, without the requirement for a subsequent application seeking a change of land use (tenancy). The parking rates for these tenancies has been calculated based on the rate with a higher demand for parking (i.e. shop).

Built Form

City Design Guidelines

In March 2010, the City commissioned MacKay Urban Design to prepare Urban Design Guidelines (City Design Guidelines) to assist in the consideration of development proposals for the subject site. The Guidelines has not been formally adopted by the Council, but is useful in setting out built form outcomes and preferred land use. The City Design Guidelines is included at Attachment 5.

The City Design Guidelines was prepared for the purpose of establishing a framework of development objectives and controls to deliver a redevelopment of the subject site which:

- Is of an appropriate scale for its location;
- Reinforces Safety Bay as a coastal destination for the broader region;
- Addresses the surrounding public domain in a positive manner; and
- Avoids a detrimental impact on adjoining properties.

In regard to built form, setbacks and height, the City Design Guidelines states that any development on the site should:

- Maintain an attractive scale to streets and other public spaces through the use of building facade heights, particularly for the lower and most visible levels of buildings where they define the edge of a street or other public space;
- Bring commercial components forwards to meet the street without a setback. However, given the wide street reserve along Safety Bay Road, consideration should be given to the use of landscaping, on-street parking, and al-fresco dining areas to establish a stronger relationship between the building and the street; and
- Maintain a reasonable occupant amenity of neighbouring properties, albeit within the context of a vibrant coastal activity centre.

Figure 13 includes a three dimensional building envelope which has been taken from the City Design Guidelines, as follows:-



Figure 13 - Extract from the City Design Guidelines for the Waikiki Hotel Site

Previously-approved development proposal

The 2010 Planning Approval on the subject site, approved by both the Council and the Western Australian Planning Commission, proposed a five-storey Mixed Use development fronting Malibu Road, in a similar location to the proposed development. Refer to Figure 14 below:-



Figure 14 - Approved elevations for the proposed Mixed Use development approved on the subject site in December 2010

The following is an assessment of building height, street setback and side setbacks against the relevant requirements of the R-Codes (for R-AC3) and the City Design Guidelines. The City Design Guidelines does not propose a maximum residential density, and notes that the overall bulk and scale of any building is controlled by other factors such as setback and height limits.

Building Height

Under Table 4 of the R-Codes, a maximum external wall height of 18m and pitched roof height of 21m applies. At the Malibu Road frontage a wall height of 14.6m is proposed. A roof height of 15.4m above natural ground level is proposed. The proposal complies with the height requirements of the R-Codes.

The proposed development, at a height of four storeys, is taller than the prevailing heights of buildings in the locality (being largely single-storey). The adjacent properties on Malibu Road are a mix of double storey, single storey and vacant lots.

The site is considered by the City to be a landmark location and an opportunity to consider greater building height and scale commensurate with the proposed development. The proposal also complies with the maximum heights of the City Design Guidelines (see Figure 13). The previously-approved five storey proposal also has a greater building height than the current proposal. For these reasons, the proposed building height and scale of four storeys on the southern side of Malibu Road is considered appropriate.

Malibu Road Building Setback

Table 4 of the R-Codes requires a 2m street setback; in this regard the application proposes a 0.5m street setback at the ground level and 0m street setback on all upper levels, with an indented street setback 4m deep and 9.5m wide in the upper levels above the main entrance. There are also several incursions over the street, including a 2m wide awning for much of the building frontage, a 4m wide feature awning over the main entrance, vertical glass screens in front of balconies on the 2nd and 3rd level and the roof structure extending over the street by 1m.

The TPS2 requirements for development having a common lot boundary to a Residential zoned lot to apply the setbacks prescribed by the R-Codes do not apply since the subject land abuts a Service Commercial zoned property on Malibu Road.

The City Design Guidelines recommends a 4-8m setback from Malibu Road, but it also requires a 0m mandatory street setback from the street for all commercial activity. Given the size of the overall development site, being separated by 30 metres from adjoining residential sites, and the main street style of development incorporating commercial development, the 0m setback is considered appropriate.

Side and Rear boundary setback

Figure 3 of the R-Codes stipulates the required side and rear boundary setbacks applicable to all density codes. For the northeast elevation, a 15m high wall 23-30m long with major openings, a setback of 11.5m is required. For the southeast elevation, a 15m high wall longer than 30m with major openings, a setback of 12.5m is required. The proposed development easily complies with the required side and rear R-Code setbacks.

Visual Privacy

There is a current application to subdivide the land to create 36 vacant survey-strata lots east of the proposed mixed-use building (WAPC Ref: 66-12). The application shows the boundaries of these proposed lots, and demonstrates that bedroom windows and balconies of the north-eastern elevation maintain the required line-of-site separation distance to the proposed lots as required by the R-Codes. The balconies of Units 12, 25 and 37, however, are located within 7.5m of the proposed lot boundaries and could pose a potential overlooking issue if the land is subdivided. To protect future residents, it is recommended that a condition of Planning Approval includes a requirement to screen these balconies.

Waste disposal

The application proposed a 129m² bin store located on the ground floor, linked to a door onto Malibu Road via a 15m long ramp with a 1:12 gradient. An on-street waste collection parking bay with removable bollards and chain to reserve and protect the space was proposed. City Officers met with the applicant to express concern about on-street waste collection because of safety and amenity issues, and the applicant agreed to amend the proposal by:

- a) Relocating the bin store to the south western side of the building, and include a new service road to provide vehicle access to the bin storage area;
- b) Converting the on-street waste truck space to a regular on-street car parking space; and
- c) Converting the existing bin store to short stay accommodation units.

The result is an outcome that provides for the collection of waste in a safe manner that does not impact on the amenity of the street. The amended Master Plan is included as Attachment 2 to this report, and an extract is included as Figure 6.

Advertisements

The application does not propose any advertisements, except for a 1m high panel over the footpath adjacent to the building entry with the building name (shown as "iC two Apartment"). Clause 5.3.3 of TPS2 states that the Council shall examine each application for advertisements in light of the objectives of TPS2 and with particular reference to the character and amenity of the locality within which it is to be displayed.

The street verandah above the commercial tenancies includes perforated metal and the verandah fascia does not have sufficient depth to incorporate advertisements. The street verandah does not have sufficient distance above the footpath to incorporate under-verandah advertisements meeting the necessary clearance of 2.7m required under the *City of Rockingham Street Verandahs Local Law 2000*. It is recommended that the street verandah have a clearance of at least 3.2m above the footpath to facilitate the future installation of under-verandah advertisements.

A licence will be required for advertisements under the *City of Rockingham Signs, Hoardings and Bill Posting By-law*, and the applicant should be reminded of this requirement.

Street Verandah

Approval for the various encroachments proposed over Malibu Road (including the pedestrian shelter, vertical glass screens and roof structure) is required under the *Local Government (Miscellaneous Provisions) Act 1960*, and will need to comply with the City of Rockingham *Street Verandah Local Law 2000*. The applicant should be reminded of this as a footnote to any approval.

The pedestrian shelter should incorporate lighting to enhance the safety of the footpath, as a condition of any approval.

Landscaping

Clause 4.6.5 of TPS2 requires a minimum of 10% of the total site area to be provided as landscaping in a form approved by Council – this excludes areas required for pedestrian movement. A landscaped area approximately 1,300m² is provided behind the proposed building, approximately 38% of the development site area. This area includes two swimming pools, a cabana, paved areas, seating and soft landscaping. Part of the development site area is also set aside for future landscaping. The area of landscaping proposed exceeds the minimum 10% requirement.

The proposal also complies with the requirements of the R-Codes relating to communal open space.

Carpark design

Clause 4.15.8 of TPS2 requires vehicle parking, manoeuvring and circulation areas, including crossovers, to be designed, constructed, sealed, drained, kerbed, marked and landscaped to the City's specifications, being in accordance with Australian Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* and AS/NZS 2890.6:2009 and *Parking facilities, Part 6: Off-street parking for people with disabilities*.

The basement carpark is designed in accordance with AS/NZS 2890.1 and AS/NZS 2890.6. A blind aisle is proposed with the end spaces having a setback of 0.9m to the wall where 1.0m is required – this variation is considered reasonable given the basement carpark is likely to be used by residents and staff. Wheel stops are required for spaces 43, 44, 50, 51, 59 and 60; this can be imposed as a condition of any approval.

The design of the carpark between the proposed building and the existing commercial building is shown on the amended plans received on the 29th March 2012 (see Attachment 1b), but will require amending to incorporate the changes proposed in the amended Master Plan received on the 23rd April 2012 (see Attachment 2) including:

- a) Amending the design of the carpark to facilitate access to the bin store proposed on the southwest side of the proposed building;
- b) Providing access to the proposed new ramp to access the basement carpark.

These issues can be adequately dealt with by a condition requiring the carpark to be designed to the City's satisfaction prior to the issue of a Building Permit.

Pedestrian access

The proposed development is likely to increase pedestrian traffic along Malibu Road. The applicant's Transport Assessment notes that pedestrians may experience longer delays in crossing Malibu Road during peak periods. To assist in providing for local pedestrian traffic between the development site and destinations further north, it is recommended that a pedestrian refuge island be constructed on Malibu Road somewhere between the development site and Waikiki Road. Pedestrians travelling to the beach can use the existing crossing point at the Malibu Road / Safety Bay Road roundabout.

Noise

An Acoustic Report by a qualified Acoustic Consultant is required by the City's Health Services, prior to the applicant making an application for a Building Permit - Certified. The Acoustic Report will need to demonstrate that the development complies with the *Environmental Protection (Noise) Regulations 1997*, particularly with respect to:

- mechanical ventilation, air conditioning and plant equipment;
- soundproofing against noise transmission between units;
- soundproofing against noise from the existing service station and car vacuum bay; and
- soundproofing against noise transmission from the commercial units to the residential units (and in particular the Tavern and food premises).

It is important that the requirement for an Acoustic Report is included in a Planning Approval, to ensure that adequate structural modifications are included to protect both residents and businesses in this development from future noise issues.

Fire Separation and Shared Access

The application proposes a building that crosses the existing boundary between Lot 1 (434 Safety Bay Road) and the boundary of Strata Plan 11787 (432 Safety Bay Road). To ensure that the fire separation requirements of the Building Code of Australia comply and to facilitate access to the upgraded carpark between the proposed building and the existing commercial building at 432 Safety Bay Road, a condition should be imposed on any Planning Approval requiring the lots to be amalgamated onto one title, prior to making application for a Building Permit - Certified.

Essential facilities

An enclosed, lockable storeroom is required to be provided for each dwelling, with a minimum dimension of 1.5m and area of 4m². 45 stores are proposed that meet the requirements of the R-Codes. Store No.2 is accessed from a car parking space dedicated for people with disabilities and it may therefore be obstructed, and it is recommended that the door to this store be positioned towards the access aisle rather than the parking space.

The application does not show the location of non-electric clothes drying facilities for each unit. A condition should be imposed requiring non-electric clothes drying facilities to be provided in each dwelling.

Conclusion:

The proposal to develop the development site with a four-storey Mixed Use development, as amended on 29 March 2012, generally satisfies TPS2 and Policy requirements and concerns raised by submissioners; however, the vehicle access and waste disposal were issues that required addressing. The amendments to the basement and ground levels of the Master Plan received on 23 April 2012 addressed these concerns by providing for a waste collection and vehicle access that can operate in a safe manner without detriment to the amenity of the area.

The proposed development, subject to some refinement and additional information, can be supported on the following basis:-

- The design of the proposal is generally compliant with the City Design Guidelines for the site and is appropriate to its local and regional context;
- The design of the proposal is of high quality and architectural merit;
- The proposed development includes Short Stay Accommodation, which supports overseas, interstate and others visiting Rockingham;
- The proposal includes a ground floor commercial component for shops and offices, which will service the community;
- The development site has been an 'eyesore' for years and the proposal represents an opportunity to develop the site;
- The proposed development is consistent with State Planning Policy 2.6: Coastal Planning Policy regarding building height less than 5 storeys;
- Building height reflects an appropriate transition at the periphery of the site where it is adjacent to lower buildings;
- The proposed development is generally compliant with the City's TPS2 in respect of land use and development requirements and the proposed residential density is within the SWJDAP's discretion to approve;
- The traffic implications of the proposal are manageable;
- Of the 62 individual submissions received, 76% of public submissions received by the City support the proposed development and 24% of public submissions received objected to the proposal;
- The issues raised in public submissions are considered to be manageable and can be dealt with as conditions of approval, where applicable.

It is recommended that the SWJDAP grant Planning Approval to the proposed development, in accordance with the following conditions:-

1. This Approval shall be subject to further amendments being made to the submitted plans generally in accordance with the amended Master Plan for the basement level and ground floor level received on the 23rd April 2012 as follows:-

- a) Delete the basement vehicle access ramp onto Malibu Road;
 - b) Provide a new basement vehicle access point near the southern corner of the proposed building, and provide a connection to the existing carpark;
 - c) Relocate the bin store to the south western side of the building, to allow bins to be collected from the carpark in front of the commercial building;
 - d) Convert the existing bin store to short stay accommodation units;
 - e) Alter the size, shape and frontage of the end shop/office tenancies; and
 - f) Convert the on-street waste truck space to a regular on-street car parking space.
2. Arrangements shall be made for the payment of financial contributions to the City of Rockingham for the development and administration of community infrastructure identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit - Certified.
 3. Earthworks shall be stabilised to prevent sand blowing and dust nuisance, for the duration of development works.
 4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to the issue of a Building Permit - Certified, and works being undertaken prior to the occupation of the development.
 5. The existing carpark between the proposed development and the existing commercial building on Strata Plan 11787, shall be upgraded in accordance with the following requirements:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit – Certified;
 - (ii) include two car parking space(s) dedicated to people with disabilities and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Car parking for people with disabilities*;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (iv) have lighting installed, prior to the occupation of the development.
 6. Eight on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, prior to the issue of a Building Permit - Certified.

7. Bicycle Parking and end-of trip facilities shall be provided in accordance with the City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.
8. Disused crossovers shall be removed and the verge, footpath, kerbing and landscaping must be reinstated, prior to occupation of the development.
9. The development shall be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.
10. Clothes drying facilities (excluding electric clothes dryers) shall be designed for each Multiple Dwelling, screened from public view, prior to applying for a Building Permit - Certified.
11. Entries and window frontages facing the street of tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
12. Street verandahs shall be provided to Malibu Road across the full width of the proposed building at a minimum 2.5m wide and minimum clearance of 3.2m above the footpath, with lighting being provided under the street verandah.
13. A Schedule of colours and texture of building materials, demonstrating that the proposed development complements the surrounding area, shall be provided, prior to applying for a Building Permit - Certified.
14. An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and with a door that accesses either communal space or a car parking space allocated to the same unit, shall be designed for each Multiple Dwelling, prior to applying for a Building Permit - Certified.
15. The Shop/Office tenancies are approved for the use of both a 'Shop' and 'Office' land use.
16. All Multiple Dwellings are approved for both permanent and Short Stay accommodation.
17. A Management Statement shall be prepared for the Multiple Dwellings and Short Stay Accommodation, detailing the proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors to the satisfaction of the City of Rockingham, prior to applying for a Building Permit - Certified.
18. The balconies of Units 12, 25 and 37 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of survey strata lots proposed by the current subdivision application on the land (WAPC Ref: 66-12) within 7.5m of the balconies, prior to the issue of a Building Permit - Certified.
19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to the issue of a Building Permit - Certified.

20. A Waste Management Plan shall be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Permit - Certified:

- (i) the location of bin storage areas and bin collection areas;
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan for the duration of development.

21. An Independent Safety Audit, Corrective Action Report of the proposed vehicle access point onto Malibu Road shall be undertaken to determine how the access point can be designed to operate in a safe manner and whether any turning pockets are required on Malibu Road, and the development designed to incorporate the recommendations of the Safety Audit, prior to applying for a Building Permit - Certified.

22. Arrangements shall be made for the provision of pedestrian crossing facilities (including a refuge island) on Malibu Road between the development site and Waikiki Road, prior to occupation of the development.

23. The existing commercial building and advertisements on 432 Safety Bay Road shall be upgraded to an equivalent maintenance standard of buildings in the locality (including the proposed Mixed Use development), and the upgrading works completed prior to the occupation of the development.

24. An Acoustic Report shall be provided demonstrating that the development will comply with the *Environmental Protection (Noise) Regulations 1997*, particularly with regard to the following, and the development designed to incorporate the recommendations of the acoustic report, prior to applying for a Building Permit - Certified:

- mechanical ventilation, air conditioning and plant equipment;
- soundproofing against noise transmission between units;
- soundproofing against noise from the existing service station and car vacuum bay at 430 Safety Bay Road; and
- soundproofing against noise transmission from the commercial units to the residential units within the development.

25. External fixtures, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from Malibu Road.

26. Arrangements shall be made for the lot boundary between Strata Plan 11787 and Lot 1 Safety Bay Road to be realigned to ensure the approved development does not encroach over lot boundaries, meets fire separation requirements and provides for right of access to the surface-level carpark, prior to applying for a Building Permit - Certified.
27. The development shall be designed to incorporate a rear door to the Restaurant tenancy for access to the service corridor, to facilitate direct access to the bin store.

Footnotes

- (a) This approval shall expire if development is not substantially commenced within two years of the date of this approval.
- (b) All advertisements associated with the proposed development will require approval under the *City of Rockingham Signs, Hoardings and Bill Posting By-law*; contact the City's Building Services for more information.
- (c) The applicant is reminded of the need to obtain approval from the Executive Director of Public Health at the Department of Health prior to the installation of the pools and spa; contact the City of Rockingham's Health Services for more information.
- (d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the *Local Government (Miscellaneous Provisions) Act 1960*; contact the City's Building Services for more information.
- (e) The car parking requirement for this development has been calculated as 129 car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of 139 car parking spaces which meets the minimum car parking requirement and is deemed acceptable.
- (f) In relation to Condition 7, the bicycle parking shall be designed with the following:
 - The doorway to the basement bicycle compound shall have a minimum width of 1.5m; and
 - Bicycle parking spaces in the Malibu Road verge shall be setback at least 0.6m from the on-street car parking spaces.
- (g) In relation to Condition 14, Store 2 shall be designed such that the door is oriented to the accessway and not the accessible car parking space.
- (h) The applicant is encouraged to investigate energy efficiency and water efficiency devices that may be cost effective to install within the development.
- (i) The applicant is encouraged to consider the inclusion of an electrical outlet to charge and park gophers within the carpark basement.

Attachment 1a – Letter from TPG dated 29 March 2012

Our Ref: 711-312
Your Ref: 20.2012.24.1; 28/0456-15

29 March 2012

Mike Ross
Manager of Statutory Planning
City of Rockingham
PO Box 2142 Rockingham DCW WA 6967
STIRLING WA 6021



TOWN PLANNING
AND URBAN DESIGN

Attention: Mike Ross

Dear Mike

**RE: PROPOSED FOUR STOREY MIXED USE DEVELOPMENT – LOTS 1 AND 4 (NO. 432-434)
SAFETY BAY ROAD, SAFETY BAY**

I refer to your letter dated 22nd March in respect of the above.

Please find enclosed amended plans and traffic report, which address those issues raised in your letter. Also below is further explanation as to how we have addressed each issue.

BALCONIES

All balconies have been reviewed and, where applicable, modified to ensure that each unit has access to a balcony of no less than 10m² with minimum dimensions of 2.4 m as required under State planning policy 3.1. The revised plans also address overlooking to stage 1 of the master development.

WASTE DISPOSAL

Following discussions with Mr. Paul Molony from the City, we have undertaken to provide a verge side rubbish truck bay dedicated to the City to facilitate the loading of rubbish bins from the Bin storage room. This loading bay will be protected with permanent bollards and a remote-control operated cable bollard system to ensure that the bay is available at all times to the City of Rockingham for Rubbish Bin collection purposes. The applicant will liaise with Mr Molony during the building licence application stage to ensure that the design and operation of the system is suitable to the City. The bin room has been designed to provide for in excess of 15,000 litres of general waste plus a suitable number of recycling bins.

SHORT TERM PARKING

Proposed short-term street parking spaces on Malibu Road have been modified to meet the requirements of AS 2890.5 – 1993. The design and location of the proposed on street parking spaces have been reviewed to ensure that they do not obstruct driver sightlines for vehicles exiting the basement car park.

As requested, additional short-term parking has been provided on Part Lot 4 as shown on the Site plan [A1.1.2]. This parking area also includes accessible car parking spaces. In addition,

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The Planning Group WA Pty Ltd ABN 36 097 273 222
www.lpgwa.com.au

accessible car parking spaces have been included in the basement of the proposed development.

TRANSPORT ASSESSMENT

Queries raised in relation to the traffic assessment have been addressed by the proponent's traffic engineer and are included in this submission.

BICYCLE PARKING AND ENDED TRIP FACILITIES

- The proposed bicycle parking and trip facilities have been assessed against the City's Planning policy 3.3 .14 and modified to meet those requirements as well as the design requirements of AS 2890 .3 – 9093. A total of 15 bicycle parking spaces have been provided in a class two compound.
- Additionally, the EOT facility plans have been modified to show the composition of the end of trip facilities, including the provision of showers, change rooms and one locker per parking space.
- The doorway into the bicycle compound has been widened to a minimum width of 1.5m and has a height greater than 2.25 metres in accordance with AS 2980.3 – 1993.
- The staircase has been replaced by a ramp to provide ease of access to the bicycle compound.
- Short-term parking has been provided for seven bicycle spaces on the Malibu Road verge as required.

SITE PLANS, FLOOR PLANS AND ELEVATION PLANS

- To provide additional clarity; site plans, floor plans and elevations have been modified to remove elements that are not related to the Application, including parts of building structures and landscaping for future stages. However, they do show the short-term parking, crossover modifications and proposed line marking to the existing car park on Part Lot 4.
- Alterations have been made to store 45 as required.
- The Western retaining wall shown on the basement plan separates Stage 1 & future Stage 4 car parks. Upon completion of Stage 4 it will be partially demolished to provide access to the Stage 4 car park. At this point it will no longer need to function as a retaining wall. It will continue to operate as a supporting wall for the Landscaping deck over and as dividing structure between stage 2 & 4.
- The site plan has been modified to remove the building shown on the eastern boundary of the site. It has also been modified to show the proposed landscaping treatment, on street parking and verge treatments, crossover modifications and proposed line marking of the existing car park on Part Lot 4 (Drawing A1.01.2).

OTHER ISSUES

- Stormwater. We have discussed the issue of stormwater with our civil engineer, BPA Engineers. They advised that the likely maximum groundwater table level is predicted to be AHD 1.2. The majority of the basement is at AHD 3.3, thus providing approximately 2 metres of depth to disperse stormwater. Given this BPA believe that a Stormtech or similar, shallow dispersal system, located under the basement floor slab will efficiently disperse on site stormwater. This system will also act to drain any water from car washing etc. within the basement. However, it is also proposed to locate a substantial stormwater dispersal system under the commercial space fronting Malibu road. The floor levels of this section of the development, being at approximately AHD 4.6 provides in excess of a 3 metres dispersal zone. In summary, our civil engineer, BPA is confident that stormwater can be adequately dispersed on site. This aspect will be comprehensively dealt with during the Building licence application stage.
- The storerooms have been modified so that no more than one storeroom door opens onto any one car parking space. Storerooms and adjacent car parking spaces will be allocated to the same user.
- Wheel stops are provided to Spaces 50, 51, 59 and 60.
- The structure located to the left side of the vehicle exit lane has been set back 2.5 m from Malibu Road and 2 m from the access driveway in accordance with clause 3.2.4(b) of AS/NZS 2890 .1.
- Only one small café, of approximately 55 sqm is provided in the commercial component of this application. Given that, it is not considered that the Cafe will cater for more than 15 to 20 people. In that case it is not considered necessary by the applicant to provide an additional toilet.

Should you have any queries in relation to the above, please do not hesitate to contact the undersigned.

Yours sincerely

TPG TOWN PLANNING, URBAN DESIGN & HERITAGE



Peter Simpson
Director

Attachment 1b – Amended Development Plans received on 29 March 2012



PROJECT

LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD

SAFETY BAY

CITY OF ROCKINGHAM

ISSUE

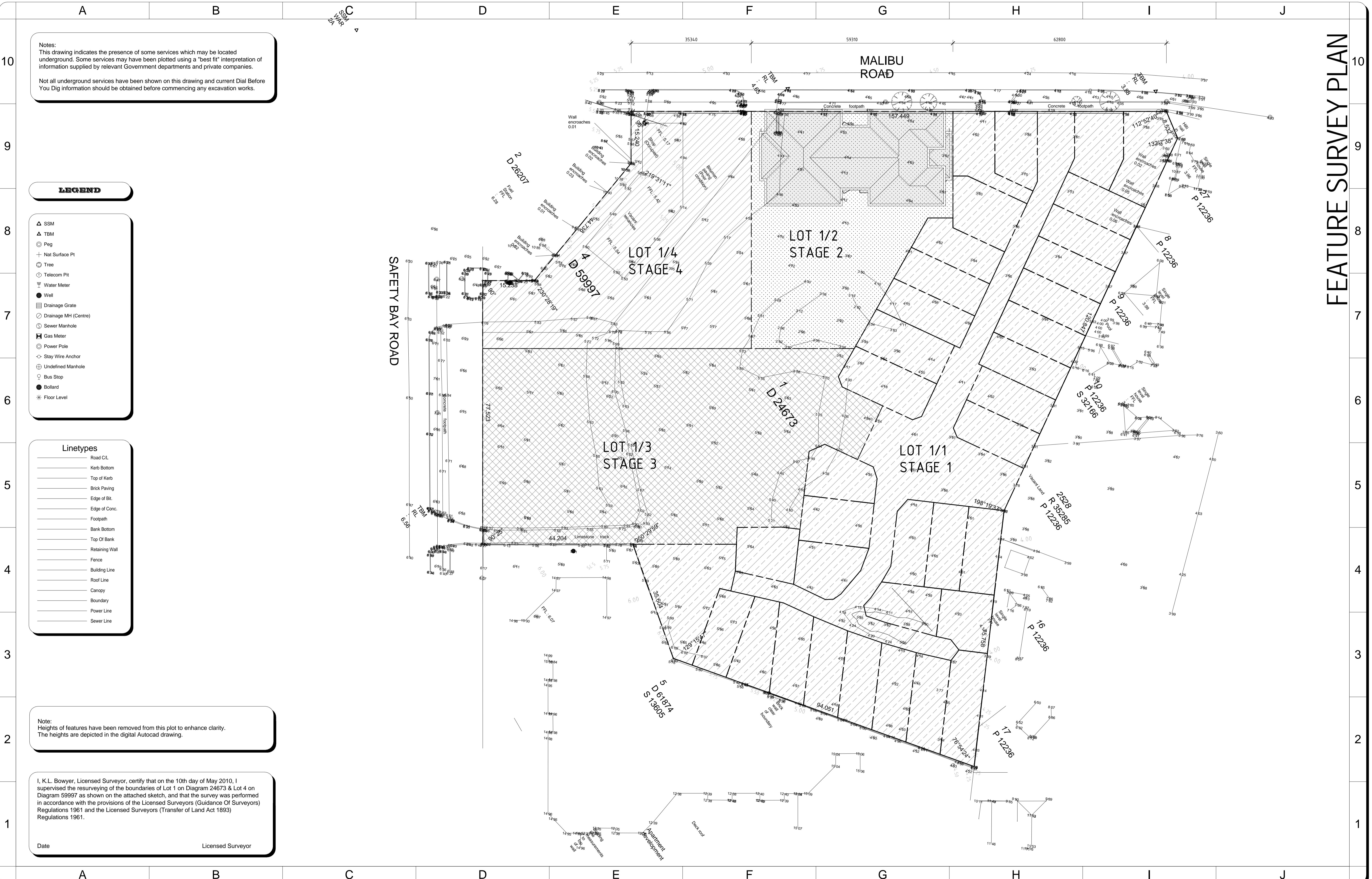
PLANNING APPLICATION

DATE

28 MARCH 2012

EAMES ARCHITECTS

168 STIRLING HIGHWAY, NEDLANDS WA 6009
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e: info@eamesarchitects.com.au job#:11009



Notes:
 This drawing indicates the presence of some services which may be located underground. Some services may have been plotted using a "best fit" interpretation of information supplied by relevant Government departments and private companies.
 Not all underground services have been shown on this drawing and current Dial Before You Dig information should be obtained before commencing any excavation works.

LEGEND

- ▲ SSM
- ▲ TBM
- ⊙ Peg
- + Nat Surface Pt
- ⊕ Tree
- ⊕ Telecom Pit
- ⊕ Water Meter
- Well
- ▣ Drainage Grate
- ⊕ Drainage MH (Centre)
- ⊕ Sewer Manhole
- ⊕ Gas Meter
- ⊕ Power Pole
- ⊕ Stay Wire Anchor
- ⊕ Undefined Manhole
- ⊕ Bus Stop
- Bollard
- * Floor Level

Linetypes

- Road CL
- Kerb Bottom
- Top of Kerb
- Brick Paving
- Edge of Bit.
- Edge of Conc.
- Footpath
- Bank Bottom
- Top Of Bank
- Retaining Wall
- Fence
- Building Line
- Roof Line
- Canopy
- Boundary
- Power Line
- Sewer Line

Note:
 Heights of features have been removed from this plot to enhance clarity. The heights are depicted in the digital Autocad drawing.

I, K.L. Bowyer, Licensed Surveyor, certify that on the 10th day of May 2010, I supervised the resurveying of the boundaries of Lot 1 on Diagram 24673 & Lot 4 on Diagram 59997 as shown on the attached sketch, and that the survey was performed in accordance with the provisions of the Licensed Surveyors (Guidance Of Surveyors) Regulations 1961 and the Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961.

Date _____ Licensed Surveyor _____

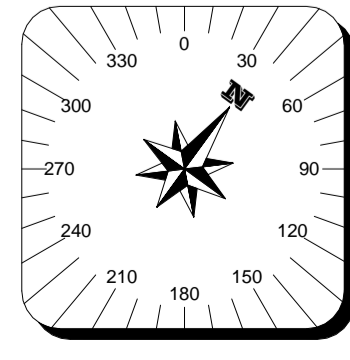
FEATURE SURVEY PLAN

RMSurveys LICENSED SURVEYORS
 SUBDIVISIONS STRATA TITLES LAND INFORMATION
 GPS SURVEYS GEODETIC SURVEY AND COMPUTING
 ENGINEERING & CONSTRUCTION SETOUT
 Phone: (08) 9457 7900
 Fax: (08) 9457 7922
 email: rmsurvey@rmsurveys.com.au

SCALE 1:500
 ALL DISTANCES ARE IN METRES

ORIGINAL DRAWING SIZE
A1

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No.	Description	Drawn	Checked	Approved	Date
1	Added additional pickup.	AC	BR	KB	28/06/10
0	Initial Issue.	AC	BR	KB	17/05/10

Surveyor	BR	Vertical Datum	AHD
Survey Date	11/05/10	Horizontal Datum	PCG 94
Data Source	LISCAD9	Job No.	CAMP-SBAY

FEATURE AND CONTOUR SURVEY
 Lots 1 & 4 Safety Bay Road
 Safety Bay
 City of Rockingham

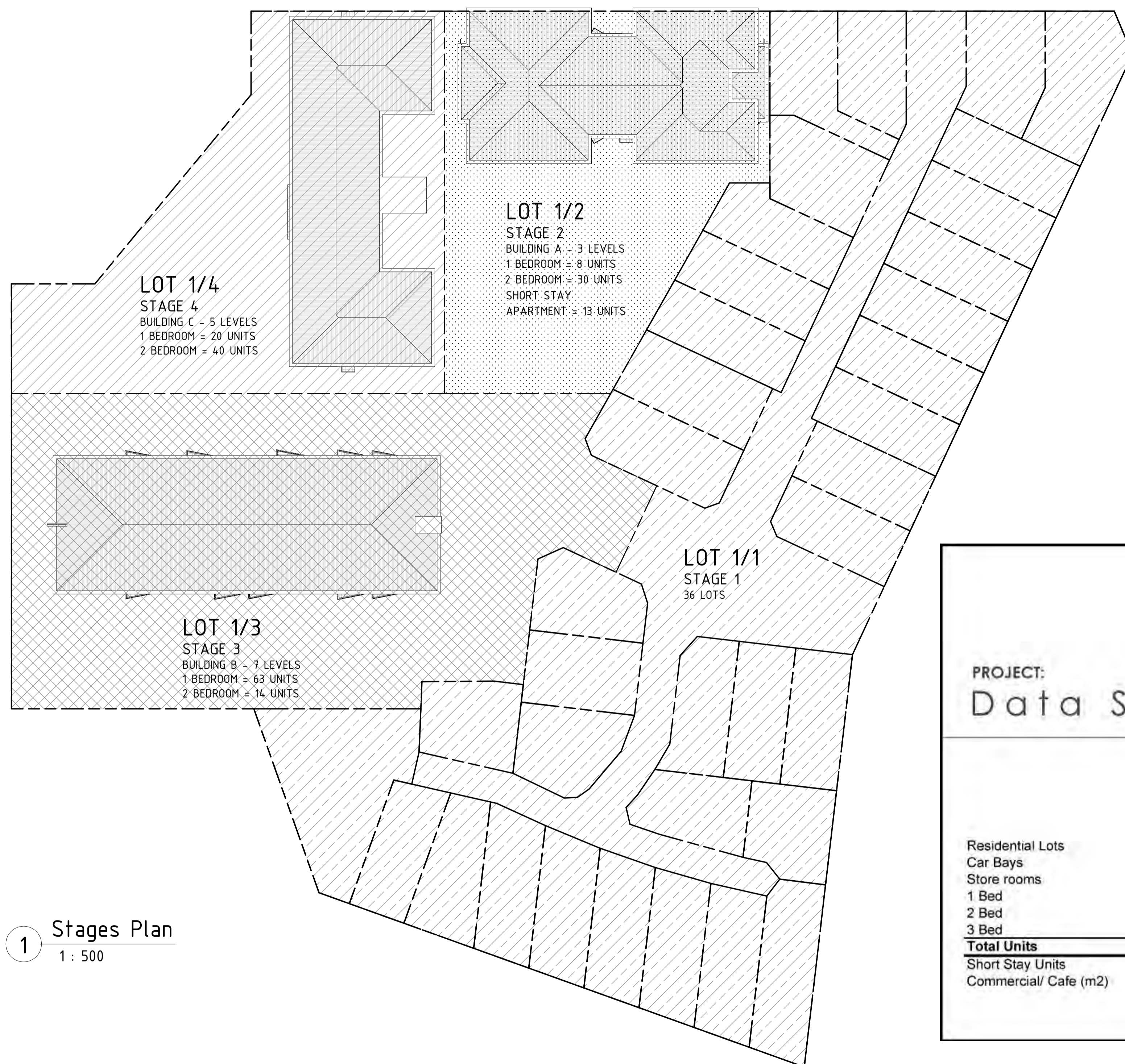
Client
 434 Safety Bay Road Pty Ltd

Drawing No.
 CAMP-SBAY-01

Revision
 1

Sheet
 1

Of
 1

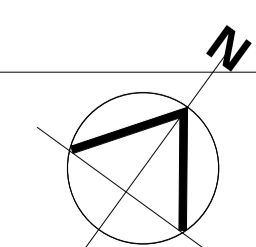


1 Stages Plan
1 : 500



PROJECT: LUMIA COMPLEX
Data Sheet Stages + Units + Areas

	STAGE 1 RESIDENTIAL LOTS	STAGE 2 BUILDING A	STAGE 3 BUILDING B	STAGE 4 BUILDING C	TOTAL
Residential Lots	36				
Car Bays	N/A	85	244	170	499
Store rooms	N/A	45	62	49	156
1 Bed	N/A	8	7	20	35
2 Bed	N/A	30	63	40	133
3 Bed	N/A		14		14
Total Units		38	84	60	182
Short Stay Units	N/A	12			12
Commercial/ Cafe (m2)	N/A	455	955	677	2087



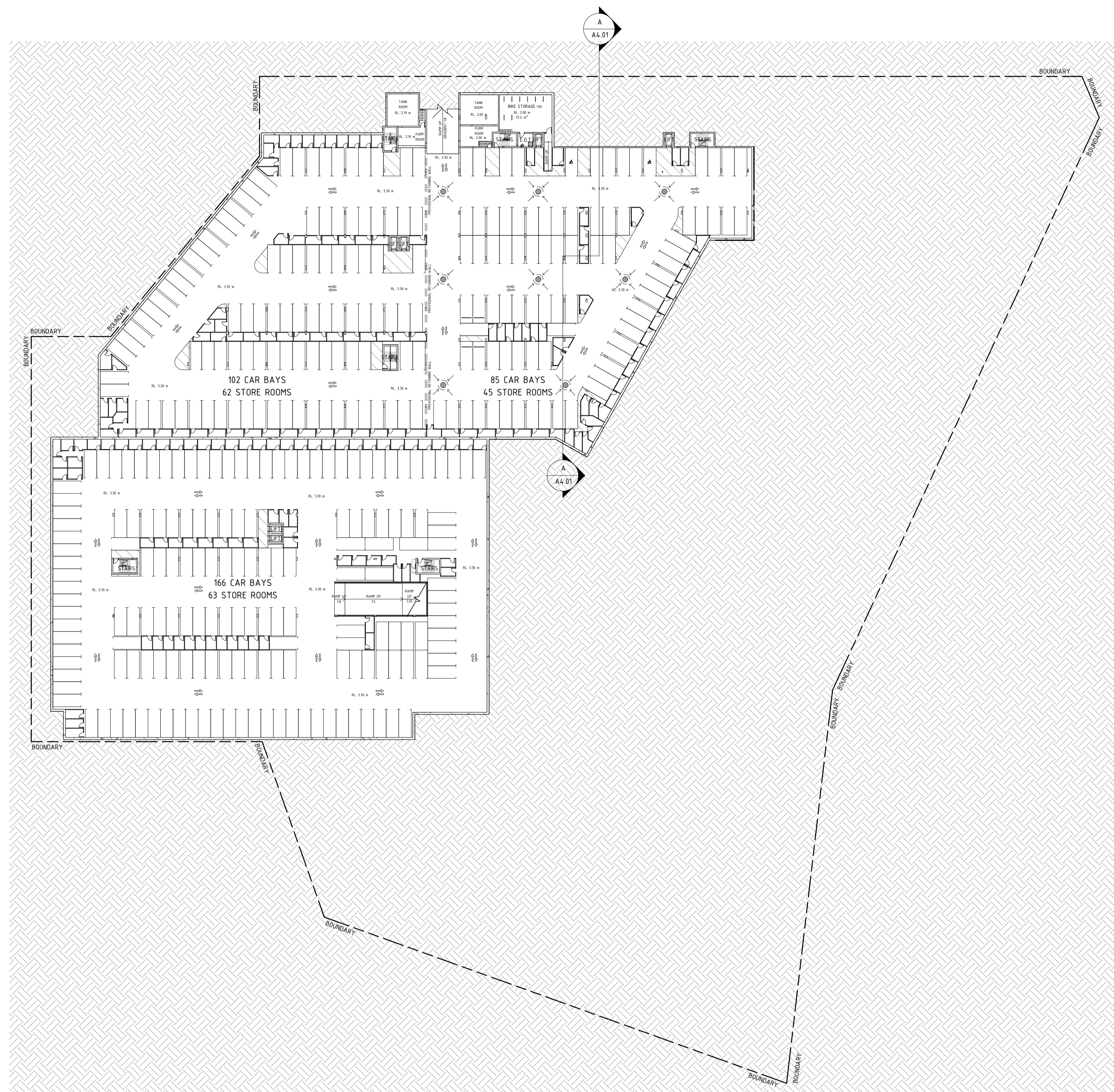
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

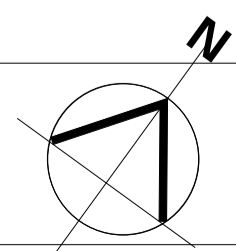
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PLANNING | EAMES ARCHITECTS

C	28 MAR 12	REVISED PLANNING APPLICATION			
B	15 MAR 12	RESIDENTIAL LOTS 2, 3, 10, 11 AMENDED			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	PLANNING APPLICATION	REVISION		
DATE DRAWN	JAN 2012 MZ/WS/JV	JOB	DWG.	REV	
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1 BASEMENT FLOOR PLAN
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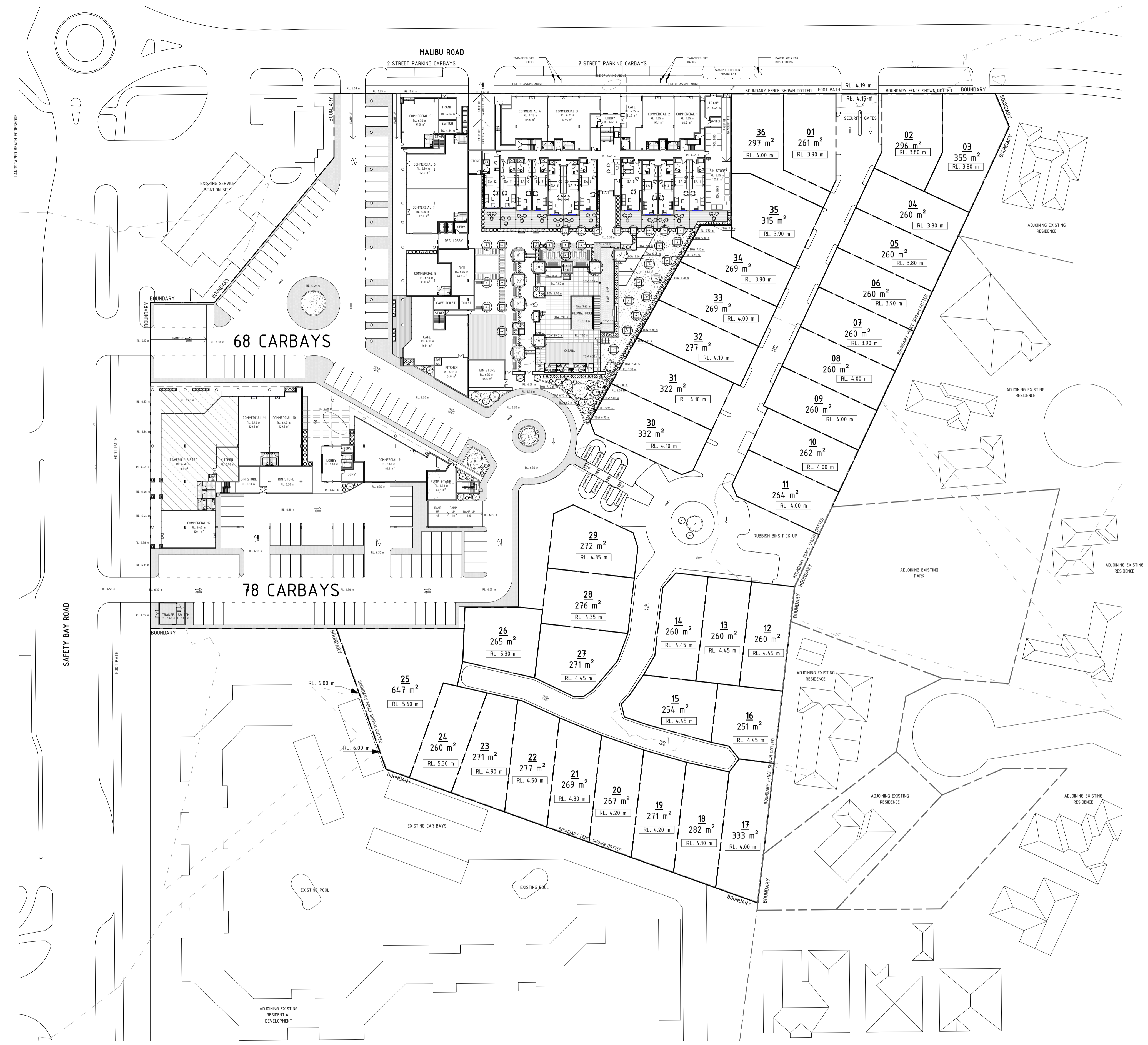
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

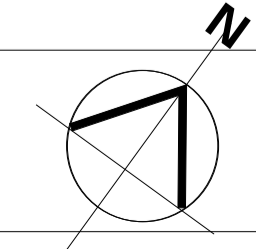
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PLANNING | **E A M E S**
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B	28 MAR 12	REVISED PLANNING APPLICATION			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	REVISION			
DATE DRAWN	JAN 2012 MZW/SJV	JOB	DWG.	REV	
SCALE	1:500 @ A1	11009	A0.03	B	



1 GROUND FLOOR PLAN
1 : 500



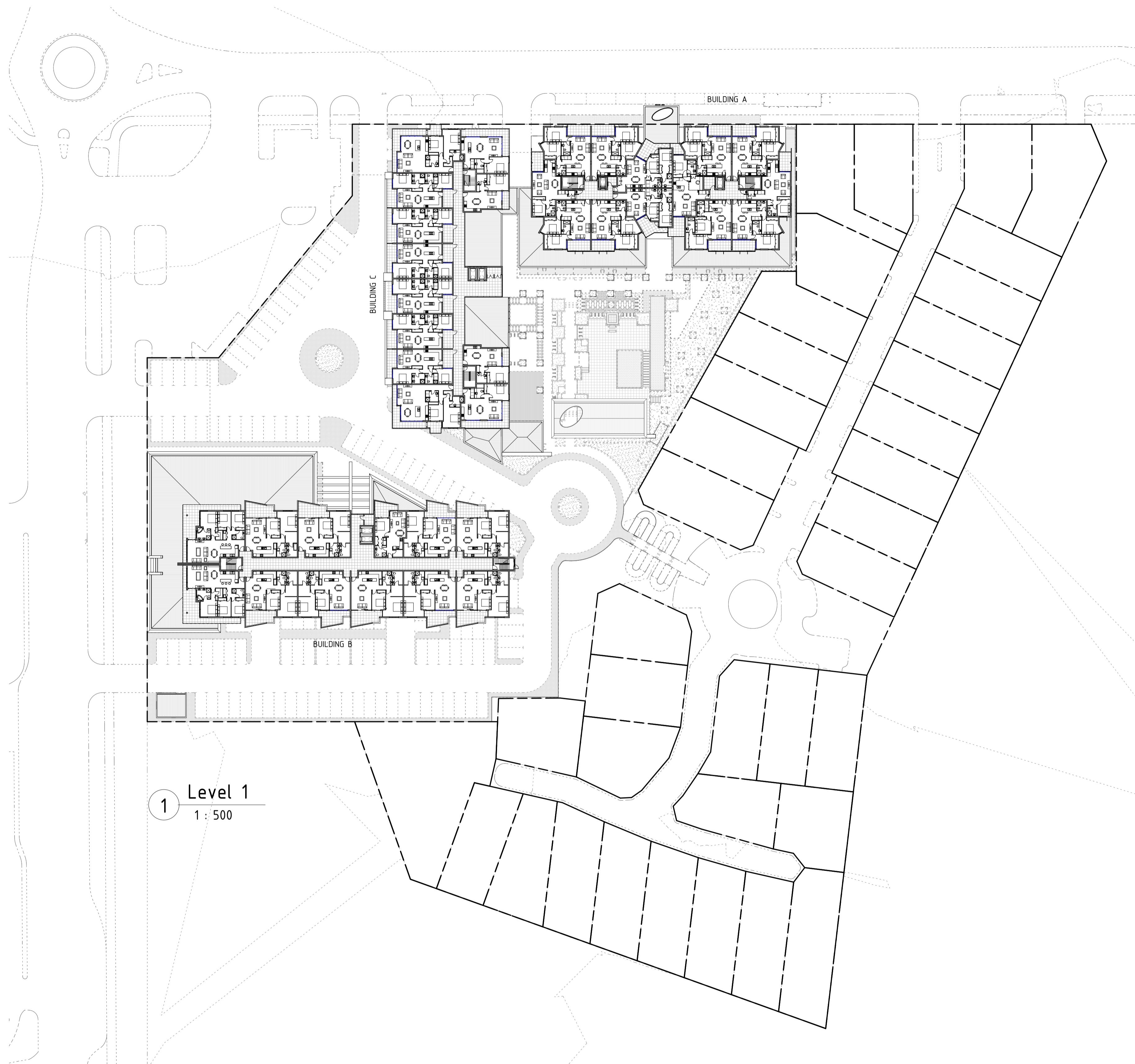
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

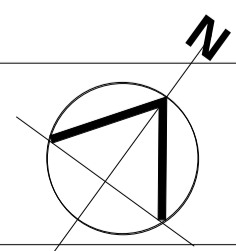
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PLANNING | E A M E S
ARCHITECTS

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	REV No	DATE	REVISION		
	DATE	JAN 2012			
	DRAWN	MZ/MSJ/V	JOB	DWG.	REV
	SCALE	1:500 @ A1	11009	A0.04	C



1 Level 1
1:500



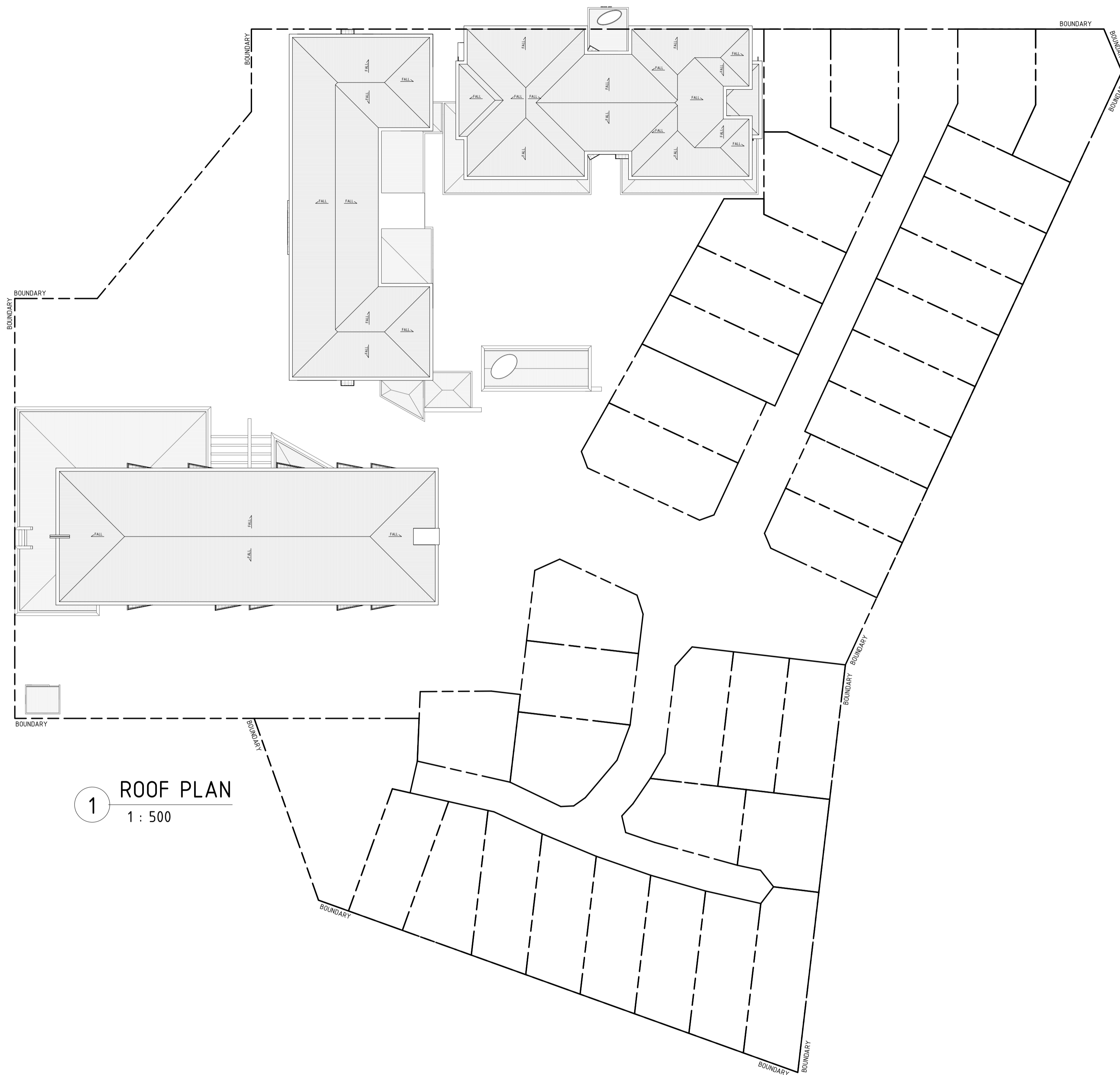
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

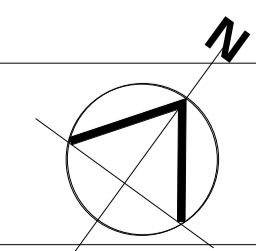
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PLANNING | **E A M E S**
ARCHITECTS

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REV No	DATE	PLANNING APPLICATION	REVISION		
DATE DRAWN	JAN 2012 MZW/SJV	JOB	DWG.	REV	
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1 ROOF PLAN
1 : 500



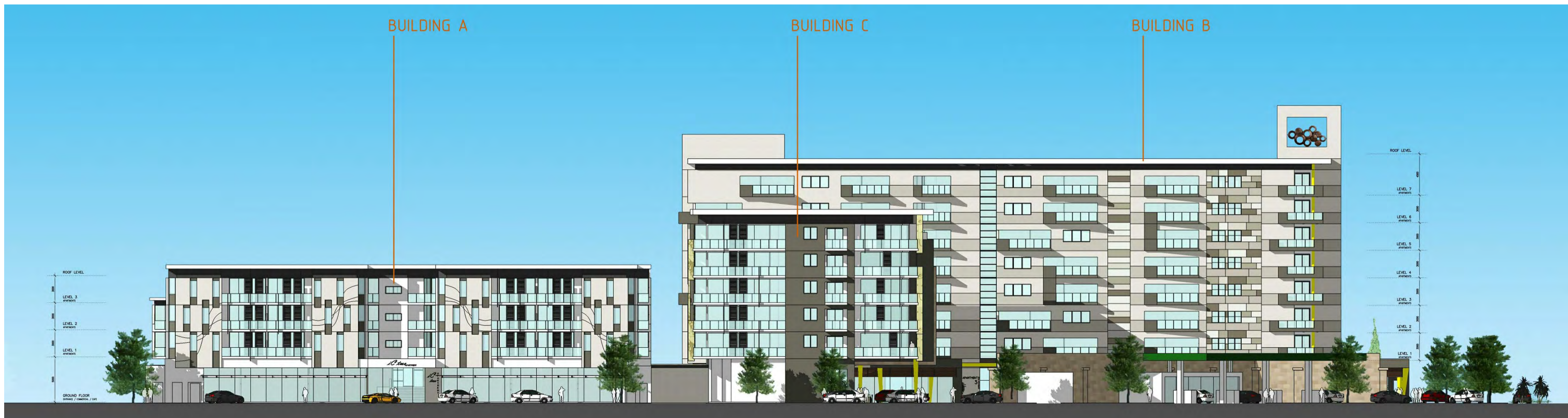
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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PLANNING | **E A M E S**
ARCHITECTS

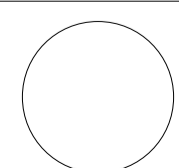
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DATE DRAWN	JAN 2012 M2/WS	JOB	DWG.	REV	
SCALE	1:500 @ A1	11009	A0.06	C	



1 NORTH WEST ELEVATION
NTS



2 NORTH EAST ELEVATION
NTS



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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PLANNING | **E A M E S**
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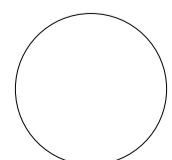
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B	28 MAR 12	REVISED PLANNING APPLICATION		
A	20 JAN 12	PLANNING APPLICATION		
DATE DRAWN	JAN 2012	JOB	DWG.	REV
SCALE	NTS	11009	A0.07	B



1 SOUTH WEST ELEVATION
NTS



2 SOUTH EAST ELEVATION
NTS



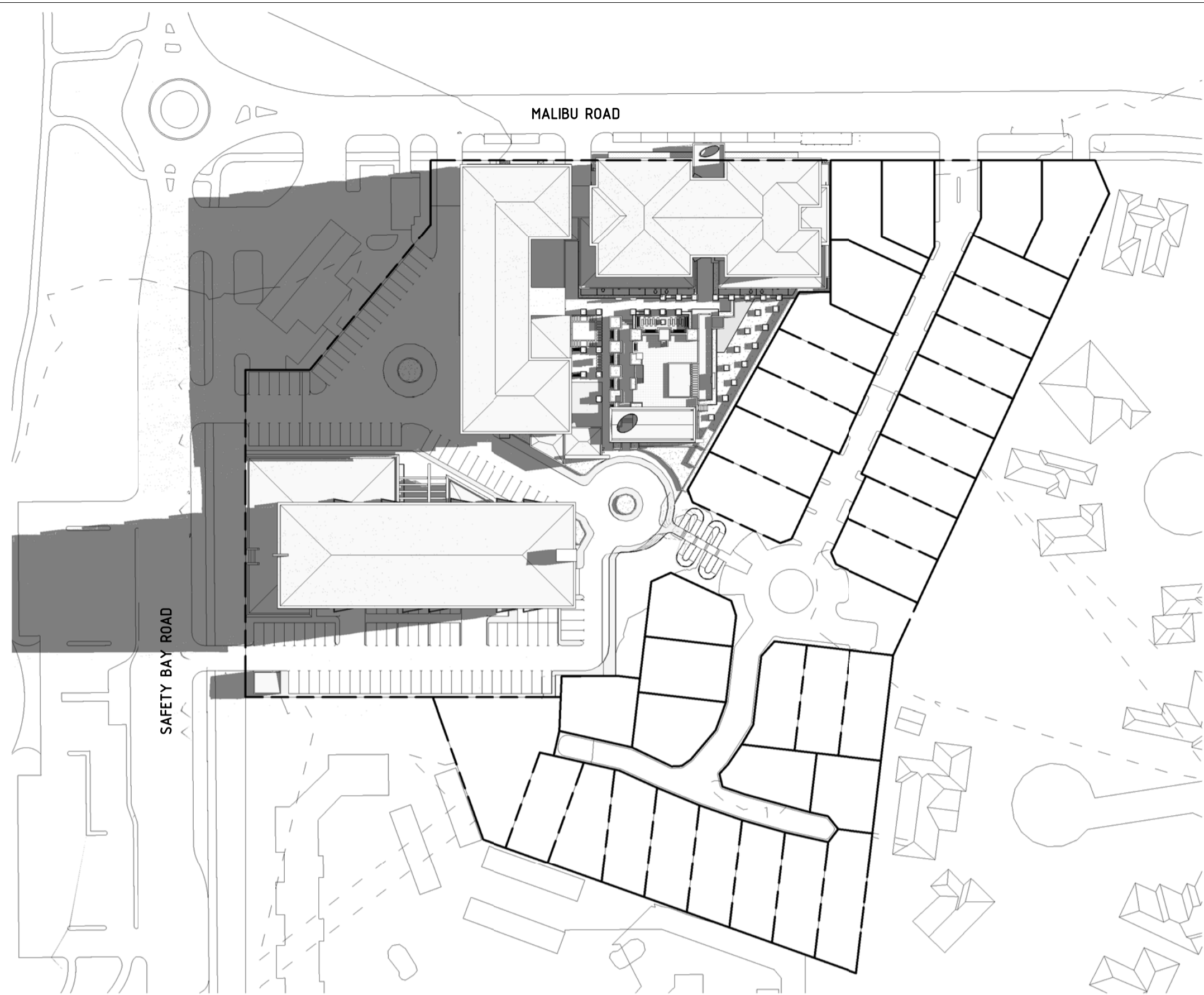
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

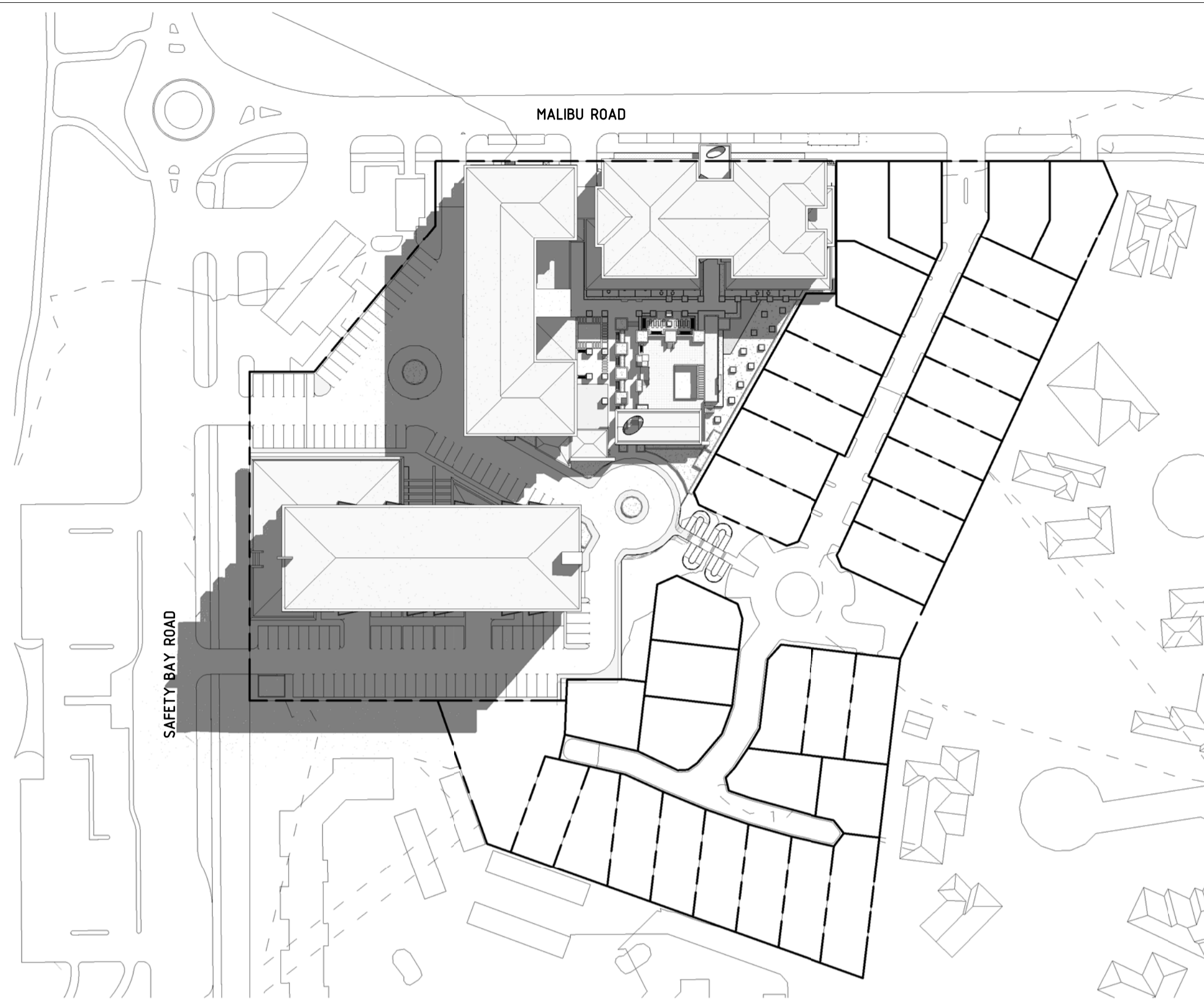
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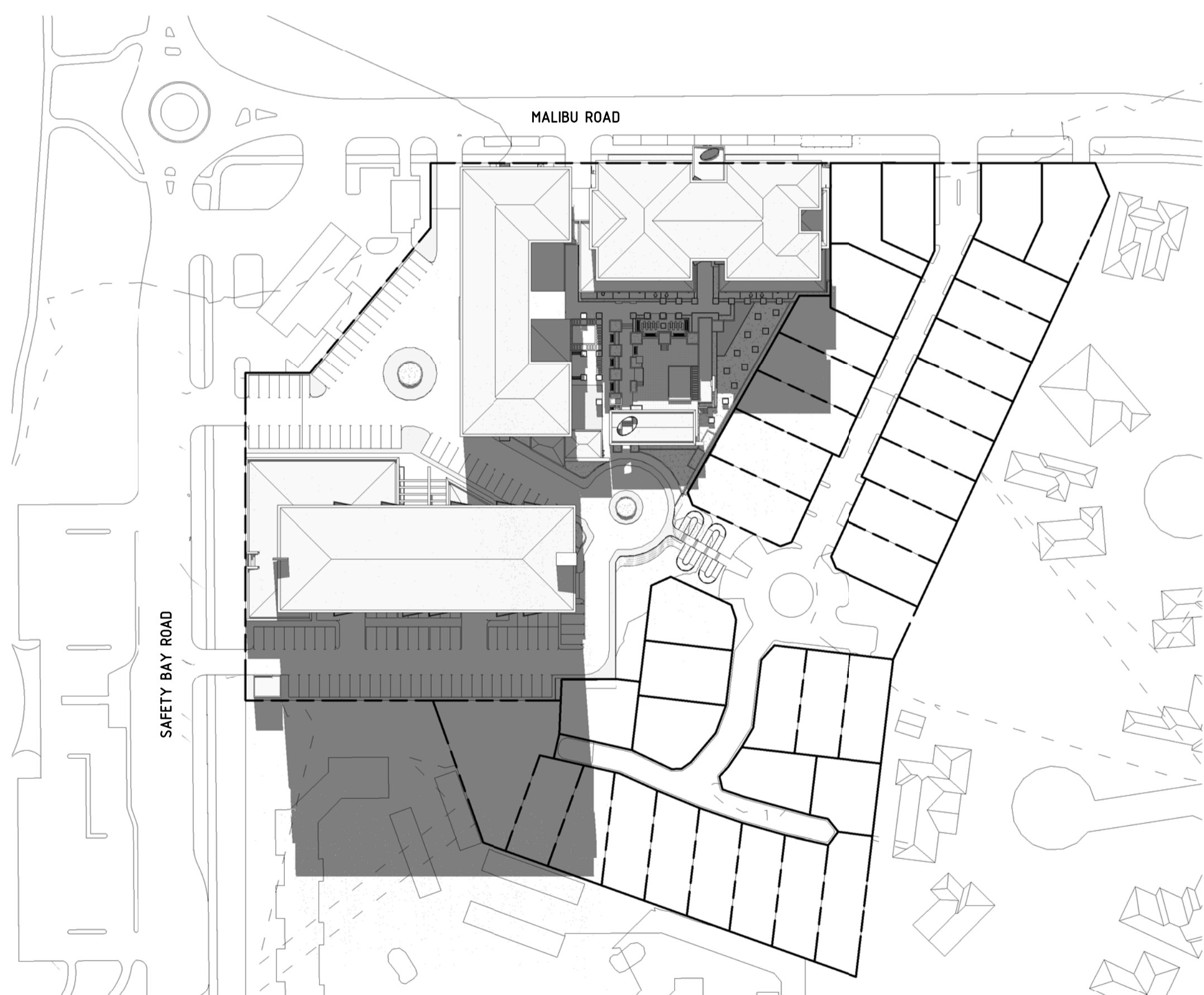
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SCALE	NTS		11009	A0.08	B



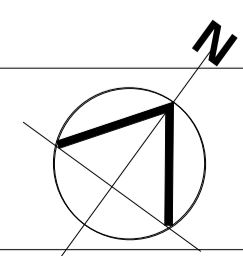
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1 : 1000



2 Shadow Diagram - JUNE 21 (1200)
1 : 1000



3 Shadow Diagram - JUNE 21 (1500)
1 : 1000



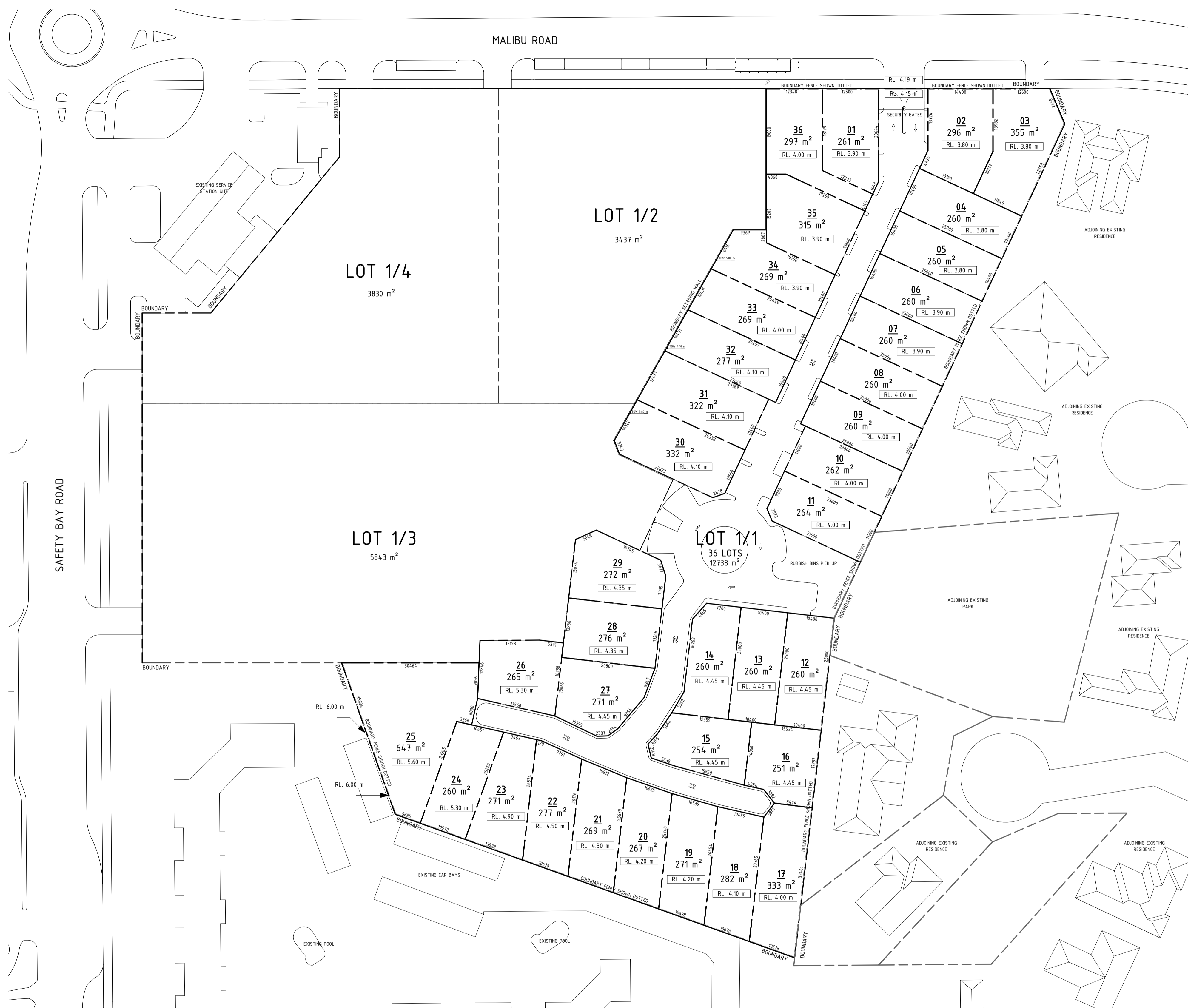
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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PLANNING | **E A M E S**
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C	28 MAR 12	REVISED PLANNING APPLICATION			
B	15 MAR 12	RESIDENTIAL LOTS 2, 3, 10, 11 AMENDED			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	PLANNING APPLICATION	REVISION		
DATE DRAWN	JAN 2012				
SCALE	1:1000 @ A1	JOB	DWG.	REV	
		11009	A0.09	C	



L SUBDIVISION LOTS PLAN
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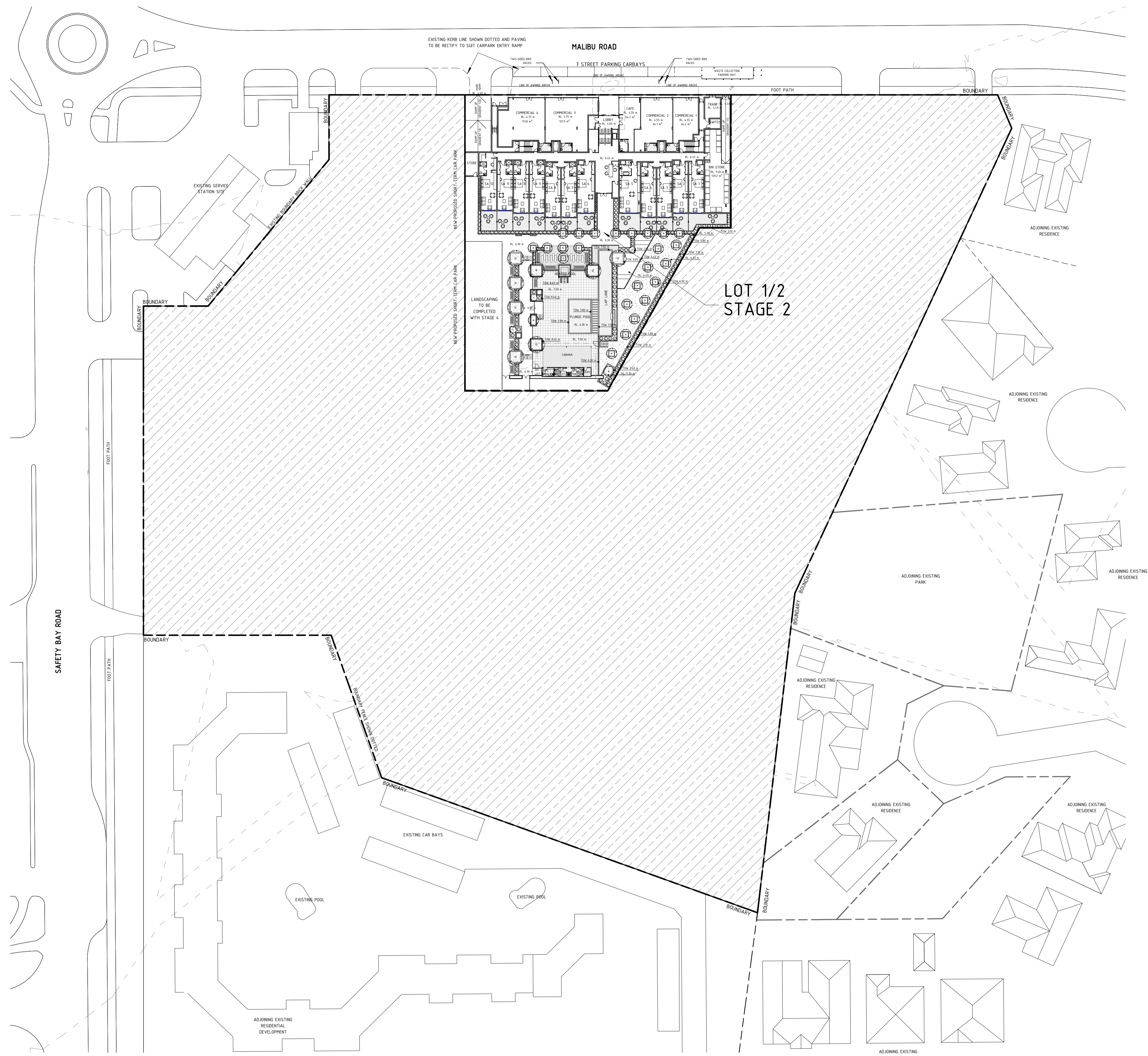
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

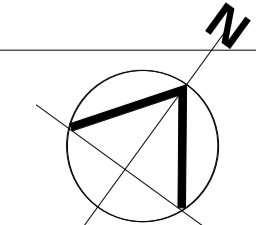
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PLANNING | E A M E S
ARCHITECTS

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B	15 MAR 12	RESIDENTIAL LOTS 2, 3, 10, 11 AMENDED			
A	20 JAN 12	PLANNING APPLICATION			
	REV No	DATE	REVISION		
	DATE DRAWN	JAN 2012 M2/WS	JOB 11009	DWG. A1.00	REV C
	SCALE	1:500 @ A1			



1 GROUND FLOOR PLAN
1 : 500



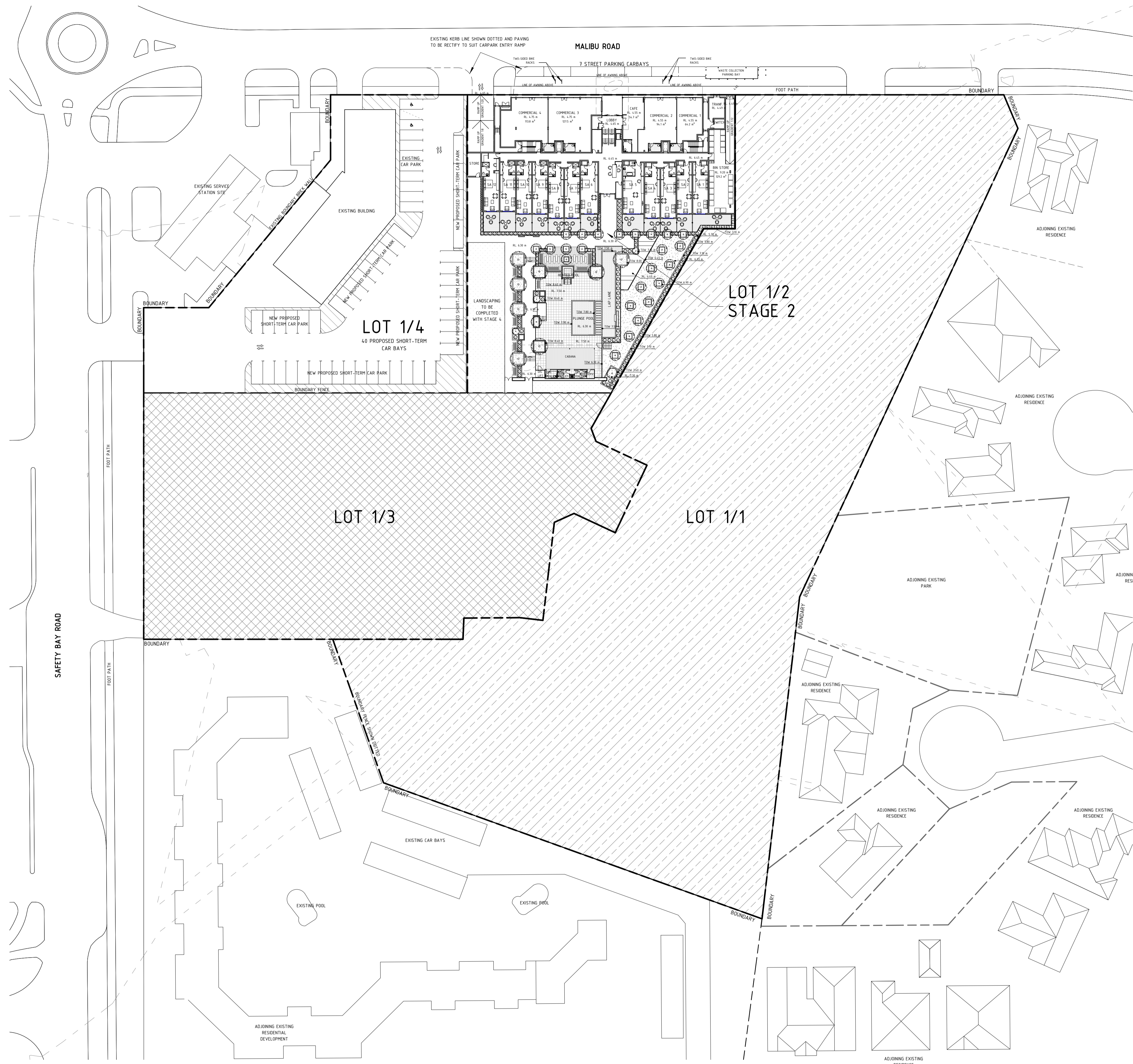
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

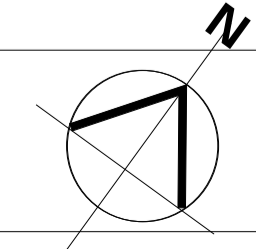
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ARCHITECTS

A		REVISED PLANNING APPLICATION		
REV No	DATE	REVISION		
DATE	JAN 2012	JOB	DWG.	REV
DRAWN	MZ	11009	A1.01.1	A
SCALE	1:500 @ A1			



1 GROUND FLOOR PLAN
1: 500



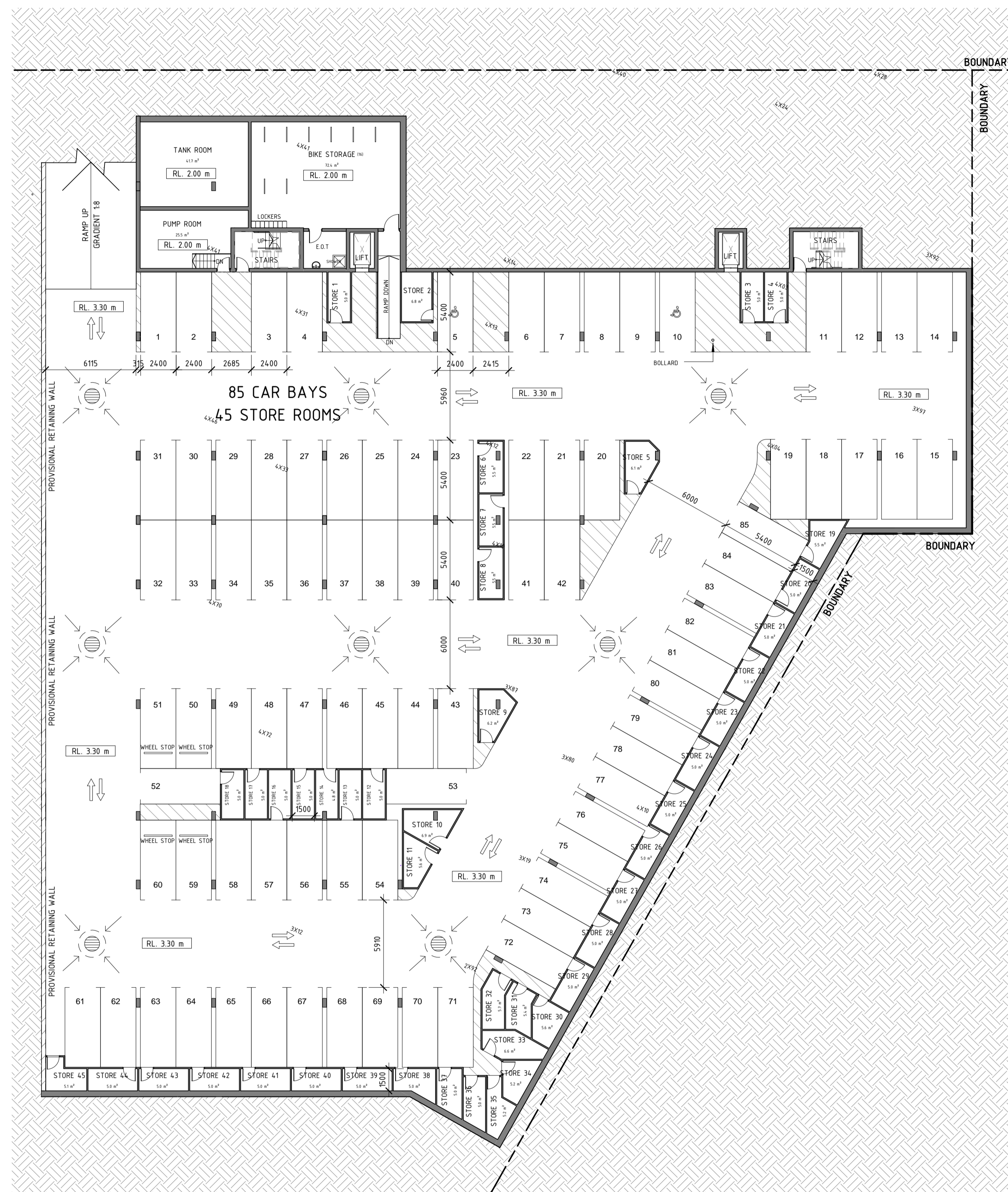
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

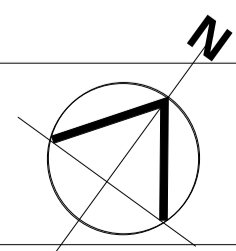
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PLANNING | E A M E S
ARCHITECTS

A		REVISED PLANNING APPLICATION		
REV No	DATE	REVISION		
DATE	JAN 2012	JOB	DWG.	REV
DRAWN	MZ	11009	A1.01.2	A
SCALE	1:500 @ A1			



B BASEMENT FLOOR PLAN
1 : 200



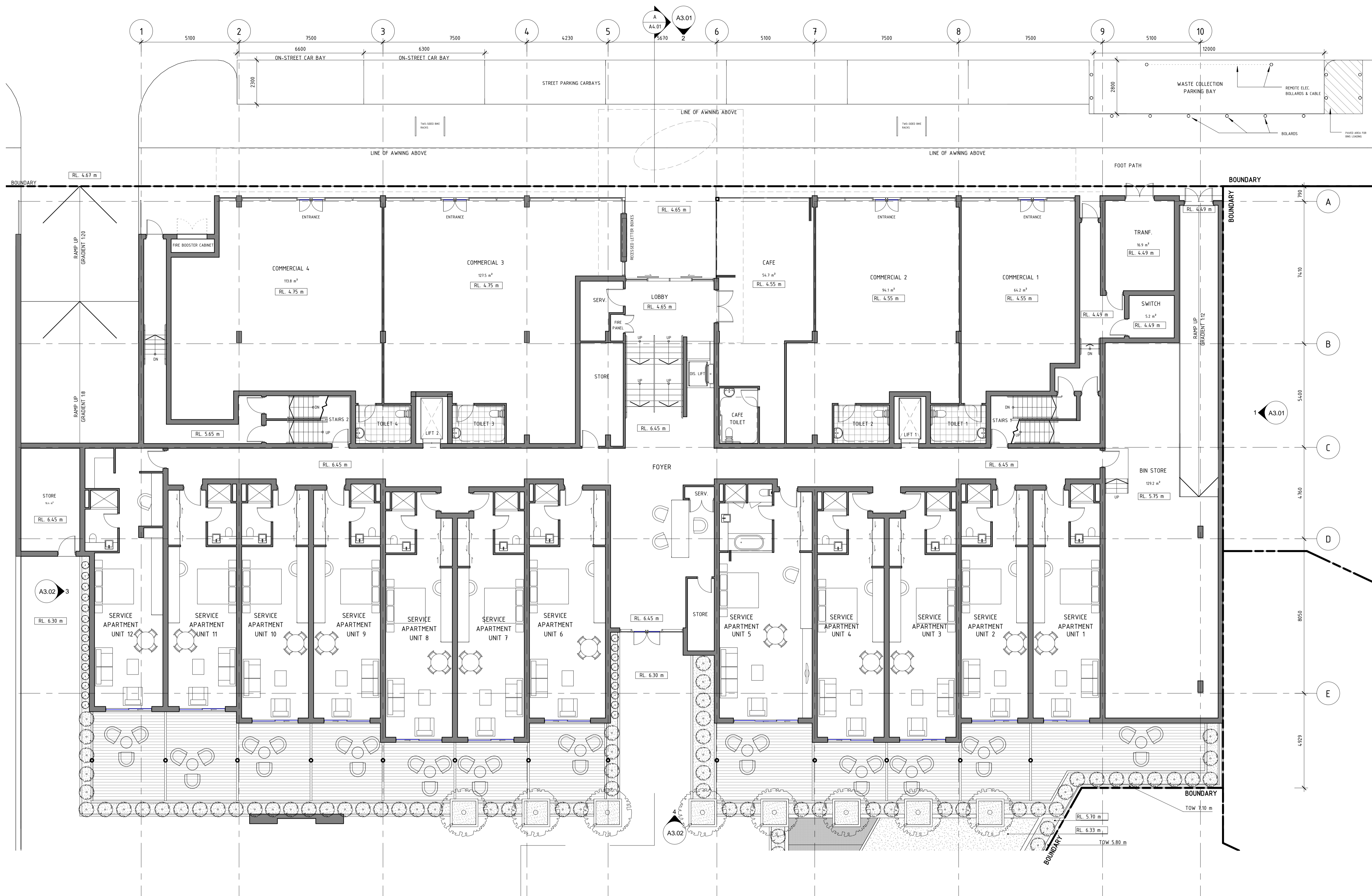
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

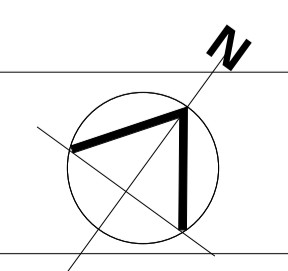
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PLANNING EAMES
ARCHITECTS

B	28 MAR 12	REVISED PLANNING APPLICATION			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	REVISION			
DATE DRAWN	JAN 2012		JOB	DWG.	REV
SCALE	MZ/WS		11009	A1.02	B
	1:200 @ A1				



G GROUND FLOOR PLAN
1 : 100



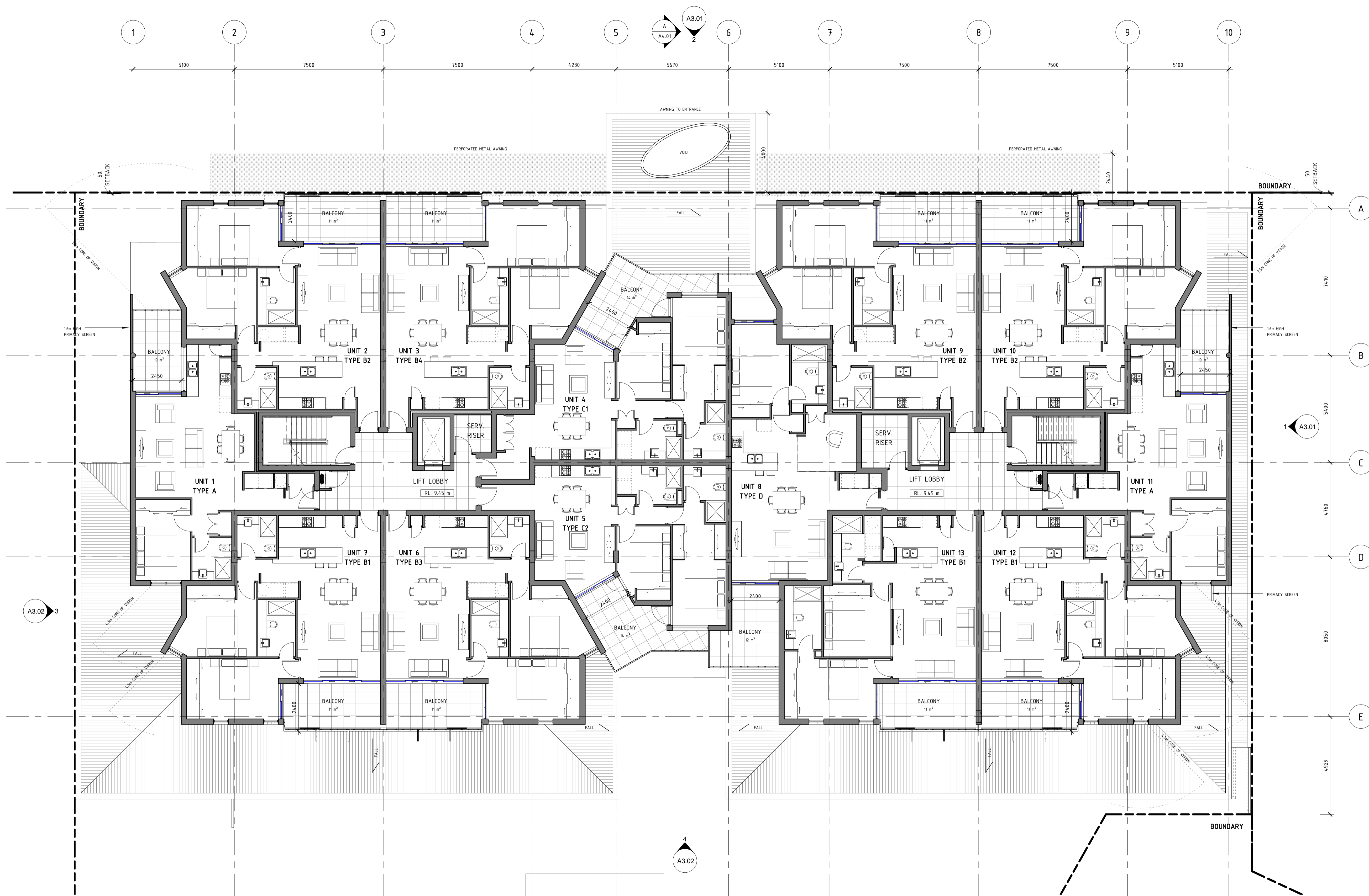
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

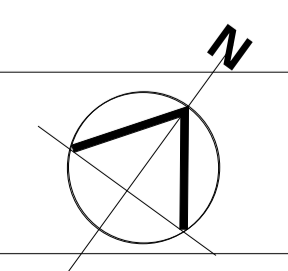
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PLANNING | E A M E S
ARCHITECTS

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DATE DRAWN	JAN 2012	JOB	DWG.	REV	
SCALE	1:100 @ A1 1:1000 @ A3	11009	A1.03	B	



1 Building A - Level 1
1 : 100



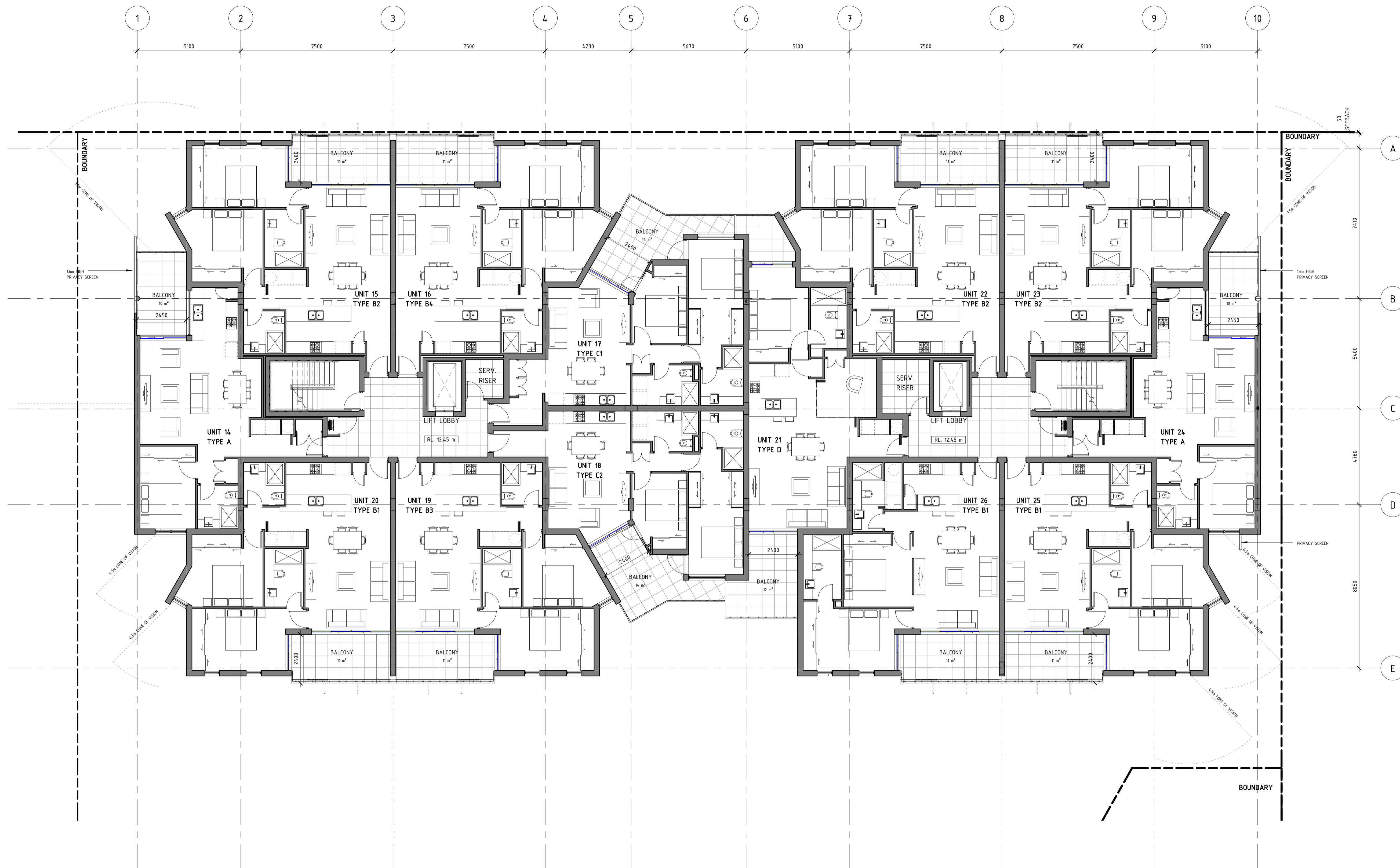
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

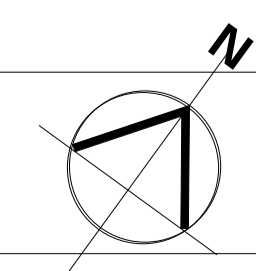
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PLANNING | E A M E S
ARCHITECTS

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DATE DRAWN	JAN 2012				
SCALE	MZ/WS	JOB	DWG.	REV	
	1:100 @ A1	11009	A1.04	B	



1 Building A - Level 2
1 : 100



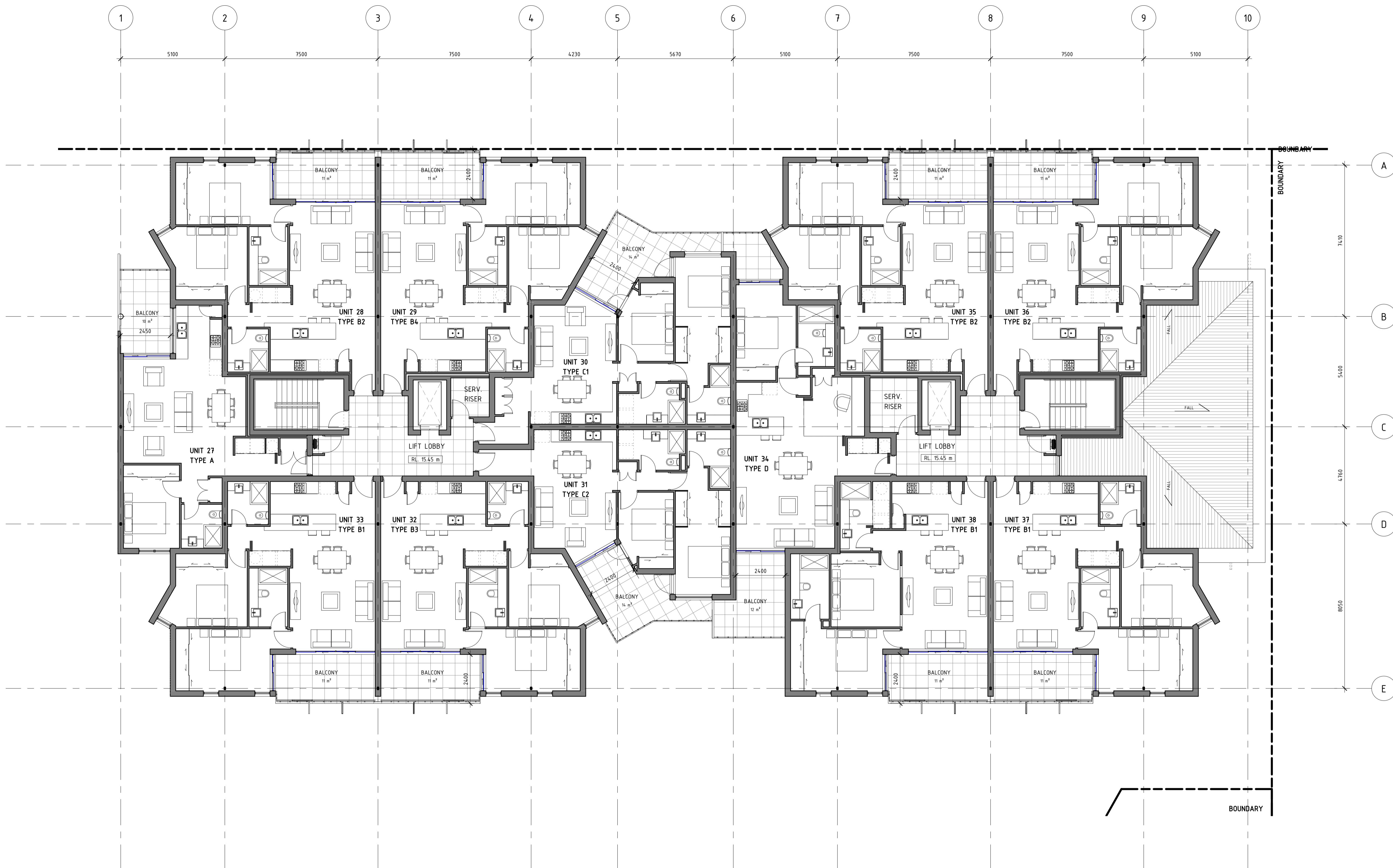
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

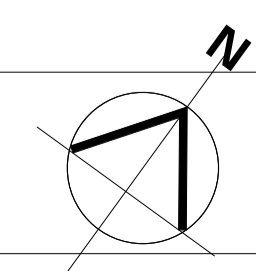
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DATE DRAWN	JAN 2012 M2/WS	JOB	DWG.	REV	
SCALE	1:100 @ A1	11009	A1.05	B	



3 Building A - Level 3
1 : 100



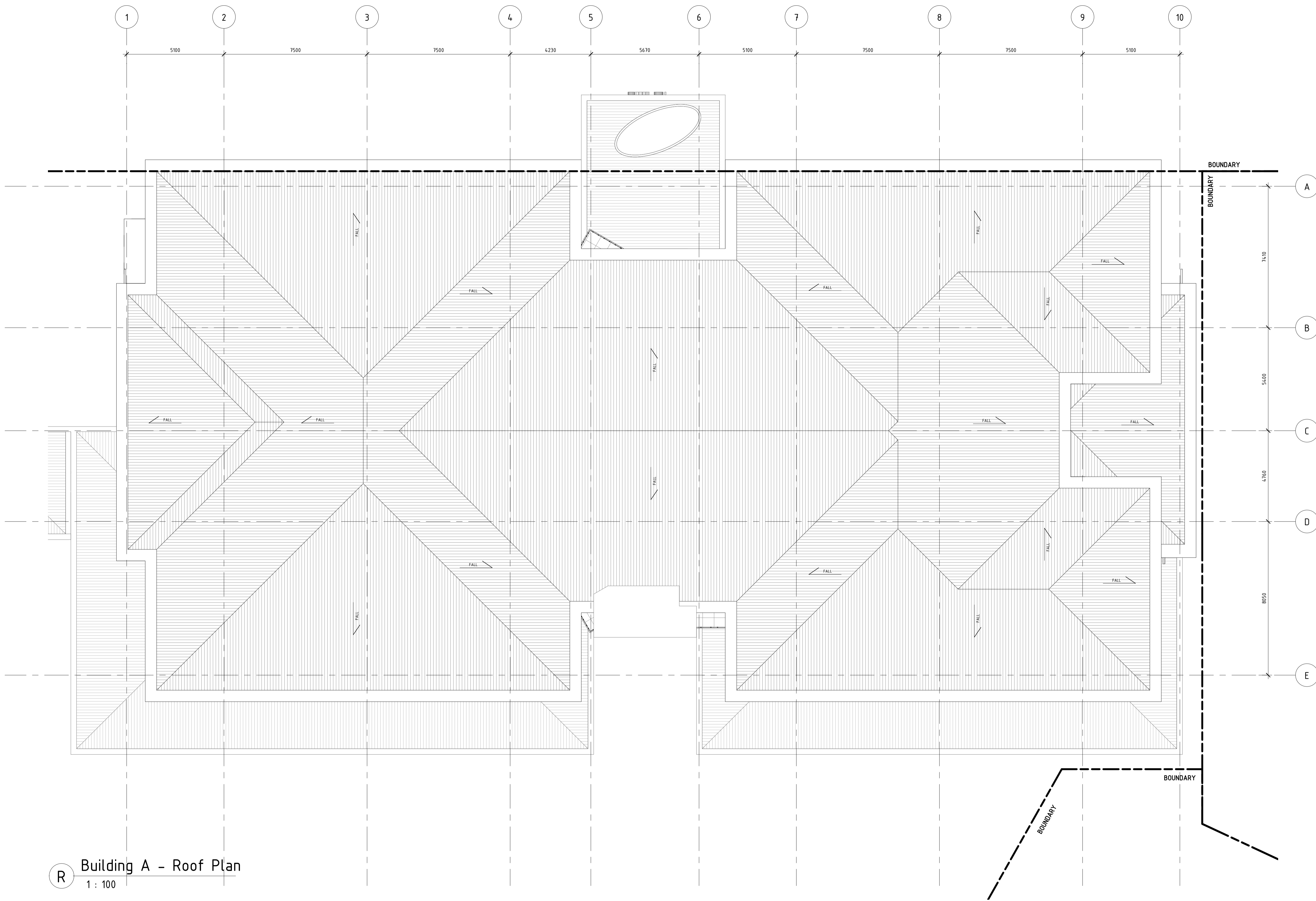
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

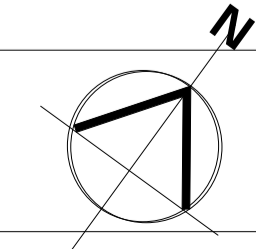
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PLANNING | **E A M E S**
ARCHITECTS

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REV No	DATE	REVISION			
DATE DRAWN	JAN 2012 M2/WS	JOB	DWG.	REV	
SCALE	1:100 @ A1	11009	A1.06	B	



R Building A - Roof Plan
1 : 100



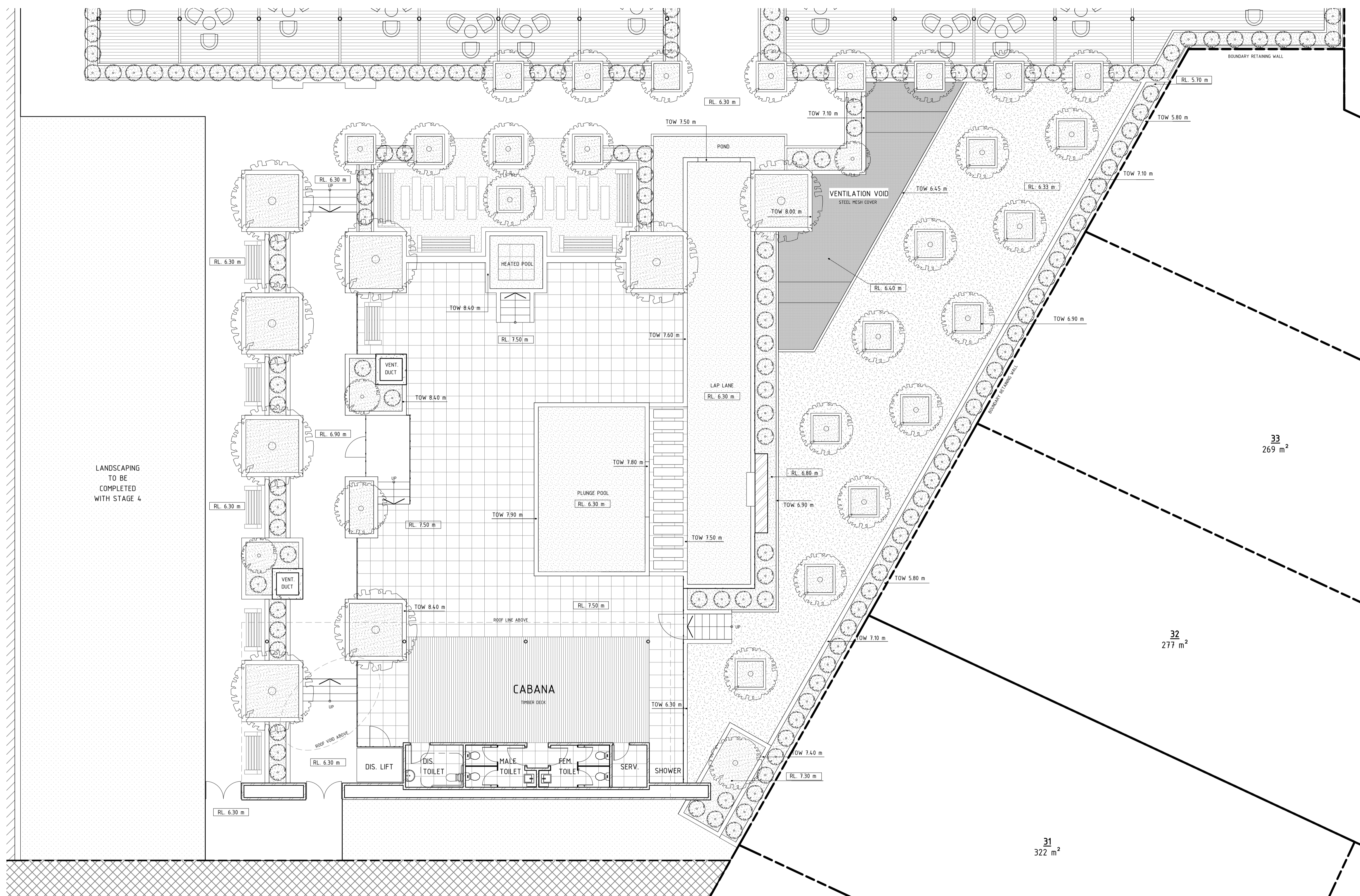
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

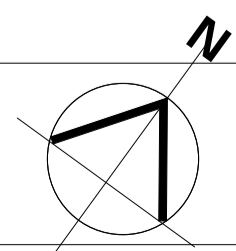
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REV No	DATE	REVISION			
DATE DRAWN	JAN 2012 M2/WS	JOB	DWG.	REV	
SCALE	1:100 @ A1	11009	A1.07	B	



1 GROUND FLOOR PLAN
1 : 100



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

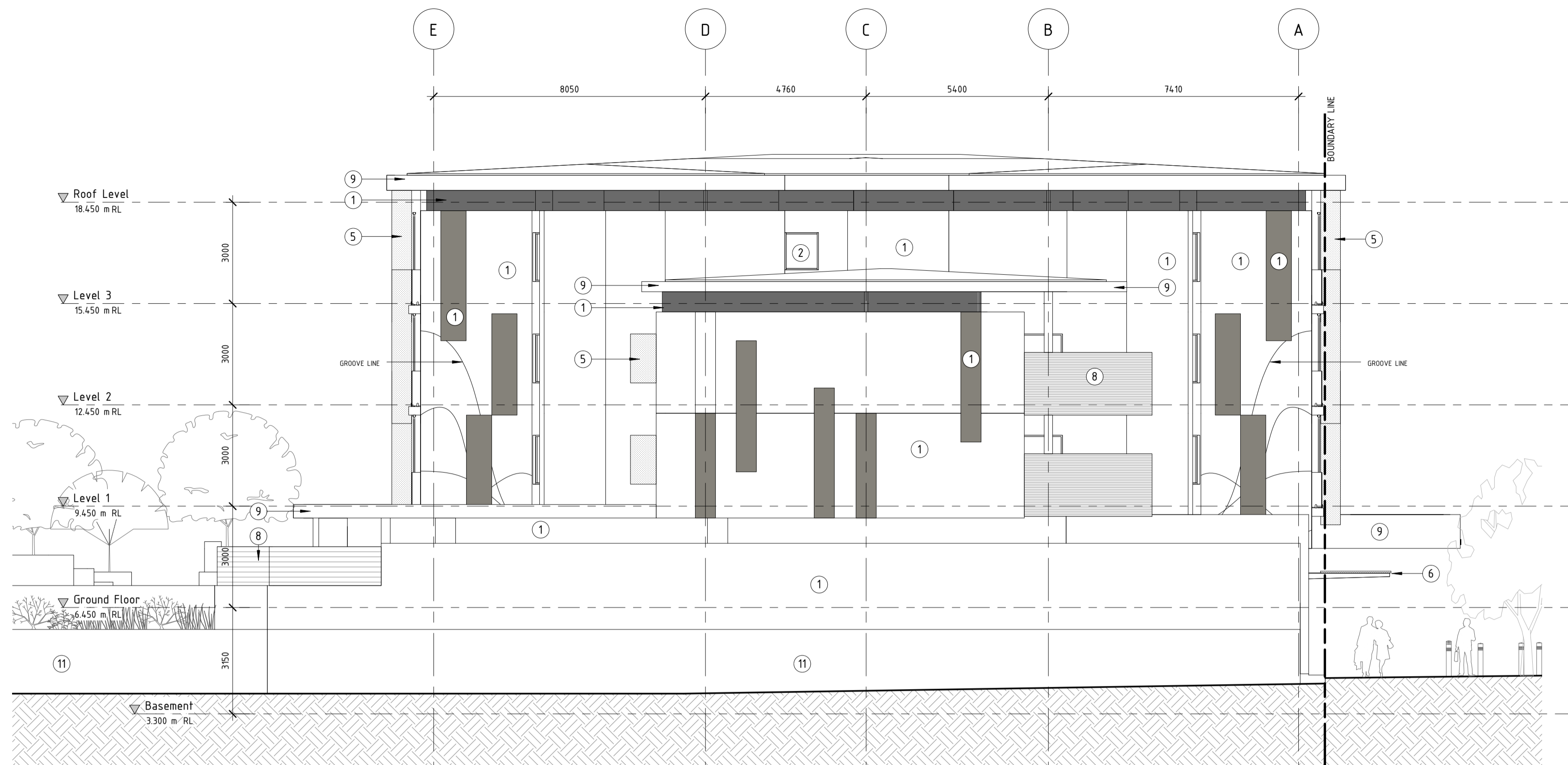
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	REV No	DATE	REVISION		
DATE DRAWN	JAN 2012				
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		JOB	DWG.	REV	
		11009	A2.01	B	

MATERIAL LEGEND:

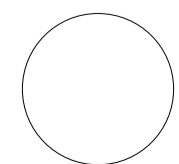
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- ② LOW-E LAMINATED GLAZING
- ③ COLORBACK SPANDREL GLASS PANEL
- ④ GLASS BALUSTRADE
- ⑤ FEATURE VERTICAL GLASS SUN SHADE
- ⑥ PERFORATED METAL AWNING
- ⑦ MOVABLE METAL LOUVRE SUN SCREEN
- ⑧ METAL LOUVRE PRIVACY SCREEN
- ⑨ ALUCOBOND COMPOSITE FASCIA PANEL
- ⑩ ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3m AFFL
- ⑪ LIMESTONE RETAINING WALL



1 BUILDING A - North East
1 : 100



2 BUILDING A - North West
1 : 100



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

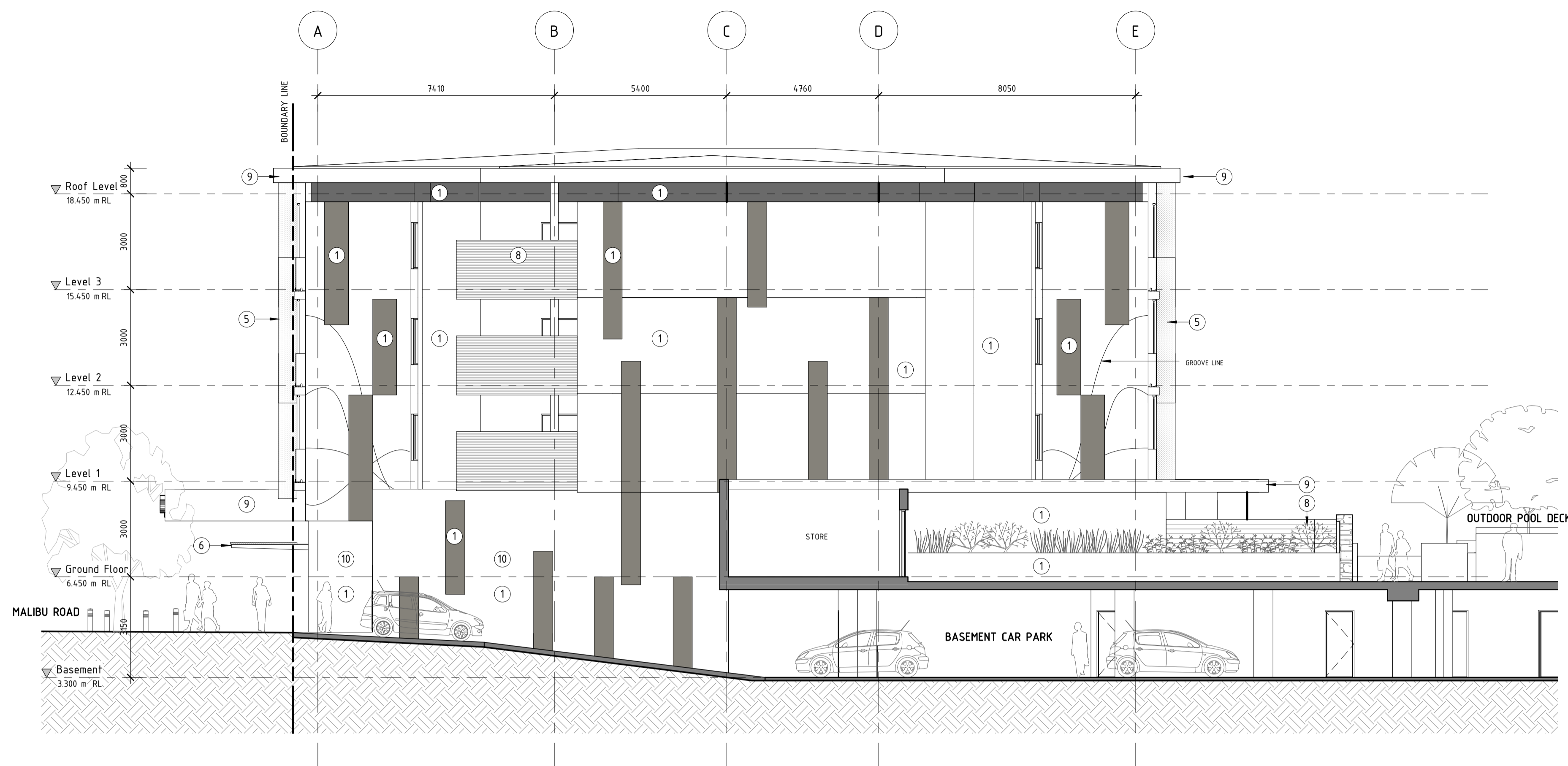
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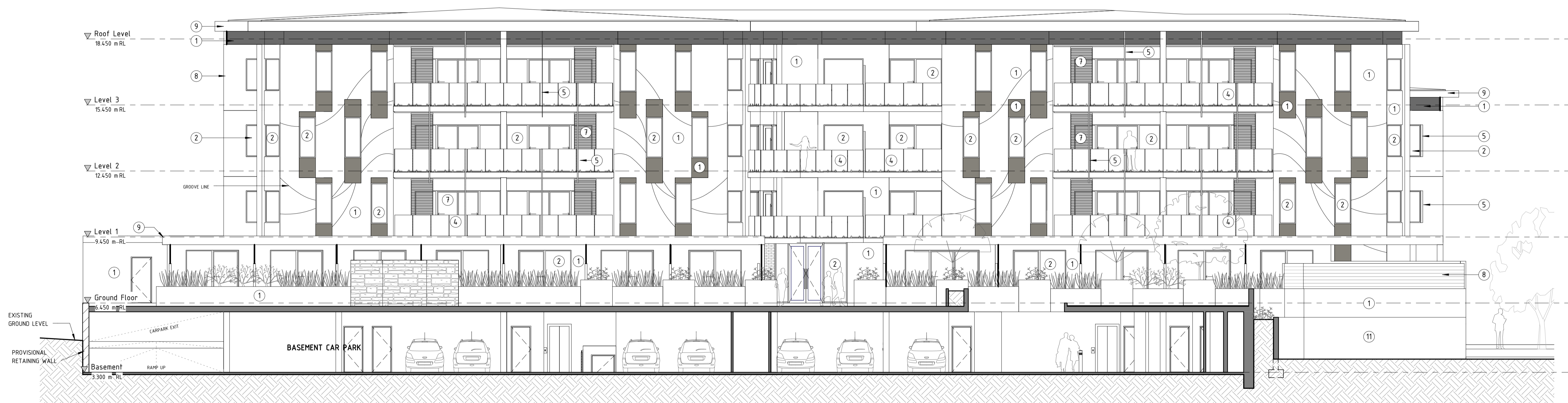
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REV No	DATE	REVISION			
DATE DRAWN	JAN 2012				
	MZ/WS		JOB	DWG.	REV
SCALE	1:100 @ A1		11009	A3.01	B

MATERIAL LEGEND:

- 1 RENDER + PAINT
- 2 LOW-E LAMINATED GLAZING
- 3 COLORBACK SPANDREL GLASS PANEL
- 4 GLASS BALUSTRADE
- 5 FEATURE VERTICAL GLASS SUN SHADE
- 6 PERFORATED METAL AWNING
- 7 MOVABLE METAL LOUVRE SUN SCREEN
- 8 METAL LOUVRE PRIVACY SCREEN
- 9 ALUCOBOND COMPOSITE FASCIA PANEL
- 10 ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3m AFFL
- 11 LIMESTONE RETAINING WALL

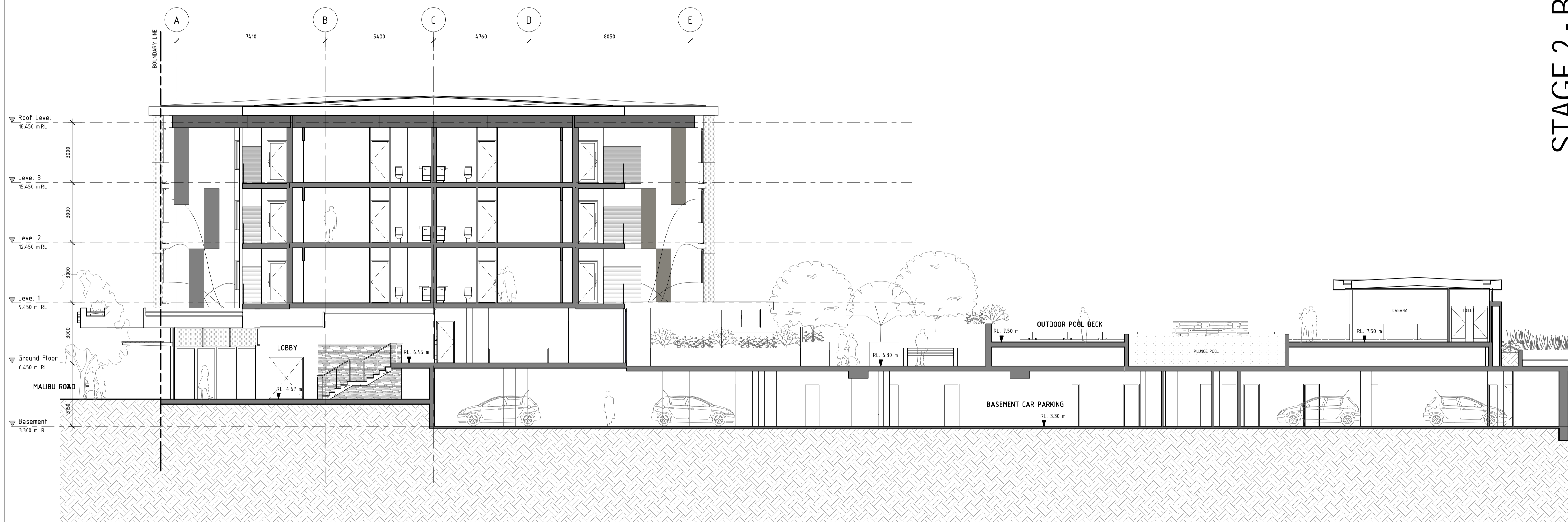


3 BUILDING A - South West
1 : 100

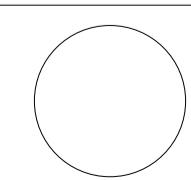


4 BUILDING A - South East
1 : 100

B	28 MAR 12	REVISED PLANNING APPLICATION			
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REV No	DATE	PLANNING APPLICATION	REVISION		
DATE DRAWN	JAN 2012				
	MZ/WS				
SCALE	1:100 @ A1	JOB	DWG.	REV	
		11009	A3.02	B	



A Section A-A
1 : 100



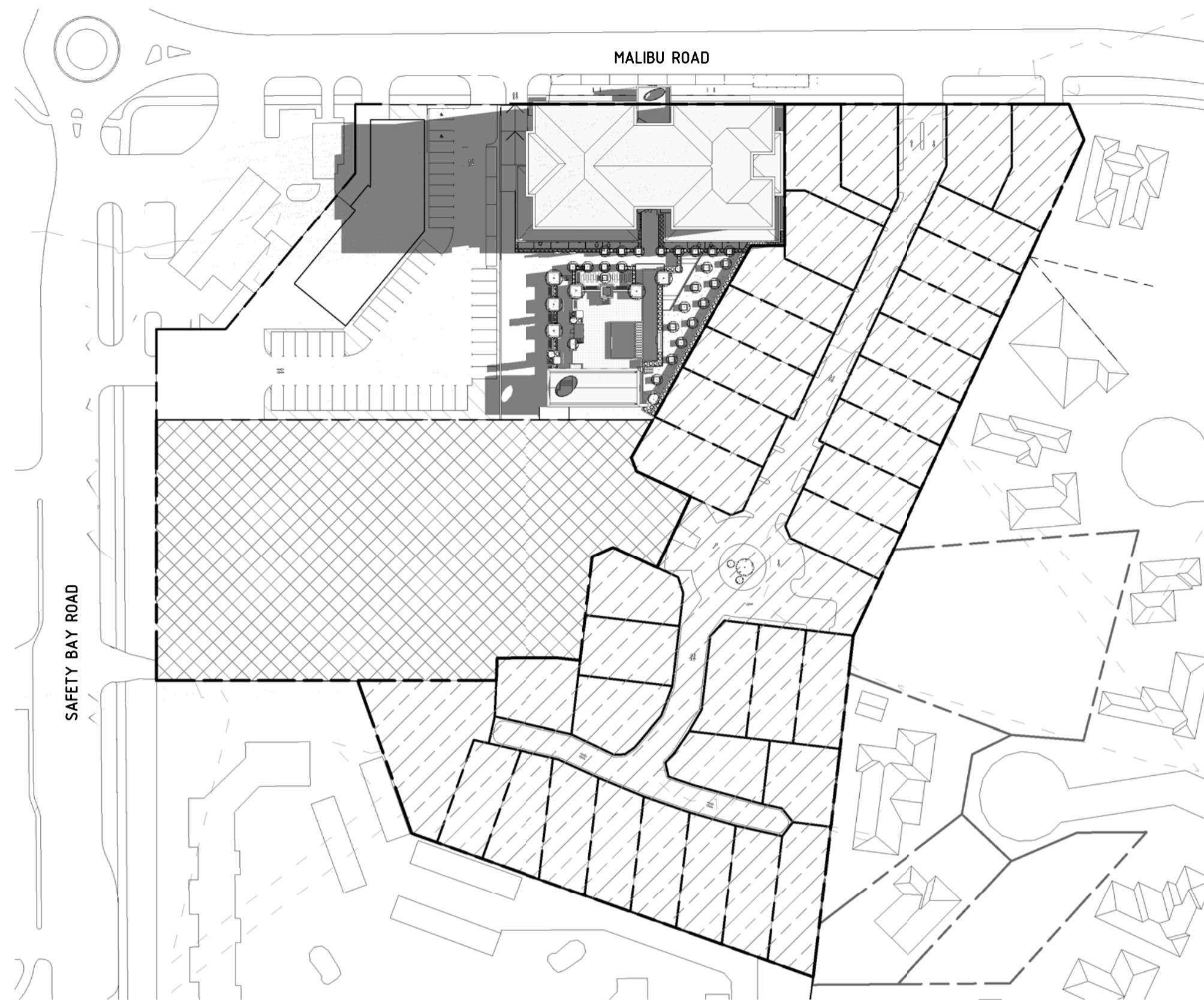
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

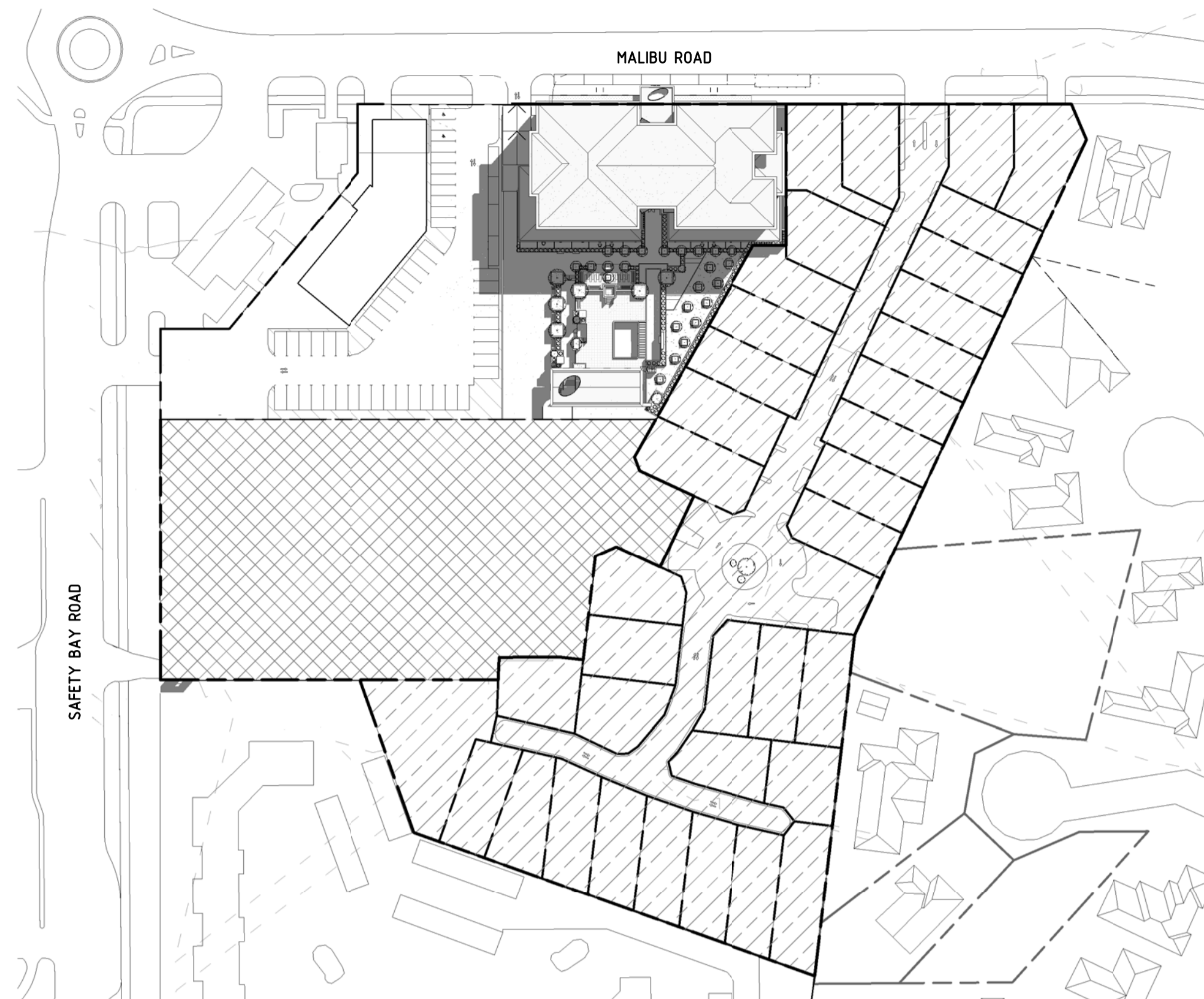
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DATE DRAWN	JAN 2012 MZ/WS		11009	A4.01	B
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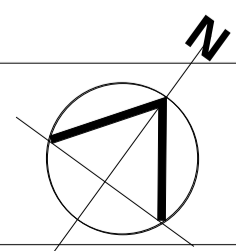
1 GROUND FLOOR PLAN
1 : 1000



2 GROUND FLOOR PLAN
1 : 1000



3 GROUND FLOOR PLAN
1 : 1000



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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PLANNING | **E A M E S**
ARCHITECTS

A	REV No	DATE	REVISED PLANNING APPLICATION		
			REVISION		
		28 MAR 12			
		JAN 2012			
	Author		JOB	DWG.	REV
		1 : 1000 @ A1	11009	A9.01	A

Attachment 1c – Addendum to Transport Assessment received 29 March 2012

ADDENDUM

The Development Application for Stages 1 and 2 of the Waikiki Hotel site development was lodged in 24th January 2012. In a letter dated 22nd March 2012, the City of Rockingham has requested that additional information be provided to support the development application. The timeframe provided for this additional information is 29th March or 7 days. Within this timeframe it would not be possible to amend the traffic report and therefore this addendum is provided to provide the additional requested information.

Crash Analysis

Crash analysis of the intersection of Safety Bay Road / Malibu Road was provided in the traffic report for this site in July 2007 and is shown in Figure A1 below. Current crash data for the same intersection has been retrieved and is shown in Figure A2.

State Frequency Rank No. 2283 State Cost Rank No. 2271 Intersection No. 52685

Summary of Intersection Crashes										
Street 1	SAFETY BAY RD			Authority Name	ROCKINGHAM					
Street 2	MALIBU RD			Region	METROPOLITAN					
Street 3				Cost	\$357,177					
Intersection Classification	Local Road Only			Total Crashes	7					
Crash Details										
Rear End	Side Swipe	Right Angle	Right Thru	Wet	Night	Ped	Cycle	Truck	Motorcycle	Casualty
2	0	3	0	2	5	0	0	0	1	1

Figure A1 – 2007 MRWA % Year Crash Data

State Frequency Rank No. 2197 State Cost Rank No. 2545 Intersection No. 52685

Summary of Intersection Crashes										
Street 1	SAFETY BAY RD			Authority Name	ROCKINGHAM					
Street 2	MALIBU RD			Region	METROPOLITAN					
Street 3				Cost	\$384,486					
Intersection Classification	Local Road Only			Total Crashes	8					
Crash Details										
Rear End	Side Swipe	Right Angle	Right Thru	Wet	Night	Ped	Cycle	Truck	Motorcycle	Casualty
2	0	3	0	2	5	0	0	0	0	4

Figure A2 2011 MRWA 5 Year Crash data

The crash data indicates that crashes at the intersection have actually increased slightly with a higher level of casualties. Then causation is the same as previous crashes at this location, which is odd and the City of Rockingham have introduces a roundabout at this location. It would be expected that the crash rate would have reduced as a result of these works, unless the roundabout was poorly designed.

It is considered that the crash data probably spans the period of the roundabout construction and detail analysis would be required. Unfortunately detail crash data is not provided to non-government organisations.

In regard to the proposed development, there are no reasons to expect that the increase in traffic would result in an increase in the crash rates locally. As district level traffic is replaced with local traffic, it would be expected that traffic speed may start to reduce.

Road Classification

The traffic report has referred to the Main Roads *Functional Road Hierarchy* for the classification of Safety Bay Road and Malibu Road. The classification is that of a district distributor road and the classification indicates acceptable traffic volumes up to 15,000vpd. It is acknowledged that these roads should not be planned to carry traffic volumes as high as 15,000vpd as per the MRWA *Functional Road Hierarchy*. However, in terms of current planning guidelines the present day traffic volumes would already suggest the classification of an integrator type B road, for which *Liveable Neighbourhoods* make the following comment:

Integration through centres typically will have at least one clear travel lane in each direction, and a parking or manoeuvring lane. 15,000vpd needs detail design to manage traffic at intersections, facilitate bus movement and deal with parking and access.

There is no way that any development can affect regional traffic movements passing through a locality and in terms of Safety Bay Road and Malibu Road it would be the responsibility of the City of Rockingham to plan and implement traffic management measures to maintain traffic volumes on the local road network, cognisant of local development potential and other land uses.

It should be noted that the traffic report makes the following comments:

- ***The development of Stages 1 and 2 will have no significant impact to Safety Bay Road***
- ***Malibu Road will continue to operate in a manner appropriate to its classification with the development of Stages 1 and 2.***

In the longer term, analysis of the potential impact of the overall development of the site has been provided so the City of Rockingham can ascertain future impacts. In regard to the development of the whole site the traffic report states:

- ***The full development will have no significant impact to Safety Bay Road west.***
- ***The full development will maintain current Levels of Service on Safety Bay Road east.***
- ***Acceptable Levels of Service will be maintained on Malibu Road.***

The report considers the traffic increases based on current road conditions without applying any traffic reductions to the development in terms of cross-visitation. Whilst the proposed development may increase local traffic flows, it should be borne in mind that such increases will occur throughout the day. The previous use of the site was a tavern and traffic associated with that land use would have created a significantly higher impact to residential amenity.

Changes to Malibu Road

It would be feasible to widen Malibu Road to provide right turn lanes to access the proposed development site. It is recommended that this be considered as part of the development application for Stage 3 and 4. In the interim the occasional slowing of traffic on Malibu Road will assist in reducing regional traffic movement and slow current speeds.

Traffic Data

There is no current evidence to suggest that the typical daily flow on Malibu Road has changed since 2007. However, the report sets out to retrieve current traffic data for analysis purposed for the development of Stage 3 and 4 of the site. It is not agreed that the statement that “it is likely that traffic flows on Malibu Road are similar to those used in the (2007) report” is either misleading or inaccurate.

Traffic data used in the report is shown as Figures A3 and A4 for the PM peak hour.

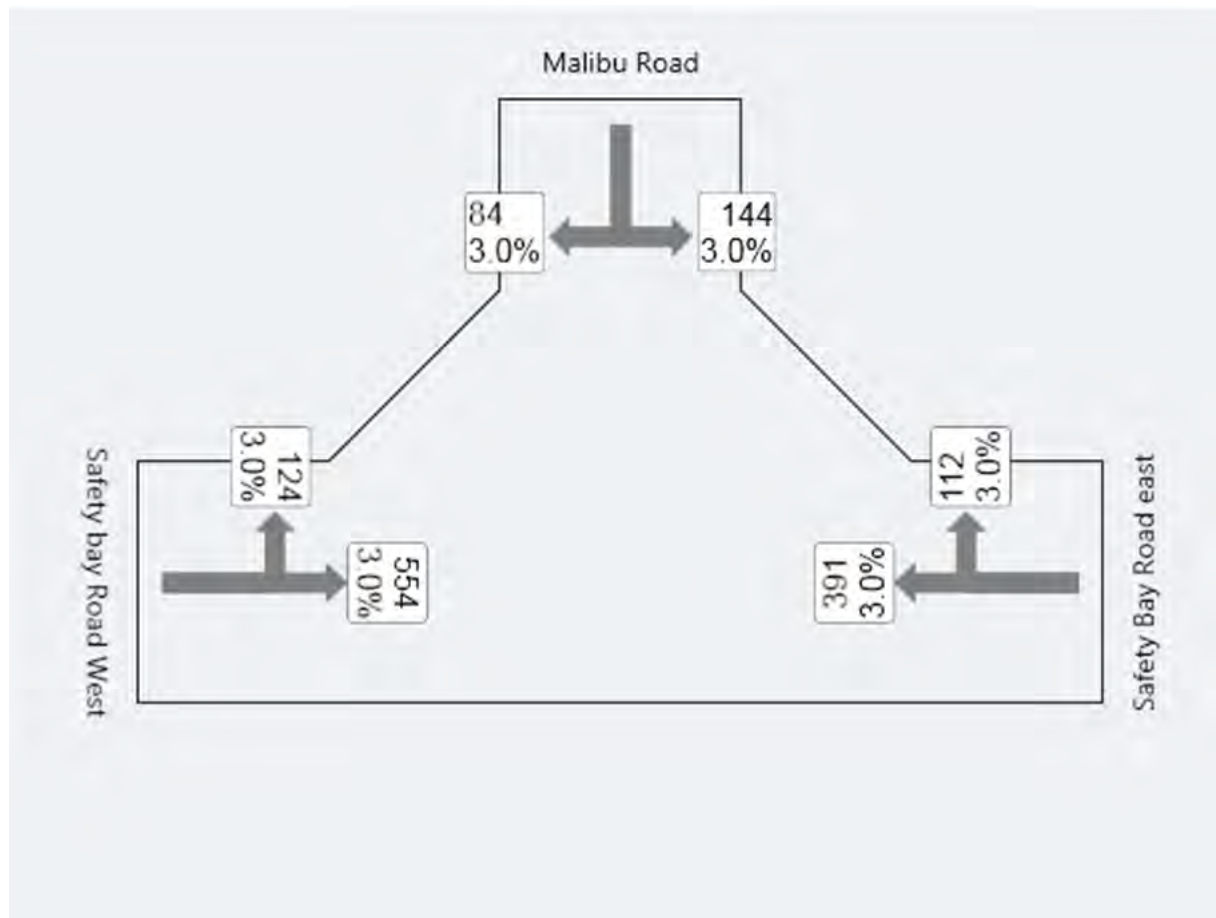


Figure A3 Safety Bay Road / Malibu Road PM Peak Current (assumed)

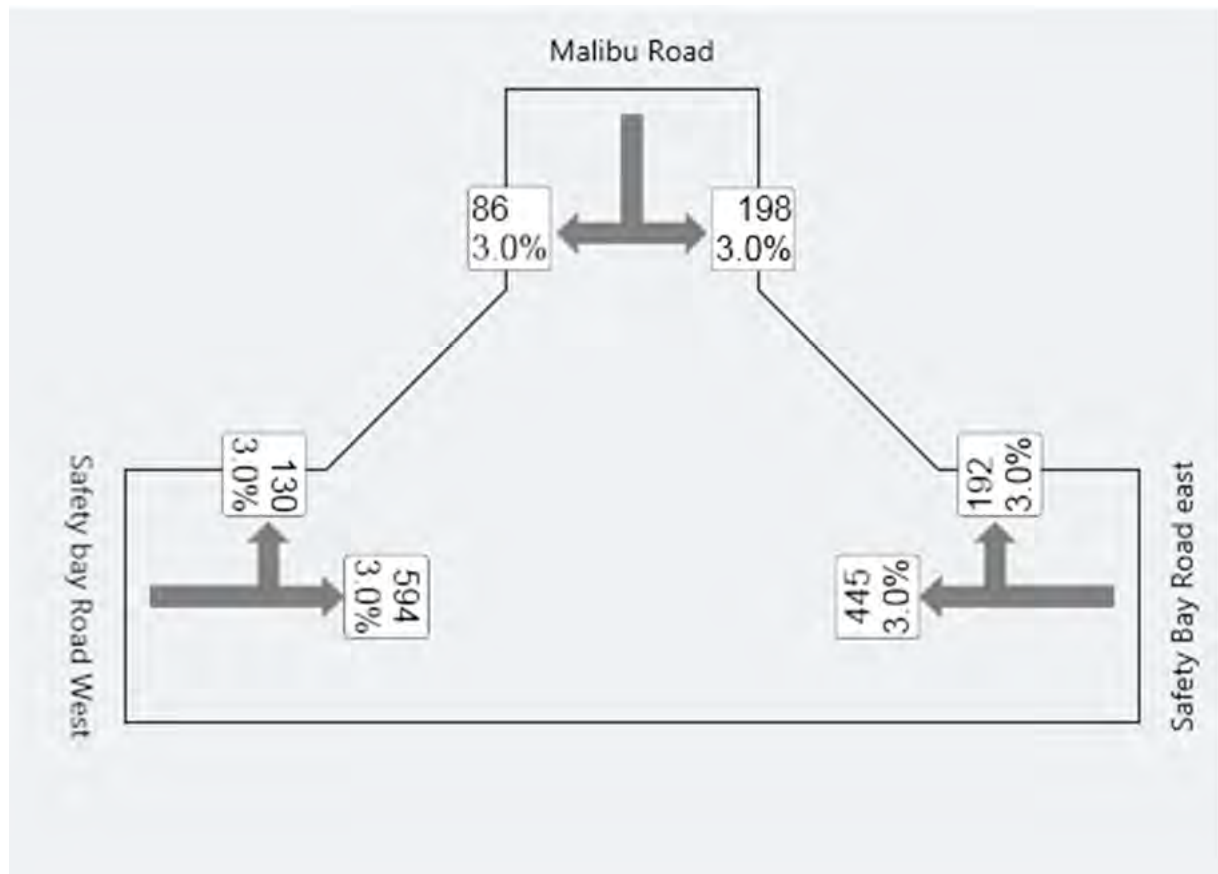


Figure A4 Safety Bay Road / Malibu Road PM Peak with Development
 (PM Peak 4pm-5pm with Full Development Sensitivity with 20% of daily in peak)

Underground Car Park

The access to the underground car park will be designed in accordance with AS2890 and Austroads practice. Access to Malibu Road would not be considered as “access on to a high volume / high speed road”. Further the presence of a roundabout at the intersection of Safety Bay Road / Malibu Road would also question the City of Rockingham’s statement that Safety Bay Road is a high speed road. Whilst traffic flows are reasonably high, the presence of the roundabout should reduce traffic speeds, unless the design of the roundabout is below standard. Surely this should not be the case as the City of Rockingham would have undertaken a road safety audit of the roundabout. It is suggested that this be provided by the City for the assessment of Stages 3 and 4 of the proposed development.

Trip Generation Rates

Hotel occupancy in Perth CBD is exceptionally high due to the resources boom currently being experienced. However, there is no evidence to show that this high occupancy has filtered out to suburban locations. If the City of Rockingham can provide advice on local hotel

occupancy, this can be used for the assessment to accompany the report for Stage 3 and 4 of the site development.

The trip rates of the units are based on the RTA *Guide to Traffic Generating Developments*. It would be expected that 3 bed units would generate similar levels as a 2 bed unit, as the 3 room would most likely be used as a study. However, the traffic report recognises the additional room and has applied a 30% increase to the trip rate of a 2 bed unit.

Traffic Distribution

The traffic distribution is based on the previous report of 2007, although it is expected that less traffic would access Safety Bay Road west (now 15%) than previously stated in the 2007 report (20%). The distribution of traffic was based on an assessment of work locations, shopping and entertainment areas and transport accessibility.

Wider Area Assessment

It is not agreed that the assessment should consider the impact to the intersection of Read Street / Malibu Road. This intersection is with a major arterial road approximately 1.5km from the site. It is a major roundabout and would be expected to be able to cater for the increases anticipated. Further, any impact identified would most likely result in the widening of the roundabout, there-by making the use of Malibu Road more attractive to regional traffic movements. However, should the City wish, this can be address as part of the report for Stage 3 and 4 of the proposed development.

Pedestrians and Cyclists

An assessment of the pedestrian / cycle network has been undertaken and the report identifies that footpaths and cycle lane are provided locally. The development proposes to provide good connectivity through the site.

The traffic report indeed recommends the provision of a pedestrian median to Safety Bay Road, however, the location of the median needs to be discussed with the City of Rockingham to determine the best position. As indicted by the report, the best location for a median for the development will potentially compromise access to the City's car park.

Whilst consideration of the Level of Service for pedestrians is endorsed, current planning guidelines suggest that no consideration of pedestrian treatments is required where peak

hourly flows are less than 1,100 vehicles. However, the traffic report has made recommendations in regard to pedestrian improvements.

Visibility

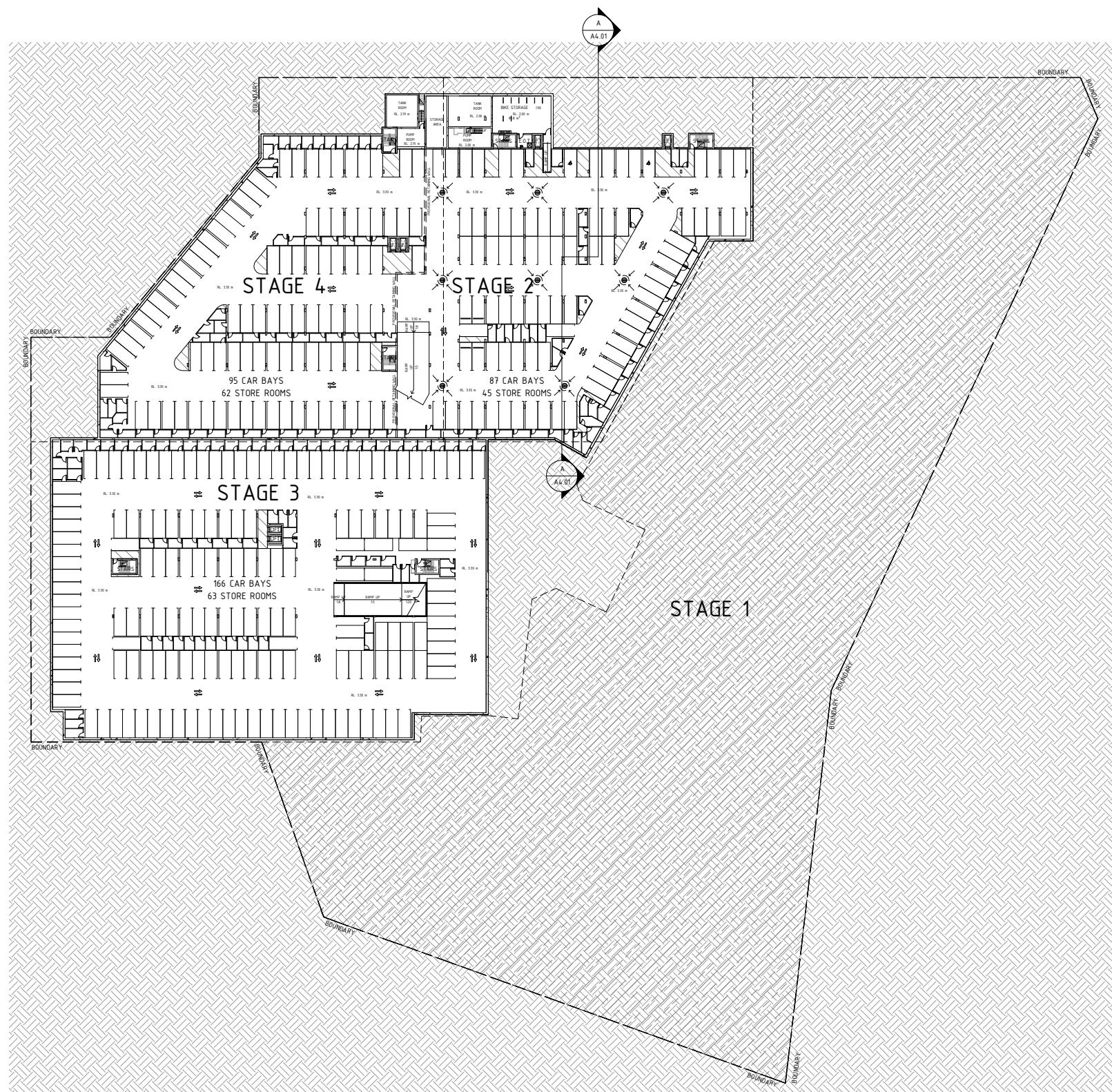
The traffic report states that:

Assessment of the access locations shows that appropriate visibility to Austroads requirements for a posted speed of 60kph can be achieved at all access locations. However, a posted limit of 50kph applies, but 40kph may be more appropriate when the development is complete.

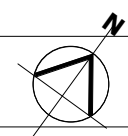
Whilst visibility is provided for a 60kph environment, the City of Rockingham state that the activity on these streets is predominantly residential, therefore the blanket 50kph speed limit should apply.

It would be desirable that with additional iconic development on the foreshore, bringing housing, employment and better tourist facilities to the location, that a 40kph local speed zone should be contemplated. However, this is a matter for the City of Rockingham to consider in regard to the safety of its residents. It is beyond the scope of any developer to introduce such feature to existing streets.

**Attachment 2 – Amended Master Plans for Basement Level and Ground Floor
Level received on 23 April 2012**



1 BASEMENT FLOOR PLAN
1 : 500



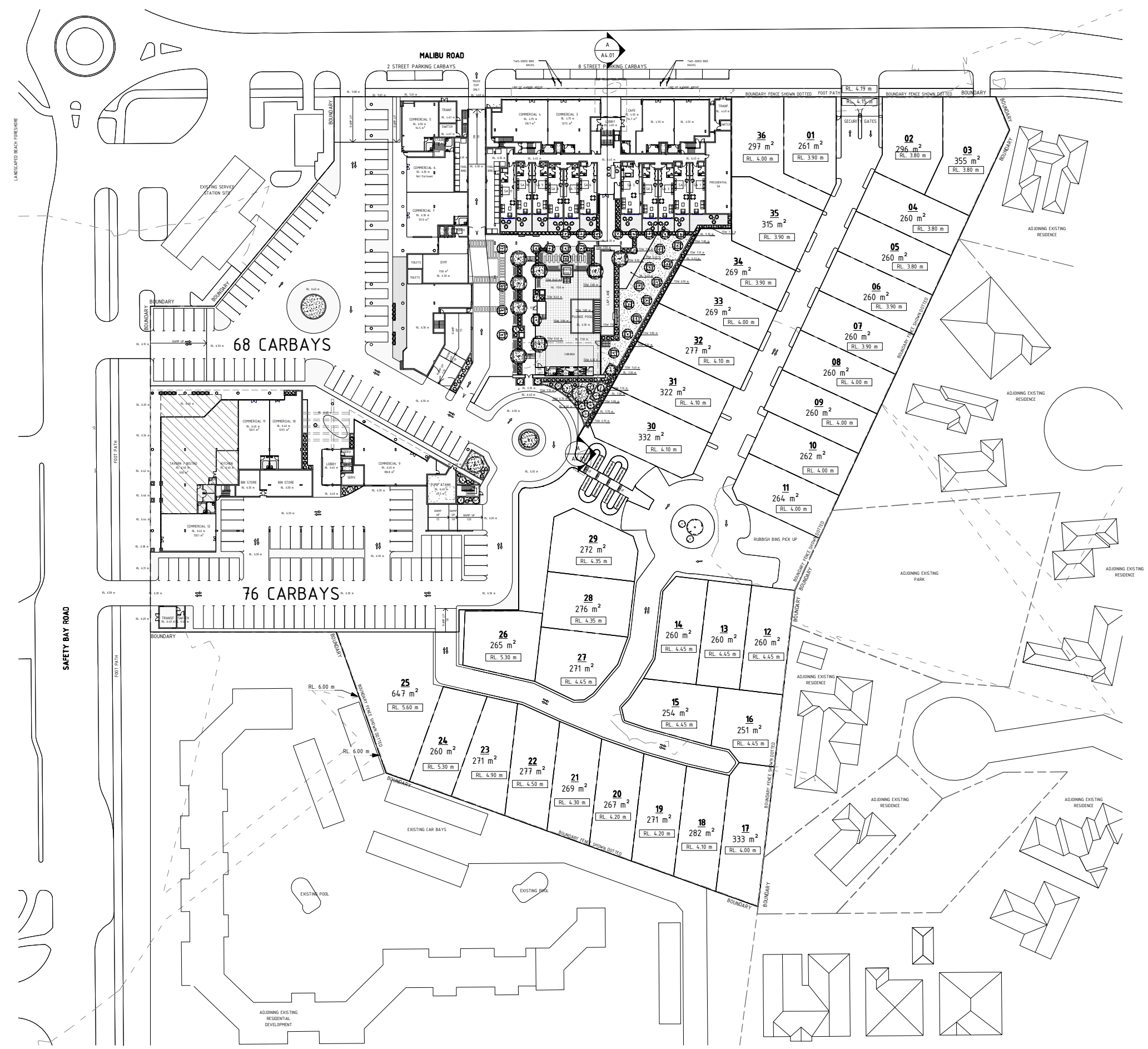
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

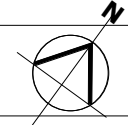
P.O. Box 1161 NEDLANDS WA 6909 | 148 STIRLING HIGHWAY NEDLANDS WA 6009
P (08) 9386 8840 | F (08) 9386 6293 | www.eamesarchitects.com.au | ABN 34 807 792 906 | ACN 126 235 514

PLANNING | **E A M E S**
ARCHITECTS

B	28 MAR 12	REVISED PLANNING APPLICATION			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	REVISION			
DATE	JAN 2012	JOB	DWG.	REV	
DRAWN	MZWSUV	11009	A0.03	B	
SCALE	1:500 @A1				



1 GROUND FLOOR PLAN
1 : 500



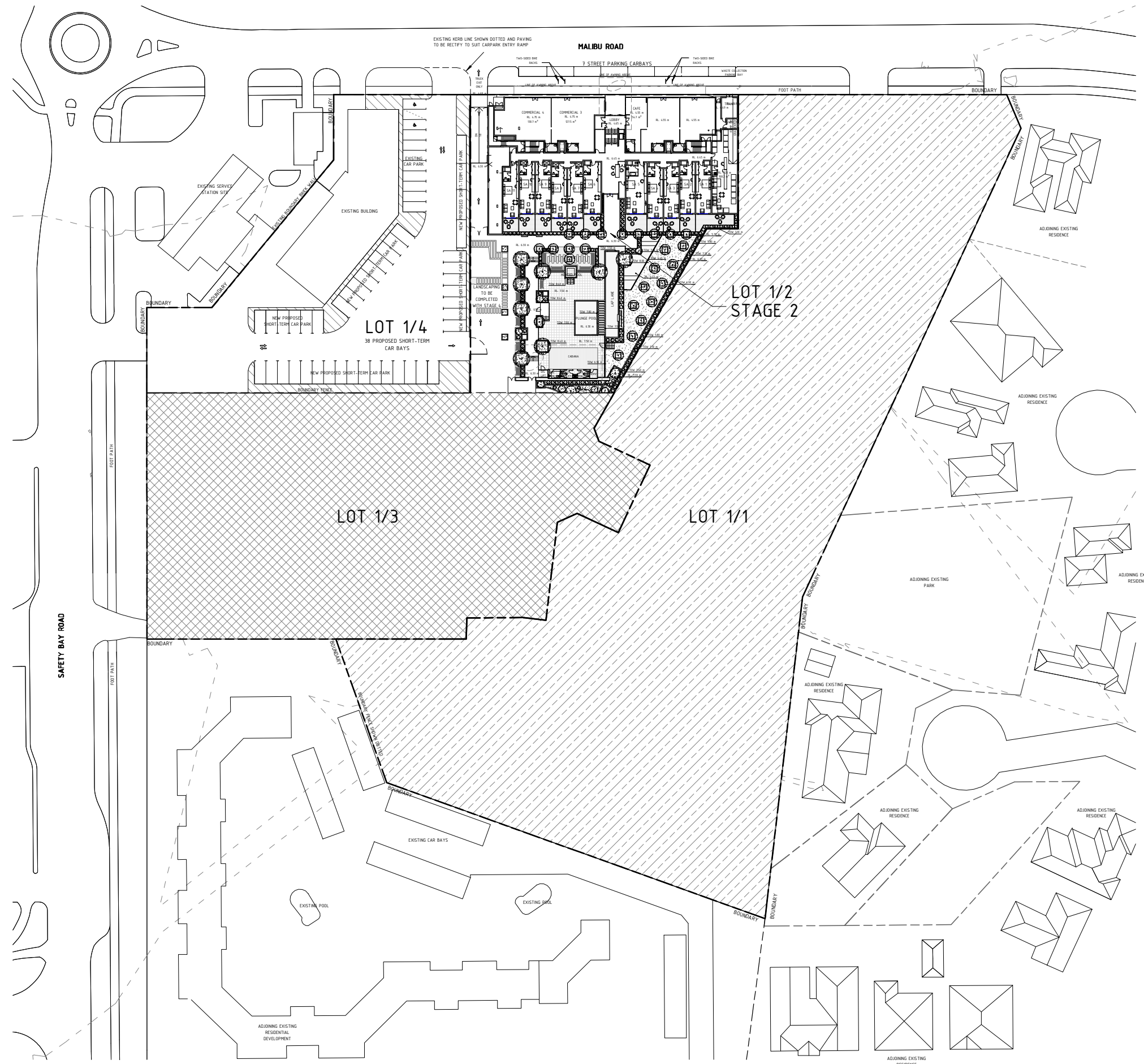
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

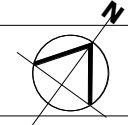
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PLANNING | E A M E S
ARCHITECTS

C	28 MAR 12	REVISED PLANNING APPLICATION			
B	15 MAR 12	RESIDENTIAL LOTS 2, 3, 10, 11 AMENDED			
A	20 JAN 12	PLANNING APPLICATION			
REV No	DATE	REVISION			
DATE	JAN 2012				
DRAWN	MZWSUV	JOB	DWG.	REV	
SCALE	1:500 @A1	11009	A0.04	C	



1 GROUND FLOOR PLAN
1: 500



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

P.O. Box 1161 NEDLANDS WA 6909 | 148 STIRLING HIGHWAY NEDLANDS WA 6009
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PLANNING | E A M E S
ARCHITECTS

A		REVISED PLANNING APPLICATION		
REV No	DATE	REVISION		
DATE	JAN 2012	JOB	DWG.	REV
DRAWN	MZ	11009	A1.01.2	A
SCALE	1:500 @A1			

Attachment 3 – Schedule of Submissions

CITY OF ROCKINGHAM
SCHEDULE OF SUBMISSIONS
REVISED FOUR-STOREY MIXED USE DEVELOPMENT – LOTS 1 AND 4 (No.432-434) SAFETY BAY
ROAD, SAFETYBAY

SUBMISSION

No. 1 – A Fernihough, 489A Safety Bay Road, Safety Bay WA 6169

Affected Property – As above

Happy about improvement to the area. Just like to say wish the developer well in this endeavour.

No. 2 – Mr G & Mrs G Wilson, 26 Warnbro Beach Road, Safety Bay WA 6169

Affected Property – As above

Will be a big improvement on what's there! We need shops, cafés etc. on this side of Rockingham. Only negative is not the proposal but the ugly out dated toilet block that still exists on the foreshore – this development will attract more people to our beaches and we offer a disgraceful toilet amenities block. Maybe a café/restaurant on the foreshore (similar) to Cottesloe, Port Beach etc. would improve facilities for everyone!

No. 3 – Mr P Woolfenden, 7 Nora Court, Safety Bay WA 6169

Affected Property – As above

This development should proceed as soon as possible. The land is prime real estate which is being wasted and it is an embarrassment. Please support the developers in getting this proposal started.

No. 4 – Mr A & Mrs J Elphick, 484 Safety Bay Road, Safety Bay WA 6169

Affected Property – As above

No objection to plans.

No. 5 – Mrs K Hickey, 10 Calm Court, Safety Bay WA 6169

Affected Property – As above

Let's hope it gets built. All people I have talked to want the 'eye sore' built on. Most don't seem to mind what goes there. My family would like to see a new family pub and restaurant, coffee shop/café/deli. It's a shame the old deli won't sell to make way for a better plan.

No. 6 – Mr K & Mrs M Livingston, 386 Safety Bay Road, Safety Bay WA 6169

Affected Property – As above

Quite happy for this development to go ahead. Will be good to have a restaurant close by again.

No. 7 – Ms E Ward, 13 Leisure Way, Safety Bay WA 6169

Affected Property – 52/436 Safety Bay Road, Safety Bay

The time being taken for the redevelopment seems to be interminable, meanwhile, at present, the property is an eye sore which must be detracting from the values of all adjacent properties. I believe the development proposed above should go ahead with expedition.

No. 8 – Mr & Mrs Pember, 8 Leisure Way, Safety Bay WA 6169

Affected Property – As above

I am in favour of this submission.

No. 9 – Mr W Barton, 30 Malibu Road, Safety Bay WA 6169

Affected Property – As above

Complete waste for such an opportunity to develop this site. What is proposed is the cheapest way the developers can maximise the profit with complete disregard for the local community. It is nothing more than another high density land development. The concrete block of flats above shops is an eye sore any architect should be avoiding.

SUBMISSION

No. 10 – Mr G & Mrs H York, 6 Seacrest Street, Safety Bay WA 6169

Affected Property – As above

We support the new development at Lots 1 and 4 (No. 432-434) Safety Bay Road, Safety Bay. The development will give much overdue face lift to Safety Bay and one of the best beaches in WA. We need a café, retail, accommodation long term and short term. We find the plans very attractive.

No. 11 - Mr N & Mrs M Clift, 30 Ernest Street, Safety Bay WA 6169

Affected Property – As above

We oppose the development because there is no benefit to the community. In place of a community Hotel, we will end up having high density dwellings and office space. Where is the benefit to the community? We will end up with an "ugly Scarborough Beach" effect.

No. 12 – Mr & Mrs Gardner, 30/30 Rinaldi Crescent , Karrinyup WA 6018

Affected Property – 2 Seacrest Street, Safety Bay

Minimal effect on our property, some increase in surrounding density.

No. 13 – Mr M Dilazzaro, 44 Charthouse Road, Safety Bay WA 6169

Affected Property – As above

I am in favour of the development in the area as it is what we need. It is long overdue. People need services if you want to bring them in the area.

No. 14 – Mr A Seaman, 3 Calm Court, Safety Bay WA 6169

Affected Property – As above

The original planned development of this pristine site was bad enough, but how any council could even consider this unimaginable rubbish is beyond belief. In the wealthiest state in the country to consider cramming as many dog boxes on large top positioned acreage of metropolitan water frontage is a definite NO. It would not enhance the value of the area at all, but do the opposite

We know the unworkable monetary system is in a state of collapse, but don't let us add to the mess. Just let us add to the debt system and do it right, but make sure the Borrowers can raise the money. We don't want another Port Kennedy Fiasco.

No. 15 – Miss J Fussell, 88 Oakwood Crescent, Waikiki WA 6169

Affected Property – As above

I give my full support to this development; it is something the area needs to create more tourism, employment and change the aesthetics to the eye sore which exists now. I live locally and would personally utilise the restaurants, hotels and businesses which are being proposed. It is a long time coming since the old "Waki" was knocked down.

No. 16 – Mr H E Butson, 26 Waikiki Road, Safety Bay WA 6169

Affected Property – As above

I hope no more than four storeys high.

No. 17 – Mr J M Forster – 51 Malibu Road, Safety Bay WA 6169

Affected Property – As above

We had more than enough of drunken hoons when the hotel was functioning. But I have no objection to the proposal providing there is no alcohol outlet provided in it. There are more than enough in Rocco now.

No. 18 – Mr D Wallis, 4 Ross Court, Safety Bay WA 6169

Affected Property – As above

I feel this is a reasonable start in developing a site which is currently an eyesore. Multi storey developments in beach locations are a feature of today's world and enhance the suburb with modern facilities.

SUBMISSION

No. 19 – Mr C Henning, 3 Waikiki Road, Safety Bay WA 6169

Affected Property – As above

Yes! All for full development

No. 20 – Mr N Middleton, 5 Calm Court, Safety Bay WA 6169

Affected Property – As above

Lots 1 and 4 and 3 are not being developed at this stage - check the heading. This revised development is on Malibu Road not Safety Bay Road.

Proposed 4 storeys is out of sync with surrounding properties. Verge parking along Malibu Road is a traffic hazard. All car parking should be at rear of development.

No. 21 – Mr C Moyers and Ms S Lane, 18 Ernest Street, Safety Bay WA 6169

Affected Property – As above

Having endured years of antisocial behaviour and noise from the Waikiki Hotel, we welcome the fact that no tavern / pub is to be located within this development. We look forward to this area being developed.

No. 22 – Mr D Emmerson, 15 Biscayne Street, Safety Bay WA 6169

Affected Property – As above

I don't agree that there should be just apartments. There should be a pub / tavern / TAB on the proposed site to replace the one that was pulled down. A mix of residential / tavern / shops is what the area needs not more housing.

No. 23 – Mrs S Pitcher, 20 Waikiki Road, Safety Bay WA 6169

Affected Property – As above

This proposal does not receive my support – reasons as follow:-

1. Assertions as to its benefits are based on hope, (a) That the future occupancies (not detailed) will provide needed social amenities. (b) Any amenities will be available to anybody, not tenants only. (c) That future commercial tenancies will be socially desirable and cohesive.
2. Details of proposed building do not support these hopes (a) Occupation will be by couples rather than families – no. of bedrooms, lack of space for children. (b) No ancillary service provision for tourists, business people - or even local residents – restaurant, conference/meeting facilities (earlier plan provided meeting place 'tenants only.'
3. The Traffic Report makes no mention of 2 schools, 1 shopping centre in Malibu Road. The increasing use of Waikiki Road route to Rockingham.
4. Route 553 bus does not operate after 7pm, or on Sundays or public holidays.
5. The effect of additional crossings etc., on the Council car park and other present crossings, is not addressed.
6. What is the reality the development of the whole old hotel site is being submitted piece-meal for approval. If the building on Malibu Road is approved, as presented, this will mean, perhaps?, a wedge to force approval for an even less desirable of e.g. Safety Bay Road frontages.
7. With a population/tenancy density as proposed, and the availability of below-ground parking restricted to tenants, the narrowness of carriage ways and current on-street parking places, points to future difficulties re traffic movement and parking.
8. Parking in residential complexes requires (a) Adequate parking for residents. (b) Adequate parking for residents' visitors – social, business, health and welfare people all come to us where we live. There is no mention of this and the plans do not show any such provision.
9. This proposal does not enhance this area as a place to live - nor does it provide a place for entertainment. Take-away shops, TAB outlets, bottle shops are part of the suburban scene, but cause, and are, often places of social problems.

SUBMISSION

No. 24 – Mr M Holland, 31 Wavelea Street, Safety Bay WA 6169

Affected Property – As above

Very supportive – Just hurry up!!

No. 25 - Mr G J & Mrs L M Burwood, 7 Donald Drive, Safety Bay WA 6169

Affected Property – As above

Fully support this development. We need something to revitalize the area. Current and previous, not conclusive to the outlook of Safety Bay – area currently not utilized to potential.

No. 26 – Mr L A Bano, 3 Nora Court, Safety Bay WA 6169

Affected Property – As above

Such infrastructure is good for this area close to the beach. It will generate an attractive location for people to enjoy it.

No. 27 – Mr D Woodcock, 9 Dolphin Road, Safety Bay WA 6169

Affected Property – As above

Site is a derelict eyesore. Development would be great for the area. I support it 110%.

No. 28 – Mr G Warren, 13 Seagate Street, Safety Bay WA 6169

Affected Property – As above

When the old Waikiki Hotel was pulled down I thought that the work to build the new project would start almost immediately.

When finished it will enhance the area giving much needed amenities, shops, restaurant and bar etc. to us very local residents. P.S. now get on with it. Thank you.

No. 29 - Ms S Dewhurst, 54 Donald Drive, Safety Bay WA 6169

Affected Property – As above

I support the proposed plan to development the lot on Safety Bay Road. The artist impression is very nice and acceptable. Hopefully it will mean that in the near future the whole site will be developed to a high standard which will be an asset to the Waikiki - Malibu Beach area and to nearby residents.

No. 30 - Ms J Pommerin, 11a Calm Court, Safety Bay WA 6169

Affected Property – As above

Although comments are restricted to Lots 1 and 4, the fact is that the revised proposal is only a part of the whole landholding. In fact, it is a stage of the Master Plan.

The owners of the development should be asked if future plans include a hotel/tavern, night club, or tattoo parlour, and the storey-height of residential dwellings. There were major concerns of the community when submissions were sought on the original plans, so it should have been included in the revised application.

This is the original planning approval sought: *"GRANT conditional Planning Approval to the proposed three hundred and eighty seven (387) Multiple Dwellings and Short Stay Accommodation, Tavern, Betting Agency, Commercial Tenancies (Shop or Office use), Restaurant (including café), Recreational Facilities and eight hundred and sixty (860) Car Parking Bays, plus fifteen (15) On-street bays along Malibu Road (Mixed Use Development) on Lots 4 and 1 (No. 432-434) Safety Bay Road and Malibu Road, Safety Bay, subject to ...[conditions]"*

It is stated in the application that this development approval remains valid for approximately another year, but the current owners of the site do not wish to proceed with the approval in its current form.

This is so vague. The City should not give approval for this planning proposal as it is omitting vital factors that affect proper decision-making.

SUBMISSION

No. 31 - Mr G Ayres, 750 Glen Road, Darlington WA 6070

Affected Property – 424 Safety Bay Road, Safety Bay

The parking is inadequate and will cause the Malibu Road beachside carpark to be constantly full thus making the Shire facilities unusable by the general public. More parking on the development please.

No. 32 - Mr & Mrs Skinner, 12 Grigo Close, Safety Bay WA 6169

Affected Property – As above

The proposed 4 storey development would be appropriate for this site. The services / shop's would be a welcome addition to the area and the allocated parking seems sufficient.

No. 33 - Mr J N & Mrs L G Papaphotis, 6 Ernest Street, Safety Bay WA 6169

Affected Property – As above

Great plan look forward to the construction.

No. 34 - Ms K Scott, 9 Calm Court, Safety Bay WA 6169

Affected Property – As above

In favour of alfresco café style (restaurant) and four storey building.

No. 35 - Mr D & J Young, PO Box 5214, Rockingham Beach WA 6969

Affected Property – 17 Waikiki Road, Safety Bay

The area really needs this development. Mandurah is so ahead of us. Just back from Dubai. Talk about high rise there. Thumbs up for us. Can't wait for you to start. Very impressed with your plan.

No. 36 – Ms E Colkin, 13 Crawford Court, Safety Bay WA 6169

Affected Property – As above

I fully support the development of the site. I supported the previous plans and like many locals am disappointed in the 'eyesore' that is currently on the doorstep of the best beaches in Perth.

Go ahead and develop, make it green, safe and clean - it will be fabulous!

No. 37 – Mr I Grubelich & Mrs D Williams, 3 Grigo Close, Safety Bay WA 6169

Affected Property – As above

We have enthusiastically agreed to all previous proposals including this one. We are desperate for the area to be developed. It is a shame it's taking so long. I hope it is not a result of too many people being negative and the owners needing to revise proposals constantly. I had hoped existing shops would be bulldozed as they are a blight on the prime location. Let's get Safety Bay going, like the Rockingham Foreshore.

No. 38 – Mr K Wuillomin, 21 Malibu Road, Safety Bay WA 6169

Affected Property – As above

I am unsure as to what is proposed, Lots 1 and 4 are mentioned, does it mean Lot 1 is stage one and this land is to be subdivided and sold off as empty blocks?

Lot 4 is stage 3 and will be developed ahead of the rest of the site this includes four levels we would prefer 3 levels only to stay in keeping with the buildings in existence. Four storeys is more than I would want.

We would like a setback from the footpath for the shops on Malibu Road maybe two metres.

No. 39 – Mr B Cammell, 41 Trade Winds Drive, Safety Bay WA 6169

Affected Property – As above

Overall support for proposal.

- Support nil setback to Malibu Road - encloses the street and enhances street/building private/public interaction.
- Support design, density and land uses – appropriate for location.

SUBMISSION

No. 40 – Mrs S Speight, 42 Haselmere Circus, Rockingham WA 6168

Affected Property – 34/436 Safety Bay Road, Safety Bay

This type of development is well overdue in such a beautiful part of the Rockingham - Waikiki beach area. There is a growing attraction to this part of the coast due to the many water activities and such a complex would be a massive benefit to our community tourism etc. I fully support this development!!

No. 41 – Mrs S Hammond, 17 Seagate Street, Safety Bay WA 6169

Affected Property – As above

I am in agreement with the revised four-storey mixed use development as submitted - it will be an improvement to the area. I am pleased that a restaurant will be incorporated into the design. I would object strongly if a tavern is planned now or in the future.

No. 42 – Ms T Sander, 2 Beachway, Safety Bay WA 6169

Affected Property – As above

The intersection of Malibu Road, and Charthouse Road needs to be reviewed and upgraded to take the extra traffic. Already have issues of vehicles "cutting the corner" when turning into Charthouse from Malibu.

Ensure the lighting is working on foreshore and footpaths if trying to attract people especially for restaurant patrons.

Current deli and empty building hopefully will be forced to redevelop if there is competition. The service station and old shops/deli distract from any development.

No.43 – Mrs E Purcell, 3A Capri Place, Safety Bay WA 6169

Affected Property – As above

I feel this would be an asset to the district not only for beautification, but encourage more tourists to the area. The whole plan has my 100% approval. I wish the council and developer every success.

No. 44 – Ms N Peck, 400 Safety Bay Road, Safety Bay WA 6169

Affected Property – As above

As previously notified on past plan - we support fully the development of the above lot to finally have a clean, useable and upmarket area there instead of a derelict, dangerous ugly site.

No. 45 – Ms P Broz, 16 Warnbro Beach Road, Safety Bay WA 6169

Affected Property – As above

It will be an addition to our suburb.

No. 46 – Mr B & Mrs L Siddons, 10 Dolphin Road, Safety Bay WA 6169

Affected Property – As above

Just glad at last to see development on the vacant block and look forward to seeing the whole development eventually being completed.

No. 47 – Mr B & Mrs K Taylor, 32 Canter Court, Orange Grove WA 6109

Affected Property – 41 Edgewater Road, Safety Bay

The area you mention above needs urgent attention. It is now a dust bowl lowering the standards of the area. To see and to have quality buildings with shopping facilities would be most welcomed by us.

No. 48 – Mr T & Mrs C Emmerson, Unit 9/51 Kirkham Hill Terrace, Maylands WA 6051

Affected Property – 26/436 Safety Bay Road, Safety Bay

We are both in favour of this development because at the moment there are no public facilities (of this kind) for locals and holiday makers on this side of Rockingham. It will be a huge improvement, a move in the right direction.

SUBMISSION

No.49 – Mr R Pittard, 8 Grigo Close, Safety Bay WA 6169

Affected Property – As above

Concerns:

1. Exits – at present garage, car wash and shops exit onto single lane roads very close to the round-a-bout serving Malibu and Safety Bay Roads. With extra use of these existing exits there will be a large build up of cars back into the roundabout – big danger of accidents!
2. Is this the 1st stage only of 4 storey units? Will there be further stages with the 8 storeys – as agreed by the council at a previous meeting?

P.S. Is there a scale of the completed development available for viewing.

No. 50 – Ms E G Garbutt, 15 George Road, Roleystone WA 6111

Affected Property – 23 Malibu Road, Safety Bay

A definite no to this development. First it will be just another block of concrete on our lovely coast line blocking out the views and sea breezes to the people who have bought and built in that area. It is not an improvement to the area. It will turn it into a noisy dirty polluted area of cars and people. Have the monstrosity built further along the coastline if it must be built, away from Malibu Road, leave the area alone.

No development of those concrete ugly buildings on our coast lines.

No. 51 – Mr B & Mrs M Hurdle, 20 Tropicana Way, Safety Bay WA 6169

Affected Property – As above

The revised plans for stage 1 of the above development are more acceptable.

However we still have concerns about the increase in traffic. There has been an increase in traffic along Tropicana Way by motorists avoiding the roundabout at Malibu Road/Safety Bay Road intersection. We are sure this will increase once the development is completed.

We still have concerns as voiced in previous submissions regarding the height of the eight storey development and the number of town house sites in the future stages.

No. 52 – Mr & Mrs W & M Green, 9 Edgewater Road, Safety Bay WA 6169

Affected Property – As above

We agree with the four storey building on Malibu Road. We don't agree with the 38 multiple dwellings. Who will own them? We don't agree with 8 parking spaces on Malibu Road. Safety Bay and Malibu Roads have traffic problems now on that corner without more congestion. The plans sent are too hazy as to the long term project.

No. 53 – Mr S J & Mrs R L Bianchini, 14 Malibu Road, Safety Bay WA 6169

Affected Properties – 6 Malibu Road and 14 Malibu Road, Safety Bay

We are against the proposal for the following;

We live directly opposite the proposed development and do not look forward to an over towering structure built directly on the footpath edge opposite our house. The over towering will provide early morning shadowing to our house. This is not acceptable amongst domestic dwellings and should not be acceptable with commercial / business developments impacting on homes in an urban area.

When reviewing the supporting documentation on City's website, you find many facts are slanted towards presenting a proposal that appears to be acceptable to codes, council and existing residents. This is far from the an acceptable proposal for the following;

1. The introduction states the proposal is based on planning merit considerations. We cannot accept any planning merit is possible with a tall building located directly on the footpath alignment. The street aspect will be void of landscaping as there is no road side verge and no setback space to create a visually meritorious nor pleasing development.
2. The claim "this stage acts as a low side and medium transition from the adjoining residential development". On the west side a transition from suburbia – complying with all Council setbacks and landscaping – to the proposal is

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an abrupt change with no transition structure nor form.

3. No overshadowing plan is presented in supporting documents for houses west of the development in the mornings. Only overshadowing plans for winter afternoons is presented. Obviously the summer morning shadowing is not provided as it impacts on the houses west of Malibu Road. Yes, our home!
4. The proposed 4 storey development includes a basement with 75% of basement above ground level. In reality this is a five storey development, not a four storey as claimed. The proposed building A will be the height of a 5 storey building. Obviously building C, although not in this proposal, will also take the height of a higher than stated building.
5. Reference to a café imparts the idea of a small quiet outlet. Where it suits the developer, café is used, yet the supporting document leads on to a state that a licensed restaurant able to provide takeaways and beverages to occupiers and external residents fits the development criteria. We as stakeholders in the immediate area do not want misleading information and definitely no take away outlet with liquor licence in the development directly facing our house. The former location of the Waikiki hotel and restaurant should form the basis of any proposed development.
6. In the supporting document reference is made to the mix of commercial operations allowed in the proposed complex and the supporting document advises take away food outlets are not permitted in the commercial mix. Hence the attempt to later in the supporting document to provide justifiable reference to the restaurant, café, can only be judged as totally misleading.
7. It appears no consideration has been given to the barrier the proposed development will create against the sea breezes. The 5m stone wall, the proposed buildings A & C will all force the sea breezes to accelerate around the buildings past existing homes.
8. The master plan p 34 of supporting documents states building A as three levels. It is closer to 5 storeys. What type of misrepresentation is going on! Also within the supporting document it states the proposal is "maximum of 4 storeys in height". This is an absurd stretch of one's imagination as the proposed building is closer to 5 storeys in height due again to the basement being 75% above existing ground level.
9. The proposal to subdivide the lots into 4 separable lots, initially appears to be a front to individually sell off smaller parcels of land.
10. The reference to "built-form, setbacks and height" all attempt to be persuading when distributed throughout the supporting document. The fact remains precast concrete panels with overlooking balconies, without set back and now the height of a five storey building are not a balanced transition from suburbia to high rise apartments.
11. Also we doubt the coastal guidelines would permit the heights claimed by the document. The height of the development may well increase towards the centre but it is the abrupt height rise along Malibu Road that we find offensive.
12. The reference "to immediately activate Malibu Road" surely translates to more traffic. When the Waikiki Hotel and the development in south west corner were in full swing, off road parking was available. Why can't the development proposal provide for total off road parking for patrons?
13. Again where it suits the developer to refer readers to the Residential Design Code for one aspect of the development, the developer then goes further to ignore this Code where it can be detrimental to the proposal.
14. The reference to setbacks, streetscape, appearance and amenity of the proposed development appear to be an attempt to softly sell the proposal to the public, whom as we are, not familiar with all the terms and jargon of an application seeking planning approval. Any application will appear satisfactory to the majority of existing residents as only snippets of information pre-selected to win the majority are readily available. The social impact of this proposal needs to be considered against the existing community and the overall master plan has already failed once. What happens if only part of the master plan is developed and the later stages fail to happen! The all-encompassing supporting documents will not be worth the paper they are written on. It appears the supporting document is too liberal in describing most aspects of the proposal and over simplifies the outstanding approval aspects that will require further approvals by Council and others.
15. The document has different areas (m²) for the same facilities, totally confusing and one can only assume the different areas are an attempt to make the proposal appear more attractive to readers!
16. The document claims "the proposal will not over look living areas to dwellings to the west". The five storey high proposed building will directly over look our front yards where children play, our kitchens, dining, living and

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bedrooms. This is totally unacceptable in an urban situation and the introduction of commercial apartments should comply with overlooking guideline.

17. Our concern also applies to the existing services being adequate for such an influx. Current residents have paid for water, sewerage, electricity, gas and communications services for a developer to come in and over extend their capabilities. Any engineer would be concerned with the services capacities.
18. The proposal of angle parking on Malibu Road means that blind reversing from the parked position is required. Blind reversing until the driver can see past the adjoining vehicle. By which time the vehicle has extended into the through traffic lane. Not a good situation. As stated above, the previous facility provided off road parking and any new proposal should be guided by this.
19. The traffic study provide movement of up to 590 vpd. If you base this on 15 hour duration, this is 40 vehicles per hour directly opposite our house, some at night with lights directly into our rooms. We believe this is too high and unacceptable.
20. All houses need to be set back from the boundary. The thought that this development can be the height of a 5 storey building directly on the boundary line will be intimidating to persons walking to and from the beach area and to our house. This area is not a business district, not a city centre and the architecture of painted precast wall panels for typical developments is totally void of any architectural concept and appeal to other stakeholders in the district. In the event the restaurant, café, take away food and beverage outlet is successful, the time will come when the restaurant applies for dining on the footpath – not a pleasant site directly opposite our home.

We do not agree with angled parking, as when the hotel was in existence there was ample off road parking for patrons. Also we recommend the commercial / retail restaurant 5 storeys high proposal be located on the eastern side of the development – toward the centre of the site, whilst the lower northern style development be proposed adjacent Malibu Road – that is, move the 5 storey high proposed building away from residents along Malibu Road and yes further from our home.

We will live every day directly opposite the proposed restaurant and 4 shop/office tenancies. Also every night to experience the noisy coming and goings of patrons. And the un announced disturbing nights when some patrons have an excess of drink and continue to disturb the neighbourhood late after hours. Not to mention the security alarms activating to disturb our sleeping habits. Many locals will be keen to have a restaurant handy, however they will go home, clear of the development and its associated noise, whilst we will be stuck with it. All councillors who are in favour of the development should provide their after hours home phone numbers to residents opposite the development so as if we are inconvenienced then we can contact the councillors and let them share in this inconvenience at all hours of the day, night and early morning hours.

The developers themselves will not take up residence in the proposed development. The developers are fully aware of the clientele that can be expected in short stay type apartments. The same clients that have caused grief to apartment owners along Rockingham Beach foreshore apartments. The Rockingham City Council know full well of the inconvenience and abuses these apartment owners have faced. We do not want the same situation to develop opposite our home.

To propose a further development when the existing shops are in a dilapidated state and have been for years may indicate the commitment of the developers. Not good enough. They need to tidy up their existing facilities before embarking onto something new.

Already we continuously pick up food wrappers, paper hand towels, used condoms, beer bottles, cigarette boxes from not only our lawn but also within our property. The potential for another source of litter from the proposed commercial / restaurant development needs to be evaluated based on what currently happens. Friends along the Rockingham foreshore with restaurant / commercial tenancies at ground level are continuously complaining about refuse from these tenancies gathering at the residents' main entry and foyer. In this case put the commercial / restaurant development within the centre of the site and all rubbish emanating from these premises will be contained within the complex.

The range of commercial development / restaurant businesses does not preclude the use of the old Waikiki Hotel liquor licence being used for selling and consuming alcoholic drinks on the premises of the proposed café / restaurant / take away. Anything can be interpreted from the developers far ranging, never specific supporting documents and raises the concern there is a hidden agenda proposal taking shape within the disguise of the supporting document.

Any application of a liquor licence within the café / restaurant / take away facility will need to be pursued further as it will conflict with the existing residents behaviour patterns to and from the beach and walking areas.

To attempt to read and understand everything in the supporting document is difficult, however when reading it, the

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reader gets the impression the proposal is a stereo type cut and paste presentation of what someone believes is commercial viable proposal for the area without taking into account existing residents' concerns and what could be best for the locality. Without any stakeholder consultation, this presentation can only be a one sided affair. Not for the existing residents! Even the reference to bus route 202 is interesting.

Residents want something done, but not something that will attract the problems that occur in the City foreshore area. The Council are already unable to manage these problems and residents when exposed to high rise, short stay noisy apartment dwellers will move away from the area and not patronise the commercial facilities. Everyone knows the worst clients are the short stayers. They move in knowing full well it is for a short stay and they will soon leave the turmoil they have enjoyed duping onto locals. The ultimate insult is happening on the Gold Coast, where residents do not go out afterhours. We as well as the Council do not want this scenario to occur at Safety Bay / Waikiki.

Please reject this request for planning approval as we believe the social impact of this proposal is not in keeping with current urban developing community requirements and wellness.

No. 54 – Ms B Kenney, 6 Beachway, Safety Bay WA 6169

Affected Property – As above

Fully support development of area. Set back from beach, will bring people to the area and generate revenue for business. Tell the opposers of plan – "time to get with progress". A good location for it.

No. 55 – Mr H Lee, 384 Safety Bay Road, Safety Bay WA 6169

Affected Property – As above

I have no objection to the proposed revised four-storey mixed-use development – Lots 1 and 4 Safety Bay Road, Safety Bay.

However, I would object very strongly to the inclusion of a tavern or a TAB in the proposed development. My objection to a liquor outlet, as a nearby resident, is the disruption and damage caused by intoxicated tavern patrons.

No. 56 – Mrs B Kucher, 12 Malibu Road, Safety Bay WA 6169

Affected Property – As above

I strongly oppose the erection of a 4 storey building opposite from where I live. It is much too high and too close to the verge of the road, especially having shops and a restaurant in the building. Why don't you build this high rise on Safety Bay Road facing the ocean where people can sit in an alfresco situation with a beautiful view and occupants of the apartments would look out to the sea instead of into my living room.

I am looking forward to having the place developed, but it would be much better to have town houses or similar dwellings across the road from here and would much better suit the environment.

No. 57 – Mr R & Mrs M Smith, 30 Seacrest Street, Safety Bay WA 6169

Affected Property – As above

We have no objection to the development as proposed.

No. 58 – Ms H Millar, 18 Warnbro Beach Road, Waikiki WA 6169

Affected Property – As above

I much preferred the previous plan but accept the concept of getting started with this new complex on Malibu Road and trust the stage 3 soon follows to put important use of this outstanding piece of real estate. This work and decisions all long overdue.

No. 59 – Mr A and Mrs C Rogers, 1 Nora Court, Safety Bay WA 6169

Affected Property – 1/432 Safety Bay Road, Safety Bay

The proposed development looks to be a positive step forward for the Waikiki Beach site. As a tenant of the current Deli located on site at 432 Safety Bay Road, I notice that the development proposed extends over the drive entrance to my business. I have concerns on how my customers would be able to access my shop via Malibu Road.

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No. 60 – Mr L Liddiard, 17 Tidefall Street, Safety Bay WA 6169

Affected Property – As above

I do not support the development, there is far too much misleading and lack of information provided by the Council. This response form is only part of the overall picture which the council has not disclosed.

Your letter dated 17th Feb 2012 has done nothing to restore any faith I did have in Rockingham Council. As per previous letter (enclosed) the council has and is still bulldozing this development through mindless of the people in the immediate vicinity of this development.

Your letter refers to only a part of the whole development, sneaking in bits and pieces to confuse and mislead some who would think that this is the whole development.

No facility has been made for the increased traffic in the area. Already overloaded at peak times, the only access to this area is via Safety Bay Road and Malibu Road, Malibu Road houses two schools and a shopping complex. Try and get onto Read Street during school opening times, and you intend to dump another 500 cars on these two roads.

The previous letter to you outlines your misleading interpretation of the vote you undertook.

I also note you have not mentioned the 6 story building in the background of your letter, very convenient.

You and your cohorts will not be happy till you have turned our coastline into a concrete jungle and to hell with the beauty we now enjoy.

The development opposite Palm Jetty with its 4 storeys almost blends in with its surrounds, as it should.

You have the marina at Wanliss Street, good job.

Keep your greedy little fingers off Pt Peron/Mangles Bay and Warnbro Sound.

I also note a suggestion in the local paper that Pt Peron was an eyesore, wonder who was responsible for that?

Letter dated 10th December, 2010

I have received a letter from Rockingham Council regarding the Waikiki Development, in it state that 210 submissions were for the proposal, 69 submissions were against the proposal, two petitions, one of 20 persons and the other was 351 persons against the proposal. To me that adds up to 210 for and 69 plus 20 plus 351 against ie 210 for, **440 against.**

So why is the council crowing about support for development.

Oh no, on inquiry to the council, I was told that the 2 x petitions of 371 signatures only counted as one submission.

So you people (371) who signed those petitions, wasted your time. Your vote means a big fat nothing.

If you were to look at the council minutes you would find that the reasons for supporting the development can just as easily be accommodated if the buildings were at a maximum height of 5 stories except for the accommodation issue.

Using the excuse that the present site is an eyesore, to build 8 storey buildings is at best, very lame. (56 submissions). But this was the major concern of the supporters of the development. Of course everyone wants this site developed.

This is another example of Council twisting the facts to suit themselves. Ignoring ratepayers for their own ends. Another reason to get rid of this Council and get somebody in who represents the views of the majority.

I repeat, I am for the development. My main issue is the height and density of it.

No. 61 – Ms J Bogg, 475 Safety Bay Road, Safety Bay WA 6169

Affected Property - As above

Your Transport Report is flawed. Traffic already medium & very heavy as through road from Garden Island etc. and freeway. The density of development allowed putting no. of cars on this road and Malibu Road (2 schools & shops) is unbelievable. Parking at beach etc. for swimming classes will be nil. Cannot believe anyone on Council has thought this through.

No. 62 – Mr M Howe, 14 Crawford Court, Safety Bay WA 6169

Affected Property – As above

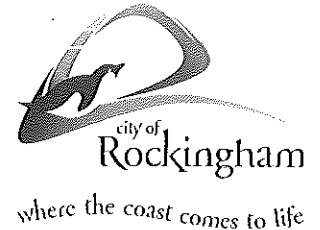
I fully endorse the proposed "revised four storey mixed use development".

Attachment 4 – City’s Letter dated 22nd March 2012

Our Ref: 20.2012.24.1; 28/0456-15

Your Ref: 711-312

Enquiries to: Mr R S Underwood



22nd March 2012

www.rockingham.wa.gov.au

Mr M Davis
TPG
PO Box 7375 Cloisters Square
PERTH WA 6850

Dear Mr Davis

Re: Proposed Four Storey Mixed Use Development - Lots 1 and 4 (No.432-434) Safety Bay Road, Safety Bay

I refer to your application received on the 24th January 2012 seeking planning approval for the above.

The City has undertaken an assessment of the proposal, and has identified several matters that are deficient and need to be addressed, as follows:-

Balconies

The proposed balconies do not meet the required minimum area of 10m² and minimum dimensions of 2.4m required under State Planning Policy 3.1 – *Residential Design Codes (R-Codes)*. Variations to the requirements for balconies will not be considered by the City.

In addition, it should be demonstrated that the proposed development will not result in excessive overlooking of the 36 proposed survey strata lots the subject of a current subdivision application (WAPC Ref: 66-12).

Waste Disposal

Information on proposed waste management must be provided.

It is noted that a bin storage area is provided on the ground floor of the proposed development. Based on a rate of 240L of waste per unit, there will be a requirement to accommodate approximately 13,200L of general waste, plus an additional allocation for recyclable waste. To accommodate the storage of waste, approximately 12 1,100L skips are required, plus the provision of a suitable number of 240L bins for recycling.

To service the development, 2-3 trucks will need to access the site for collection. A bin pickup area has not been provided on site, so the trucks will obstruct Malibu Road during collection, for about 30 minutes for each collection. This scenario is not suitable as the obstruction of Malibu Road is not safe or convenient.

It is recommended that provision be made for on-site collection of waste, so that waste disposal trucks do not obstruct Malibu Road.



Short-term car parking

The on-street car parking spaces do not meet the minimum dimension requirements of AS 2890.5—1993. The design of the proposed on-street car parking spaces should be reviewed in the context of these requirements, together with demonstrating that the car parking spaces will not obstruct driver sightlines for vehicles exiting the basement carpark onto Malibu Road.

The design of the basement carpark is not suited for short-term users. To provide overflow customer car parking spaces when the on-street spaces are occupied, the proposal should include the remarking of the existing carpark on Parent Lot 4.

An accessible car parking space should be dedicated either on-street or in the existing carpark on Parent Lot 4 for use by customers with disabilities, and designed in accordance with the relevant Australian Standard.

The crossover to the carpark on Parent Lot 4 is affected by the proposed development and will need to be suitably relocated to maintain access to it.

Transport Assessment

The *Waikiki Hotel Site, Proposed Mixed Use Development, Traffic Assessment for Stages 1 and 2* (Transport Assessment) should be updated to address the following matters:

- There is no crash analysis included in the Transport Assessment – nor does the Assessment consider causation factors in any nearby crashes and how these may be impacted on with the new development.
- The Transport Assessment, in a number of locations, refers to both Safety Bay Road and Malibu Road as being classified as district distributor roads and therefore can have an acceptable volume of up to 15,000 vpd. A road with this volume would be likely to have a much different carriageway configuration and as both of these roads are predominately residential in adjacent land use, a volume lower than the standard “acceptable maximum” would be more appropriate. The current road / carriageway configuration more closely resembles a local distributor / Neighbourhood connector B and as such, a volume of somewhere between 3000 and 6000vpd would be the most appropriate target volume. Unfortunately, these volumes have already been exceeded and the community is already raising access / egress concerns in this area due to development on this site. To therefore say that the development will have NO impact and that all volumes are ACCEPTABLE is a view not likely shared by the community or the City.
- The Assessment should consider whether any changes are required to the configuration of Malibu Road adjacent to the site to facilitate the additional traffic generated by the proposed development.
- Page 6 – states that intersection turning counts were undertaken but data is not provided. A table or diagram should be provided so that they can be assessed against the city's own counts undertaken for the last traffic assessment of this site.
- The last statement on page 6, which implies that traffic flows on Malibu Road have not altered, is both misleading and inaccurate. The Transport Assessment contradicts this statement later in the document.
- The proposal to have the underground car park's ONLY access/exit onto a high volume / high speed road is highly undesirable and an **independent road safety audit assessment** of the proposal would be required if this proposal is not altered.

- There is no evidence or justification provided to support the 65% occupancy rate stated at the bottom of page 10. An analysis should also be done on the peak occupancy (over summer) which would also coincide with the peak traffic flow on the surrounding roads.
- Trip generation figures from 3 bed units appears to be low.
- Further information is required to provide justification for trip direction splits listed on page 12.
- There is no analysis of the impact of the extra traffic (both vehicle and pedestrian/ bicycle) on the wider road network. There should also be an analysis of the impact on the intersection of Malibu Road and Read Street. This is due to the report suggesting 60% of development trips will use this section of Malibu Road.
- No level of service analysis provided for pedestrian traffic.
- Posted speed limit for Malibu Road (for the purposes of sight line assessment) is incorrectly stated within the Transport Assessment (Malibu Road is posted as 60km/h) and the likelihood of a Main Roads-supported 40km/h speed zone very remote. Sight line assessment requires re-calculation using appropriate design speeds. Impact of on street parking bays on sight lines also appears to have not been considered.
- Pedestrians are unlikely to use facility at roundabout to access commercial sites along Malibu Road – therefore mid-block median treatments should be provided. Improved pedestrian facilities should also be installed on Safety Bay Road to link with the public access easement through the site.

Bicycle Parking and End-of-Trip Facilities

An assessment of the proposed bicycle parking facilities has been undertaken against the City's Planning Policy 3.3.14 – *Bicycle Parking and End-of-Trip Facilities*, and the following matters have been identified requiring attention:

- The bicycle parking devices in the basement level do not meet the design requirements of AS 2890.3—1993. The devices should be redesigned in accordance with the Standards, and shall include a minimum of 15 spaces in a Class 2 compound.
- The basement plans should be amended to clarify the composition of the end-of-trip facilities rooms, including the provision of showers and change rooms (if desired) and one clothes locker per parking space.
- The path and doorway into the bicycle compound must have a minimum width of 1.5m and height of 2.25m, as per AS 2890.3—1993. It is suggested that the staircase entry be replaced by a ramp for ease of access to the bicycle compound.
- Short-term parking for at least 7 bicycles should be shown in the Malibu Road verge adjacent to the development, designed as Class 3 as per AS 2890.3—1993 and having a clearance of at least 1.5m from the building.

Site Plans, Floor Plans and Elevation Plans

The floor plans and elevations should be modified to remove elements that are not related to the subject application, including parts of building structures and landscaping for future stages, for clarity. The "provisional retaining wall" on the basement level should be explained, and necessary alterations made to Storeroom 45.

The site plan provided by email on the 3rd February 2012 should be modified to remove the building shown near the eastern boundary of the site. It should also be modified to show the proposed landscaping treatment, proposed on-street parking and verge treatments, crossover modifications and proposed line-marking of the existing carpark on Parent Lot 4.

Other issues

A number of other issues have been identified that require addressing, being:

- It is noted that the basement carpark occupies most of the "development site". Information should be provided on the proposed method of on-site stormwater disposal and intended location of stormwater infrastructure.
- The storerooms should be designed so that there is no more than 1 storeroom door opening onto any one car parking space. Storerooms and adjacent car parking spaces should be allocated to the same user.
- Wheel stops should be provided in the basement carpark where the space end is a wall, and in spaces 50, 51, 59 and 60.
- The structure located to the left-hand side of the vehicle exit lane should be setback 2.5m from the Malibu Road boundary and 2.0m of the access driveway in accordance with clause 3.2.4(b) of AS/NZS 2890.1.
- It is noted that a number of the commercial premises are intended to be food premises. All food premises require a separate staff-only toilet, in addition to patron toilets. The current design will limit the cafés to 20 seats as there is only the one toilet provided. It is suggested that consideration be given during the design stage to allow for additional toilets.

Response timeframe

As you are aware, the City must provide its Responsible Authority Report on the proposal to the DAP Secretariat by the close of business on Thursday 12 April 2012. To achieve this deadline, the City needs to receive a response to the above issues by the 29th March 2012, to enable the information provided to be assessed and the Responsible Authority Report to be prepared.

Please advise me if you are unable to provide a response to the above issues by the 29th March 2012, and are agreeable to an extension to the timeframe by which the Responsible Authority Report must be provided to the DAP Committee Support pursuant to Regulation 12(4) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Otherwise, the City must prepare a Responsible Authority Report based on the information currently available to it.

Can you also please contact Mr Ross Underwood on 9528 0461 to arrange a suitable time to meet and discuss the above matters as soon as possible.

Yours faithfully



M ROSS
MANAGER STATUTORY PLANNING

Attachment 5 – City’s Design Guidelines

Waikiki Hotel - Urban Design Guidelines (v3. March 2010)

1. Introduction

These design guidelines have been prepared by Mackay Urbandesign for the City of Rockingham, for the purpose of establishing a framework of development objectives and controls to deliver a redevelopment of the Waikiki Hotel site which:

- Is of an appropriate scale for its location.
- Reinforces Safety Bay as a coastal destination for the broader region.
- Addresses the surrounding public domain in a positive manner.
- Avoids a detrimental impact on adjoining properties.

These design guidelines are an evolution of the recommendations of the *Waikiki Hotel Site Building Height (March 2005)*, taking into account subsequent changes in planning policy, ongoing development of planning and urban design best practice, changing economic conditions, and an appreciation of the owner's general intent for the site's redevelopment.

2. Site description and analysis

The site occupies approximately half of the street block bounded by Safety Bay Road, Malibu Road, and Tropicana Way. The site has limited frontage to Safety Bay Road with an ocean aspect, and a relatively large frontage to Malibu Road. The adjacent site to the southeast contains a three-storey apartment complex. The adjacent sites to the northwest contain a small shopping complex and a service station. Both of these sites may become redevelopment opportunities in the future. To the northeast of the site, there is a small local park amid an area of low-density residential development.

The site offers the opportunity to reinforce the street edges of both Safety Bay Road and Malibu Road.

Whilst the site could potentially offer an additional pedestrian route through the site from the local park to Safety Bay Road, any net benefit in doing so would be minimal. The overall street block is relatively short and Malibu Road and Tropicana Way both offer good access to the beach. The benefit to a handful of residents in Reef Place and Harbour Court of a shorter walk to the beach is outweighed by the potential loss of amenity to a large number of residents on the Waikiki Hotel site post redevelopment. Therefore, whilst a pedestrian connection could at least be permitted, it should not be mandated.

The site offers the opportunity to make better use of the local park. A direct access to the park from the development would be highly desirable and make better use of the existing community infrastructure.

3. Land use and development density

The site lies at the heart of the Safety Bay coastal strip, which is a highly desirable ocean-side location for residential and recreational activities.

However, other than the natural assets of the foreshore itself, there is little in the way of attraction for visitors, and little in the way of any other amenity for permanent residents. The Waikiki Hotel is the principal opportunity (and possibly the only realistic opportunity) to establish a focal point for the coastal strip along Safety Bay. To do this, it is important that the site delivers a significant commercial component; sufficient people to help support the commercial component; and a built form that is a recognisable landmark on the bay.

In regard to land use and development density, any development on the site should:

- *Provide attractive locations for a diverse range of complimentary land uses.*
- *Incorporate 'attractors' with high visitation rates that encourage people to visit on a regular basis.*
- *Significantly increase the size of the residential community to strengthen the sense of community; increase the number of people within the coastal node outside business hours; and provide the potential for 'eyes on the street'.*
- *Incorporate, where viable, short-stay accommodation to provide access to the beachside lifestyle for visitors.*
- *Provide a range of housing forms and dwelling sizes to appeal to a diverse range of residents.*

To ensure an appropriate mix of land uses and an appropriate development density, the following development controls should be applied:

- *Provision of retail-capable commercial floorspace at ground floor level with direct access to an adjacent street.*
- *No maximum residential density. It should be noted that the application of a maximum residential density could negate the ability to deliver smaller and, hence, more affordable residential units, and the overall bulk and scale of any building is controlled by other factors such as setbacks and height limits.*
- *A minimum short-stay provision of 40 keys where development exceeds 5 storeys in height (40 being the number of keys generally considered by the tourism industry as a viable minimum for a managed short-stay facility).*

- *Mandatory inclusion of licensed premises in any development proposal for the site to ensure that the site retains its long-standing role to the community as a place of hospitality.*

4. Built form, setbacks and height

The relationship between any development on the site and the adjacent public domain and other neighbouring sites is largely dictated by the building setbacks and height limits that are applied to the site. In regard to built form, setbacks and height, any development on the site should:

- *Maintain an attractive scale to streets and other public spaces through the use of building facade heights, particularly for the lower and most visible levels of buildings where they define the edge of a street or other public space.*
- *Bring commercial components forwards to meet the street without a setback. However, given the wide street reserve along Safety Bay Road, consideration should be given to the use of landscaping, on-street parking, and al-fresco dining areas to establish a stronger relationship between the building and the street.*
- *Maintain a reasonable occupant amenity of neighbouring properties, albeit within the context of a vibrant coastal activity centre.*

More specifically, the following development controls should be applied to the site to ensure an appropriate development form:

- *Development to be contained within the development envelope described by the Development Envelope Plan in Attachment 1.*
- *For buildings of five storeys or more, the uppermost floor to be set back by a minimum of 3m.*
- *Where development of Lots 1 and 4 (the former Waikiki Hotel site) precedes the redevelopment of Lot 2 (the service station site), the proposal should provide for an appropriate interface along the common boundary.*

Note: The maximum heights indicated are derived from the State Governments Coastal Planning Policy. That is; five storeys, or eight storeys where community support can be demonstrated.

5. Occupant amenity

Whilst urban design guidelines generally focus on the impact of development on the surrounding areas, it is also important to consider the impact of development on the building's occupants. In regard to occupant amenity, any development on the site should:

- *Provide reasonable access to natural light, natural ventilation and sunlight wherever possible to reduce energy consumption and increase the quality of the occupant experience.*
- *Maintain a reasonable distance between activities that are clearly incompatible or incorporate design measures to mitigate potential nuisances on adjacent occupants.*
- *Provide a reasonable degree of privacy for residents albeit within the context of an urbanised environment.*

To ensure an acceptable level of occupant amenity, the provisions of the Residential Design Codes of WA should be considered as the minimum standard.

6. Relationship of buildings to the street

A successful relationship between buildings and the public domain is the key ingredient of a good urban design outcome. Buildings should help to define the edge of the public domain (especially streets); invite and encourage human interaction with commercial uses; and provide a sense of personal security for street users, whilst also providing a sense of propriety for residents.

In regard to the relationship of buildings to the street, any development on the site should:

- *Establish commercial building frontages with glazed openings and doors at street level to encourage human activity on the adjacent street and optimise interaction between people inside and outside buildings.*
- *Maintain a high degree of continuity of street frontages, to provide a strong definition to streets and other public urban space.*
- *Utilise building scale and design to create an identifiable scale and character for adjacent streets and publicly accessible spaces.*
- *Avoid ambiguity by clearly defining the difference between spaces that are publicly accessible and those that are for private use only.*

- *Provide architectural richness using articulation of buildings and window displays to create interest, particularly at the street level.*
- *Provide openings at all building levels to enable passive surveillance of adjacent publicly accessible areas.*
- *Create, in the case of commercial frontages, 'interstitial spaces' through the use of canopies, arcades and other shade structures, to provide shade to window displays, shelter to pedestrians, and to create a softer transition between the inside and outside.*
- *Incorporate modest landscaped setbacks between ground floor residential units to establish a soft transition between the public and private domain.*
- *Provide direct access to the street from any adjacent ground floor residential units.*
- *Incorporate visually permeable street-front fencing to enable passive surveillance of the public domain.*
- *Locate service areas behind buildings, or screened from view, to avoid the intrusion of noise, odour, or visual pollution on publicly accessible areas.*
- *Enable the opportunity for temporary overspill activities, such as al fresco dining and external displays, that provide additional interest to the street.*

In addition to the setbacks and heights as described in Attachment 1, to ensure an appropriate relationship of any buildings to the street, the following development controls should be applied:

- *A mandatory 0m setback from the street for all commercial activity, with a mandatory canopy/awning with a depth of at least 2.5m to all commercial frontages.*
- *All servicing and loading areas shall be located on-site, away from street boundaries and screened from view from the public domain (streets, parks and other public spaces).*
- *Any street fencing shall be at least 50% visually permeable between 500 and 1500mm above ground level.*
- *No street fencing shall exceed a height of 1500mm above ground level.*
- *No ground floor shall be more than 1500mm above the adjacent street level.*

7. Pedestrian movement and amenity

Walking is the simplest, and the most accessible and environmentally friendly form of movement around the urban environment, and should be encouraged. Pedestrian amenity is largely derived from a comfortable environment for walking, good legibility, and a sense of personal safety and security.

In regard to pedestrian movement and amenity, any development on the site should:

- *Provide shade and shelter through the use of canopies and/or shade trees for pedestrians to make walking an attractive alternative to car use.*
- *Employ CPTED principles (Crime Prevention Through Environmental Design) to create a safe, and well-lit pedestrian environment with good surveillance to make walking a psychologically comfortable alternative to car use, particularly at night.*
- *Provide obvious and direct pedestrian routes to, and between, major attractors to make walking a legible and convenient alternative to car use.*
- *Enable ease of pedestrian movement across streets to give pedestrians greater confidence and a sense of 'ownership' of the street environment.*
- *Provide local landmarks, artwork and landscape elements as an aid for legibility.*
- *Provide continuous paved surfaces along all streets and other identified pedestrian desire lines to make walking a convenient alternative to car use.*

8. Vehicle movement and access

Vehicle movement and access to and from the site is a necessity, but should be managed in a manner that does not compromise the establishment of a high level of pedestrian amenity around the site.

In regard to vehicle movement and access, any development on the site should:

- *Minimise and locate vehicle crossovers to avoid disruption of pedestrian amenity along the principal pedestrian routes.*
- *Provide for the safe use of alternative transport modes (such as bikes and scooters) to encourage their use in preference to car travel.*

9. Vehicle parking

Vehicle parking is also a necessity, and as with vehicle access should be managed in a manner that does not diminish pedestrian amenity; encourages the efficient provision and use of parking infrastructure that is fit for its purpose; and does not compromise the quality of the surrounding streetscape.

In regard to vehicle parking, any development on the site should:

- *Provide for the reciprocal use of visitor car parking bays to encourage a high turnover of parking bays and reduce the need to provide large amounts of expensive and land-consumptive car-parking infrastructure for specific activities.*
- *Maximise the use of on-street bays for visitor parking.*
- *Locate car parks (other than on-street parking) out of sight from the public domain (that is; behind, below or above buildings) to avoid a detrimental visual impact on the adjacent streetscapes.*
- *Provide attractive parking for bicycle, motorbike and scooter users, and suitable end-of-trip facilities, to encourage their use as an alternative to car travel.*
- *Provide sufficient and secure resident car-parking areas for what is likely to be a high-value residential dwelling.*
- *Separate resident parking from short stay, commercial and other visitor parking.*

To ensure an acceptable amount of car-parking, the provisions of the Residential Design Codes of WA should be considered as the minimum standard for the residential component, with the minimum provisions of the prevailing City of Rockingham DPS applying to all other land uses on the site.

10. Landscaping

Landscaping plays an important role in developing a sense that any development 'fits into' the place where it is. Additionally, landscaping can be used to soften the transition between different uses, and between the public and private domains.

With growing public awareness of the need to use water resources responsibly, it is also important that plants are selected on the basis of being appropriate to the prevailing dry coastal climate.

In regard to landscaping, any development on the site should:

- *Contribute to attractive and well-landscaped streets and other public or semi-public spaces, and enhance the quality and experience of the public realm.*
- *Employ drought and salt-tolerant, low-maintenance plants, and avoid plant species that are likely to spread into the surrounding natural environment.*
- *Use paving materials and street furniture that are robust and easy to clean and maintain.*
- *Integrate public art into the design of the built environment to help explain the place in which it is situated and endow it with cultural significance.*

To balance the competing demands of using valuable urban land efficiently whilst still providing a reasonable level of amenity for residents, the maximum site coverage should be 70% (30% open space).

11. Resource conservation

Increasing public awareness of the need to lead a more sustainable life, and use the Earth's resources in a more responsible manner, is leading to a widespread change in attitude to the design and life-cycle of buildings

In regard to resource conservation, any development on the site should:

- *Create an environment that encourages non-automotive modes of travel to reduce transport energy consumption.*
- *Orientate buildings and openings to benefit from passive climatic heating and cooling opportunities to reduce fixed energy consumption.*
- *Incorporate energy-generation systems, energy recovery systems, and energy efficient plant wherever possible to reduce net energy consumption of buildings.*
- *Enable the retention and adaptive re-use of structures to reduce the future consumption of additional building materials and the energy required to manufacture them.*
- *Maximise the retention and reuse of stormwater for irrigation purposes to reduce the need for expensive stormwater infrastructure, and to reduce the burden on the metropolitan water supply.*

12. Signage and services

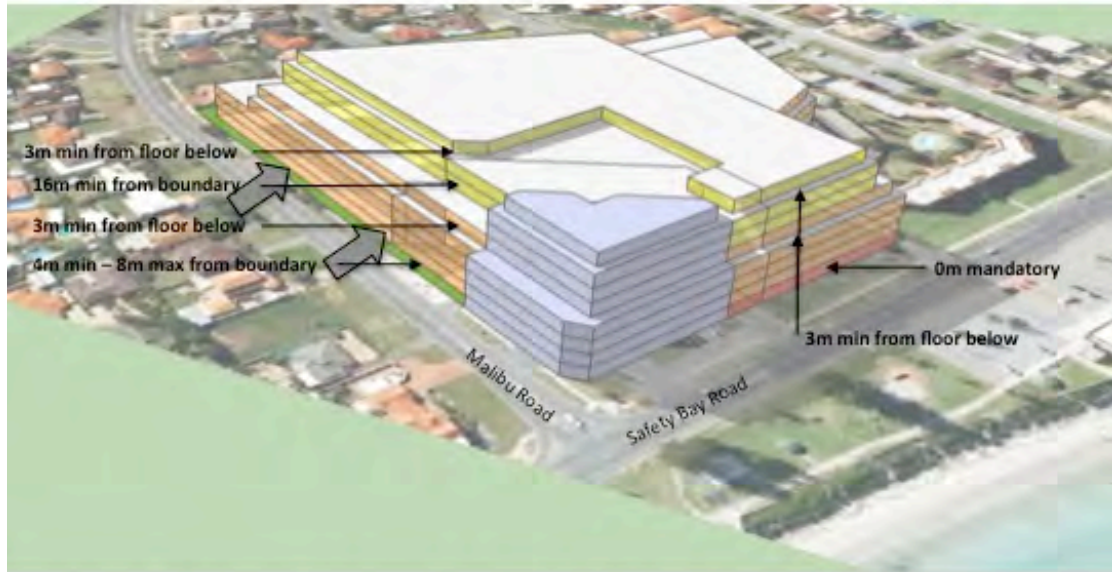
Whilst a great deal of effort may be put into the architectural resolution of a building, the architect's aesthetic intent can easily be undone by the insensitive application of signage, mechanical plant, ducts, and other service equipment.

In regard to signage and services, any development on the site should:


- *Utilise an appropriate scale of signage in relation to the travel mode of movement for a sign's audience to avoid visual pollution through the excessive use or size of advertising signage.*
- *Relate signage directly to the building containing the service or to which the advertising of the product refers, to avoid excessive, gratuitous and unnecessary signage.*
- *Integrate signage and service infrastructure into the overall design of the building so that it does not appear to be attached as an afterthought or create a cluttered appearance.*
- *Ensure the location of any mechanical services plant and ducting has minimal impact on the visual appearance of adjacent streets, parks, pedestrian pathways or other public spaces to maintain the quality of experience in the public realm.*

Additionally, any signage will be required to be consistent with the City of Rockingham's prevailing signage policy.

Attachment 1: Development envelope plan



Maximum allowable building envelope - View from West

- Red building mass = mandatory commercial frontage
 - Yellow building mass = Additional building envelope if it can be demonstrated that there is community support for more than 5 storeys (as per State Coastal Policy)
- 
 Approximate locations of preferred vehicle access points



Maximum allowable building envelope - View from South



Maximum allowable building envelope - View from North

Attachment 2: Review of the initial development concept (Schematic Development Presentation - November 2009)

The following comments are provided as a preliminary critique of the Schematic Design Presentation dated 27 November 2009 and presented to the City of Rockingham. The presentation consists of perspective images only, and provides no indication of the internal planning or accommodation of the proposed building concept. As such, assumptions have been made on the basis of the perspectives.

Overall, the concept has some merit and is a good starting point for the evolution of an appropriate design for the site. The concept indicates buildings of up to 8 storeys. Whilst the site can clearly carry such height from an urban design perspective, the State Coastal Planning Policy requires demonstration that there is community support for buildings of more than five storeys in height.

Positive attributes of the concept include:

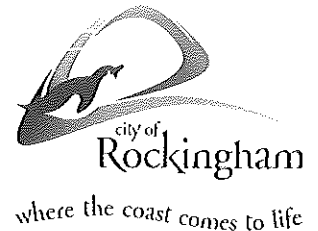
- *Placement of the higher building elements to the western side of the site, and within the body of the site.*
- *Placement of domestic-scaled town-house buildings as the interface with the adjacent low-density housing.*
- *A significant density of development and a landmark built form.*
- *Provision of a single vehicle crossover on Malibu Road, thus avoiding a vehicle-pedestrian conflict point along the beachfront environment of Safety Bay Road.*
- *A relatively contiguous built form along Malibu Road.*
- *Direct access to the adjacent park for residents.*
- *A graduation in height towards the south-eastern end of the site to avoid excessive overshadowing of the adjacent apartment development.*
- *The use of under-croft parking to hide parked cars from the street.*
- *Formation of a partial courtyard at the western end of the site to overcome the interim setback issue with the adjacent commercial development.*

Areas where the concept would benefit from further improvement include:

- *Incorporating commercial activity at ground floor along the Safety Bay Road frontage.*

- *Stepping the building forwards to the reserve boundary to meet Safety Bay Road and establish a stronger presence.*
- *Widening the extent of building on Safety Bay Road, particularly at the lower levels, to create more built edge to the street.*
- *Establishing a principal entrance directly from the surrounding street network, preferably on Safety Bay Road, rather than (or in addition to) the entrance from the internal road network to create a sense of public address.*

Our Ref: 28/0456-16
Your Ref: DP/12/00130
Enquiries to: Mr Ross Underwood



www.rockingham.wa.gov.au

1st May 2012

Mr N Foley
Presiding Member
Metro South West Joint Development Assessment Panel
c/- Department of Planning
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

Re: Additional Information – Proposed Mixed Use Development – Lot 1 (No.434) and Strata Plan 11787 (No.432) Safety Bay Road, Safety Bay

I refer to the application for the above due to be considered by the Metropolitan South West Joint Development Assessment Panel (DAP) at a meeting scheduled for the 3rd May 2011.

The City has now received development plans on the 30th April 2012, a copy of which is attached.

Pursuant to Regulations 13 and 40(3) of the *Planning and Development (Development Assessment Panels) Regulations 2011* (see Question 30 of the DAP's Questions and Answers), additional information is provided, for the DAP's consideration.

The amended plans vary from Attachment 2 to the City's Report as follows:

- The plans show a temporary service road linking Stage 1 of the Master Plan (see the proposed subdivision of Lot 1 currently under consideration – WAPC Ref: 66/12), linking with the proposed service road along the southwest side of the proposed mixed use development;
- The plans show where the ramp to the basement carpark links in with the ground-level carpark, including a linkage with the service road;
- The number of car parking spaces in the ground-level carpark has been reduced from 54 to 45, a loss of 9 spaces;
- The number of car parking spaces in the basement carpark has been increased from 85 to 87, an additional 2 spaces; and
- The former bin store on the northeast side of the building has been converted into a 2-bedroom short stay accommodation unit.

The attached plans have been prepared in response to the City's proposed Condition No.1, which states:



"1. This Approval shall be subject to further amendments being made to the submitted plans generally in accordance with the amended Master Plan for the basement level and ground floor level received on the 23rd April 2012 as follows:-

- a) Delete the basement vehicle access ramp onto Malibu Road;
- b) Provide a new basement vehicle access point near the southern corner of the proposed building, and provide a connection to the existing carpark;
- c) Relocate the bin store to the south western side of the building, and include a new service road to provide vehicle access to the bin storage area;
- d) Convert the existing bin store to short stay accommodation units;
- e) Alter the size, shape and frontage of the end shop/office tenancies; and
- f) Convert the on-street waste truck space to a regular on-street car parking space."

The amended plans result in the reduction in the total number of on-site car parking spaces from 139 to 132. The proposed additional bedroom in the short stay accommodation unit does not alter the number of car parking spaces required under *Town Planning Scheme No.2*, and the increases to the sizes of the shop/office tenancies was already taken into account in the City's previous car parking calculation. The previous requirement to provide 129 on-site car parking spaces still applies. The amended plans provide car parking in excess of the minimum Scheme requirements.

The service road, where it is adjacent to the bin storage area, should at least 4.5m, to provide space for the driver of the waste disposal vehicle to walk down the side of the vehicle. Other aspects of the carpark and vehicle access design are considered satisfactory.

In light of the amended plans it is recommended that the DAP replace the City's proposed condition No.1 with the following Condition:

"1. This Approval shall be in accordance with the amended development plans received by the City of Rockingham on the 30th April 2012, subject to the service road along the south west corner of the building having a minimum width of 4.5m.

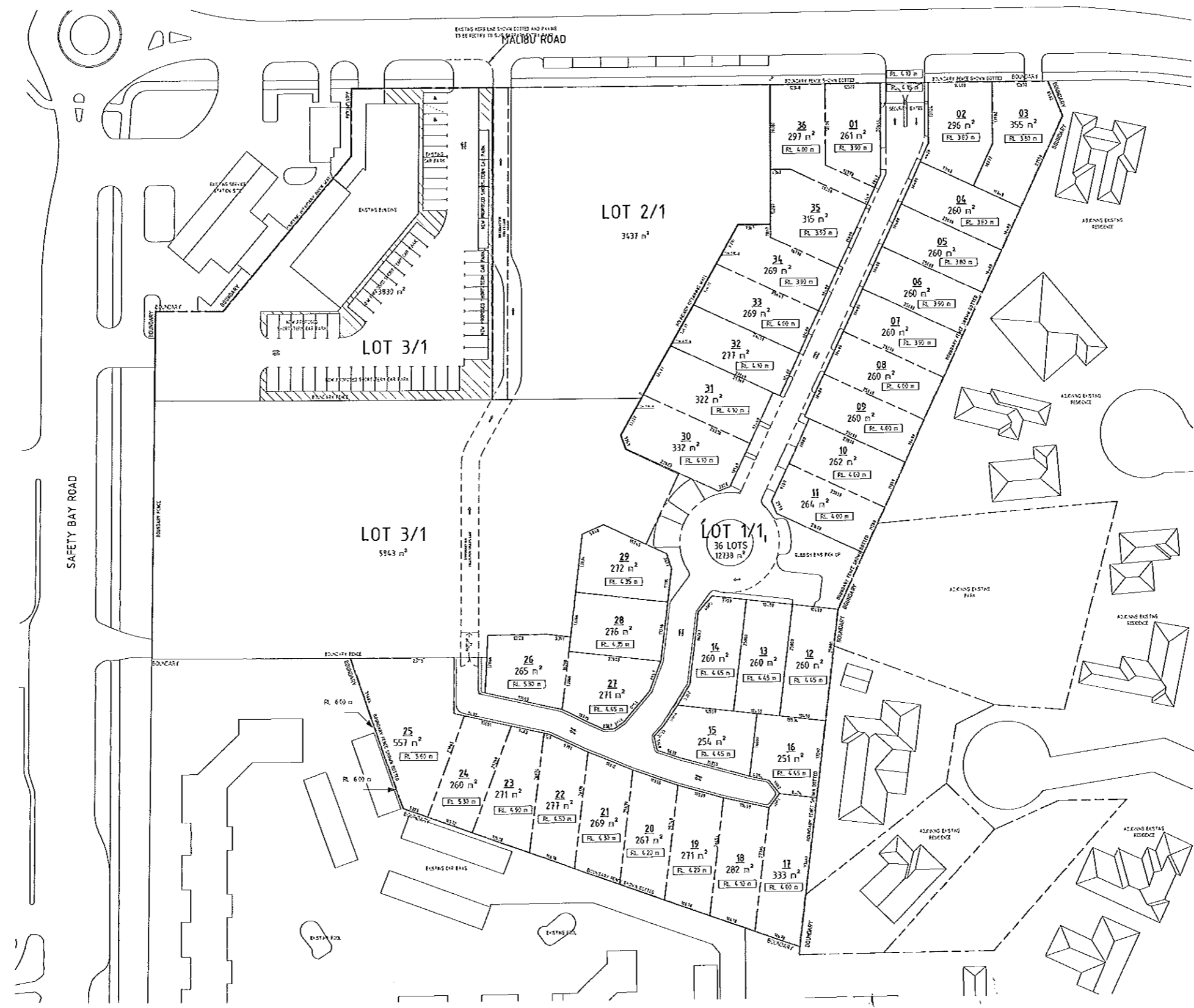
Should you have any enquiries with respect to this advice, please do not hesitate to contact Mr Ross Underwood on 9528 0461.

Yours faithfully



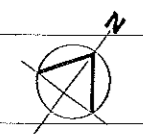
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MANAGER STATUTORY PLANNING

STAGE 1 - SUBDIVISION LOTS FLOOR PLAN



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① SUBDIVISION LOTS PLAN
1:500



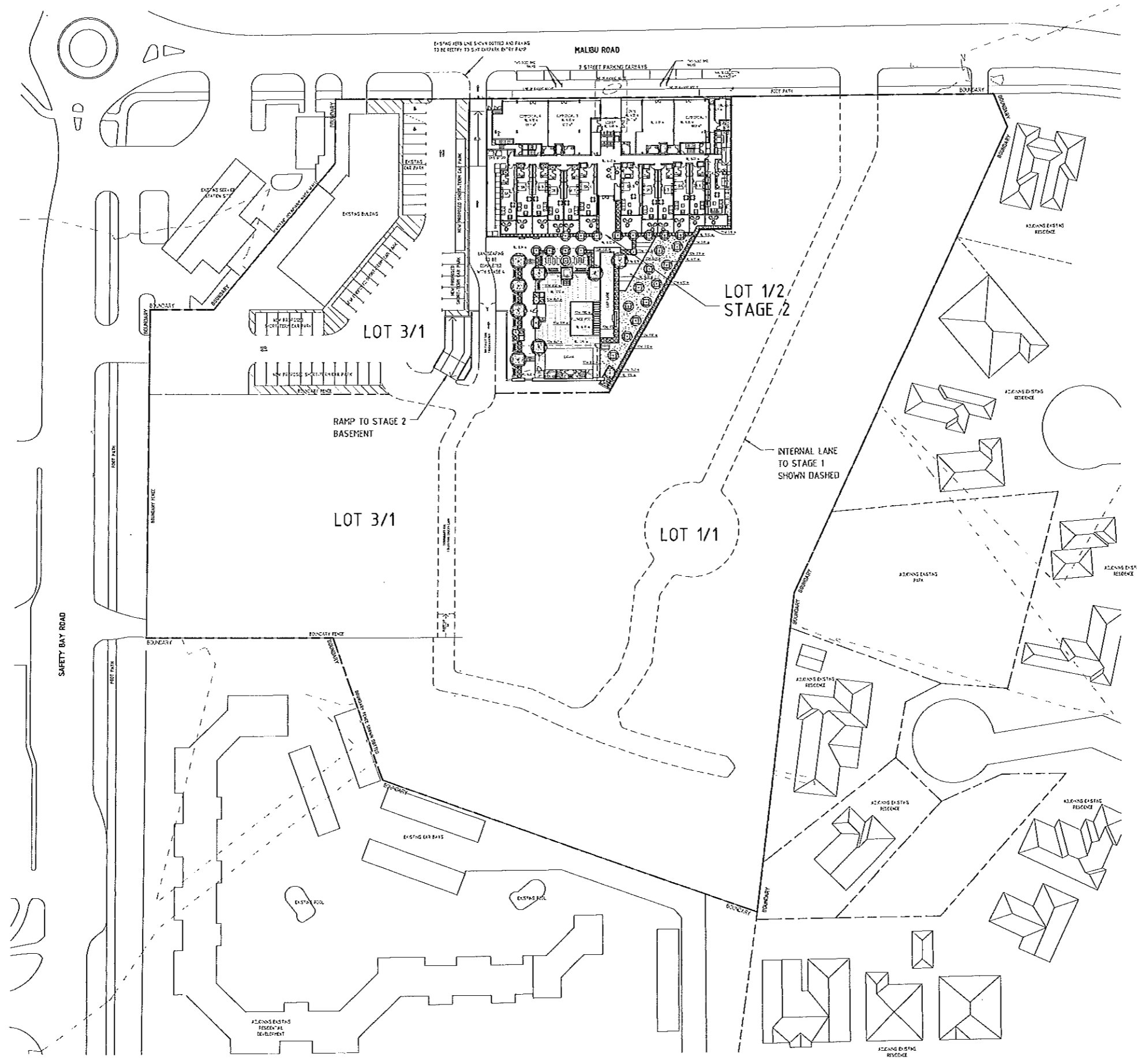
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
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D	26 APR 12	REVISED PLANNING APPLICATION
C	28 MAR 12	REVISED PLANNING APPLICATION
B	15 MAR 12	RENDERING LOTS 2, 3, 10, 11 AS AMENDED
A	20 JAN 12	PLANNING APPLICATION
REV No	DATE	REVISION
DATE	JAN 12	
DRAWN	WVS	JOB DWG. REV
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1 GROUND FLOOR PLAN
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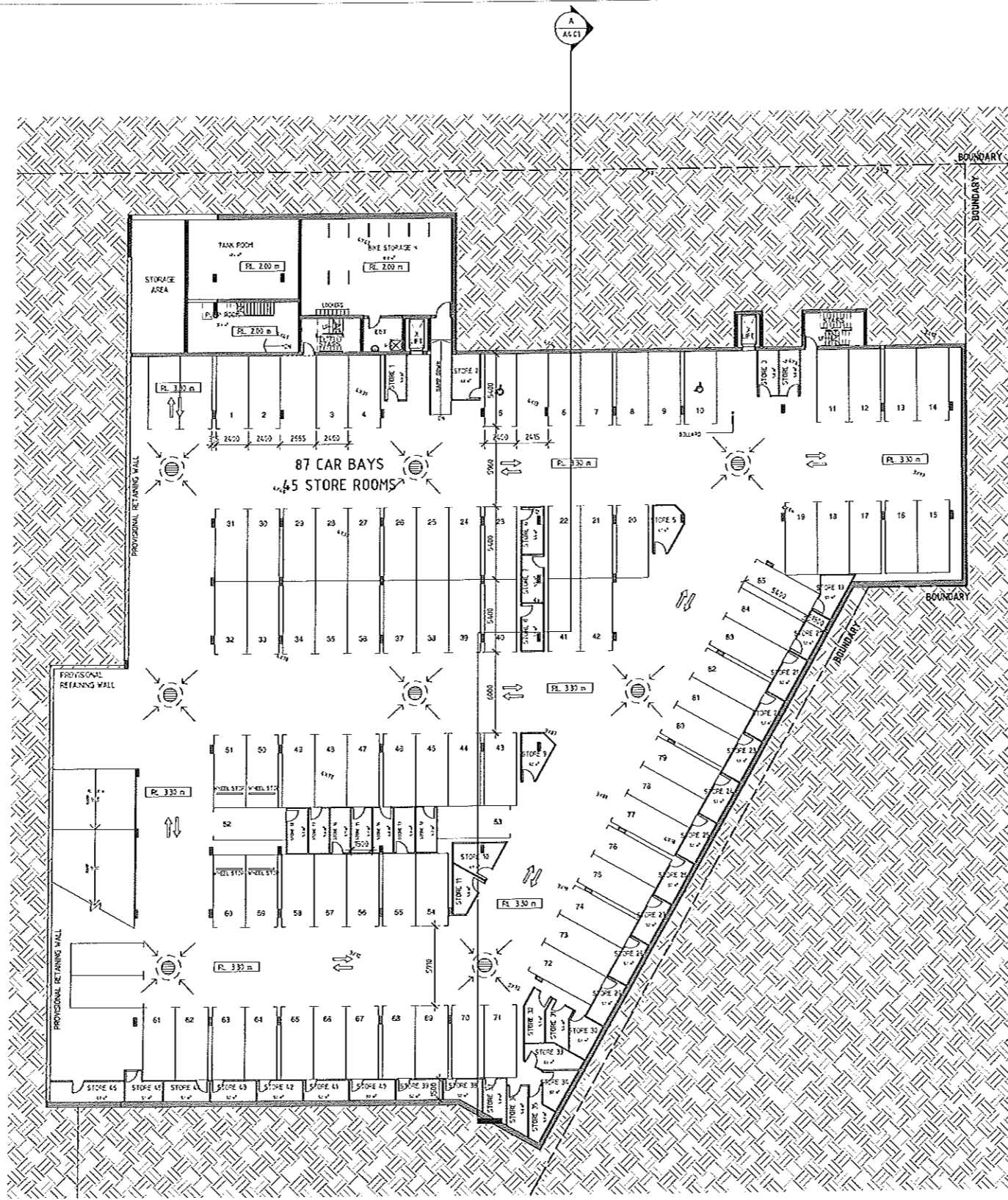
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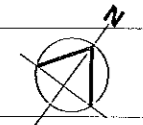
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B BASEMENT FLOOR PLAN
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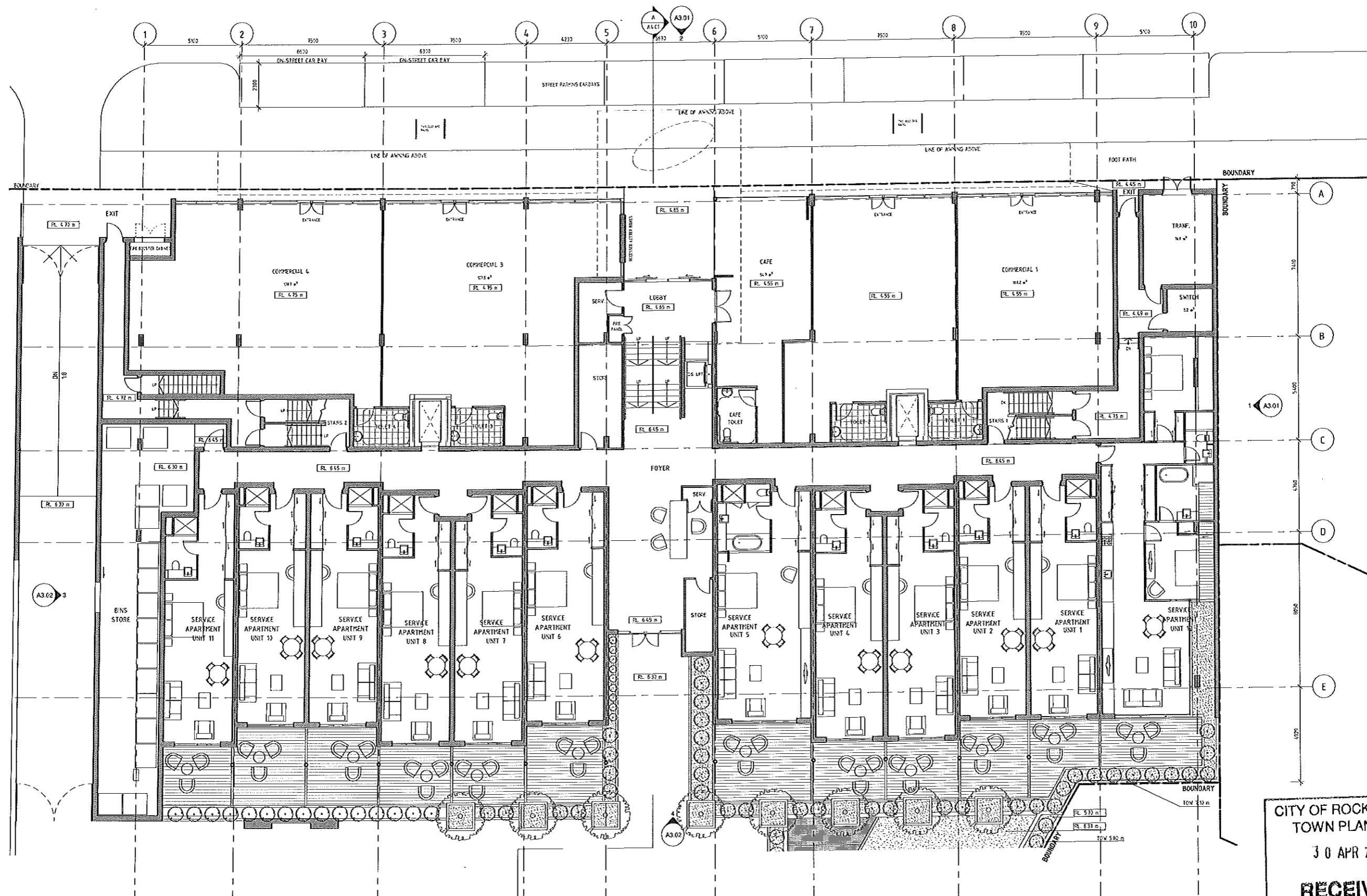
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STAGE 2 - BUILDING A - GROUND FLOOR PLAN



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G GROUND FLOOR PLAN
1 : 100

LUMIA COMPLEX STAGE 2

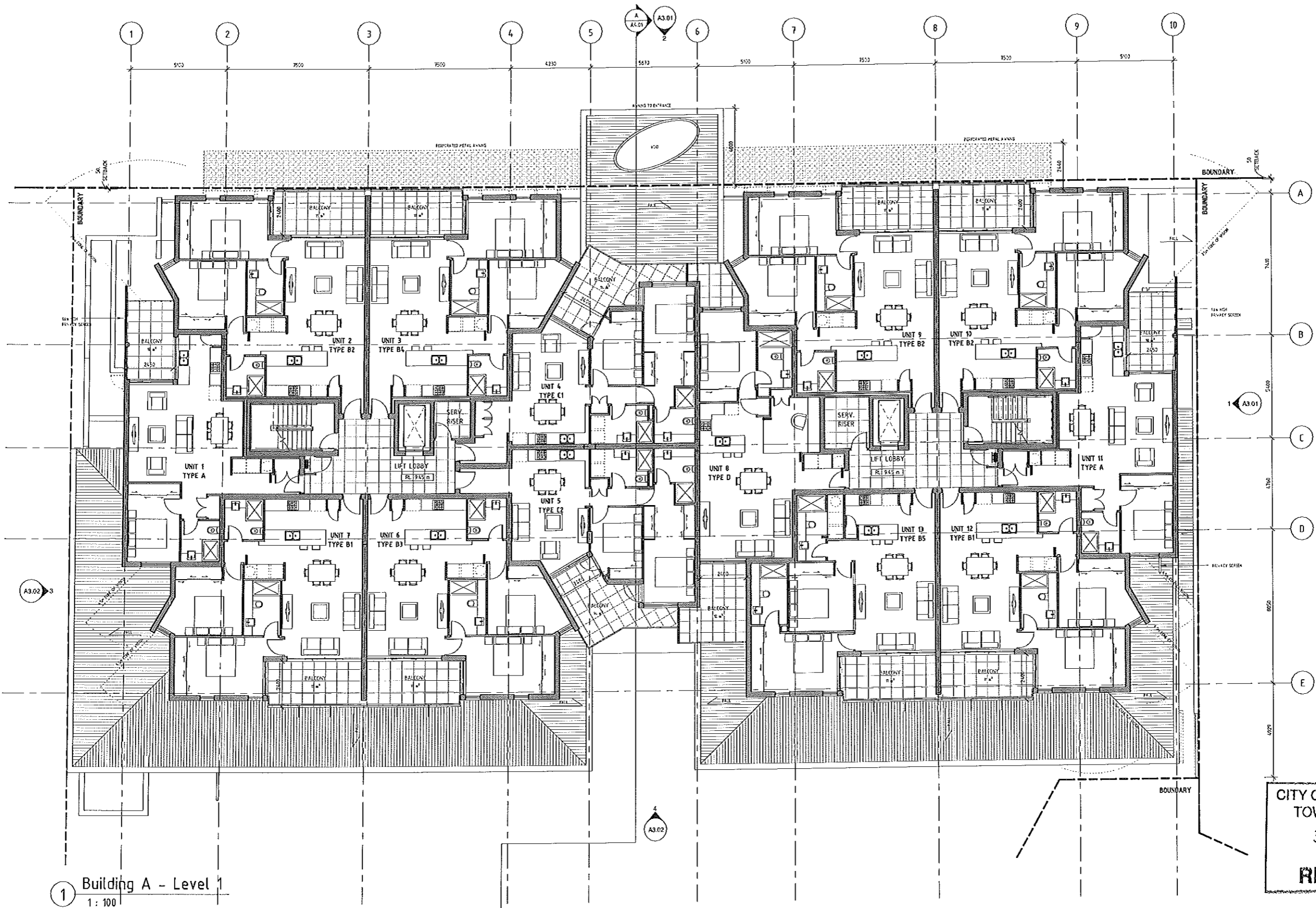
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STAGE 2 - BUILDING A - LEVEL 1 PLAN



1 Building A - Level 1
1:100

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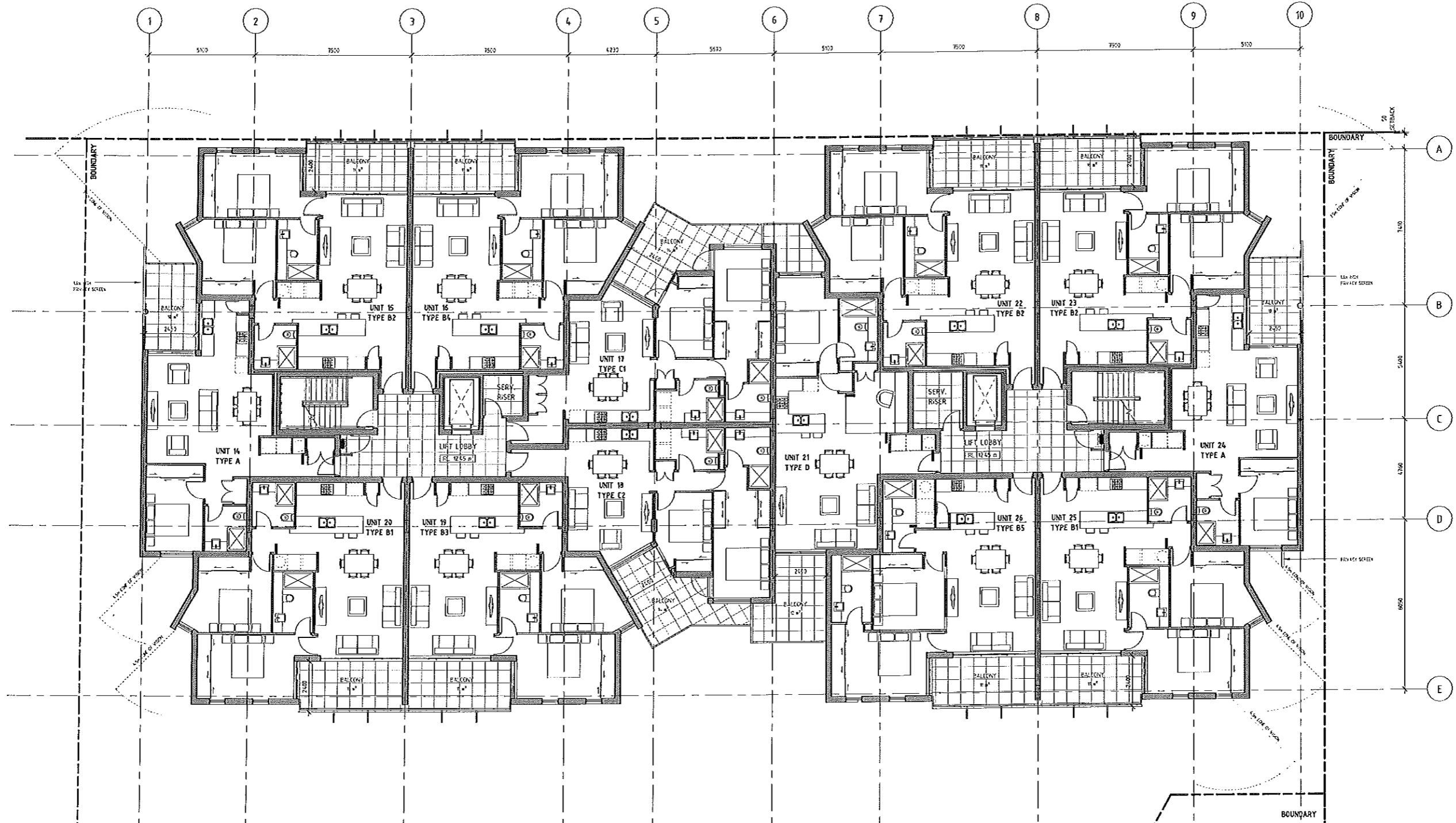
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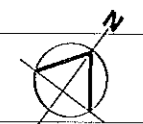
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STAGE 2 - BUILDING A - LEVEL 2 PLAN



1 Building A - Level 2
1 : 100

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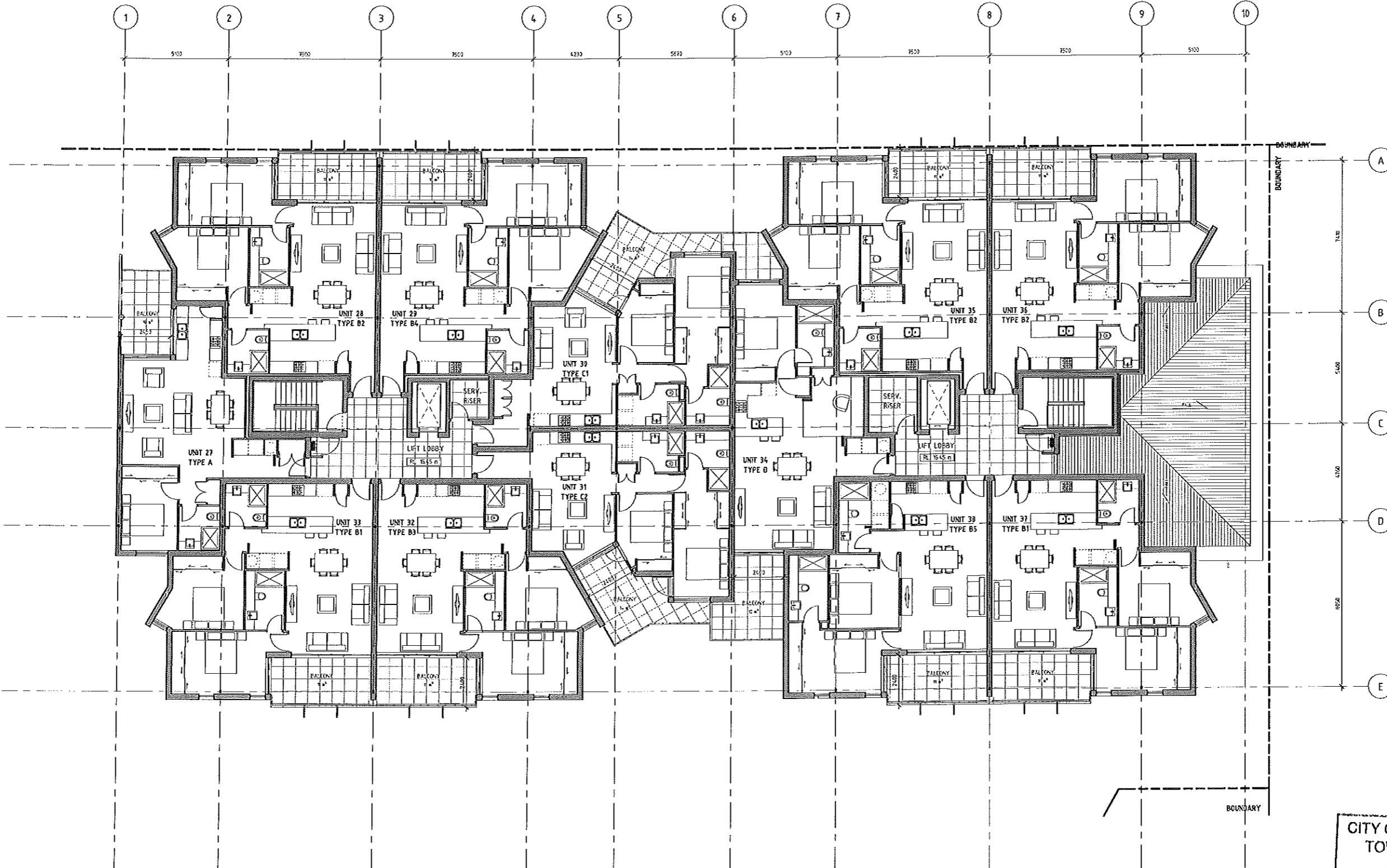
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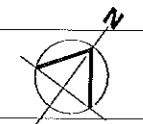
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STAGE 2 - BUILDING A - LEVEL 3 PLAN



3 Building A - Level 3
1:100

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LUMIA COMPLEX STAGE 2

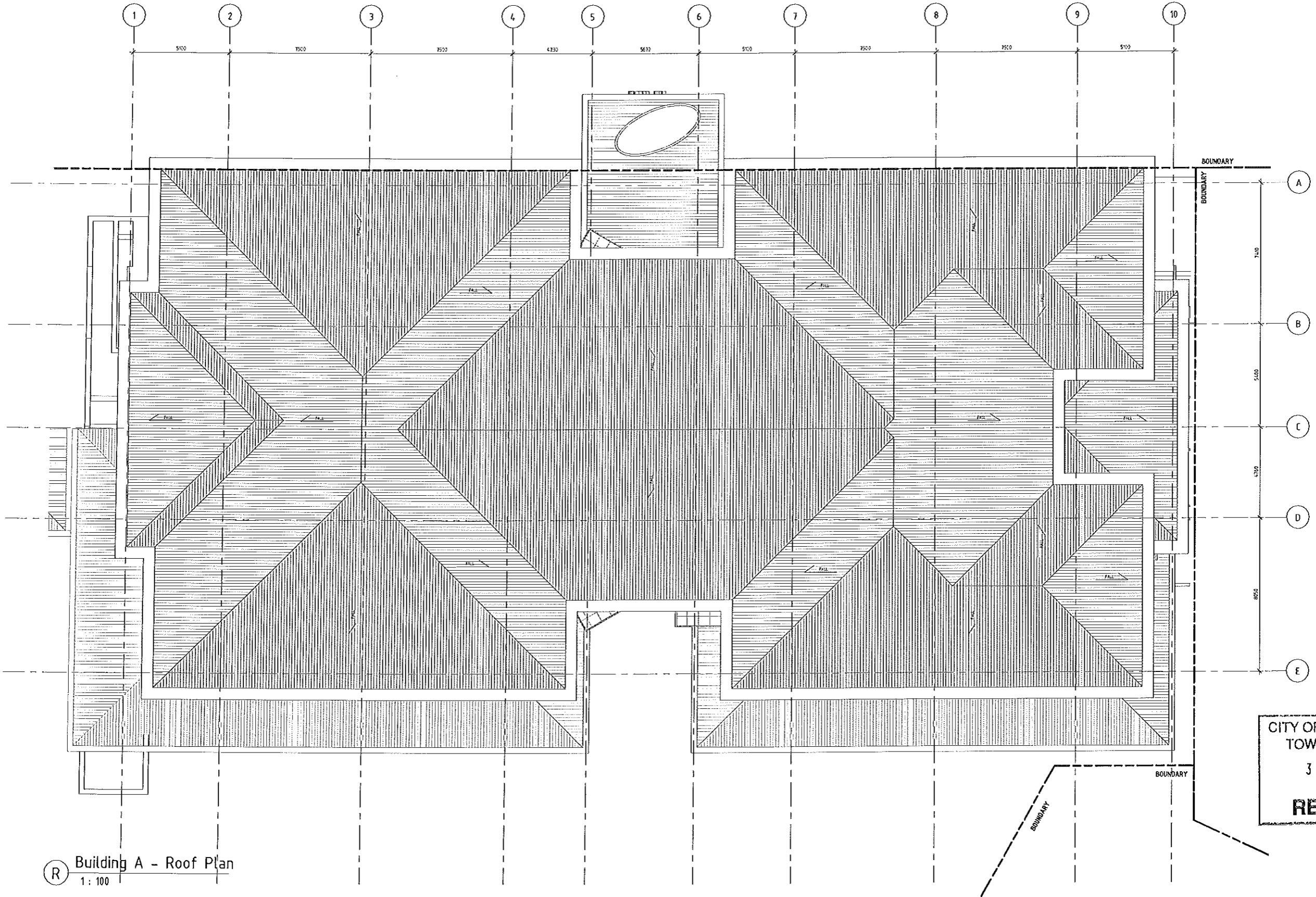
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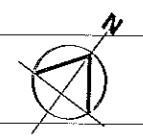
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STAGE 2 - BUILDING A - ROOF PLAN



(R) Building A - Roof Plan
1:100

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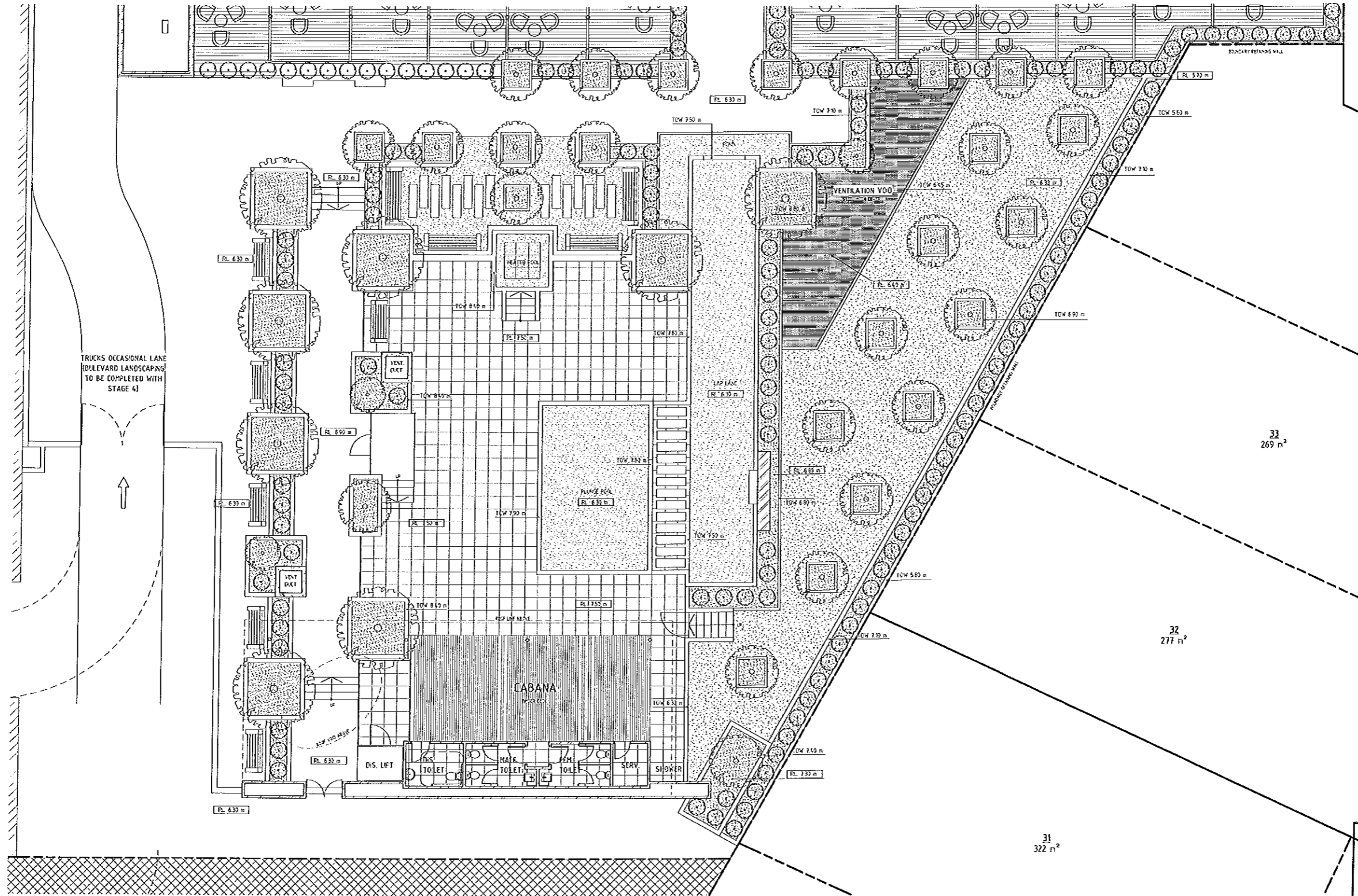
LUMIA COMPLEX STAGE 2

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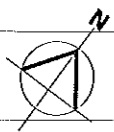
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1 GROUND FLOOR PLAN
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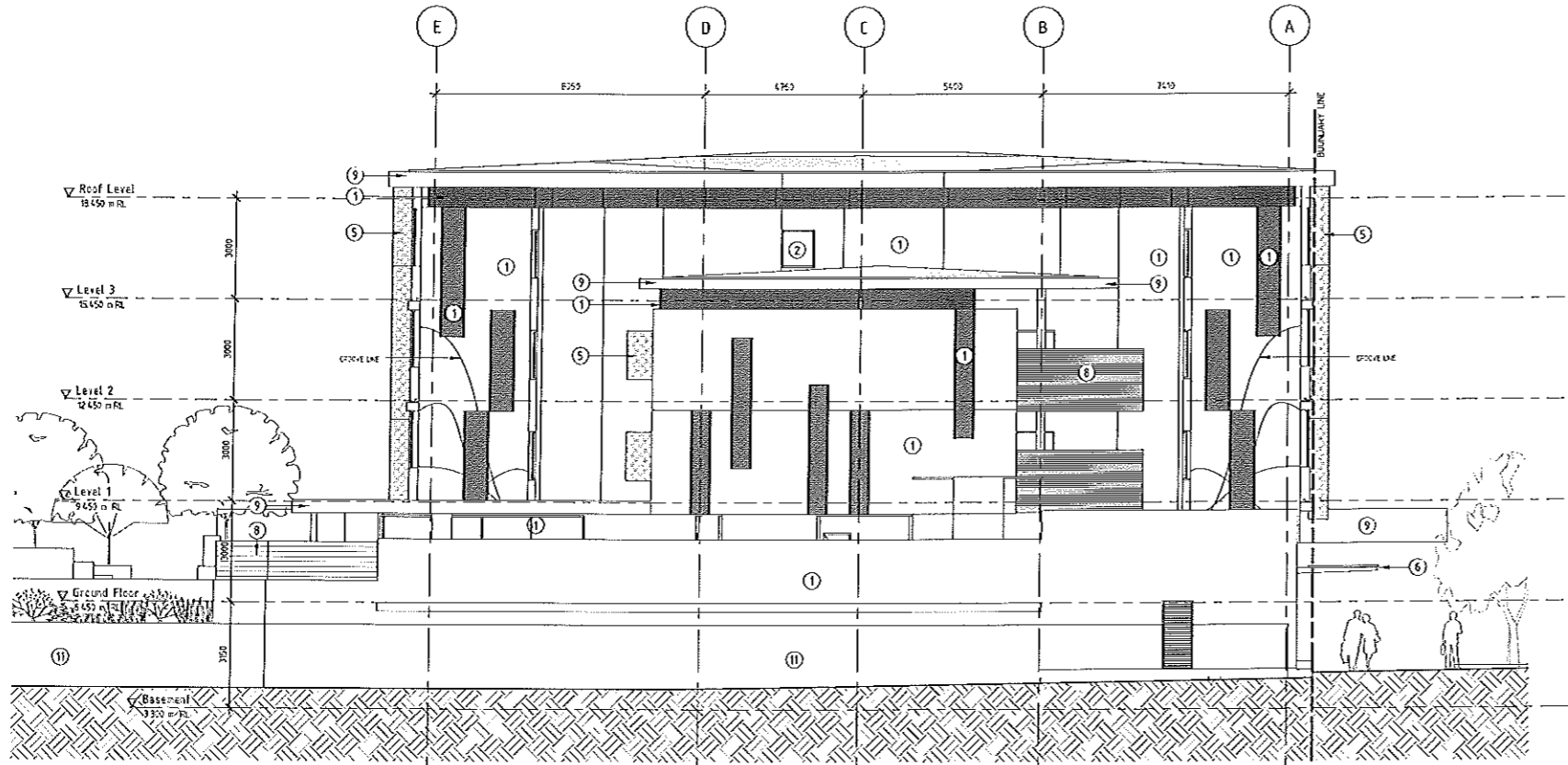


LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
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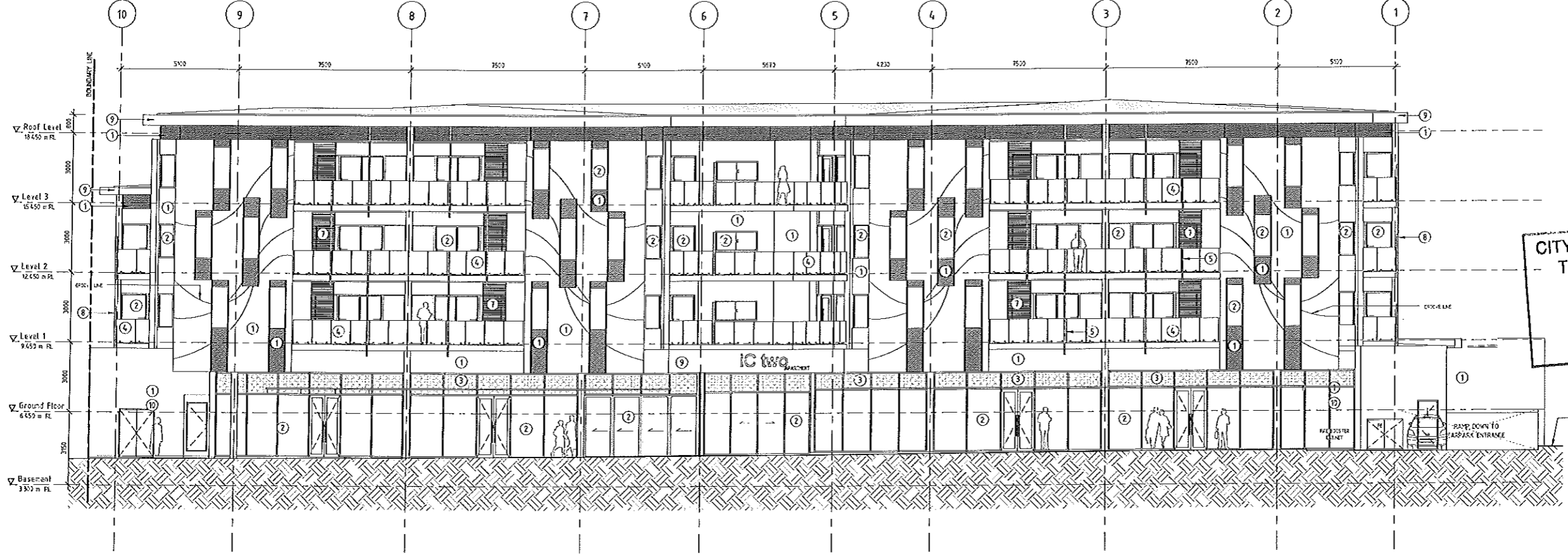
PLANNING | E A M E S
ARCHITECTS



1 BUILDING A - North East
1: 100

MATERIAL LEGEND:

- ① FENCER + PAINT
- ② LOW-E LAMINATED GLAZING
- ③ COLORBACK SPANDREL GLASS PANEL
- ④ GLASS BALUSTRADE
- ⑤ FEATURE VERTICAL GLASS SUN SHADE
- ⑥ PERFORATED METAL AWNING
- ⑦ MOVABLE METAL LOUVER SUN SCREEN
- ⑧ METAL LOUVER PRIVACY SCREEN
- ⑨ ALUMINIUM COMPOSITE FASADA PANEL
- ⑩ ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3% APFL
- ⑪ LIMESTONE RETAINING WALL



2 BUILDING A - North West
1: 100

CITY OF ROCKINGHAM
TOWN PLANNING
30 APR 2012
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LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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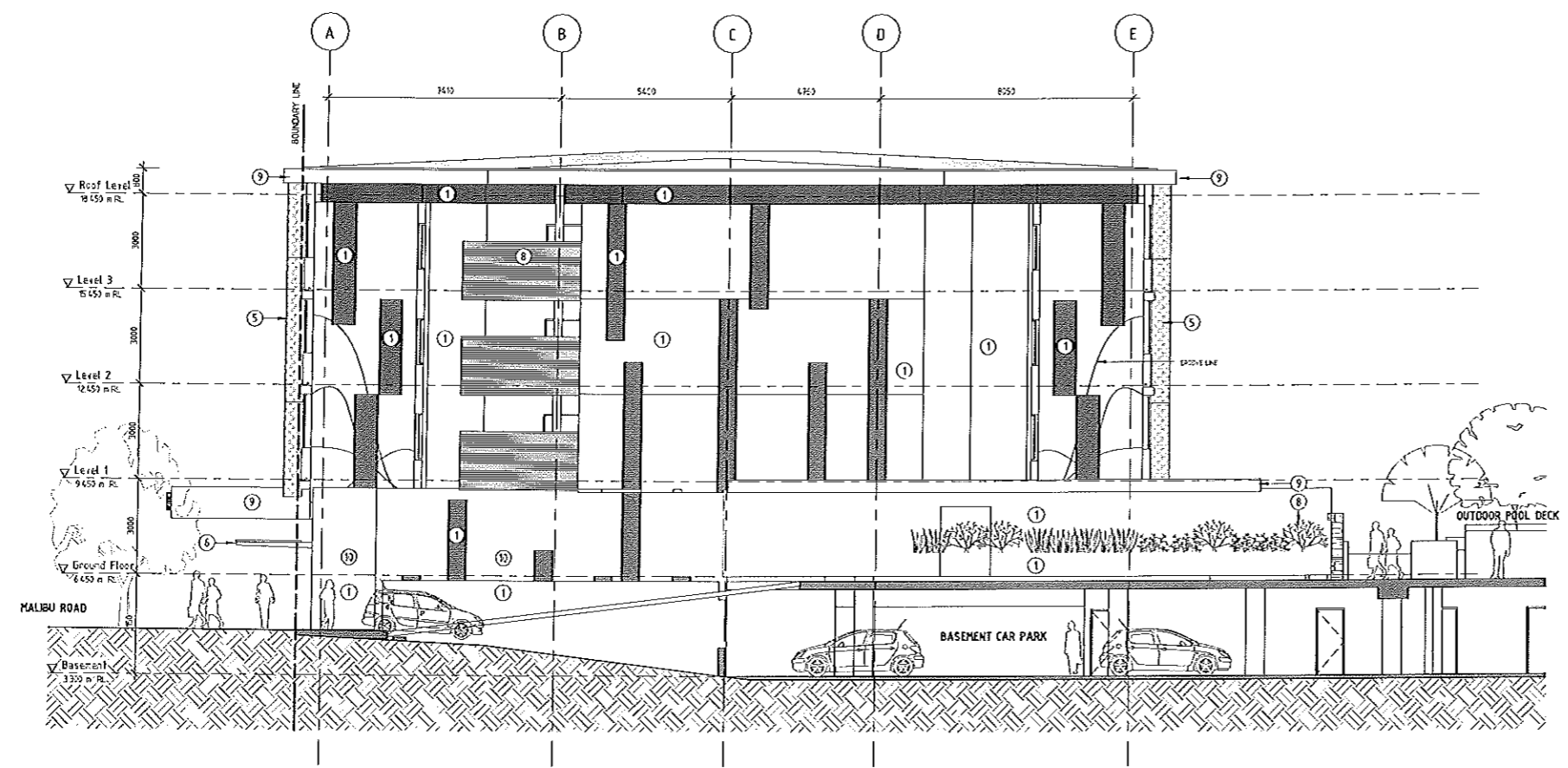
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P: (08) 9386 8840 | F: (08) 9386 8293 | www.eamesarchitects.com.au | ASN: 34 607 722 906 | ACD: 125 235 514

B	28 MAR 12	REVISED PLANNING APPLICATION
A	20 JAN 12	PLANNING APPLICATION
REV No	DATE	REVISION
DATE	JUN 2012	
DRAWN	KCW3	JOB DWG. REV
SCALE	1:100 @A1	11009 A3.01 B

STAGE 2 - BUILDING A - ELEVATIONS

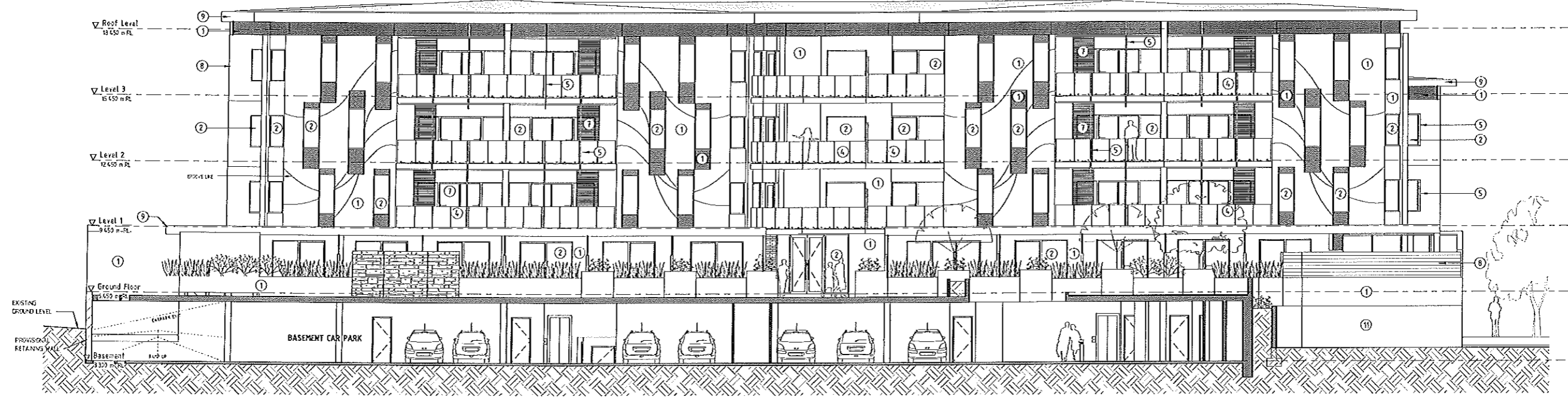
MATERIAL LEGEND:

- ① RENDER + PAINT
- ② LOW-E LAMINATED GLAZING
- ③ COLORBACK SPANDREL GLASS PANEL
- ④ GLASS BALUSTRADE
- ⑤ FEATURE VERTICAL GLASS SUN SHADE
- ⑥ PERFORATED METAL AWNING
- ⑦ MOVABLE METAL LOUVER SUN SCREEN
- ⑧ METAL LOUVER PRIVACY SCREEN
- ⑨ ALUMINIUM COMPOSITE FASADA PANEL
- ⑩ ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3% AFDL
- ⑪ Limestone RETAINING WALL



3 BUILDING A - South West
1 : 100

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TOWN PLANNING
3 0 APR 2012
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4 BUILDING A - South East
1 : 100

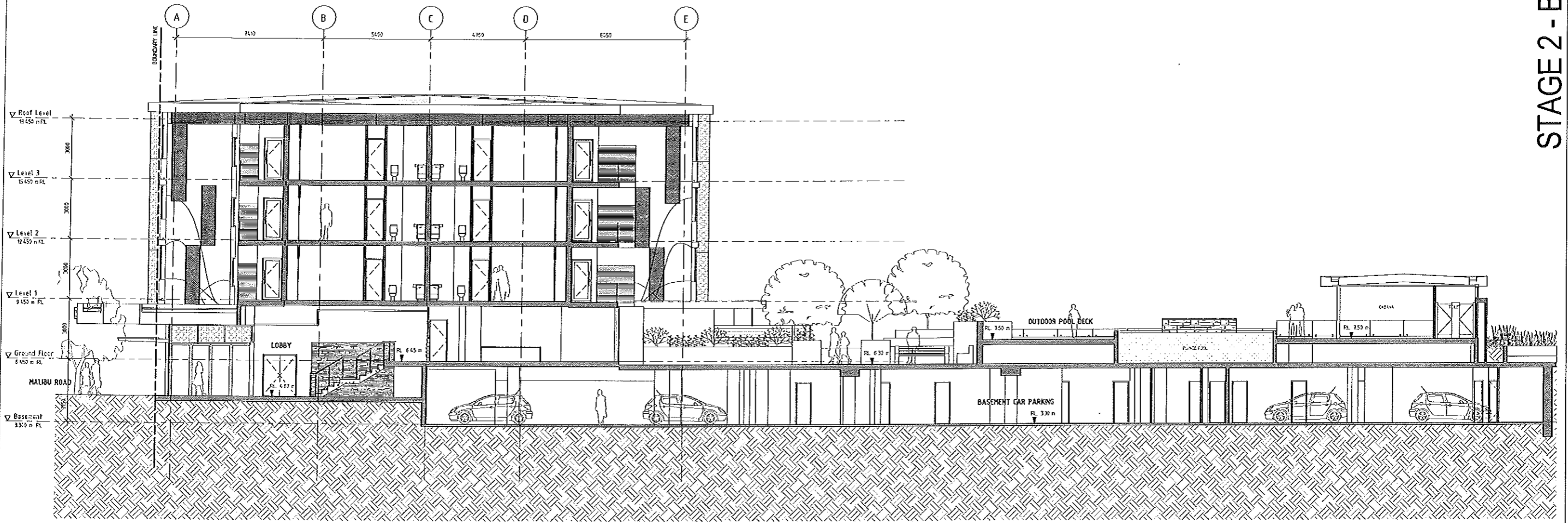
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

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B	28 MAR 12	REVISED PLANNING APPLICATION
A	20 JAN 12	PLANNING APPLICATION
REV No	DATE	REVISION
DATE	JAN 12	
DRAWN	KWZ	
SCALE	1:100 @A1	
JOB	11009	
DWG.	A3.02	
REV	B	



A Section A-A
1 : 100

CITY OF ROCKINGHAM
TOWN PLANNING
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REV No	DATE	REVISION
B	28 MAR 12	REVISED PLANNING APPLICATION
A	20 JAN 12	PLANNING APPLICATION
DATE	JAN 2012	
DRAWN	KZHS	
SCALE	1:100 @A1	



LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
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PLANNING | E A M E S
ARCHITECTS

JOB	DWG.	REV
11009	A4.01	B

**TITLE QUEEN VICTORIA STREET NO. 11 (LOT 348)
 FREMANTLE - PROPOSED THREE - SIX STOREY, MIXED
 USE DEVELOPMENT WITH BASEMENT CAR PARKING**

DAP Name:	Metropolitan South-West Joint Development Assessment Panel
Applicant:	Urbis Pty Ltd
Owner of Property:	Leonie McLeod for Mary Christine Hennessey
LG Reference:	DA0599/11
Reporting Agency:	City of Fremantle
Authorising Officer:	Natalie Martin-Goode - Manager Statutory Planning
Application No and File No:	DP/12/00213
Report Date:	19 April 2012
Application Receipt Date:	6 February 2012
Application Process Days:	73 days
Attachment 1:	Locality Plan
Attachment 2:	Plans date stamped having been received by the City on the 20 February 2012 – reference 11046_DA with plan numbers 0002_01; 1100_02; 2000_02; 2100_02; 2101_02; 2102_02; 2103_02; 2104_02; 2105_02; 3101_02; 3102_02; 3103_02; 3201_02; 3202_02; 4100_01; 5000_01; 5100_01.
Attachment 3:	Additional submission received by the City on the 4 April 2012 – (3a) Urbis letter dated 4 April 2012; (3b) Urbis letter dated 9 February 2021; (3c) Legal advice from Flint Moharich dated 4 April 2012; (3d) Updated cross-section – dated 4 April 2012.
Attachment 4:	Schedule of Submissions.
Attachment 5:	Additional information received on the 16 April 2012. (5a) Memo to City of Fremantle Planning Committee 16 (5b) Attachment 1 – Height variations (5c) Attachment 2 - Lease arrangement (5d) Attachment 3 – Parking and Train Station proximity (5e) Attachment 4 - Public Transport

Recommendation:

- A. That the City of Fremantle refers the following recommendation to the South-West Joint Development Assessment Panel:**

Approve DAP Application reference DP/12/00213 and accompanying plans dated having been received by the City of Fremantle on the 20 February 2012 (Plan references 11046_DA with plan numbers 0002_01; 1100_02; 2000_02; 2100_02; 2101_02; 2102_02; 2103_02; 2104_02; 2105_02; 3101_02; 3102_02; 3103_02; 3201_02; 3202_02; 4100_01; 5000_01; 5100_01) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the imposition of the following conditions:

- 1) In accordance with the provisions of Clause 10.8 of Local Planning Scheme No. 4 and prior to the submission of a Building Permit application, the applicant shall submit a further application for planning approval to be determined by the City of Fremantle, to address the following matters:**
 - a) The development being modified to comply with the height controls set out in Schedule 12 – Local Planning Area 2 - Sub Area 2.3.1 c) and e) of Local Planning Scheme No 4.**
 - b) Modification to the Queen Victoria Street facade showing:**
 - i) further detailed design treatment of the ground floor to improve the character of this part of the facade;**
 - ii) improvement to the residential entrances so as not to appear as a fire escape; and**
 - iii) further emphasis on the commercial entry.**
 - c) The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.**
 - d) Modification to the Quarry Street ground level facade showing:**
 - i) Improved character of residential entry so as to be less corporate and more residential in nature.**
 - ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and**
 - iii) Quarry St façade needs to be further investigated with a view to improving interaction with the street, addressing issues**

associated with a shared lobby and to improve planning and elevational treatments.

- e) Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.
 - f) The development shall be modified to provide traffic sightlines for vehicles existing the development, in accordance with the relevant Australian Standard to the satisfaction of the Chief Executive Officer, City of Fremantle.
 - g) the location of air-conditioning units, which are not to be located on the balconies;
- 2) The ground floor window glazing is not to be obscured through the use of blinds, curtains, painting, film or other treatment.
- 3) Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy *L.P.P.2.3: Fremantle Port Buffer Area Development Guidelines* for properties contained within Area 2. Specifically, the development shall include the following:
- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners if provided, shall incorporate internal centrally located ‘shut down’ points and associated procedures for emergency use.
 - c) Roof insulation shall be provided in accordance with the Building Code of Australia.
- 4) The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.
- 5) The development hereby permitted must substantially commence within four years from the date of the decision letter.

- 6) **Engineering drawings for the proposed location and construction of any ACROD bay in Queen Victoria Street shall be submitted for approval by the Chief Executive Officer, City of Fremantle. If approved, the cost of any changes to the recently upgraded street verge shall be at the cost of the owner.**
- 7) **A 1.0m setback of existing on-street parking bays shall be provided from the boundaries of the proposed crossover to Quarry Street to assist exiting and entering vehicles. The existing bays shall be modified to conform to AS2890.5 On-Street Parking should they need to be modified. Details of the proposed changes shall be submitted for approval by the Chief Executive Officer, City of Fremantle, prior to the changes occurring. The costs of such changes are to be borne by the owner.**
- 8) **The owner shall install and maintain a traffic light control system at the entry/exit point on Quarry Street. Details of the traffic light system shall be submitted for approval by the Chief Executive Officer, City of Fremantle and installed prior to occupation of the development.**
- 9) **Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.**
- 10) **That 10 on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open.**
- 11) **Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:**
 - a) **All studio and 1 bedroom units have not been allocated any on-site car parking spaces during office hours;**
 - b) **they, including any occupier, will not be entitled to an on-street residential parking permit(s); and**
 - c) **the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.**
- 12) **The owner is to submit further details on the storage and management of the waste generated by the development for**

approval by the Chief Executive Officer, City of Fremantle, prior to the submission of a Building Permit application.

- 13) Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.
- 14) Prior to occupation of the development, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 15) Prior to occupation, the boundary walls located on the north-eastern and south-western boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 16) All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 17) The owner is required to seek the written consent and tenure from State Land Services for the proposed balcony encroachments into the airspace of the road reserves prior to the submission of a Building Permit application.
- 18) The bicycle storage facilities shall be provided in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.
- 19) End of trip bicycle shower facilities for office staff shall be provided. Plan details of these facilities shall be submitted for approval by the Chief Executive Officer, City of Fremantle and such facilities shall be provided and maintained for that use, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 20) Air-conditioning units are not permitted to be located on the balconies.
- 21) The ground floor office use is restricted to the Centrelink/Department of Human Services tenancy OR limited to an office use that maintains an active retail-like street frontage as viewed from Queen Victoria Street to the satisfaction of the Chief Executive Office – City of Fremantle.

ADVICE NOTES

- 1) **The applicant should recognise the potential contaminating activities, industries and land uses that have previously taken place on the site. It is a legal obligation to report any suspected or confirmed contaminated sites to the Department of Environment & Conservation (DEC) for relevant assessment. The applicant should then be advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation.**
- B. THAT the South-West Joint Development Assessment Panel delegates to the City of Fremantle, the authority to determine the further planning application required in condition 1 of the Planning Approval.**

Background:

Property Address:	No. 11 (Lot 348) Queen Victoria Street/Quarry Street
Zoning MRS:	Central City Zone
LPS:	Mixed Use Zone
Use Class:	P – Offices A – Multiple Dwellings
Strategy Policy:	N/A
Development Scheme:	City of Fremantle Local Planning Scheme No. 4
Lot Size:	1211 sq m
Existing Land Use:	Tyre replacement and repair – now vacant
Value of Development:	\$ 11 million

Refer to Attachment 1 for location of the development site.

The City of Fremantle records show that Beaurepair Tyres bought the site, which was vacant, in 1960. A showroom/workshop was built by 1963.

In 1985 Council granted planning approval to Beaurepair Properties for alterations to the existing premises. In 2011, the place ceased operation by Tyremarketers (Australia) for the retail services of tyres, wheels and batteries.

The development site is located within and subject to Schedule 12 – Local Planning Areas of LPS4. Specifically, the site is within Local Planning Area 2 – Fremantle Sub Area 2.3.1 of Schedule 12 (to be referred to as Sub-area 2.3.1). The land within this sub-area was subject to a major Scheme amendment to LPS4. The amendment, Amendment No. 38, was gazetted on the 1 July 2011. The amendment had the effect of bringing about major changes to the development controls relating to the land the subject of this amendment. This is the first development proposal to be considered under the new planning framework brought about by the gazettal of Amendment No. 38.

Details: Outline of development application

The applicants are seeking to demolish the existing commercial building and replace it with a new mixed use development. The development proposal consists of the following:

- Basement car parking area, including parking for 23 cars (3 office and 20 residential), 8 motorbikes/scooters and 50 bicycles;
- Ground floor office space of approximately 958sq m (NLA) that extends from Queen Victoria Street through to Quarry street, with the primary office entrance being from Queen Victoria Street;

- Two separate multi storey residential building components are located above the ground floor office level, with 5 levels of residential fronting Queen Victoria Street and 2 levels fronting Quarry street;
- the two separate residential buildings are separated from each other by a communal space at level 1 and a distance of approximately 9.0m at level 2;
- the residential portion of the building fronting Queen Victoria Street building contains 38 multiple dwellings;
- the residential portion of the building fronting Quarry Street contains 8 multiple dwellings;
- there is a total of 26 studio apartments, 10 x 1 bedroom dwellings; 9 x 2 bedroom dwellings and 1 x 3 bedroom dwelling;
- balconies to the residential dwellings fronting Quarry Street extending beyond the boundaries of the site and into the airspace above Quarry Street by 1.5m;

Attachments 2-3 provide supporting documentation/comment specifically in relation to car parking, building height variations and the matters raised by the Design Advisory Committee (DAC). It is noted that the applicant has indicated that the owner will respond to the DAC comments as conditions of planning approval.

Legislation & policy:

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

- 1) City of Fremantle Local Planning Scheme No. 4 (LPS4) – application for development on the site is to be determined in accordance with provisions of Part 10 of the Scheme.
- 2) Metropolitan Region Scheme (MRS) – the development includes projection of:
 - a) balconies into the airspace above Quarry Street; and
 - b) an awning and other minor projections into the airspace above Queen Victoria Street.

Apart from Planning approval under LPS4 for the mixed use development on the site, Planning Approval is sought under the MRS for the;

- proposed balconies to be constructed into the air space above Quarry Street; and
- awning and minor projections (such as fins to the side wall of balconies) into the airspace above Queen Victoria Street.

Outside of the planning approval process, the applicants will be required to obtain the approval of the Minister for Lands for any controlled protrusions into the airspace above the road reserves.

Scheme Provisions:

The following Scheme provisions are considered the most relevant in the consideration of the planning application:

- Clause 4.2.1(e) - Scheme Objectives for the Mixed Use Zone
- Schedule 12 – Local Planning area 2 – Fremantle – Sub-area 2.3.1 – primary planning controls for the development of the site;
- Clause 5.81.1 – discretionary clause to allow consideration of a height variation(s);
- Clause 5.8.1.2 – discretionary clause to permit variation of development standards;
- Table 3 – Parking requirements;
- Clause 5.7.3 - criteria that can be considered to waiver or vary car parking standards

Separately, Clause 10.8 of LPS4 allows the South-West Joint Development Assessment Panel (DAP), as the decision maker, to grant planning approval subject to matters requiring the subsequent planning approval of the Council or DAP. This clause is reproduced below:

10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent planning approval of the Council, and may include—

- (a) the siting, design, external appearance of the buildings,*
- (b) means of access,*
- (c) landscaping,*
- (d) public artworks, or*
- (e) such other matters as the Council thinks fit.*

Local Planning Policies

The site is subject to the following relevant Local Planning Policies:

- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3)

The Local Planning Policy requires the imposition of conditions of planning approval in relation to the Port buffer requirements, depending upon which buffer zone the development is located in. The site is located within buffer zone 2.

- Local Planning Policy 2.12 - Planning Applications Impacting On Verge Infrastructure And Verge Trees (LPP2.12)

The development plans identify the existing infrastructure and street trees within the road reserves. Protection of the existing and newly planted trees will be required, especially in relation to the existing Quarry Street street tree and its relationship with the proposed balcony projections into the airspace above Quarry Street.

- Local Planning Policy 2.13 - Sustainable Buildings Design Requirements (LPP2.13)

It will not be until the working drawings are completed will it be possible to receive confirmation that the development meets the design criteria set out in LPP2.13. A statutory declaration, as required in part 2.1a) and b) of LPP2.13 has been received from the applicant stating:

- a) an assessor accredited by the Green Building Council of Australia formed part of the design team and contributed to the overall design of the proposal; and*
- b) acknowledging that the applicant and/or owner is aware of and on completion will be able to meet the requirements of clauses 1 and 3 of this policy.*

Conditions of approval would be imposed to ensure that the final design and the construction of the development satisfies the requirements of LPP2.13 if the application is approved.

Consultation:

Public Consultation

The planning application was identified as a "Significant Application" as set out in Local Planning Policy LPP 1.3 - Public Notification of Planning Proposals (LPP1.3). The application was advertised for a period of 28 days. The advertising within this period included:

- Signs on site were erected to each street frontage;
- Letter to owners and occupiers within 100m of the site;
- Advertising of the application occurred on the City's website;
- the Fremantle Inner City Residents Association were informed of the proposal;
- Two notices relating to the proposal were placed in the Fremantle Herald on the 14 and 21 February 2012.

A Community Information session was held on the 27 February 2012 for a one hour period, although staff were present a half hour before and after the advertised session time. Land owners/occupiers within a 100m radius of the site, elected members and the applicant were invited to attend the Community information session. The session was attended by 6 members of the public, the Mayor, three Councillors and a representative for the applicant.

Consultation with Fremantle Port Authority

The site is located within Area 2 of the Fremantle Port buffer area. In accordance with LPP2.3, the Fremantle Port Authority was advised of the development proposal. The authority advised the City in a letter dated 8 December 2011 that it had no objections to the development provided the development was designed and constructed in accordance with the built form requirements for Area 2, as detailed in the City of Fremantle's "Fremantle Port Buffer Area Development Guidelines". The guidelines contain specific conditions of approval that are to be applied to developments within Area 2. These will be included as conditions of approval if the application is approved.

Design Advisory Committee

The proposal has been presented to the City's Design Advisory Committee (DAC) on 3 occasions:

- November 2011 - concept designs only;
- December 2011 final design; and
- March 2012 – in response to various design matters raised during the consultation process.

A summary of the comments from those DAC meetings are reproduced below:

DAC Meeting November 2011:

SUMMARY

The applicant is encouraged to:

- a) *Reduce the number of studio apartments and increase their size.*
- b) *Increase activation at the Quarry Street ground level.*
- c) *Provide a secondary residents' lobby to Queen Victoria Street.*
- d) *Maximise the size of the residents' communal courtyard.*
- e) *Improve the amenity of the internal double-loaded corridor by introducing daylight and outlook.*
- f) *Provide enhanced outdoor space to units facing streets by use of cantilevered balconies.*
- g) *Introduce daylight into the deep commercial floor plate.*
- h) *Ensure that the glass façade to the commercial space at Queen Victoria Street is designed to be of distinctive quality.*
- i) *Relocate the car park bin storage to reduce wheeling distance to the street.*
- j) *Provide a detailed description of all external materials and finishes.*

DAC Meeting December 2011:

SUMMARY

1. *Modifications to design are supported.*
2. *QVS ground floor windows and glazing to be designed such that a clear view into the interior is retained.*

3. *Air conditioning to be designed such that no units are visible on the balconies from the streets.*
4. *Test the potential for projecting balconies to Quarry Street; if not permitted by Department of Lands, retain amenity shown through plan modification.*
5. *Modify escape stairs from residential floors to QVS to enable resident access.*

DAC Meeting March 2012

SUMMARY

1. *Quality of Design and Sustainable Design:*
 - *4 star green star standard as per policy will be included as a condition.*
 - *Supports a condition preventing air-conditioning units being located on the balconies.*
 - *No requirements for cross ventilation in a 4 star green star rating. Cross ventilation may not be able to be achieved due to fire rating BCA issues.*
 - *DAC supports the proposed design quality.*
 - *Architectural firm has history of high quality design and the DAC is confident that a high quality project will be delivered.*
 - *Level of horizontal hierarchy and use of variety of materials of high quality is supported.*
 - *The façade is composed in an appropriately considered manner.*
2. *Overshadowing of buildings:*
 - *The development meets overshadowing requirements and falls within acceptable limits.*
3. *Building materials and changing nature of the area:*
 - *The development works within the scheme provisions and therefore represents the form of buildings to come. The development sets an appropriate benchmark.*
4. *Queen Victoria Street façade:*
 - *Horizontal compositional hierarchy supported however ground floor needs further design consideration. It was thought to be rather characterless in relation to the rest of the facade.*
 - *A condition of approval requiring that ground floor window glazing is not obscured (eg with blinds, curtains, painting etc) should be imposed.*
 - *Apartment entrances to be further detailed so that they read as entrances in addition to functioning as fire escapes.*
 - *The commercial entry is to be emphasized further.*
5. *Weather protection on Queen Victoria street:*
 - *Include an approval condition increased awning width having regard to street trees and the forthcoming design policy.*
6. *Quarry St façade:*
 - *Strongly encourage relooking at ground floor detail;*

- *Character of entry needs to be reconsidered to be less corporate and more residential in nature.*
 - *Fire escape door detail is to be further investigated with designing out crime principles in mind. This might include a glazed door and alternative treatment of corner to courtyard.*
 - *Projecting balconies are supported as they improve the amenity of the apartments and provide appropriate articulation.*
 - *Question where the transformer is going to be located.*
 - *Quarry St façade needs to be further investigated with a view to improving interaction with the street at ground level, addressing issues associated with a small shared lobby and to improve planning and elevational treatments.*
7. *General:*
- *Having read the public submissions and listened to the applicant the Committee considers the design, with the above improvements, to be well considered in terms of context and will establish a strong precedent for the precinct.*

Internal Heritage Assessment

An internal heritage assessment was undertaken in accordance with the provisions of LPP1.6 – Preparing Heritage Assessments, as the development proposal involves the demolition of the existing building. The assessment determined that the building was of “limited” cultural heritage significance. The heritage value of the building did not cross the heritage threshold set out in Clause 5.15 of LPS4, which prevents the demolition of a building that has “some” or greater cultural heritage significance. Consequently, the heritage provisions of LPS4 do not prevent the demolition of the existing structure.

Environmental Health Review

The Environmental Health section have reviewed the proposal and advised that the applicant should recognise the potential contaminating activities, industries and land uses that have previously taken place on the site. It is a legal obligation to report any suspected or confirmed contaminated sites to the Department of Environment & Conservation (DEC) for relevant assessment. The applicant should then be advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation. An advice note to that effect would be added to the proposal if approved.

In relation to waste management, the applicant is proposing the use of 40 waste receptacles to be located in the basement to address the waste generated by the development. There is sufficient discretion within existing waste management local laws that permit alternative methods for weekly waste collection from mixed use developments. It is the responsibility of the building management to address the waste removal requirements for the occupants of the building and arrange for the efficient and timely removal waste from the mixed use development. These arrangements will be done in consultation with the City’s Waste Management Services. Waste receptacles must be removed from the verge on the same day as waste is collected.

Therefore, it is considered that a condition of planning approval should be imposed that requires the applicant to submit further details of the storage and management of the waste generated by the development prior to the submission of a Building Permit application.

Technical Services Review

The applicant submitted a Traffic and Car Parking report prepared by Riley Consulting on the proposed development. The report was reviewed by the City in relation to the anticipated traffic movement and the on-site car parking proposal. As a consequence of that review, the following comments were made:

- *The shortfall in parking is not in accordance with the TPS. This is quite clear and concessions are made. There are 86 required and 23 provided. Justifications for the omission of a single bay per studio apartment are acceptable however, 3 bays for the commercial area is less than desirable regardless of the present needs of the tenants, future tenants must also be considered. If the client were to provide extra bays and also provide delivery areas (1 bay at least) without impacting local parking this can be accepted.*
- *Location of the ACROD bay on Queen Victoria Street has not been finalised. Engineering drawings should be provided as well as as-constructed.*
- *1m setback of existing on street parking should be mandated from the boundaries of the crossover for 9-11 Quarry St on Quarry Street to assist exiting and entering vehicles. Existing bays should still conform to AS2890.5 on street parking should they need to be modified.*

PLANNING ASSESSMENT:

Zone Objectives and Land Use

The objectives for this zone are set out in Clause 4.2.1(e), which are reproduced below:

Mixed use zone

Development within the mixed use zone shall—

- (i) provide for a limited range of light, service and cottage industry, wholesaling, trade and professional services, small scale retailing of goods and services (ie. showrooms, cafes, restaurants, consulting rooms), small scale offices and administration, entertainment, residential at upper levels and recreation,*
- (ii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area,*
- (iii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (iv) conserve places of heritage significance the subject of or affected by the development.*

The applicants are proposing to provide offices on the ground level (main entrance orientated to Queen Victoria Street) and residential to the upper levels. Offices are a "P" use in the mixed use zone whilst multiple dwellings are an "A" classification. The land use symbol "P" means that the use is permitted. The land use symbol "A" means that the use is not permitted unless the DAP has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4. The application was advertised in accordance with Local Planning Policy 1.3 - Public Notification of Planning Proposals, which required a greater level of advertising than that set out in Clause 9.4 of LPS4.

The configuration of the development is consistent with the objective of part (i) of the Mixed Use Zone.

Design

The application was reviewed by the DAC at its meeting held on the 16 March 2012 to specifically consider the design issues raised through the consultation process (see above). From that meeting, the DAC made the following statements:

- *DAC supports the design quality.*
- *Having listened to the applicant the Committee considers the design to be well mannered, well considered in terms of context and will establish a strong precedent for the precinct.*

The DAC has provided conditional support to the development. Having regard to the design issues raised with the DAC at its meeting held on the 16 March 2012, the changes requested by the DAC should be the subject of a final review by the DAC, having regard to other matters raised in the report below. Therefore, it is considered that apart from points a) and d) identified below, these requested changes and/or detail should be the subject of a separate application for planning approval, as permitted by Clause 10.8 of LPS4:

- a) *The design and construction of the development is to meet the 4 star green star standard as per LPP2.12;*
- b) *Air-conditioning units are not to be located on the balconies;*
- c) *The submission of revised plans for the Queen Victoria Street facade for approval by the Chief Executive Officer, City of Fremantle, such drawings showing:*
 - i) *further detailed design treatment of the ground floor to improve the character of this part of the facade;*
 - ii) *improvement to the residential entrances so as not to appear as a fire escape; and*
 - iii) *further emphasis on the commercial entry.*

- d) *The ground floor window glazing is not to be obscured through the use of blinds, curtains, painting, film or other treatment in order to address designing out crime principles;*
- e) *The width of the awning to Queen Victoria Street shall be increased in width to the satisfaction of the Chief Executive Officer, to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.*
- f) *The submission of revised plans for the Quarry Street ground level facade for approval by the Chief Executive Officer, City of Fremantle, such drawings showing:
 - i) *Improved character of residential entry so as to be less corporate and more residential in nature.*
 - ii) *Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard;*
 - iii) *Quarry St façade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.**
- g) *Should the development require a transformer compound, plans shall be submitted showing the location and design treatment of this compound for approval by the Chief Executive Officer, in order to address any adverse impacts on the either street facade through the inclusion of this infrastructure.*

The design related matters associated with the new planning application will then be referred to the DAC for consideration.

Building Height

The development site is located within Local Planning Area 2 – Fremantle (Schedule 12 of LPS4) and is subject to the specific building height controls set out in sub-area 2.3.1 of that local planning area. The provisions control building height rather than storey height. The map within that Schedule identifies that the development site is split almost equally into the two height control areas and these are:

- Queen Victoria Street frontage – Area 4b; and
- Quarry Street frontage (the area within 20m of the Quarry Street frontage – Area 5.

For the purposes of this report, the reference will be to Area 4b and Area 5, as shown in the map to Sub-area 2.3.1. Application of the height controls is shown below in the Building Height Table:

Building Height Table:

Building Height Area	Maximum Building Height plus discretionary height	Maximum Permitted Building Height	Actual Building Height	Variation
4b	Permitted height of 15m	15m	14.05m (to planter along Queen Victoria Street facade)	Compliant
(Variation 1)	Projection through "visible from the street" alignment*			Planter projects 0.9m beyond "visible from the street" alignment*
(Variation 2)	Additional 4m height subject to exercise of discretion*	19m	20.35m	Excess by 1.35m
5 (Variation 3)	Permitted height of 11m	11m	11.18m	Excess by 0.18m
(Variation 4)	Additional 4m subject to exercise of discretion*	15m	22.15	Excess by 2.48m

* DAP, at its discretion, may permit an additional 4.0m in height if the following is met:

- e) *Notwithstanding the specific building height requirements in the table above, Council may permit additional height to a maximum of 4 metres subject to development satisfying both of the following criteria:*
 - i) *The additional level being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site; and*
 - ii) *The design being integrated with the design of the overall building.*

Note: 'Visible from the street' will be based on an assumed line of sight measured at a perpendicular angle from the streets adjoining the subject land, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level.

There are 4 proposed variations to the height controls set out in Sub-area 2.3.1, which are discussed below:

Area 4b – Queen Victoria Street

This portion of the development site is subject to a 15m building height control. DAP discretion exists to permit a further 4.0m in height above the maximum height control provided parts e) i) and ii) of the sub-area controls are met.

From the Building Height Table above, variation 1 is the planter to level 5, which fronts Queen Victoria Street. The planter projects outside of the “*visible from the street*” note by 0.9m, as set out in part e) above. The line of sight was established to ensure that the additional discretionary height was not visible from the street as set out in e)i). The planter does not meet this pre-condition and as such, the planter is required to be setback from the street boundary as set out in e)i).

Variation 2 in the Building Height Table is the curved roof of the development above the penthouse. The roof rises to a maximum height of 1.35m above the permitted height controls. Whilst the variation satisfies e)i and ii), the additional height is in excess of the maximum permitted height and the additional 4m discretionary height permitted in area 4b of Sub-area 2.3.1.

Area 5 – Quarry Street

The Quarry Street height controls cover that portion of the site that is within a distance of 20m when measured from the Quarry Street boundary.

Variation 3 in the Building Height Table relates to the parapet walls to the Quarry Street elevation that exceed the 11.0m maximum height control by 0.18m. The other parts/structures on top of the Quarry Street building, such as the screens, lift overrun and car park exhaust, comply with the “minor projections” exemptions set out in this sub-area.

The term minor projections identified in part g) as follows:

- g) *Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria:*
 - i) *The projection being no more than 4 metres above the highest part of the main building structure; and*
 - ii) *The cumulative area of the minor projections being no more than 10 per cent of the total roof area of the building;*

Note: ‘Minor Projection’ will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

The additional parapet height would not meet the requirements of the discretionary height provision reference to “visible from the street” of part e)i) for Sub-area 2.3.1, as the additional height is visible from the street.

Variation 4 in the Building Height Table relates to the eastern side of the Queen Victoria Street building. There are balconies and dwellings on the Queen Victoria Street building that face towards Quarry Street. Parts of these balconies and the dwellings project into the air space the subject of the lower height controls for the Quarry Street side of the development. Parts of the balconies and the dwellings to the units located on level 4 and part of the roof deck to level 5 exceed the maximum height control for the portion of the site covered by the Quarry Street height controls. The projections at the 4th level are the upper parts of the dwellings and balconies to those dwellings. The projection is approximately 1.4m in depth and 1.5m in height above the discretionary height limits of Area 5. The projection into Area 5 above the discretionary height limit is increased to 2.48m in height with the inclusion of the balcony balustrade to level 5.

Clause 5.8.1.1 of LPS4 – Variations to height controls

This clause specifically allows DAP to consider the 4 height variations provided certain conditions are met. The clause is reproduced below:

5.8.1.1 Variation to height requirements

Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following—

- (a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- (b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- (c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
- (d) any other relevant matter outlined in Council's local planning policies.*

Clause 5.8.1.1 contains a pre-condition that must be met before access to this clause can occur. The pre-condition requires there to be sites that “...contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12...”. The term “adjacent” is not defined in LPS4. The City sought legal advice on this matter and the position of the City is guided by this advice. A full copy of the legal advice has been provided to the DAP Secretariat. In addition, the City requested and obtained from its solicitors, a review of the legal advice provided by the applicant, which has also been provided to the DAP Secretariat. The advice is summarised below however.

If a term is not defined in the LPS4 or the Model Scheme Text, clause 1.7.3 of LPS4 requires its normal interpretation is to be used. The Macquarie Dictionary (4th edition) defines the term “adjacent” to mean:

“lying near, close, or contiguous, adjoining neighbouring”

The term “adjacent” does not specifically restrict consideration to adjoining properties, but allows for a more liberal interpretation. The applicants in their submission on height controls have advised that buildings exist that have buildings higher than that permitted in Schedule 12. The height of these buildings, which was provided by the City based on its records, confirms that No 70-80 Cantonment Street/68-70 Elder Place (Cantonment Street development) have building heights in excess of Schedule 12:

Address	Actual O/A Height	LPS4 Max Permitted Height	LPS 4 Discretionary Additional Permitted Height – Max Wall Height	Compliant
Elders Woolstores (2000) – Cantonment Street	21.468	14m (Wall Ht and 4 Storeys)	17m	No
Elders Woolstores (2000) – Parry Street (top of dome)	24.535	14m (Wall Ht and 4 Storeys)	17m	No
Elders Woolstores (2000) – Elder Street	23.24	14m (Wall Ht and 4 Storeys)	17m	No

These buildings were approved under Town Planning Scheme No. 3, which was superseded by Local Planning Scheme No. 4 in 2007 and subsequently amended by Scheme Amendment No. 38 in 2011.

The applicant’s have also provided their own legal opinion in relation to the interpretation of Clause 5.8.1.1 and the term adjacent – refer to Attachment 3c.

Whilst it is open to debate on the scope of what constitutes “adjacent”, it is considered that the purpose of this clause is to permit DAP to consider height variations to developments which are close to existing developments that are not complaint with the height controls of LPS4. That is, part of the immediate physical context that the proposed building is located within. Such a provision could allow new development to help graduate the scale and bulk of a proposed development between say two non-compliant buildings or between a non-compliant building and a compliant building. Both the Queen Victoria Street and Quarry Street streetscapes close to the development site vary in height, but are compliant with height controls under Schedule 12 of LPS4.

The Cantonment Street development is non-compliant with the height controls of Schedule 12, as the development existed prior to the gazettal of LPS4. This site is approximately 110m (in a direct line) from the development site and two sites are separated from each other by two streets (Queen Victoria Street and Parry Street) and a single storey commercial development. The site is also located in a different sub-area to that of the development site, with different planning controls.

Having regard to the above and in terms of the context of the existing Queen Victoria Street and Quarry Street streetscapes, it is considered that the Cantonment Street site is not located adjacent to the development site to support a height variation to Queen Victoria Street and Quarry Street.

If it is considered that the identified site is too far removed from the development site and the context of Queen Victoria Street/Quarry Street development site to trigger consideration under Clause 5.8.1.1, then it is recommended that the development be modified, to comply with the height controls set out in Sub-area 2.3.1 of Schedule 12.

If DAP is of the view that the building can be considered “adjacent” and the pre-condition in Clause 5.8.1.1 is met, then DAP is required to be satisfied in relation to all the parts of (a) to (d) of this clause. In relation to these parts, the following comments are made:

Part (a) of Clause 5.8.1.1

Variation 1 is not supported as the planter becomes a visible element from Queen Victoria Street.

The “*Visible from the street*’ line of sight was created to ensure that the additional discretionary height would not be visible from the street. The assumption was that the facade of the development would reach its maximum permitted height, and therefore, the additional height would not be seen from the street. In this instance, the actual building height of the Queen Victoria Street facade is lower than permitted. The lower the facade height, the more exposed the additional height is when viewed from the street based on the concept of ‘*Visible from the street*’ if it is measured from the actual facade height rather than the permitted facade height.

In this instance, the actual height of the Queen Victoria Street facade is not as high as the permitted height (14.05m in lieu of 15m). The interpretation of the “visible from the street” in Sub-area 2.3.1 based on the actual building height would result in a non-compliance of 1.7m across the front of the development, rather than the 0.9m variation based on the permitted height.

This variation is not considered to be a major issue, although it is considered that the upper level planter should be set back so that it is within the building envelope established for sub-area 2.3.1. The facade of the building could be

lifted, for instance, with a glass screen that would provide weather protection from the elements to the balconies while reducing the extent of the non-compliance. It has been recommended that the development be modified to comply with a new planning application and it would be up to the applicant to submit further details on how they will seek to comply with this requirement.

The other 3 variations are either minimal in extent of non-compliance or satisfy the line of sight established within sub-area 2.3.1, and therefore would not adversely affect the amenity of the locality.

Part (b) of Clause 5.8.1.1

Building scale for the purposes of assessing Clause 5.8.1.1(b) includes consideration of matters such as external wall height, bulk, built form, architectural design and setback of buildings.

The existing form of development that abuts and adjoins the development site, consists of single and two storey developments. The wall heights of these developments are well below the wall height of the proposed development and therefore, it is considered that the wall height of the proposed development will not graduate the wall height of the surrounding properties.

Consideration of the scale of the development is limited to the consideration of the existing bulk and built form as it exists now, not any future development. The clause is seeking to graduate the scale between the buildings located in close proximity to the site.

Further, the use of future building height envelopes on some sites is not practical as some of these building, such as No. 16 Queen Victoria Street (Stella Maris) and Nos18-24 Queen Victoria Street (terrace house north of Stella Maris) and further north are either on the State Register of Heritage Places or on the Heritage List of LPS4. There is very limited opportunity for these building to be demolished and re-developed to the height framework set out in LPS4. Based on the assessment of the existing development that is adjacent to the site, it is considered that the proposed development will not graduate the scale of development between these buildings. As such, it is considered that the proposed development does not satisfy the requirements of Clause 5.8.1.1(b).

Part (c) of Clause 5.8.1.1

The heritage assessment has identified that the site has limited cultural heritage value and has supported demolition. The adjoining sites are not on the City's Municipal Heritage Inventory or the Heritage List of LPS4. As these sites have not been identified as having cultural heritage significance, then this part is not relevant to the height variation assessment.

Part (d) of Clause 5.8.1.1

There are no other Local Planning Policies that are relevant in the consideration of this clause.

Variation to development requirements under Clause 5.8.1.2

Part d) of Sub-area 2.3.1 is a development requirement that requires the first floor level of development to be a minimum of 4.5m above the footpath level. Clause d) states the following:

- d) *In the front elevation of all new development, except fronting Quarry Street, the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.*

The applicants are of the opinion that the height variations can be approved under Clause 5.8.1.1 of LPS4. If not, they have requested a variation to this provision under Clause 5.8.2 of LPS4, as set out in their submission in Attachment 3a. There are no details on how the development will be modified to comply with the height controls nor how this request for the variation to part d) of Sub-area 2.3.1 will occur.

The purpose of part d) was set out in the City's report to Council on the submissions on proposed Scheme Amendment No. 38, which stated the following:

The advertised amendment required that ground floor levels accommodating non-residential uses in new buildings required a minimum 4.5 metres floor to floor height in order to achieve an appropriate urban scale at the street front. Several submissions recommended a reduction in this height to 3.5 metres to provide greater flexibility in planning and design of new buildings. While this reduction is not supported as the scale and design of the street elevation is important to the character of the street, some flexibility could be introduced by enabling the ground floor level to be raised, as long as it was no more than 600 mm above the adjacent footpath level, and that the first floor level was retained at 4.5 metres above street level. This requirement would not apply to Quarry St due to its more residential character.

Consequently the scheme amendment provision was modified to read as it exists now.

Consideration of this variation can occur. However, details of how this is to be achieved in relation to the objectives of this provision and the other design matters raised by the DAC, needs to be considered as a whole rather than in a piece-meal approach. In particular;

- the treatment of the ground floor levels raised by the DAC; and

- compliance with the overall height controls.

Therefore, it is considered that these matters should all be the subject of a separate application for planning approval, as permitted under Clause 10.8 of LPS4.

Car parking

The development does not comply with the car parking requirements set out in LPS4 and the R-Codes as shown below:

		Required	Provided	Shortfall	Excess
Car Parking Spaces	Residential	47	20	27	
	Office	34	3	31	
Sub-total car parking spaces		81	23	58	
Motor Bikes/Scooters			8		
Bicycle	Residential	15	50		30
	Office	5			
Delivery bays		2	0	2	

The provision of LPS4 and the R-Codes require the provision of a specified number of car parking spaces, bicycle racks and delivery bays. The development has a shortfall of 58 car parking spaces (excluding the 8 motorbike spaces) and 2 delivery bays, but an excess of 30 bicycle bays. The shortfall includes 12 spaces required for visitor car parking for the residential use.

An independent parking assessment provided by the applicant indicates that there is a shortfall of 53 car parking bays. The 53 car bay shortfall includes the 2 delivery vehicle spaces and incorrectly identifies only 7 motorbike spaces when there are 8 spaces identified on the plans. Taking into account these corrections, then the shortfall is consistent with the City's assessment.

Separately, the use and reliance on bicycles as a means of transport should include the provision of end of trip facilities for bicycle users for the office development. As such, it is recommended that a condition of planning approval include a requirement for end of trip facilities for cyclists be provided.

Car parking shortfall

The applicants parking assessment seeks to substantiate the car parking shortfall having regard to:

- the proposed tenant;
- proximity and access to public transport;

- availability of street parking; and
- dwelling size.

Whilst the prospective tenant (and staff) may have specific requirements or expectations for parking, this does not necessarily mean that they will occupy the premises and the prospective tenant may vacate the site at a later stage. On this basis, the assessment is based on the parking demand specified by LPS4 rather than any potential tenant.

This is the first of what is expected to a number of development proposals the City may receive for this locality under the new planning framework created by Scheme Amendment No. 38. If the extent of the car parking variations for this development is similar to future developments in the area, then there is an expectation that there will be a substantial demand for street parking, which is likely to adversely impact on the adjacent existing residents and the locality generally.

It has been argued in the parking assessment that the site is located within close proximity to the Fremantle Train Station, there are numerous bus services passing the development site and the CAT bus system passes the site. Clause 5.7.3(a) of LPS4 allows DAP to waive or vary the car parking requirement if it can be justified in relation to the availability of:

- i) car parking in the locality or street parking (Clause 5.7.3(a)(i)); or
- ii) public transport in the city (Clause 5.7.3(a)(ii)).

However, provision 2.3.1.n) of Sub Area 2.3.1 (see below) of LPS4 expressly prohibits the use of these clauses in considering a car parking variation within this sub-area.

Clauses n) to q) of Sub-Area 2.3.1 are reproduced for ease of reference:

Car Parking

- n) The provisions of clause 5.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.*
- o) For residential development the parking requirements of the Residential Design Codes R-AC code apply.*
- p) Notwithstanding (o) above, Council may waive car parking requirements for residential development under clause 5.7.3 in cases where the development is expressly designed and marketed as a zero parking development that incorporates such elements as the following:*
 - i) Provision of parking on site for bicycles / scooters;*
 - ii) Operation of a formal shared vehicle ownership scheme amongst the residents.*

In any cases where such development is granted planning approval the Council may require, as a condition of planning approval, provision to be made to include notification on the property title(s) that owners and/or occupiers will not be entitled to on-street residential parking permits;

- q) Council may waive car parking requirements in accordance with clause 5.7.3 for ground level non-residential uses anywhere in Sub Area 1*

subject to the development/use being able to generate interest and activity within the adjacent public domain.

Having regard to the above, part p) permits DAP to waive the car parking requirement for residential development, if the development is “..expressly designed and marketed..” as a zero parking development. The applicant’s traffic report (page 18 and 19) advises that the allocation of the 20 residential car parking spaces are unknown and goes on to provide a scenario for the possible allocation of those car parking spaces. The report further indicates that the studio apartments would be unlikely to have access to the 20 on-site residential car parking spaces and they “..would not need parking”. The City is of the view that the development has not been designed as a “zero parking development”.

Further, the provisions of q) allow for the waiving of the non-residential car parking requirement if the development/use is capable of being able to generate interest and activity within the adjacent public domain. It is considered that an office use, in combination with the specific design detail of the building, would not generate the same higher level of interest and activity as other possible uses within the public domain to allow for the waiving of all of the car parking requirement . However, the 11 car parking space shortfall is considered a reasonable compromise as an office use will add some level of activity and interest to the public domain and support during the daytime period to the restaurant/cafe or shop uses that could be developed in this locality. As such, it is considered that the car parking required for the office use can be varied on this basis.

Clause 5.7.3(a)(iii) of LPS4 states the following:

(iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,

The development has mixed uses (residential and offices) which would generally operate during different hours. If the car parking (including the motorbike/scooter bays) were set aside purely for offices, then the office development would be short 11 car parking spaces. The residential component would then have access to the car parking outside of office hours. However, this would not satisfy the residential demand as there would be a shortfall of 27 car parking spaces (which includes the 12 visitor car parking spaces).

The R-Codes provide a performance based assessment for car parking for the residential component of the proposed development. DE7.3.3P3.2 of the R-Codes seeks to ensure separation of the non-residential and residential car parking spaces. In this instance, the applicant is proposing to separate the car parking spaces between the various uses, but the number of parking spaces provided is considered insufficient and therefore would not satisfy the

provisions of DE7.3.3P3.1 – dot point 1. Dot points 2 and 3 allow for consideration of on-street and other off-street parking and the location of public transport. However, this aspect is in conflict with the provisions of Sub-Area 2.3.1 part p) of LPS4, which specifically excludes consideration of these options.

It is noted that streets in the locality have timed parking restrictions which are generally between the hours of 8:00am to 6:00pm. Consequently, the owners or occupiers of the proposed residential development will not need a parking permit as they will have access to street parking between the hours of approximately 6:00pm to 8:00am. With such a large car parking variation proposed for this development and with any future development proposals likely seeking a car parking variation within this sub-area, and having regard to the provisions of Sub-Area 2.3.1.p), concern is expressed that this could result in an adverse impact on the amenity of the existing residential property owners within the locality.

Whilst there are large car parking areas within the locality, these are either closed at 8:00pm (Beach Street car park) or are fee paying (Leisure Centre car park 8am to 1am daily). The provisions of the Sub-Area 2.3.1 also prevent consideration of these areas in any car parking assessment.

The Scheme provisions were developed through Scheme Amendment No. 38 to facilitate development that sought to encourage and promote development that did not rely on car dependant units. To facilitate this, the LPS4 provisions sought to prevent the occupiers of these developments from accessing parking permits as a means to obtain a parking space in-lieu of parking that has not been provided on-site. To address the matter of the shortfall of on-site car parking and potential impact of overflow of parking into the streets either by non-residential and residential uses, it is considered that the following would be an acceptable approach:

- i) Set aside the 23 car parking spaces for the office(s) when the office use is open;
- ii) Place a memorial on the title and provisions within the by-laws of the strata title, that the residential units are not to be provided with any on-site car parking spaces; and
- iii) Place a memorial on the title stating that the owners and/or occupiers of the units will not be permitted to have a resident parking permit.

Such an approach will provide a reasonable level of car parking for any non-residential development that may occur on the site rather than focussing on a proposed office tenant. This approach is consistent with the desire to provide flexibility in the design to allow for various uses to operate from this site and other sites within this sub-area.

The setting aside of the on-site car parking spaces for office use only, when the offices are open and no allocation of those car parking spaces to the residential units, would then move the development closer to the zero parking form of development. The development site has an excess of bicycle bays

and on-site provision has been made for motorbike/scooter use, which was not included in the 23 car parking bay assessment above.

Whilst the inclusion of points i) – iii) above will achieve a planning outcome, it will not necessarily stop people from parking in the street outside of the timed parking restrictions. The City will then need to monitor this aspect and if necessary, change the parking regime in place to provide for parking restrictions between the hours of 6:00pm and 8:00am. To adequately inform any potential owner of these units of this potential change, a memorial on the title advising them of this potential change is proposed as a condition of approval.

Delivery Bays

LPS4 requires the provision of 2 delivery bays and nil have been provided on-site. There currently is a loading bay located on the residential (eastern) side of Quarry Street, rather than the commercial side of the street. The loading bay is approximately 40m from the development site, which is on the western side of Quarry Street.

It is considered that the re-development of this locality will bring about a change in the dynamics of this area in relation to land uses and the demand for such a facility. With the scale of development sought and the need to provide two street elevations, the provision of delivery bays within this area becomes an issue to be addressed.

It is considered that the provision of street loading bays should be seen as the preferred approach to deliveries for this locality as it re-generates. The location and number of these loading bays to serve the new and existing development should be reviewed over time and for the City to respond as required based on demand. It is noted that the Technical Services review did not raise the lack of on-site delivery bays as an issue. Therefore, it is considered that in this instance, with the proposed land use being for an office and having regard to the location of the existing loading bay in Quarry Street, the need to provide two delivery bays for the development could be waived.

Proposed R-Code Variations

The following variations to the R-Codes are sought by the applicant:

DE7.3.1 – Outdoor living areas

Required	Provided	Variation
A balcony of a minimum area of 10sq m and a minimum dimension of 2.4m	15 dwellings are compliant	31 dwellings with a balcony less than 10sq m (5.2sq m – 7.7sq m) and minimum dimension of 2.4m (generally 1.5m);

The development has a communal space area of approximately 133 sq m. Part j) of Sub-Area 2.3.1 provides an exemption from the need to comply with the communal open space requirements of the R-Codes.

The performance based assessment requires the balconies to be capable of used in conjunction with a habitable room and if possible, access to winter sun.

The DAC have supported the size of the balconies provided that air-conditioning units are not located in the balconies.

All undersized balconies have a relationship with a habitable room of the dwellings. The site is oriented in a north-west/south-east direction. The dwellings will have access to winter sun at some point during the day, having regard to the layout of the development and the lower height of the development that fronts Quarry Street.

Whilst not required to provide communal open space, the development has been provided with 133 sq m of communal open space for use by occupants of the development. Consequently, it is considered that the development meets the performance criteria of this design element and its objective.

DE7.3.5A5.3 – Vehicular Access

This design element requires the driveways to be designed for two way access. The applicants are proposing to have a single width traffic controlled system that regulates traffic movement between the street level and the basement. The review by the Technical Services section did not raise this as issue. The use of such a system requires only 1 crossover, provides a safe means of access between the basement and the street level and would not detract from the streetscape. A condition of planning approval is proposed to ensure the system is provided and the details of the traffic system are approved by the City prior to occupation.

DE7.4.7 – Essential facilities

Required	Provided	Variation
Enclosed lockable storage area of a minimum area of 4 sq m and a minimum dimension of 1.5m	Storage facilities range from 2.88sq m and 1.2m minimum dimension, to compliant storage facilities	1.12sq m in area and 0.3m in dimension

The applicants have advised that storage facilities are available for each unit within the basement. There are 10 full height storage facilities and the remaining 36 are storage areas over car parking spaces. The R-codes do not prescribe a minimum internal height for these facilities. The facilities vary in

size from non-complaint storage facilities to compliant facilities as shown above.

The performance provisions of the R-codes require consideration on whether the facilities are adequate for the needs of the residents and that they are not to the detriment of the amenity of the locality. A large percentage of the units are very small units and as such, it is considered that there would not be the demand for storage space compared to the needs of the larger units within the development. As such, it is considered that the range of storage facilities would be sufficient for the needs of the residents and would not be detrimental to the amenity of the locality.

MATTERS RAISED DURING THE CONSULTATION PROCESS

Attachment 4 contains a Schedule of Submissions (10 submissions received) and a response to the issues raised in those submissions. The issues raised in the submission are either addressed in the report or are not relevant planning considerations as identified in the Schedule.

CONCLUSION

The proposed development is the first development that is to be considered in this locality under the new planning framework. Planning approval is supported, however, parts of the development require further detail and modification and as such, these aspects of the development should be subject of a separate application for planning approval, as permitted under clause 10.8 of LPS4. The areas to be the subject of a separate application for planning approval relate to:

- design details of the ground floor levels as required by the DAC;
- compliance with the height controls under LPS4; and
- further detail of the request for a variation to the requirement of clause d) of Sub-area 2.3.1 (4.5m minimum ground floor level height).

FURTHER CONSIDERATION OF APPLICATION BASED ON REVISED INFORMATION RECEIVED FROM URBIS PTY LTD ON THE 16 APRIL 2012

Following the inclusion of the City's Development Assessment Panel report on No. 11 Queen Victoria Street in the Planning Service Committee's agenda for the meeting to be held on the 18 April 2012, the City received additional information from the applicant on the 16 April 2012 – refer to Attachment 5.

Based on the applicant's additional information – refer to Attachment 5, the following changes were made to the City's recommendation as outlined below:

Revised Officer Recommendation

1. *Condition 10 relating to the allocation of on-site car parking to the ground floor non-residential use being modified by substituting the number “23” on-site car parking spaces for “10” on-site car parking spaces.*

2. *The following condition being added, as condition 21:*

“The ground floor office use is restricted to the Centrelink/Department of Human Services tenancy OR limited to an office use that maintains an active retail-like street frontage as viewed from Queen Victoria Street to the satisfaction of the Chief Executive Office – City of Fremantle.”

3. *Condition 11a) being modified to state:*

“All studio and 1 bedroom units have not been allocated any on-site car parking spaces during office hours.”

Reasons For Change

1. While the use of the ground floor by Centrelink/Department of Human Services is not the most active street frontage possible, it is acknowledged that this use is more active than a traditional office.

2. The applicants increase in on-site car bays allocated to the ground floor non-residential use from 3 to 10 will assist in meeting the scheme objectives for the area.”

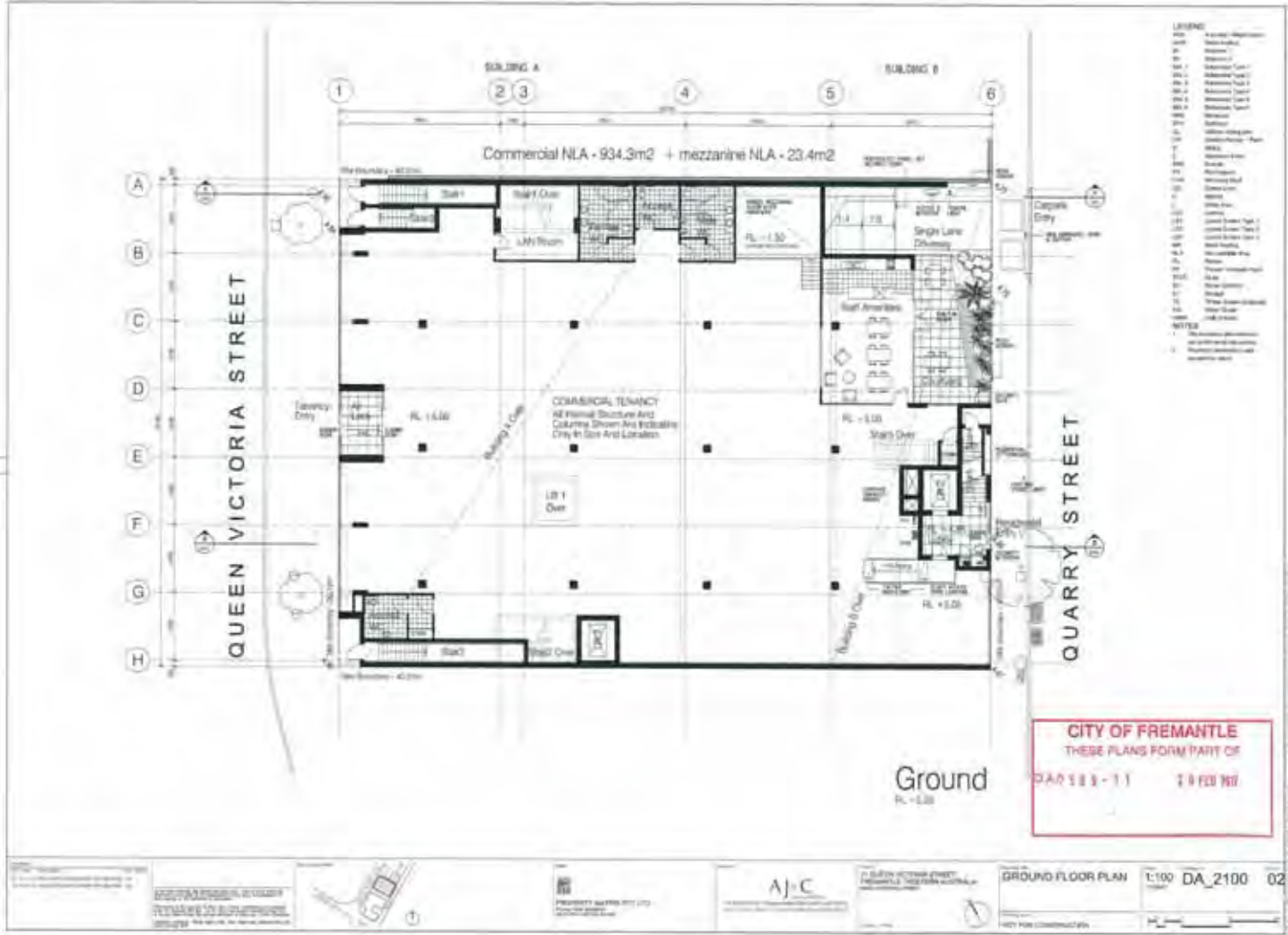
The recommendation has been amended accordingly.

ATTACHMENT 1



ATTACHMENT 2

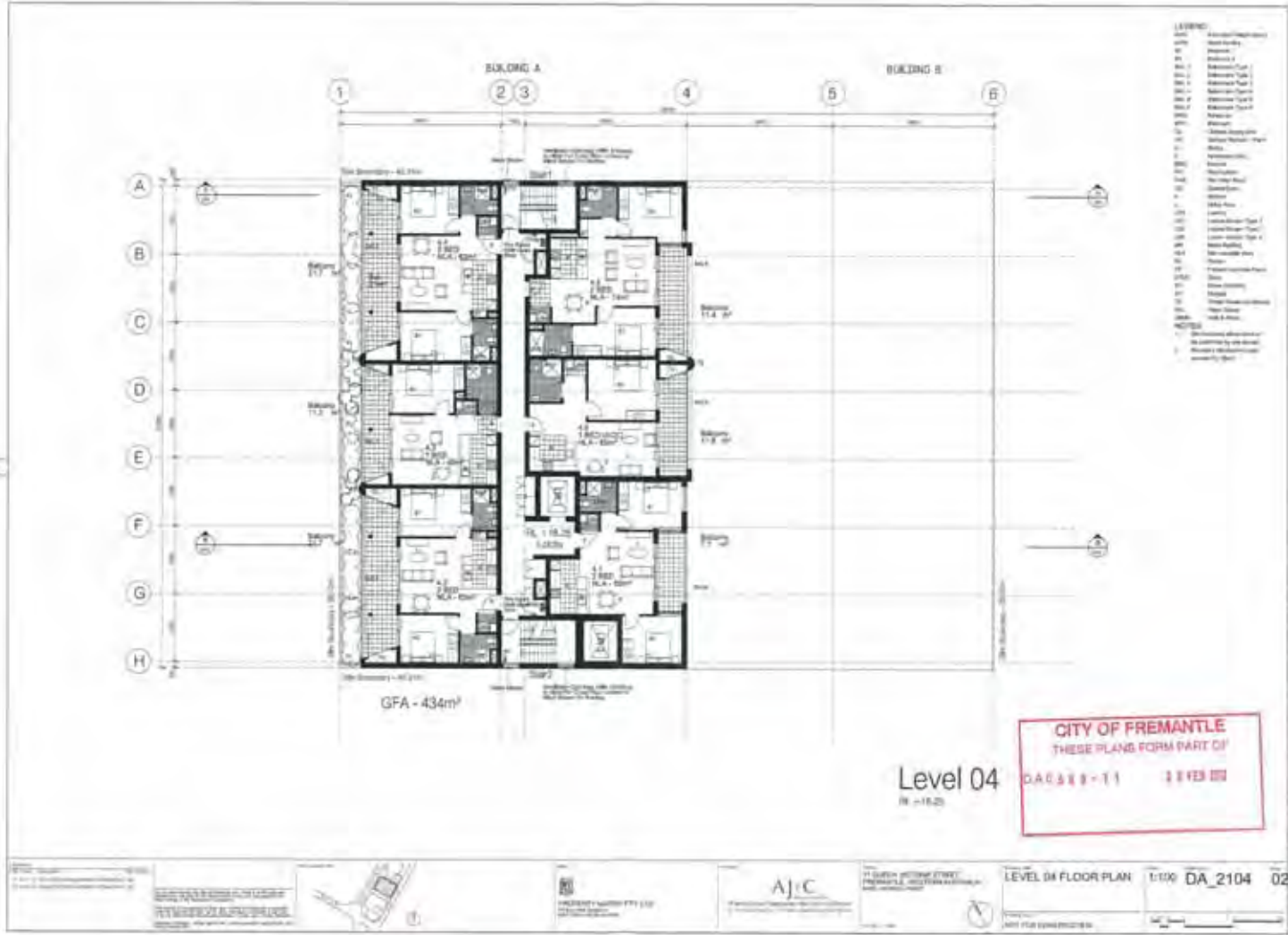




- LEGEND**
- 1.000 - External Wall
 - 1.001 - Internal Wall
 - 1.002 - Partition Wall
 - 1.003 - Glass Wall
 - 1.004 - Glass Partition
 - 1.005 - Glass Door
 - 1.006 - Glass Window
 - 1.007 - Glass Screen
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CITY OF FREMANTLE
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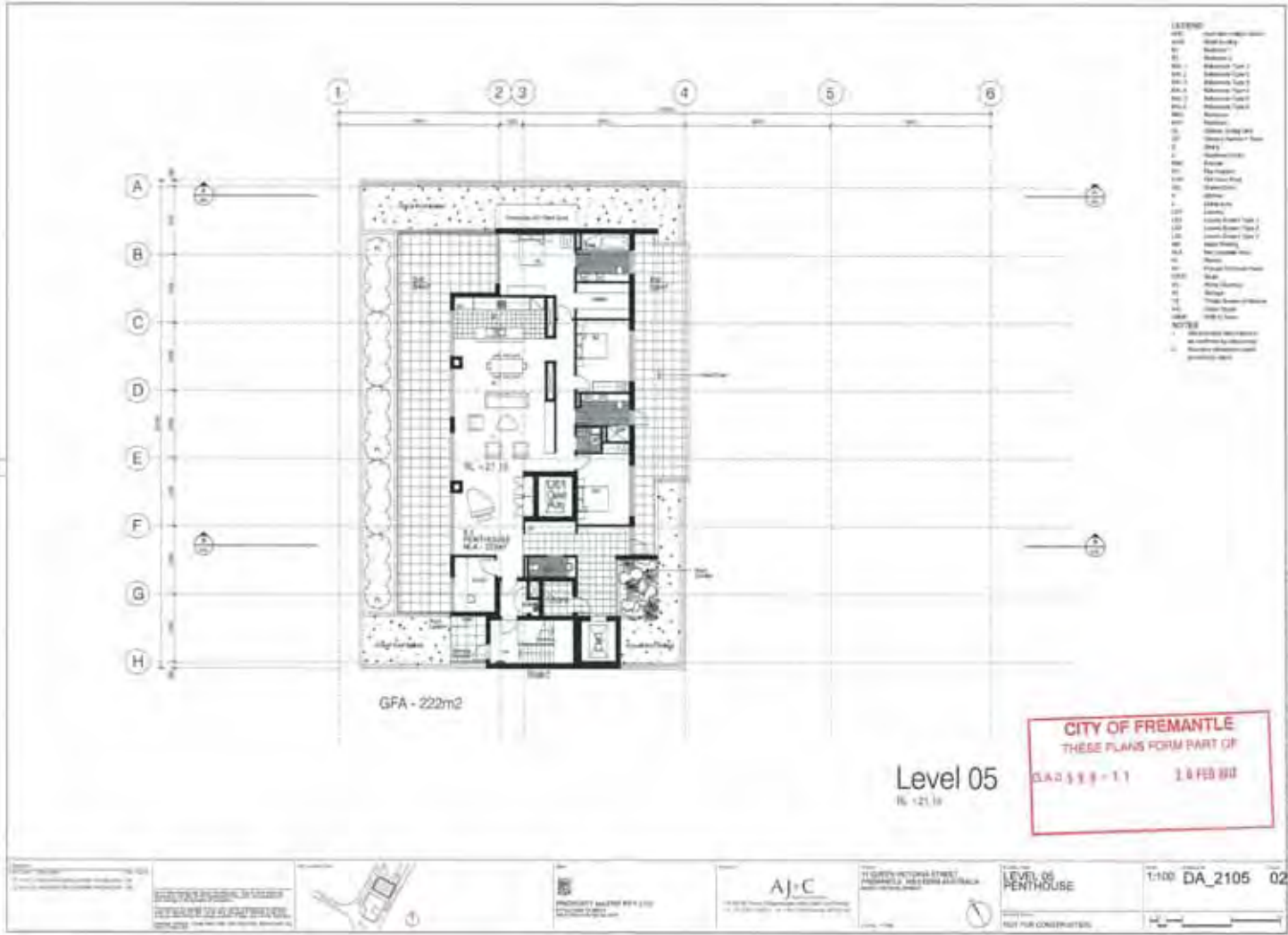
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CITY OF FREMANTLE
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 DA0388-11 2019 03

Level 04
 R/-15.25

GFA - 434m²



LEGEND

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NOTES

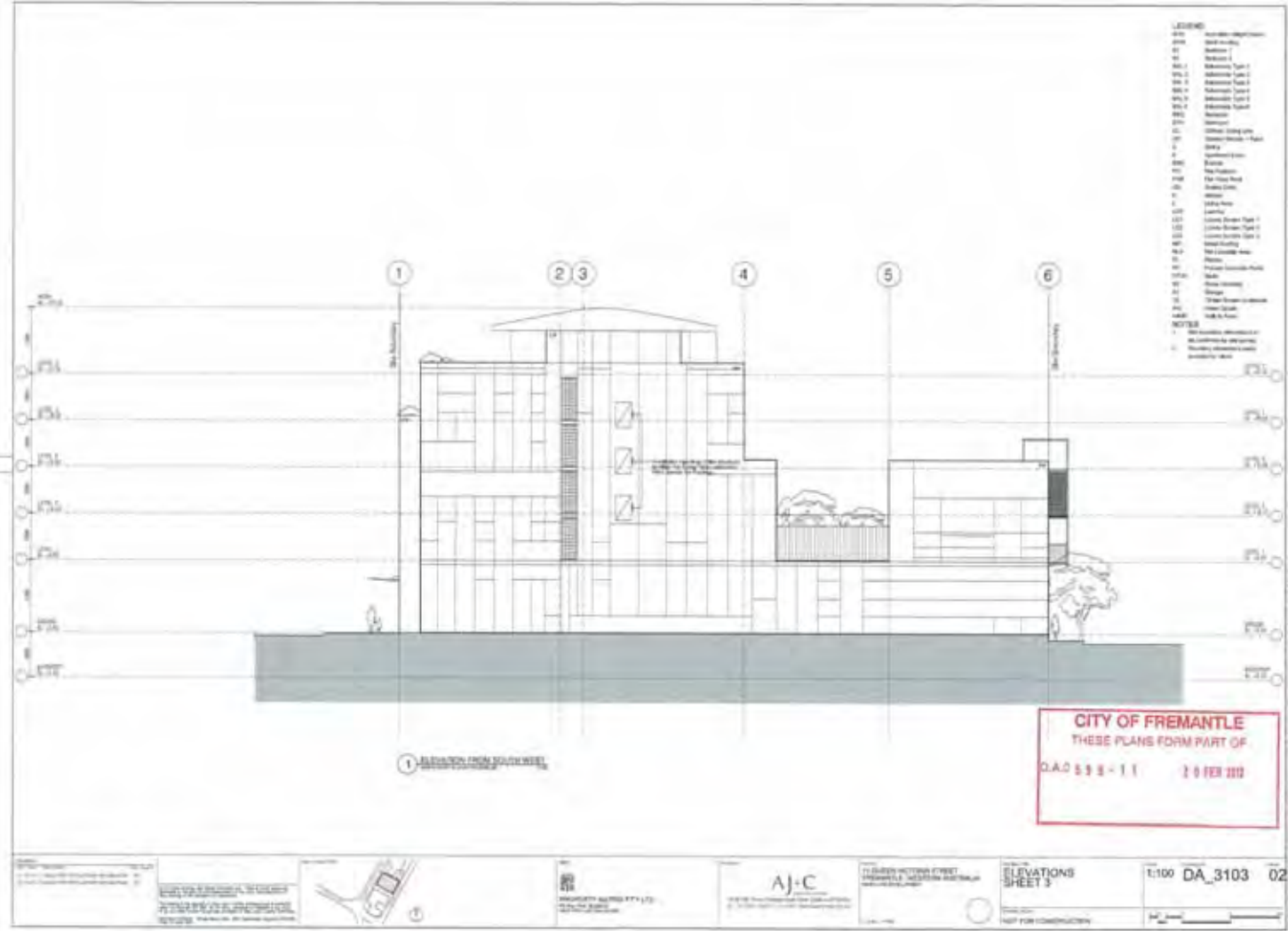
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2. All areas are in square meters unless otherwise stated.
3. All areas are rounded up to the nearest square meter.
4. All areas are based on the finished floor level unless otherwise stated.
5. All areas are based on the external face of the walls unless otherwise stated.
6. All areas are based on the internal face of the walls unless otherwise stated.
7. All areas are based on the net area unless otherwise stated.
8. All areas are based on the gross area unless otherwise stated.
9. All areas are based on the total area unless otherwise stated.
10. All areas are based on the total area including the external walls unless otherwise stated.

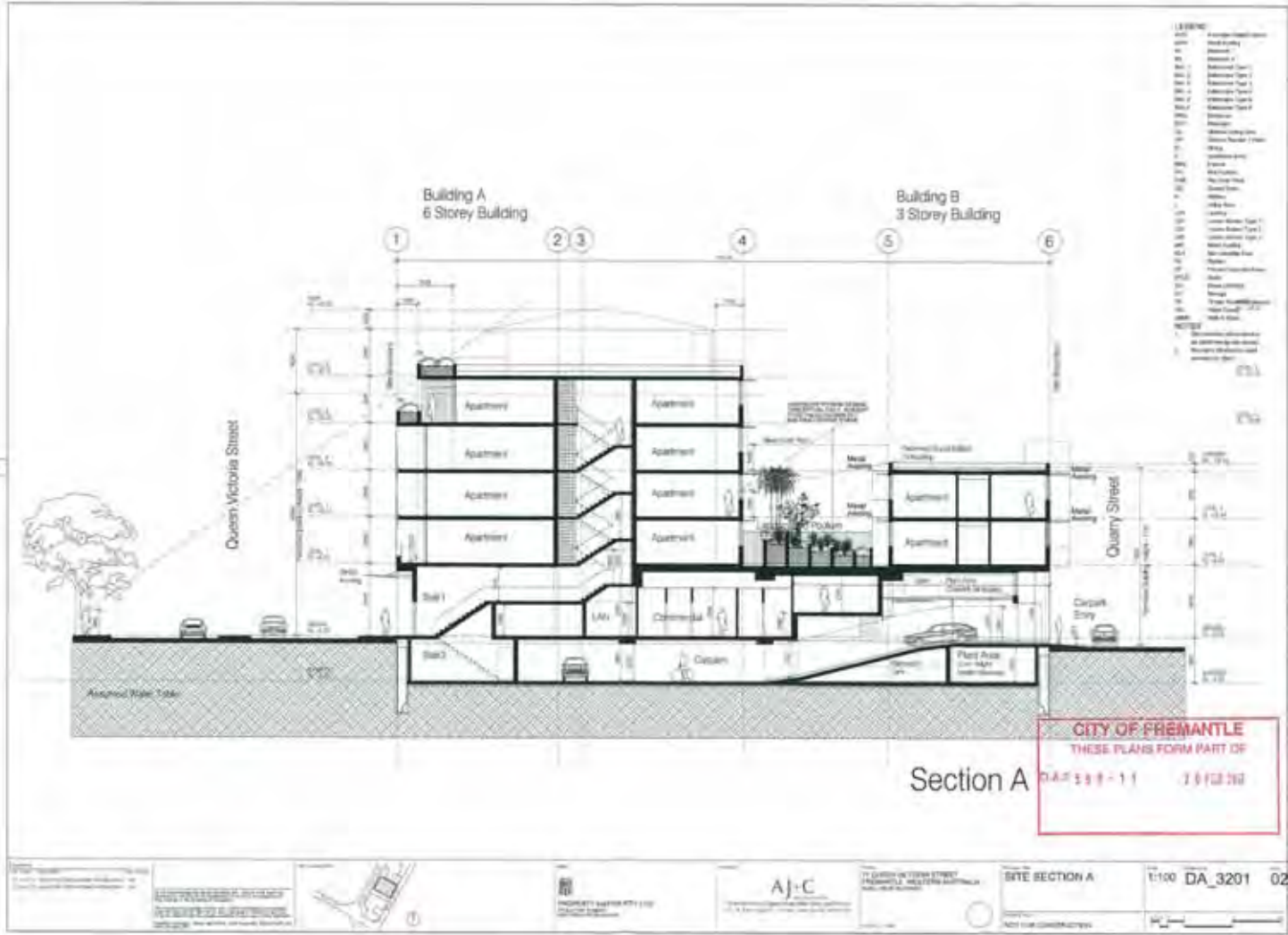
CITY OF FREMANTLE
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 DA 2105-11 18 FEB 2011

Level 05
 R6 +21.10

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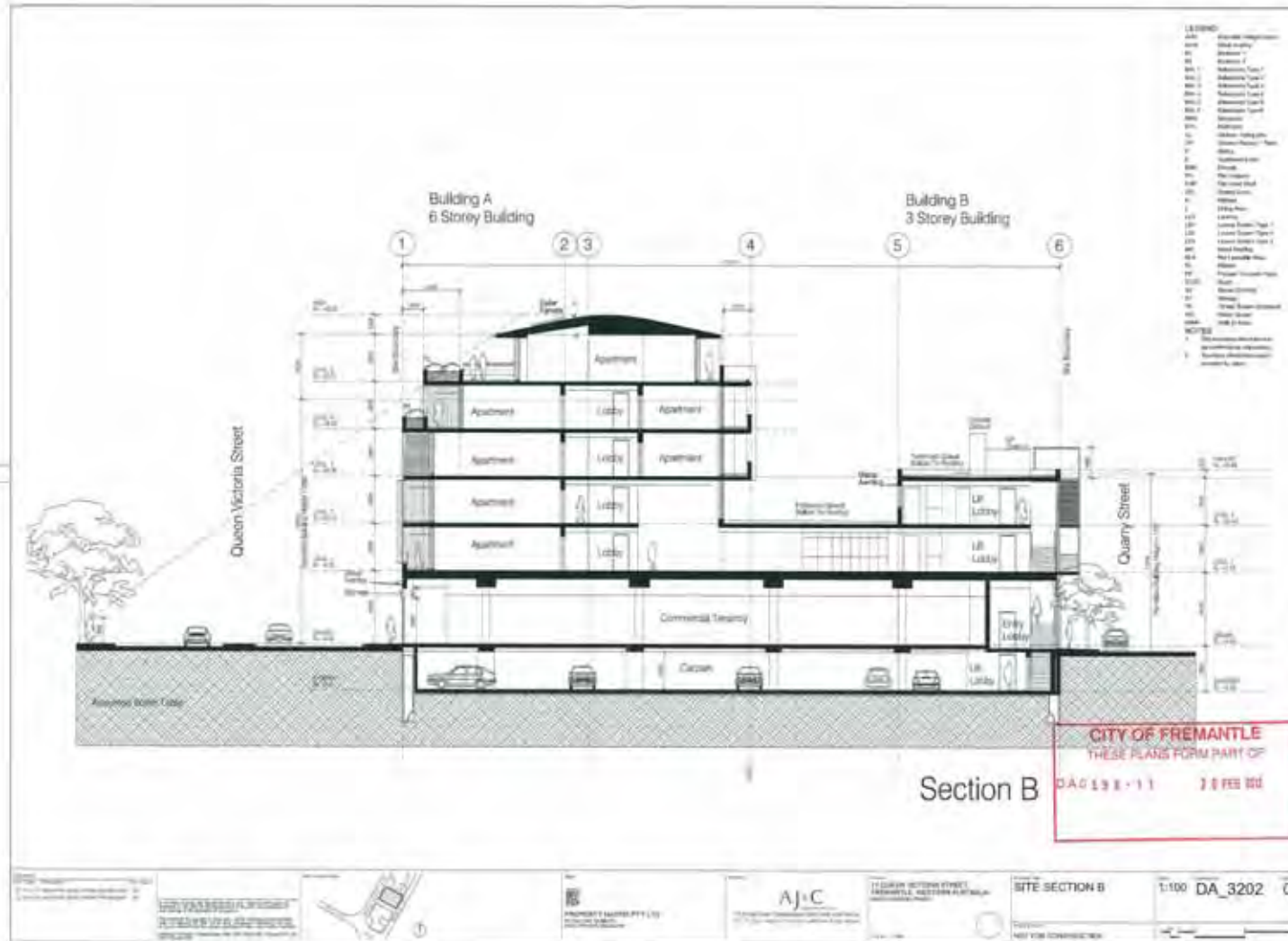




LEGEND

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CITY OF FREMANTLE
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 DA 3201-11 28/02/20





SUMMER SOLSTICE 21 December - 8am



SUMMER SOLSTICE 21 December - 12pm



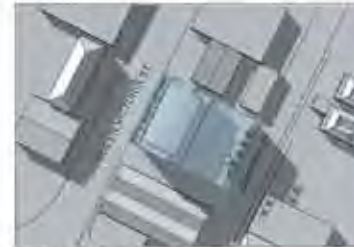
SUMMER SOLSTICE 21 December - 4pm



WINTER SOLSTICE 21 June - 8am



WINTER SOLSTICE 21 June - 12pm



WINTER SOLSTICE 21 June - 2pm



EQUINOX 21 March / September - 8am



EQUINOX 21 March / September - 12pm



EQUINOX 21 March / September - 3pm

CITY OF PREMANTLE
THESE PLANS FORM PART OF
DA 4100-11 20 FEB 2010

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AJ&C
ARCHITECTS
PROPERTY MATHEMATICS LTD

AJ&C
ARCHITECTS
PROPERTY MATHEMATICS LTD

1:1000
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SHADOW DIAGRAMS
NET/NOON/SHADOWS

NTS DA_4100 01



- REINFORCED CONCRETE
- TEXTURED PRECAST CONCRETE
- COLORLED GLASS BALUSTRADE
- ALUMINIUM FRAMED DOORS WITH CLEAR GLASS
- TIMBER PARTITIONS
- STEEL FRIDGE



- ALUMINIUM DOORS
- TIMBER PARTITIONS
- COLORLED GLASS BALUSTRADE



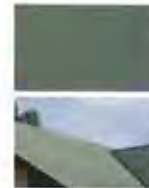
- METAL AWNINGS
- TINTED GLASS FACADE
- ALUMINIUM FRAMED DOORS WITH CLEAR GLASS



- STEEL FRAMING
- TIMBER SCREEN
- REINFORCED MASONRY
- METAL SCREEN
- LANDSCAPE



STEEL EDGE TIMBER CLADDING ON BALCONY SKIRT



METAL ROOF SHEETING



TEXTURED PRECAST CONCRETE (LANDSCAPE) REINFORCED MASONRY



EXAMPLE TIMBER PARTITIONS



EXAMPLE OF GLASS BALUSTRADE



COLORLED GLASS BALUSTRADE



TINTED GLASS FACADE



ALUMINIUM LOUVERS



ALUMINIUM FRAMED DOORS WITH CLEAR GLASS



EXAMPLE OF METAL SCREEN

CITY OF FREMANTLE
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 D.A.0 558 - 1.1 14 FEB 09

Project: [illegible]
 Date: [illegible]
 Prepared by: [illegible]



PROPERTY INVESTORS LTD
 100/102 [illegible]

AJ.C
 ARCHITECTS

11 GARDEN STREET
 FREMANTLE, WESTERN AUSTRALIA

EXTERNAL MATERIALS NTS DA_5000 01
 NOT FOR CONSTRUCTION



<p>11 SOUTH VICTORIA STREET PERTH, WESTERN AUSTRALIA 6000</p>	<p>11 SOUTH VICTORIA STREET PERTH, WESTERN AUSTRALIA 6000</p>		<p>PROPERTY OWNERS PTY LTD 11 SOUTH VICTORIA STREET PERTH, WESTERN AUSTRALIA 6000</p>	<p>AJC ARCHITECTURAL & INTERIOR DESIGN 11 SOUTH VICTORIA STREET PERTH, WESTERN AUSTRALIA 6000</p>	<p>11 SOUTH VICTORIA STREET PERTH, WESTERN AUSTRALIA 6000</p>	<p>PERSPECTIVE 1 QUEEN VICTORIA ST</p>	<p>DATE: 18 FEB 2010 NTS DA_5100 01</p>
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<p>PROJECT: QUARRY STREET 100 QUARRY STREET, SYDNEY, NSW</p>	<p>ARCHITECT: JACOBS 100 QUARRY STREET, SYDNEY, NSW</p>		<p>CLIENT: JACOBS 100 QUARRY STREET, SYDNEY, NSW</p>	<p>AJ+C ARCHITECTS 100 QUARRY STREET, SYDNEY, NSW</p>	<p>100 QUARRY STREET PERSPECTIVE 2 QUARRY ST</p>	<p>DATE: 28 FEB 2010 NTS: DA_5101_01</p>	<p>PERSPECTIVE 2 QUARRY ST DATE: 28 FEB 2010 NTS: DA_5101_01</p>
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Attachment 3

4 April 2012

Chief Executive Officer
City of Fremantle
8 William Street
FREMANTLE WA 6060

ATTENTION: MR. STEPHEN SULLIVAN - COORDINATOR PLANNING MEDIATION

via email: steves@fremantle.w.a.gov.au

Dear Steve,

Proposed Height and Parking Variations for Development Application (DA0599/11) at 9-11 Queen Victoria Street, Fremantle.

We refer to our recent email and telephone correspondence regarding the remaining outstanding matters in relation to the current Development Application for 9-11 Queen Victoria Street, Fremantle. As requested, this correspondence provides our final position on the matters of building height and car parking variations prior to Planning Committee consideration.

We respectfully request that the positions put forward in this correspondence are included within the 18 April 2012 Planning Committee agenda item in relation to this proposal.

BUILDING HEIGHT – AREA 4B OF SUB AREA 1 OF LOCAL PLANNING AREA 2

As the City is aware, the mixed-use proposal at 9-11 Queen Victoria Streets consists of office development on the ground floor, plus an additional 5 storeys of residential studios/apartments to Queen Victoria Street and an additional 2 storeys of residential studios/apartments to Quarry Street. The total building height to Queen Victoria Street is 20.2m, which is 1.2m greater than the maximum permissible height under Schedule 12 of the City's Local Planning Scheme No.4 (LPS 4). We also note that there are other minor height incursions within Area 5 of Sub Area 1.

On 9 February 2012, Urbis provided correspondence (refer **Attachment 1**) to the City of Fremantle, seeking a minor variation to the height requirements for those height variations outlined above. As was explicitly directed by Council officers, this request sought to utilise provision 5.8.1.1 of LPS 4, which states:

"Variation to height requirements

5.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:

- a) *The variation would not be detrimental to the amenity of adjoining properties or the locality generally,*

- b) Degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,
- c) Conservation of the cultural heritage values of buildings on-site and adjoining, and

Any other relevant matters outlined in Council's local planning policies.

Subsequent to this 9 February 2012 submission, officers have advised Urbis they do not believe Clause 5.8.1.1 can be utilised in relation to this proposal, as the buildings in question (see Figure 1 below) were too far removed from the development. Secondly officers stated they did not consider the proposal satisfied Clause 5.8.1.1(b), having regard to the scale of existing development that surrounds the subject site and that future development surrounding the site was not a consideration. We were advised that this officer's position on Clause 5.8.1.1 was at least in part formed by legal advice provided to the City.

FIGURE 1 – ELDERS WOOLSTORES LOCATION



In response to the City's position on this matter of height, we re-confirm that our position and justification as outlined in our 9 February 2012 correspondence (**Attachment 1**), remains unchanged and that the height variations being sought can be achieved through the use and satisfaction of Clause 5.8.1.1 of the scheme. To further supplement and re-enforce our position, we have also obtained our own legal advice (see **Attachment 2**) on the applicability of Clause 5.8.1.1. Furthermore, we have also updated our original cross-section (refer **Attachment 3**) to highlight the Woolstores buildings proximity to 9-11 Queen Victoria as well as its role in satisfying Clause 5.8.1.1(b) in providing a sense of comparative scale to existing and future development and gradation of buildings.

BUILDING HEIGHT – DESIGN ALTERNATIVE

As has been discussed with Council staff, should Council ultimately determine that Clause 5.8.1.1 is not applicable in this instance; our client is reluctantly willing to reduce the height of the buildings to comply with Schedule 12 of LPS. This reduction however is only achievable from a design perspective if Council is willing to exercise its discretion and reduce the 4.5m footpath to first floor required by Clause 2.3.1 (d) of Schedule 12 by a minimum of 500mm (0.5m).



Specifically, Clause 5.8.2.1 states:

"That Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:

- a) The variation would not be detrimental to the amenity of adjoining properties or the locality generally;*
- b) Conservation of the cultural heritage values of buildings on-site and adjoining; and*
- c) Any other relevant matter outlined in Council's local planning policies.*

Furthermore, Clause 5.8.4 states that:

"The power conferred by Clauses 5.8.1 and 5.8.2 may only be exercised if the Council is satisfied that:

- a) Approval of the proposed development would be appropriate having regard to criteria set out in Clause 10.2; and*
- b) The non-compliance will not have an adverse effect the occupiers or users of the development, the inhabitants of the locality.*

In seeking discretion to utilise these provisions, we submit that the reduction of the required 4.5m ground floor height by a minimum of 500mm will:

1. Not be detrimental to the amenity of adjoining properties or the locality generally.
2. Not diminish the cultural heritage values on-site or adjoining (because there are no heritage listed buildings on-site or adjoining).
3. Not adversely affect occupiers or users of the development or the inhabitants of the locality.

Moreover, based on a review of Council reports in relation to Amendment No.38 to LPS 4 (which introduced Sub-Area 1 provisions) we understand the requirement for a 4.5m ground floor was in order to achieve urban scale at the street front. Whilst the need for a higher than average ground floor height in such urban environments is acknowledged and supported, a requirement for 4.5m is unusually high. A review of other similar Main Street and City Centre scenarios highlights that typically somewhere between 3-4m is an appropriate ground floor height.

Some examples include:

- Subiaco Centro North only requires a minimum 3.5m foot path to first floor height.
- The William Street Design Guidelines in the Perth CBD only require a 4.0m ground to first floor height; and
- City of Rockingham require a minimum 3.2m floor to floor height for the ground floor within the Baldivis Town Centre.

Accordingly, based on these relevant examples and for the reasons outlined above, should Clause 5.8.1.1 (height variation) not be available to this proposal, it is requested that Council utilise the discretion available to it and reduce the required ground floor height by a minimum of 500mm to ensure compliance with Schedule 12 height requirements.

CAR PARKING VARIATIONS

Council staff have advised that the City, at present, is not supportive of the reduction in car parking being sought by the proposal. From discussions and email correspondence with staff, it would appear that the primary concern is how this and other future parking shortfalls could impact on surrounding streets. In response to this concern, Council has stated that they may be willing to support the proposed shortfall if:



1. A condition of Development Approval is imposed requiring a notification on title stating that residents will not be entitled to apply for an on-street parking permit.
2. A condition of Development Approval is imposed requiring notification to future residents that the City is seeking to amend its parking strategy in the general vicinity of the proposal to also restrict after hours on-street parking.
3. A condition of Development Approval is imposed restricting parking for residents of 9-11 Queen Victoria Street to evenings only, with all day-time parking (except for bicycle and scooter) being only for the purposes of the proposed office use.

Whilst accepting of Items 1 and 2, as has been outlined to Council staff previously, we cannot accept point 3 and the following provides our rationale for this non-acceptance.

TABLE 1 – PARKING PROVISION TABLE

LAND USE	REQUIRED	PROVIDED
Office – Vehicle Parking	1:30sq.m GLA = 34 bays	3 bays (including 1 universal access bay)
Office – Delivery	1:500sq.m = 2 bays	0 bays
Residential - Residents	1. Small (<75sq.m or 1 bedroom) – 0.75 per dwelling = 33.75 bays 2. Medium (75-110sq.m) – 1 per dwelling = 0 bays 3. Large (>110sq.m) – 1.25 per dwelling = 1.25 bays = 35 bays	19 bays
Residential - Visitor	0.25/dwelling = 11.5 bays	0 bays
TOTAL	82.5 bays	23 bays
		60 <i>shortfall</i> vehicle parking bays
Office – Bicycle Parking	1:200sq.m = 5 bays	5 bays
Residential – Bicycle Parking	1:4 dwellings = 12 bays	42bays
Residential Visitors – Bicycle Parking	1:16 dwellings = 3 bays	3 bays
TOTAL	20 bays	50 bays
		30 <i>oversupply</i> bicycle parking bays

As can be seen from Table 1, the current development application is seeking to provide 60 car bays less than that required of both the R-Codes and LPS 4 (office component). In this regard, as with the height variation, we can confirm that our justification for this shortfall remains as submitted in our original Planning Report, lodged with the City dated November 2011. Specifically Section 5.3 of our Report outlines how our proposal satisfies the requirements of Clause 2.3.1 (p) and 2.3.1 (q) of Schedule 12 of LPS 4 and our position in this regard is unchanged.

To add to this justification, in relation to 2.3.1 (p), it is our client intention that all studio apartments and 1 bed apartments (which account for 36 of the 46 dwellings) will not include the provision of a car bay as part of the sale. Our client is also committed to investigating the provision of a "shared scooter ownership scheme." Accordingly, whilst technically overall the development may not be a 'zero parking' arrangement; substantial components of it (i.e. studio apartments) will be and marketed as such.

With regard to the shortfall of car parking bays for the office use we reiterate the rationale provided in Section 5.3 of our report. In relation to Clause 2.3.1(q) the proposed use will generate activity within the adjacent public domain. The area is well served by public transport and public parking. The majority of the employees and all visitors to the office will be expected to utilise public transport or public parking as is typical of a city centre location.

Overall, it is clear that through the provisions of Schedule 12 and in the context of this proposal, Council can waive standard parking requirements that would typically apply. This is a point that has never been disputed by Council staff. The issue in this instance would appear to be that of the extent of the shortfall and the potential pressures this shortfall may place on surrounding streets and existing residents. In this regard, we would question whether imposing conditions restricting day and night time uses is consistent with the objectives of Amendment No.38 that introduced the provisions for Sub Area 1.

In reviewing earlier Council Minutes on Amendment No.38, clearly the original intent of these provisions was to create an active mixed-use urban environment, providing for development up to in some instances 8-9 stories (i.e. Area 2) that would function as a northern gateway to the Fremantle City Centre. In providing for this density and scale, Council would have always understood that their standard parking provisions could not have been satisfied and hence this is why Clauses 2.3.1(n-q) were introduced. These provisions would have also been introduced in the knowledge of how well this area was serviced by public transport and public parking (refer Appendix B and C of the originally submitted Urbis Planning Report).

Whilst it is acknowledged that the car parking shortfall proposed is not minor, it is a shortfall that does need to be considered in the context of what the City is striving to achieve in this urban location and the fact a significant surplus of alternative forms of private vehicle transport have been accommodated (i.e. in the form of scooter bays and 30 bicycle over and above the scheme requirement).

Accordingly, we are accepting of notifications on title advising that there will be no entitlement to on-street parking permits and other notifications highlighting possible future changes to parking arrangements in the precinct, however we are not accepting of the suggested restrictions on day and night-time parking. We therefore ask that Council accept the amount of parking provided and impose conditions relating to notification on title and advice to purchasers as discussed above.

LATEST DESIGN ADVISORY COMMITTEE COMMENTS

Following discussions with our client, we are satisfied with the requirements of the latest Design Advisory Committee meeting (dated 16 March 2012) being imposed as conditions of development approval to the satisfaction of a nominated City officer.



SUMMARY

In summary we believe the proposal as submitted meets the overall objectives of the Council with respect to the future vision for this area.

We have worked through the details of the proposal and the relevant scheme provisions and believe the Council has discretion to consider the variations we are seeking and we believe the justification provided for these variations have merit.

However, should the Council not be of a mind to support the application as proposed with respect to the issue of height, we request that the required reduction in height be achieved by reducing the ground floor height requirement of 4.5m to 4.0m.

Thank you for consideration of this additional information. Should you have any queries please contact the undersigned or Maureen Hegarty on 9346 0500.

Yours sincerely,

A handwritten signature in black ink that reads 'Ray Haeren'.

Ray Haeren
Regional Director



9 February 2012

Chief Executive Officer
City of Fremantle
Town Hall Centre
8 William Street
FREMANTLE WA 6160

ATTENTION: MR. STEPHEN SULLIVAN – COORDINATOR PLANNING MEDIATION

VIA EMAIL: sleves@fremantle.wa.gov.au

Dear Stephen,

Proposed Height Variation for the Proposed Development at 9-11 Queen Victoria Street, Fremantle (DA0599/11)

We refer to our recent discussions regarding the issue above, and wish to provide the following additional information in support of the proposed Development Application at 9-11 Queen Victoria Street and specifically to demonstrate how the proposal is able to satisfy Clause 5.8.1.1 of the City's scheme (LPS 4), allowing Council to approve the proposed variation to the height limits applicable to the subject site.

The following provides our justification in relation to the two height variations being sought; one being in relation to Area 4b of Sub Area 1 of Local Planning Area 2 and the other relating to Area 5 of Sub Area 1.

Area 4B of Sub Area 1 of Local Planning Area 2 – Height Variation

In summary, the Office and Residential development proposed at 9-11 Queen Victoria Street will have a total building height of 20.2m. This is 1.2m above the maximum permissible height of 19m identified by LPS 4 for Area 4b of Sub Area 1 of Local Planning Area 2, within which the development is located. The additional 1.2m provides for a small roof structure and not an additional level(s).

Specifically Clause 5.8.1.1 states the following:

"Variation to height requirements

5.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:

- a) The variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- b) Degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- c) Conservation of the cultural heritage values of buildings on-site and adjoining, and*
- d) Any other relevant matters outlined in Council's local planning policies.*

In responding to the requirements of Clause 5.8.1.1, we provide the following:

1. We understand under Clause 5.8.1.1, Council is able to vary height limits in the event that there are *multiple* buildings (i.e. more than 1 building) in the locality that are *non-compliant* with current Scheme provisions that are *greater* in total overall building height (AHD) within the *locality* of 9-11 Queen Victoria Street.

In this respect there are two separate buildings that were constructed in 2000 on the old Elders Woolstores site within the locality of the proposed development, being 120 metres south-west of 9-11 Queen Victoria Street, as shown in Figure 1.

FIGURE 1 – ELDERS WOOLSTORES LOCATION



The following table outlines the actually overall height (using AHD levels) of the Elders Woolstores development and the 9-11 Queen Victoria Street development and their compliance against the Scheme.

TABLE 1 – OVERALL BUILDING HEIGHTS – ELDERS WOOLSTORES AND 9-11 QV STREET

DEVELOPMENT	BUILDING HEIGHT (M)	FOOTPATH LEVEL (M)	OVERALL HEIGHT (M)
Building 1: Elders Woolstores (Cantonment Street)	25.328 AHD	3.86 AHD	21.47
Building 2: Elders Woolstores (Parry Street) (Top of Dome)	28.095 AHD	3.56 AHD	24.535
Building 2: Elders Woolstores (Elder Street)	25.34 AHD	2.10 AHD	23.24

DEVELOPMENT	BUILDING HEIGHT (M)	FOOTPATH LEVEL (M)	OVERALL HEIGHT (M)
<i>Proposal: 9-11 QV Street (Queen Victoria Street)</i>	25.25 AHD	5.05 AHD	20.20

TABLE 2 – ASSESSMENT OF OVERALL BUILDING HEIGHTS AGAINST SCHEME PROVISIONS

DEVELOPMENT	OVERALL HEIGHT (M)	LPS 4 MAX HEIGHT	DISCRETIONARY HEIGHT PERMISSIBLE	COMPLIANT?
Building 1: Elders Woolstores (Cantonment Street)	21.47	14m Wall Height and 4 Storeys	17m	No
Building 2: Elders Woolstores (Parry Street) (Top of Dome)	24.535	14m Wall Height and 4 Storeys	17m	No
Building 2: Elders Woolstores (Elder Street)	23.24	14m Wall Height and 4 Storeys	17m	No
<i>Proposal: 9-11 QV Street (Queen Victoria Street)</i>	20.20	15m Building Height	19m	No

The above tables demonstrates that multiple buildings in the locality of 9-11 Queen Victoria Street are non-compliant with building height provisions in the scheme and are of an overall height greater than that proposed at 9-11 Queen Victoria Street.

Consequently, if Clauses 5.8.1.1 (a),(b),(c) and (d) are all satisfied then Council may vary the height requirement for the proposed development.

2. In satisfying Clause 5.8.1.1 (a), Council can be confident that the proposed variation is part of a development that will respond very strongly to the East End renewal efforts that underpinned Scheme Amendment No. 38. The development will bring new office space and a significant number of new residents to the locality, enhancing local amenity and signalling that the area is in the process of redevelopment.

The proposed built form is in keeping with, and in many circumstances of a lower scale, than that now able to be permitted in Sub Area 1 of Local Planning Area 2 following the major scheme amendment. As was also mentioned previously, the additional 1.2m of the building required above the 19m permissible under the scheme has been provided to accommodate a small curved roof structure. This roof structure is considered to be a key architectural component of the overall building and will provide interest and variation to the future "roofscape" of the area. The roof structure was also considered a key architectural feature by the City's Design Advisory Committee and its inclusion as part of the development was strongly supported by all committee members. As a result, the proposed development is in keeping with the desired scale and nature of locality.



3. With respect to Clause 5.8.1.1 (b), the overall heights of Building 1 and 2 on the Elders Woolstores site are between 1.27m and 4.34m greater than that proposed at 9-11 Queen Victoria Street. It is also worth noting that the variances granted for Buildings 1 and 2 at the Elders Woolstores development of 4.47m and 7.54m respectively above permissible building heights are significantly greater than the minor 1.2m variance sought for 9-11 Queen Victoria Street.

Consequently, the significantly greater height in the surrounding non-compliant buildings, and the lower height proposed at 9-11 Queen Victoria Street will provide a clear graduation between the scale of buildings in the locality.

In addition to this graduation of height down from the Woolstores, the maximum height permissible within Area 8 (the precinct immediately opposite the subject site), is 22m. Accordingly, despite a small cross-fall from east-west, ultimately it is likely there will also be a graduation in height across Queen Victoria Street, further re-enforcing that the proposal satisfies 5.8.1.1(b). **Attachment 1** demonstrates this overall graduation from Beach Street to Quarry Street.

4. We understand that based on discussions of Council staff, a review of the City's Local Planning Policies and the fact that the site is not heritage listed, Clauses 5.8.1.1. (c) and (d) are not relevant to this application and therefore are not required to be satisfied.

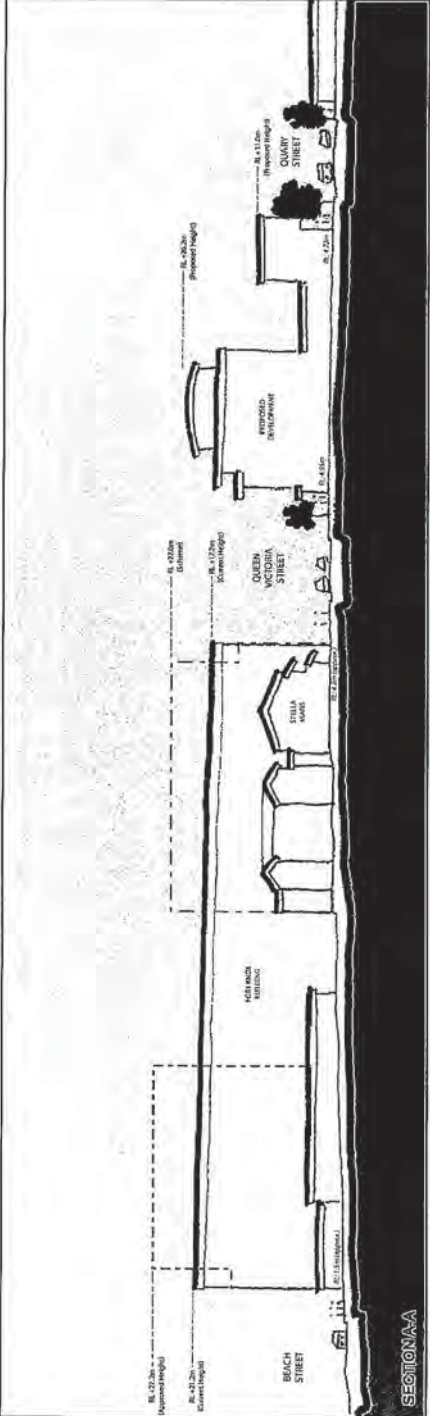
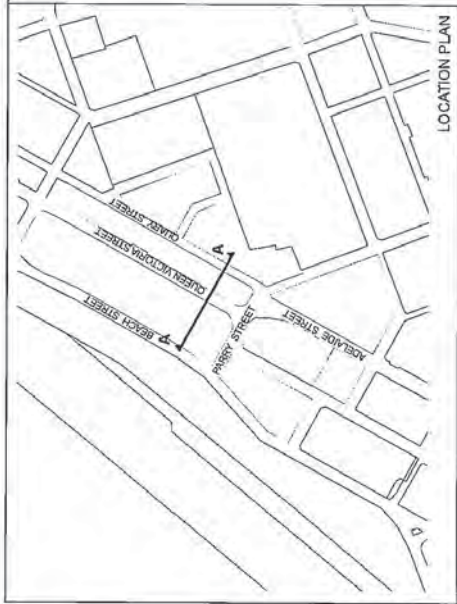
Area 5 of Sub Area 1 of Local Planning Area 2 – Height Variation

As has been identified by Council staff, a small portion (i.e.0.75m) of the east facing balconies of the Queen Victoria Street tower, on Levels 3, 4 and 5 (awning only for 5), over-hang into Area 5. Accordingly, these balconies do not comply with the maximum height permissible within Area 5 (being 11m). In seeking a variation under the provisions of Clause 5.8.1.1, we request this variation be considered based on the same points of justification outlined above for Area 4B given the variation is associated with the same building within the overall development (being the Queen Victoria Street Tower). These projections into Area 5 are considered to be particularly minor and will not result in any privacy or over-shadowing issues.

We are confident that the above clearly demonstrates satisfaction of Clause 5.8.1.1 of the Scheme and look forward to this application now progressing to referral to the Metropolitan South-West Joint Development Assessment Panel. Should officers require any additional information or clarification of the above, please contact Sean Morrison or the undersigned on 9346 0500.

Kind Regards,

Kris Nolan
Senior Consultant - Planning



CROSS SECTION

9-11 QUEEN VICTORIA STREET, FREMANTLE

DATE: 26.01.2012
 DWG NO: P40789 S401 REV.
 Level 1, 35 St Georges Ter,
 Perth, WA 6000 Australia
 SCALE: 1:500 @ A3
 urbis Pty Ltd ABN 10 185 205 208
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 Perth, WA 6000 Australia | Australia - Asia - Middle East



Our ref: 12-029

4 April 2012

Mr Grant Pitman
Property Matrix Pty Ltd
PO Box 1269
SUBIACO WA 6904
By e-mail: gpitman@propertymatrix.net.au

Dear Mr Pitman

9-11 Queen Victoria Street, Fremantle

I refer to your instructions dated 2 April 2012 and confirm that you seek my advice as set out in 7 below.

Background and instructions

- 1 Property Matrix Pty Ltd has applied for approval from the City of Fremantle (**City**) for a mixed-use development at 9-11 Queen Victoria Street, Fremantle (**Site**) in the form of a six-storey building fronting Queen Victoria Street and a three-storey building fronting Quarry Street (**Application**).
- 2 During consideration of the Application by the City, there has been discussion about a number of matters, including height.
- 3 Pursuant to the *City of Fremantle Local Planning Scheme No.4 (LPS4)* (see clause 5.6.1, and clauses 2.3.1(c) & (e) of Schedule 12), the maximum building height (apart from the discretion contained in clause 5.8.1.1 of LPS4) for that part of the Application that fronts Queen Victoria Street is 19m.

The building height for that part of the Application that fronts Queen Victoria Street is 20.2m. The 1.2m. above the maximum building height is a small roof structure and not an additional storey.

- 4 Pursuant to LPS4 (see clause 5.6.1, and clauses 2.3.1(c) & (e) of Schedule 12), the maximum building height (apart from the discretion contained in clause 5.8.1.1 of LPS4) for that part of the Application that fronts Quarry Street is 15m.

A small part of the east facing balcony (0.75m.) of level 4 of the building that fronts Queen Victoria Street over-hangs into the area covered by the maximum building height of 15m. at a height of 16.1m.

An awning that is attached to the east facing balcony of level 5 of the building that fronts Queen Victoria Street is within the area covered by the maximum building height of 15m. at a height greater than 15.0m.

- 5 It is against the background of 3 and 4 above that the issue of the applicability of clause 5.8.1.1 of LPS4, dealing with variations to height requirements, arises.

- 6 Clause 5.8.1.1 of LPS4 provides as follows:

- 5.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:*
- a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
 - b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
 - c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
 - d) any other relevant matter outlined in Council's local planning policies.*

- 7 I confirm that you seek my advice as to whether:

- (i) the opening words of clause 5.8.1.1 of LPS4 (i.e. *'Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12...'*) are satisfied in the circumstances of the Application; and,
- (ii) if the answer to (i) above is yes, whether paragraphs a) and b) of clause 5.8.1.1 of LPS4 are satisfied.

I further confirm that you have instructed me that paragraphs c) and d) of clause 5.8.1.1 of LPS4 do not apply in the circumstances of the Application and therefore do not require my consideration.

- 8 The relevance of your instructions is that if the answer to (i) and (ii) in 7 above is yes, then clause 5.8.1.1 of LPS4 provides discretion to vary the otherwise applicable maximum height requirements to accommodate the heights proposed by the Application.
- 9 If any of your instructions and other material referred to and relied upon in this advice is not correct it is important that you instruct me in that regard as it may affect this advice.

Summary of advice

- 10 I am of the view that the opening words of clause 5.8.1.1 of LPS4 are satisfied in the circumstances of the Application.
- 11 I am of the view that paragraphs a) and b) of clause 5.8.1.1 of LPS4 are satisfied in the circumstances of the Application.
- 12 I am of the view that clause 5.8.1.1 of LPS4 provides discretion to vary the otherwise applicable maximum height requirements to accommodate the heights proposed by the Application.

Are the opening words of clause 5.8.1.1 of LPS4 satisfied in the circumstances of the Application?

- 13 This question involves a consideration of whether the following words of clause 5.8.1.1 of LPS4 are met in the circumstances of the Application:
- 'Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 12...'*
- 14 I confirm that the Site does not contain *'buildings that depict a height greater than that specified in the general or specific requirements in schedule 12'*.
- 15 Therefore, the issue is whether the Site is *'adjacent to buildings that depict a greater height than that specified in the general or specific requirements in schedule 12'*.
- 16 In this regard I confirm your instructions to the following effect:
- (i) There are two buildings on the old Elders Woolstores site that have a greater height than that specified in Schedule 12 of LPS4.
 - (ii) One of those buildings is located at the corner of Parry Street and Elder Place and is approximately 130m. south-west of the Site (**Building 1**).
- Building 1 has an overall height of 23.24m. and is in excess of the maximum external wall height of 17m. for that location under Schedule 12 of LPS4 (see clause 5.6.1 of LPS4, and clause 1.1 of Schedule 12 of LPS4).

- (iii) The second of those buildings is located at the corner of Parry and Cantonment Streets and is approximately 120m, south-west of the Site (**Building 2**).

Building 2 has an overall height of 24.535m, (being the top of the dome) and is in excess of the maximum external wall height of 17m, for that location under Schedule 12 of LPS4 (see clause 5.6.1 of LPS4, and clause 1.1 of Schedule 12 of LPS4).

- 17 Therefore, there are buildings near to the Site that are of greater height than that specified in Schedule 12 of LPS4.
- 18 This then leads to the question whether Building 1 and Building 2 are 'adjacent' to the Site for the purposes of clause 5.8.1.1 of LPS4.
- 19 What does 'adjacent' mean in clause 5.8.1.1 of LPS4?
- 20 Clause 1.7 of LPS4 is entitled 'DEFINITIONS' and provides as follows:

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have:

(a) in the Planning and Development Act, or

(b) if they are not defined in that Act:

(i) in schedule 1, or

(ii) in the Residential Design Codes.

Note: Reference to the Residential Design Codes and their application in respect of the Scheme are contained in clause 5.2.

1.7.2 If there is a conflict between the meanings of the word or expression in schedule 1 and the meaning of that word or expression in the Residential Design Codes:

(a) in the case of a residential development, the definition in the Residential Design Codes prevails, and

(b) in any other case the definition in schedule one prevails.

1.7.3 Words and expressions used in the Scheme but not defined in the model Scheme text, the Act, schedule 1 of the Scheme, elsewhere in the Scheme or in the Residential Design Codes, shall have their normal and common meanings.

1.7.4 Headings of parts of this Scheme shall be used as an aid to construction of this Scheme but the table of contents, notes, headings of clauses, sub-clauses, local character statements contained in schedule 12 and paragraphs are intended for reference purposes only and do not form part of or affect the construction of this Scheme.'

21 We can skip straight to clause 1.7.3 of LPS4 because the term 'adjacent' is not defined in any of the Model Scheme Text, the *Planning and Development Act 2005*, LPS4 and the Residential Design Codes. Therefore, the term adjacent is to have its 'normal and common' meaning.

22 The Federation Edition of *The Macquarie Dictionary* defines 'adjacent' as '*lying near, close, or contiguous; adjoining; neighbouring*'.

23 Additionally, there are a number of cases that have dealt with the term 'adjacent'.

24 In *Mayor, Councillors and Citizens of the City of Wellington v. Mayor Councillors and Burgesses of the Borough of Lower Hutt* [1904] AC 773, the Privy Council said at page 775:

'Adjacent' is not a word to which a precise and uniform meaning is attached by ordinary usage. It is not confined to places adjoining and includes places close to or near.'

This meaning of 'adjacent' was adopted by the High Court of Australia in *Camberwell Corporation v. Waldmann* (1945) 72 CLR 250 at page 252.

25 In the WA Supreme Court in *Geneff v. Shire of Perth* [1967] WAR 124 it was said at page 128:

'No doubt 'adjacent' has a wider meaning than 'adjoining'...It would include a street nearby or close to: see the definition in the Oxford Dictionary and the reference to the same word by Sir Arthur Wilson delivered in the judgement of the Privy Council Mayor of Wellington v. Mayor of Lower Hutt [1904] AC 773 at 775.'

26 There has also been consideration of the term 'adjacent' in the WA State Administrative Tribunal (**Tribunal**)

27 In *Auzcorp Medical Services of Australia Pty Ltd and City of Fremantle* [2009] WASAT 241 the Tribunal was dealing with clause 5.8.1 of LPS4 which was in the exact same terms as clause 5.8.1.1 of LPS4.

Whilst the Tribunal did not define the term 'adjacent' in the opening words of clause 5.8.1, it did make some very relevant comments in considering paragraph (c), ie. '*conservation of the cultural heritage values of buildings on-site and adjoining*'.

At [39] on page 13 the Tribunal said:

'As noted earlier, there is a group of four houses at No 19, No 21, No 23 and No 25 Suffolk Street that are listed on the State Heritage Register under the HWA Act. However, as the closest of these places to the site is separated from the site by the car park of the Arundel Apartments, these buildings are not 'adjoining', but rather are adjacent to the site. It is common ground that the only building with cultural heritage value 'adjoining' the site is a single storey original corner shop

building at No 63 South Terrace directly across Suffolk Street from the site. (my emphasis)

- 28 Assistance as to the meaning of the term 'adjacent' in clause 5.8.1.1 of LPS4 can also be gathered from LPS4 itself.
- 29 Clauses 5.8.1.1(a) and (c) of LPS4 and clauses 1.1, 1.2 and 2.3 of Schedule 12 of LPS4 all make use of the term 'adjoining'. Given that 'adjoining' has a narrower meaning than 'adjacent' (see 25 and 27 above), this only serves to confirm the intention in clause 5.8.1.1 of LPS4 that 'adjacent' is more broadly defined than 'adjoining'.
- 30 In my view the following can be drawn from 22-29 above regarding the meaning of the term 'adjacent' in clause 5.8.1.1 of LPS4::
- (i) It does not have a precise meaning (see 24 above).
 - (ii) It includes places close to or near, including a close or nearby street (see 22, 24 and 25 above).
 - (iii) It is more broadly defined than the term 'adjoining' (see 25, 27 and 29 above).
 - (iv) The term 'adjoining' includes a site across the street (see 27 above).
- 31 Having regard to 22-30 above, whilst there is a competing argument, I am of the view that Building 1 and Building 2 can be considered to be 'adjacent' to the Site for the purposes of clause 5.8.1.1 of LPS4 for reasons including the following:
- (i) The term 'adjacent' does not have a precise meaning.
 - (ii) Building 1 and Building 2 are close to the Site, both being within 130m.
 - (iii) There are not many sites and buildings between the Site and Building 1 and Building 2. This contributes to the understanding that the two locations are close to each other.
 - (iv) Building 1 and Building 2 are on Parry Street. Parry Street intersects Queen Victoria Street at a t-junction. Building 1 and Building 2 are therefore on a street close and nearby to the Site, effectively being around the corner.
- 32 It follows that I am of the view that the opening words of clause 5.8.1.1 of LPS4 are satisfied in the circumstances of the Application.

Are paragraphs a) and b) of clause 5.8.1.1 of LPS4 satisfied?

- 'a) *the variation would not be detrimental to the amenity of adjoining properties or the locality generally*
- 33 On this issue I note the following opinion of your consultant planners (Urbis) in their letter to the City of 9 February 2012 with respect to the building fronting Queen Victoria Street:

'In satisfying Clause 5.8.1.1 (a), Council can be confident that the proposed variation is part of a development that will respond very strongly to the East End renewal efforts that underpinned Scheme Amendment No. 38. The development will bring new office space and a significant number of new residents to the locality, enhancing local amenity and signalling that the area is in the process of redevelopment.

The proposed built form is in keeping with, and in many circumstances of a lower scale, than that now able to be permitted in Sub Area 1 of Local Planning Area 2 following the major scheme amendment. As was also mentioned previously, the additional 1.2m of the building required above the 19m permissible under the scheme has been provided to accommodate a small roof structure. This roof structure is considered to be a key architectural component of the overall building and will provide interest and variation to the future "roofscape" of the area. The roof structure was also considered a key architectural feature by the City's Design Advisory Committee and its inclusion as part of the development was strongly supported by all committee members. As a result, the proposed development is in keeping with the desired scale and nature of locality.'

- 34 In the same letter your consultant planners expressed their opinion regarding the building fronting Quarry Street as follows:

'In seeking a variation under the provisions of Clause 5.8.1.1, we request this variation be considered on the same points of justification outlined above for Area 4B given the variation is associated with the same building within the overall development (being the Queen Victoria Street Tower). These projections into Area 5 are considered to be particularly minor and will not result in any privacy or over-shadowing issues.'

- 35 On the basis of the above expressions of opinion, I am of the view that paragraph a) of clause 5.8.1.1 of LPS4 is satisfied in the circumstances of the Application.

- 'b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality'**

- 36 On this issue I note the following opinion of your consultant planners (Urbis) in their letter to the City of 9 February 2012:

'With respect to clause 5.8.1.1 (b), the overall heights of Building 1 and 2 on the Elders Woolstores site are between 1.27m and 4.34m greater than that proposed at 9-11 Queen Victoria Street...

Consequently, the significantly greater height in the surrounding non-compliant buildings, and the lower height proposed at 9-11 Queen Victoria Street will provide a clear graduation between the scale of buildings in the locality.

In addition to this graduation of height down from the Woolstores, the maximum height permissible within Area 8 (the precinct immediately opposite the subject site), is 22m

Accordingly, despite a small cross-fall from east-west, ultimately it is likely there will also be a graduation in height across Queen Victoria Street, further re-enforcing that the proposal satisfies 5.8.1.1(b). Attachment 1 demonstrates this overall graduation from Beach Street to Quarry Street.'

Please find enclosed the Attachment 1 referred to above.

- 37 I confirm an issue has arisen as to whether regard can be had to the third paragraph of the quote in 36 above based on the argument that clause 5.8.1.1(b) of LPS4 does not allow buildings which do not yet exist to be considered.
- 38 Even though the third paragraph of the quote in 36 above is not required to satisfy clause 5.8.1.1(b) of LPS4, I am of the view that considering the permitted height of external walls is permitted and appropriate when considering whether clause 5.8.1.1(b) of LPS4 is satisfied in the circumstances of the Application.
- 39 The purpose of clause 5.8.1.1(b) of LPS4 is apparent, and that is to ensure that *'the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality'*. To achieve that purpose, regard should be had to the permitted height of external walls. To ignore the permitted height of external walls and only have regard to the height of existing external walls clearly runs the risk that the graduation sought to be achieved by clause 5.8.1.1(b) of LPS4 will not be met.
- 40 Having regard to the purpose of clause 5.8.1.1(b) in interpreting that provision is authorised by section 18 of the *Interpretation Act 1984*, which provides as follows:
- 'In the interpretation of a provision of a written law, a construction that would promote the purpose or object underlying the written law (whether that purpose or object is expressly stated in the written law or not) shall be preferred to a construction that would not promote that purpose or object.'*
- 41 On the basis of the opinions expressed in 36 and 39 above, I am of the view that paragraph b) of clause 5.8.1.1 of LPS4 is satisfied in the circumstances of the Application.

Conclusion

- 42 I am of the view that clause 5.8.1.1 of LPS4 provides discretion to vary the otherwise applicable maximum height requirements to accommodate the heights proposed by the Application.

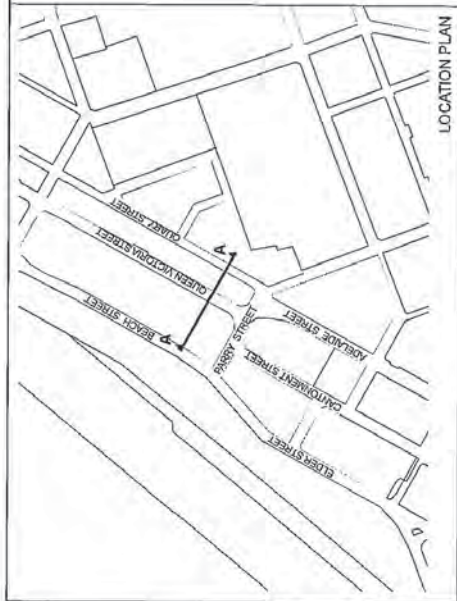
If you have any queries please do not hesitate to contact me on 9367 5559 or by e-mail at martin@flintmoharich.com.au.

Yours sincerely

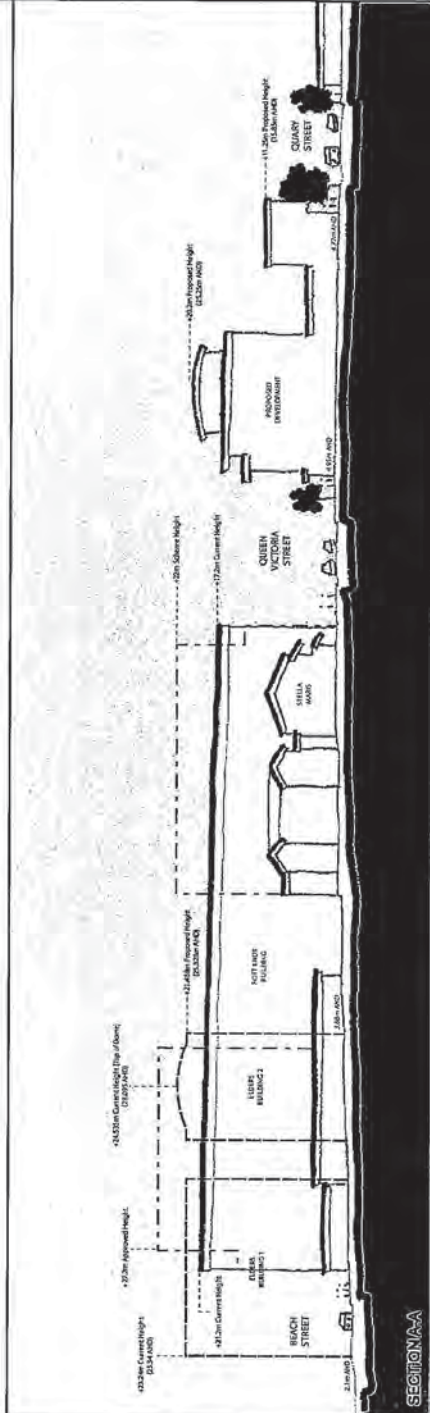


Martin Flint
Director

Enc.



LOCATION PLAN



CROSS SECTION

9-11 QUEEN VICTORIA STREET, FREMANTLE

DATE: 04.04.2012
 DWG NO: P12020 Str-01 REVA
 SCALE: 1:500@A3
 Level 1, 35 St Georges Ter, Perth, WA 6000 Australia
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 Australia, Asia, Middle East



SCHEDULE OF SUBMISSIONS – NO. 11 QUEEN VICTORIA STREET, FREMANTLE				
No.	COMMENT	ISSUES RAISED (summarised)	CITY'S RESPONSE	ACTION TO BE TAKEN
1	Objection based on the design of the proposed development	Does not support height over 3/4 stories; Height should be similar to heights in the West End	See detailed discussion relating to height included in report.	Not applicable.
		Considers the proposed development a 'squashed in community' - such small rooms	One bedroom apartments provide diverse and affordable housing for smaller household sizes which are an increasing trend in WA.	Not applicable.
		Asks is the building to be air-conditioned?	It is up to the developer how air-conditioning will be provided, but it is anticipated the building will be air-conditioned.	A recommended condition of approval is proposed to address the location of air-conditioning units on balconies.
		Concerned Quarry street, as a result of the proposed development, will be home to rubbish bins and permanent car bays for residents as there is limited parking provided on the subject site.	Noted. See report section on Waste Management. Car parking restrictions on vehicle ownership and prevention of accessing street parking permits are proposed as part of the proposed recommendation of planning approval to address this issue - See section of report on Car parking.	Refer to recommended conditions of approval or advice notes relating to waste management and car parking matters.
		Concern over views, particularly how submitter's own views will disappear with development on Queen Victoria and Quarry Street.	See report section on Building Height	Refer to condition requiring the submission of revised plans for planning approval
		Concern over similar apartment blocks being	The Local Planning Scheme allows for	Not applicable.

		built for young families including the impact on home life, lack of space for school places in Fremantle, areas for children to play.	similar block development in the area	
		No confidence in Fremantle Mayor or Council.	Noted.	Not applicable.
2	Support	Fully support development	Noted	Not applicable.
3	Objection based on the car parking and design elements of the proposed development	Horrified and appalled if the proposed development is an example of exceptional design	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for planning approval
		Concern that balconies are too small and may be used as clothes drying areas.	See section of report relating to balcony size variation.	Not applicable.
		Believes Quarry street is very much a 'rear view' and the development should address both Quarry Street and as well as Queen Victoria Street.	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for planning approval
		Concern that unit sizes are too small at 30m ² and the site is overcrowded and may become a slum.	Noted. Part k) of Sub-area 2.3.1 of LPS4 requires a minimum of 25% of the number of units provided, to have a maximum floor area of 60sq m or less. The development complies with this requirement.	Not applicable.
		Concern for lack of parking provision. Perth is spread out and people do need cars. The East End already has parking problems, especially when the Museum or Arts Centre has a function on. New development needs to provide adequate parking.	Noted. See Council Report for discussion on Car parking.	Refer to recommended conditions of approval relating to car parking
		Like the idea of six storeys on Queen Victoria Street and three on Quarry Street. This accounts for the width of the respective streets and works better with the single storey nature of the southern side of the street.	Noted.	Not applicable.
4	Objection	Sustainable and energy efficient planning	The development is required to be	Refer to recommended conditions of

based on the car parking, design and heritage elements of the proposed development	appears to be an afterthought: minimal amount of solar panels and the solar hot water on the flat roof will only satisfy the need of a very few tenants. Cross ventilation might render inefficient once another building is erected on either side of the structure.	designed to meet a 4 star rating as required by Local Planning Policy 2.13, which address energy efficiency. It is also acknowledged that cross ventilation may not be achieved once the adjoining sites are redeveloped.	approval relating to Local Planning Policy 2.12.
	The 4 extra metres in height is granted based only on a visual setback from the opposite side of QV Street. There are no additional criteria such as the building having to be a modern green building. Local residents that participated in amendment 38 to LPS4 were led to believe extra height would only ever be granted if the structure was of high quality incorporating modern building techniques.	There is provision under Sub Area 2.3.1e for buildings in all areas to gain an additional 4m in height where the additional story is significantly setback from the street. There is further provision in Sub Area 2.3.1 f) for buildings in specific areas (Areas 1a, 1b, 2, 3a, 4a and 7a) to gain an additional 4m in height (additional to 2.3.1e) where the development demonstrates exceptional design quality, best practice environmentally sustainable design, high quality landscaping etc. This is most likely the provision the submitter is referring to, however it is not applicable to 11 Queen Victoria Street as the subject site is not located in one of the specific areas the provision refers to.	Not applicable.
	Submitter concerned the additional 1.2 meters proposed, added on top of the 19 meters, breaches LPS4. Submitter suggests development should only be approved if proposal is for a modern low impact smart green building.	Noted. See Council Report for discussion on height.	Not applicable.
	Submitter supports the internal courtyard as it breaks up the bulk within the structure but	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for

	is concerned that from street level with the nil boundary setback and overhang into the public space, it presents as a massive object filling up the whole of the available land. Along Queen Victoria Street this might work, along Quarry Street it dwarfs the predominant single storey homes especially with the balconies protruding as well.		planning approval
	Concerned that "Minimal impact" of overshadowing means that the limestone buildings on Quarry Street will have a reduced exposure to passive heating of wall mass of around 2-3 hours per day which equates to about a third of available heating energy. Meaning traditionally carbon friendly houses will have to compensate for the loss. Suggests the Bulk of the building be revisited to allow the sun to filter through in the afternoon, or not allow the additional 5.2 meters of height.	Noted. Overshadowing diagrams have been done for the development and it was found that using a calculation of at 12pm on the 21 June in any given year the houses in Quarry Street will not be overshadowed more than what is allowable under the Residential Design Codes 2010.	Not applicable
	The impact on heritage buildings is a concern as there are many (submitter estimates 25) Heritage properties adjacent to the subject site. Future building should then treat these existing places of significance with uttermost respect in regards to preservation, enhancement and architectural integrity of proposed additions to the area.	Impact on nearby heritage buildings was considered by DAC (which includes an architect that specialises in Fremantle heritage).	Not applicable
	Submitter concerned the old quarry capstone shelf will have to be drilled/blasted to allow for the proposed basement. Requests a dilapidation report by the developer on all "adjacent" heritage	Noted. Excavation and structural impacts on the adjoining property is covered under separate building legislation and is not a planning matter.	Not applicable

	<p>property be undertaken prior to the issue of a building permit and any damage repaired to full satisfaction and original condition. Noise and dust control measures must be implemented to ensure a non disruptive demolition and construction phase for the local residents.</p>	<p>Noise and dust nuisances are to be monitored and managed by the developer when construction is underway in accordance with building legislation.</p>	
	<p>Shortfall of 59.5 car bays (require 82.5). Concerned the overflow of additional vehicles will impact on local residents and business, especially if there is development of similar and larger scale happening between Queen Victoria and Quarry Street. Suggests developer commits to a strata strategy offering owners and tenants to buy into a car sharing scheme.</p>	<p>Noted. See Council Report for discussion on Car parking.</p>	<p>Refer to recommended conditions of approval relating to car parking</p>
	<p>Concerned the area already has a high concentration of welfare services. The Department of Human Services comprising of 5 agencies using the whole ground floor space is of no apparent benefit to the area and the space should be broken up into a variety of small business providing much needed services for local residents to offer a beneficial service to existing local residents and balance out the concentration of welfare services.</p> <p>Concerned if Notre Dame purchases the 36 studios and sublets to its students there might be a negative implication on anticipated council revenue plus students often have vehicles for which no parking is provided.</p>	<p>Noted, however, this not a matter that can be considered as part of the planning application.</p>	<p>Not applicable.</p>

5	Objection based on the car parking elements of the proposed development	<p>Not against the renewal and development of Fremantle, especially the Queen Victoria precinct, however, main issue with the proposed development is the inadequate car parking provisions made for a residential and commercial development of this nature. Submitter feels that the 20 odd car bays will lead to increased pressure on our car park during business hours.</p> <p>Submitter owns a nearby business, a destination store, and any impact on the store's car park from increased illegal parking will have an impact on the business's bottom line.</p> <p>Suggests:</p> <ol style="list-style-type: none"> 1) Increase the number of bays to a ratio of at least 0.75 per unit 2) make sure some of the bays are designated "car Share" bays (i.e. like the "go get" program) 3) Assist business by making it a registered private council car park and allowing us to issue parking infringement notices without cost to submitter. 	Noted. See Council Report for discussion on Car parking.	Refer to recommended conditions of approval relating to parking
6	Objection based on the parking, traffic and design elements of the proposed development	<p>Pleased to see a development application for the former Beaurepairs site and makes the following comments</p> <p>Impact on parking in the local area as a result of the shortfall in parking. The site currently provides 30 car bays loss of this, and the increase in car parking</p>	Noted. See Council Report for discussion on car parking.	Not applicable. Refer to recommended conditions of approval relating to parking

		<p>demand in the area in recent years will impact on availability of parking. It would impact the Leisure centre uses and people who go to the Arts centre the carpark 200m to the north is used more.</p> <p>Shortfall of 60 bays. 22, not 23 on the plans of which 3 are disabled parts. The Department of Human Services will have more visitors than a 'standard' office, who may stay for several hours. The one on-street bay would not meet the needs of the clients with a disability and this should be provided at the design stage in line with the disability Discrimination Act or standard for universal access.</p> <p>Disagree with the statement "staff at a government department would not have an expectation that parking will be provided" as some staff will seek parking in the area, however this has not been acknowledged. Requests further information on the negotiations for the tenancy and if a reduction in car parking on site would be an issue to attract government and other businesses.</p> <p>Suggests shower facilities need to be provided.</p> <p>There is no provision for visitor parking for the residents which is inconsistent with COFs Strategic Plan which recognises Fremantle as an inclusive community.</p> <p>Application not clear on how residents without a car bay will get one or more bays –</p>	<p>A requirement for shower facilities for office staff has been included as a condition of planning approval.</p>	
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		<p>it does not specify where they can 'obtain' the car bays.</p> <p>Even if 20% of the 26 studio units have a car that is 6 cars in the area which would be a significant impact.</p> <p>The reliance on scooters is overestimated especially for use in winter.</p> <p>Request a notion on the titles that residents are not entitled to residential parking permits.</p> <p>Request four car bays for submitter and submitter neighbour's exclusive use. Sometimes submitter has to park 30m from house which is inconvenient when loading and unloading the car. Does not want to park further away.</p>		
		<p>The impact of increased traffic in local traffic.</p> <p>The former retailer (tyre retailer) did not operate at full capacity, so traffic generated from the site was not high. The data used is not suitable and overestimated.</p> <p>The Estimated 10 trips/100m² office use seems incorrect when compared to the estimated 28 and 40 trips for the former Beaurepairs use.</p> <p>No consideration of the Department of Human Services.</p> <p>The model assumes "ample car parking" when there is a shortfall in parking, meaning more people driving around finding a park, creating more traffic.</p> <p>The residential traffic generated flawed also</p>	<p>Noted. Refer to report section on car parking.</p>	<p>Refer to recommended conditions of approval relating to car parking</p>

	<p>and not justified e.g. 2.4 trips/day, 2.8 from two bedroom units and 1.4 from one bedroom apartments. A slight increase in the number of trips has big consequences. Submitter argues residents will generate 115 trips per day (using the 2.4 trips for all apartments) as opposed to the 80 trips per day in the consultant's report.</p> <p>Assessment does not account for cars cannot turn into Quarry St from Parry St and cannot turn right onto James St from Quarry St. The overflow will park on Quarry St and means people will need to do loops of the block to find parking.</p> <p>Queries the traffic data since QV St was upgrade in late 2011. Asks for up-to-date traffic monitoring of the are to be uses as part of the assessment of this application..</p>		
	<p>Lack of diversity of the residential apartments. The majority (78%) of the apartments are to be studio/one bedroom. This does not meet the objective of diversity. Recommends reducing the number of studio/one bedroom apartments to attract people from different backgrounds (e.g. empty nesters and families) and mitigate the impact of parking demand and traffic generation on the area as there will be less residents.</p>	<p>The development satisfies part k) of Sub-area 2.3.1 of Schedule 12 of LPs4, which seeks to provide a diversity of unit sizes. As other developments occur within this locality, further diversity of units will occur providing greater choice.</p>	Not applicable
	<p>The possible proposed use for the residences (designed as a boarding house). The units are unlikely to be purchased by owner occupiers seeking affordable</p>	<p>These are not matters directly relevant to the consideration of the planning application.</p>	Not applicable

	<p>accommodation as it is not possible to get a mortgage on such a small property without a sizable deposit (30 – 50%). Also unlikely low income earners will rent apartments with limited kitchen facilities as this makes it difficult to self cater in a small kitchen (hotel size). Not suitable for students as there are no common areas, again limited kitchen and no disposable income to eat out as an alternative.</p>		
	<p>The height of the building on QV St which is opposite heritage buildings is of concern. 5 storeys is too high as three of the four buildings opposite are one to two storey heritage listed buildings, not likely to be developed. Propose reducing the height by one storey – this would also help reduce the parking.</p>	<p>See planning comment on height in Council report.</p>	<p>Refer to condition requiring the submission of revised plans for planning approval</p>
	<p>Poor quality, boxy design and unimaginative built up to and beyond the site boundaries. Does not promote good design. The design should also complement the heritage buildings. The roof takes the building over height. Submitter would prefer the roof be reduced in height so it does not create a precedent. Good design over maximising development potential.</p>	<p>See section of report on DAC comments</p>	<p>Refer to condition requiring the submission of revised plans for planning approval</p>
	<p>Lack of information on green energy rating. The East End scheme amendment created the expectation that new development would include green buildings design and systems. Disappointed that the first proposed development in the area is not a</p>	<p>Noted. This site is not located within the part of Sub-Area 2.3.1 that has this requirement. The development is still required to comply with the 4 star green energy rating, as required by Local Planning Policy 2.13.</p>	<p>Not applicable</p>

		more environmentally conscious building.		
		Possible contamination of the site from previous use – Beaurepairs. Removal of the asbestos roof also of concern	Refer to section of report on Environmental Health	Advice note to be added to recommendation.
7	Objection based on the car parking elements of the proposed development	Concerned that the number of car parks proposed will be sufficient for the number of units proposed. Could force unit holders to park on the street and swimming pool car park area, which are not equipped to handle this.	See Council Report for discussion on Car parking.	Refer to condition requiring the submission of revised plans for planning approval
8	Support with comments on design and use of the development	Congratulates COF on planning ahead and attracting developer investment. Congratulates developer on 31sqm apartments and a 55sqm penthouse.	Noted.	Not applicable.
		The development looks like it will be occupied by standard office, but the highest and best use for the site would be premium showroom retail. QV could be Fremantle's near city specialised showroom district. The built form must support complimentary uses and the frontage must cater for both office and showroom uses, so different uses can be adapted.	This approval will give a 'use' to the site, which is needed to assess car parking. This however does not mean the commercial component of the development always has to be an office. Many uses can be approved for the subject site through a change of use planning application with the City.	Not applicable.
		Asks that the awning start higher and extend to the road to make QV street a complete pedestrian network. Do not do it like the Medicare office and Newsagency shop at Adelaide Plaza (Woolworths) on Adelaide Street – small steel girder that does not meet up with its neighbour or provide rain protection.	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for planning approval
		Suggestions for the rear of the office (Quarry Street frontage) include: the ground floor	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for

	<p>elevation must prepare its higher and best use e.g. shops, not the back end of a office.</p>		planning approval
	<p>Further design suggestions: The stairs and other services need further thought so future use of the rear is possible. The staff amenities area (staff room) be on Quarry Street so they can be converted to a higher and better use in the future and provide surveillance to the street + interest to a passerby. The surfaces of Quarry Street be of high quality to show off design. All areas e.g. roller door, window frames, underside of the overhanging ledge, the grilles over balconies, the box-like-steel 'superstructure, resident's doorway and sides of the building should all have artisan-grade, bespoke detailing in them. The 'grilles' over the balconies could have silhouettes on them. Current design presents as industrial, Quarry Street needs support in becoming an intimate walkable area.</p>	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for planning approval
	<p>Further suggestions: The footpath where the vehicle crossover is should be contiguous (Quarry Street) e.g. paved footpath, not footpath interrupted by a driveway. Go for a majestic residents doorway Go for majesty everywhere Please add some design details You will have blank wall on Empire (#9) side. Cover the development in green stuff e.g.</p>	See section of report on DAC comments	Refer to condition requiring the submission of revised plans for planning approval

		<p>green roof</p> <p>High glass frontages can be adapted easily</p> <p>Multi coloured glass palette on QV elevation is great</p> <p>The stairwell on Quarry Street side is behind plate glass. The top ribbon on the glass could have some of that colour.</p>		
9	<p>Objection based on the parking, traffic and design elements of the proposed development</p>	<p>Concerned residents of the development will get quality at the loss of lifestyle.</p>	Noted.	Not applicable.
<p>Submitter concerned with parking. Suggests the development will result in limited parking as there currently is limited parking to the entry of QV street. Those needing parking will park elsewhere in the area. The problem will only get worse with other developments in the area.</p> <p>Traffic will not decrease on QV and use James Street as they are two different streets with different destinations and this development will increase traffic to the lower section of QV St.</p>		See Council Report for discussion on Car parking.	Refer to recommended conditions of approval relating to car parking	
<p>Submitter comments on further information that could be included and corrected in the consultant's traffic and parking assessment including further information on Parry Street, the current use of the site and traffic generation of the previous use.</p>		See section of report on Technical Services comments	Not applicable	
<p>Submitter questions the vehicle movements per day data/calculation. Feels they are understated in comparison to other sites. Students with broken work/uni/entertainment will be in the small units and will be in and out often. They will</p>		See section of report on Technical Services comments	Not applicable.	

	also be entertaining more than mature students.		
	There should be no vehicle access from Quarry St as Quarry St is a local residential street and this development looks like a commercial Back packers or commercial collage complex.	See section of report on Technical Services and DAC comments	Refer to recommended conditions of approval relating to car parking
	Visibility will not be great if cars are parked on the street. Submitter has had near misses coming out of Barnett St and not seeing past parked Trucks and cars.	See section of report on Technical Services comments.	Refer to recommended conditions of Planning Approval.
	Disagrees with scooter or motorbike parking – sees it as an excuse to get more apartments that generate money	Noted.	Not applicable.
	The building is a big box (reminiscent of office works) full of paying people with no distinctive style. There are no harbour glimpses that could be enjoyed by future development of the east side of Quarry St and the Quarry St frontage does not engage the existing housing stock. The units up the other end of Quarry St should be considered as a starting point of the modern streetscape.	See section of report on DAC comments.	Not applicable
	Balconies extend over the boundary and are a 'land grab' as they will provide little in the way of shade or weather protection to foot traffic as they are too high and too narrow.	See section of report on DAC comments.	Not applicable.
	Questions how bin collection will be handled	See section of report on Environmental Health comments	Refer to Advice Note
	Questions whether the units be strata titled or rented?	Noted. This is not a consideration as part of the planning application.	Not applicable.
	Questions whether the affordable housing	Noted. There is no provision in LPS4 that	Not applicable.

		units on the site will be able to be traded in any way with other development that is seeking to have less than the required number to get their height and other bonuses?	permits the trading of development rights between development sites.	
		Concerned over the supply of water to this and other developments as water pressure is already weak in the area and the sewage line has had blockage problems.	Noted. Not a planning consideration. The development will need its own separate water and wastewater services to the subject site, adequate to service the development. This may include upgrades to the current infrastructure. The need for such infrastructure upgrade will be the subject of consideration by a separate body.	Not applicable.
		Submitter does not want the development on his patch. The report makes no reference to the group of loved houses to the East of Quarry St, though it does reference Fremantle Park. Submitter lives close.	Noted.	Not applicable.
10	Objection based on the car parking elements of the proposed development	Welcomes the lowered elevation facing Quarry Street.	Noted.	Not applicable.
		Concerned about the inadequate provision of car parking – 35 units, 22 car parks. Already pressure for day time parking in Quarry and Barnett Street. Asks why doesn't high density have to provide at least one car park per dwelling like houses do?	See Council Report for discussion on Car parking.	Refer to recommended conditions of approval relating to car parking



Memo

To: City of Fremantle Planning Committee
Cc: Grant Pitman – Property Matrix
From: Kris Nolan
Email: knolan@urbis.com.au
Date: 16 April 2012
Subject: Development Application 9-11 Queen Victoria Street, Fremantle.

Dear Councillors

We refer to Item PSC1204-56 on the City of Fremantle's Planning Services Committee Agenda for 18 April 2012, which relates to a Development Application for a 3-6 storey Mixed-Use Development.

As applicants, Urbis, together with project managers Property Matrix and architects AJC, have been working closely with Council staff and the City's Design Advisory Committee (on three occasions) in progressing what is the first Development Application within the City's East End Precinct.

As Councillors would be aware, the officer recommendation to the Planning Committee is a recommendation for approval subject to conditions. We generally are satisfied with all proposed conditions except for Conditions 1, 10 and 11.

The following outlines our position on each of these conditions and a proposed alternative to the officer recommendation.

Condition 1 – Building Height

Recommended Condition 1 reads as follows:

1) In accordance with the provisions of Clause 10.8 of Local Planning Scheme No. 4 and prior to the submission of a Building Permit application, the applicant shall submit a further application for planning approval to be determined by the City of Fremantle, to address the following matters:

a) The development being modified to comply with the height controls set out in Schedule 12 – Local Planning Area 2 - Sub Area 2.3.1 c) and e) of Local Planning Scheme No 4.

b) Modification to the Queen Victoria Street facade showing:

i) further detailed design treatment of the ground floor to improve the character of this part of the facade;

ii) improvement to the residential entrances so as not to appear as a fire escape; and

iii) further emphasis on the commercial entry.

c) The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.

d) Modification to the Quarry Street ground level facade showing:

i) improved character of residential entry so as to be less corporate and more residential in nature.

ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and

iii) Quarry St facade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.

e) Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.

f) The development shall be modified to provide traffic sightlines for vehicles exiting the development, in accordance with the relevant Australian Standard to the satisfaction of the Chief Executive Officer, City of Fremantle.

g) the location of air-conditioning units, which are not to be located on the balconies;

Our primary concern with Condition 1 is that of Condition 1(a), which requires the lodgement of a new Development Application that complies with the height controls set out in Schedule 12 of LPS 4. As is outlined in Attachment 3 to the Agenda Item, we are still of the fundamental opinion that Clause 5.8.1.1 can be utilised in the instance of 9-11 Queen Victoria Street and accordingly, the heights set out in Schedule 12 can be varied. Our legal position on this matter is quite clear and actually utilises a previous State Administrative Tribunal case within the City of Fremantle in providing a legal justification for the ability to use Clause 5.8.1.1.

Furthermore and most importantly, it needs to be highlighted that the variations being sought are particularly minor in nature. Attachment 1 highlights those non-compliant areas of the development. As can be seen, the most significant variation is 1.2m to the Queen Victoria Street tower (roof structure); this additional height however will not be visible from the street. All other variations being sought are considered incidental and will not impact on streetscape or the amenity of surrounding neighbours.

Should however Councillors concur with officers that Clause 5.8.1.1 should not be utilised, we can advise that the building can be modified to comply with Schedule 12 of TPS 4 and deliver a marketable residential product, however this would require the reduction of the ground floor height from the required 4.5m to at least 4.0m. Council staff have advised that there is the ability to vary this 4.5m requirement however we consider such a reduction would only dilute the desired intentions of Schedule 12 and specifically clause 2.3.1(d), which requires the 4.5m ground floor height so as to achieve (amongst other things) adaptability in uses over time.

Accordingly, we **specifically request that Committee resolve to remove the need to lodge a new development application dealing with (amongst other design elements) height**. A proposed alternate recommendation will be provided at the end of this section.

The other primary concern relating to Condition 1 is that of the need to submit a further application for planning approval to address those matters set out in (b-g). We consider that whilst Council, through Clause 10.8 of LPS 4, has the ability to require this subsequent application, such a requirement is not mandatory and in this instance is unnecessary, onerous and potentially problematic in the context of a Development Assessment Panel (DAP). Whilst we acknowledge that via Advice Note B, officers have sought to have the second application determined only by the City of Fremantle, there is no guarantee the DAP will agree to nor have ability to do this. Accordingly, should the DAP not on-delegate this second application to the City, our client would need to wait a minimum of 60 days (potentially 90 days) for another determination. Such a delay would have significant implications for the project has already taken 2 months longer than expected. Moreover, our client has advised that further delays may result in withdrawal of the application all together.

As an alternative to requiring a second application, we believe Council has the ability to simply require the submission of modified plans, satisfying items (b-g). These modified plans would then need to be to the satisfaction of the Chief Executive Officer. In this way the CEO could still utilise the Design Advisory Committee to ensure the design issues raised are resolved to their satisfaction.

Conditions 10 and 11 – Car Parking

Conditions 10 and 11 read as follows:

10) The 23 on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open.

11) Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:

a) the residential units have not been allocated any on-site car parking spaces during office hours;

b) they, including any occupier, will not be entitled to an on-street residential parking permit(s); and

c) *the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.*

We are for the most part satisfied with these conditions except for the number of car parking spaces to be allocated and marked for office use only during office hours. From discussions with Council staff, we understand the reasoning for this proposed arrangement relates to concerns about the shortfall in parking for the office use (as submitted only 3 bays are allocated to the office use).

Clause 2.3.1(q) of LPS 4 provides Council with the ability to waive car parking requirements for a non-residential ground floor use in Sub Area 1 when the “development/use being able to generate interest and activity within the adjacent public domain.” In response to this provision, whilst not a typical “activity generator” such as a café or restaurant, a Department of Human Services (DHS) office (the proposed office use) has on average 300-350 visitors per day and its location on Queen Victoria Street will place a considerable number people on the street, on week days between 9-5pm; when Fremantle is generally at its quietest. Whilst considered an “office” from a use class perspective, DHS’s essentially function as a retail/office development that interact closely with the street (see **Figure 1** below – DHS Rockingham). DHS have also committed to a long term lease arrangement (see **Attachment 2**); ensuring this level of activation for at least a period of 10 years (potentially 16 years). To further enhance this level of activity, two access/egress points to the residential component of the development have also been provided to Queen Victoria Street; again ensuring a constant flow of pedestrians. Finally, this shortfall should be considered in the context of the subject sites immediate proximity to 9 bus routes along Queen Victoria Street, 3 City of Fremantle public car parks and the Fremantle train Station (see **Attachment 3**).



Figure 1 – City of Rockingham Department of Human Services

Accordingly, whilst we are generally accepting of Conditions 10 and 11, we cannot accept that all 23 bays are allocated to the office use during office hours. As a minimum, at least the penthouse and all two-bedroom units (being 10 of the 46 units) require one allocated bay both during and outside of office hours; this is a commercial reality. All other residential apartments (26 studio and 10 1 bedroom) will not be provided with a bay “as of right.” We are therefore accepting of **10 bays** being allocated to the office use only during office hours and the balance 13 being designated solely to the residential component of the development at all times. We would

also be accepting of an appropriately worded condition requiring the ground floor office use be limited to retail-office development that interacts and relates closely with Queen Victoria Street.

Alternative Recommendations

Based on the abovementioned we respectfully request that the Planning Services Committee resolves to reword Conditions 1, 10 and 11 as follows:

1) *Prior to the submission of a Building Permit application, the applicant shall submit a set of modified plans addressing items a-f below, to the satisfaction of the Chief Executive Officer:*

a) *Modification to the Queen Victoria Street facade showing:*

- i) further detailed design treatment of the ground floor to improve the character of this part of the facade;*
- ii) improvement to the residential entrances so as not to appear as a fire escape; and*
- iii) further emphasis on the commercial entry.*

b) *The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.*

c) *Modification to the Quarry Street ground level facade showing:*

- i) Improved character of residential entry so as to be less corporate and more residential in nature.*
- ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and*
- iii) Quarry St facade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.*

d) *Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.*

e) *The development shall be modified to provide traffic sightlines for vehicles exiting the development, in accordance with the relevant Australian Standard; and*

f) *the location of air-conditioning units, which are not to be located on the balconies.*

10) *10 of the on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open.*

11) *Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:*

a) *all studio and 1 bedroom apartments have not been allocated any on-site car parking spaces during office hours;*

b) *they, including any occupier, will not be entitled to an on-street residential parking permit(s); and*

c) *the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.*

Advice Note B – delete

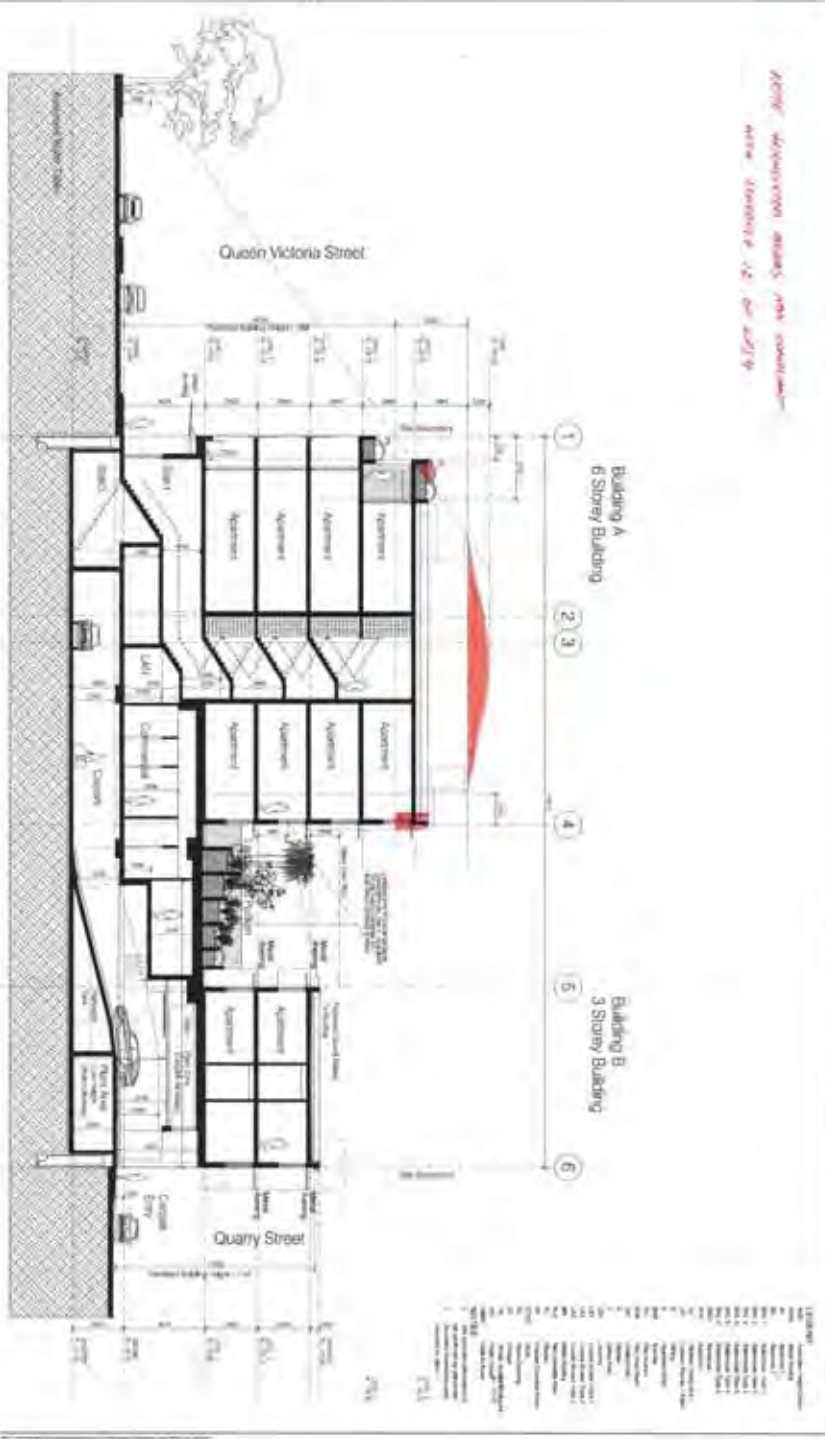
We trust our position on these matters is clear. Please do not hesitate to contact Grant Pitman (Property Matrix) on 0414 394 809 or the undersigned on 0416 162 448.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kris Nolan', written in a cursive style.

Kris Nolan
Senior Consultant

NOTE: DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE. SEE DRAWING FOR DETAILS.



Section A



AJ-C

SITE SECTION A

1:100 DA_3201_02



JONES LANG
LASALLE

16 AUG 2011

Jones Lang LaSalle (ACT) Pty Limited
A.B.N. 49 000 355 260
Level 9, 11 London Circuit, Canberra City ACT 2601
Phone +61 2 6274 6661 Fax +61 2 6274 9677
Email sue.walsh@jll.com

16 August 2011

Grant Pitman
Property Matrix Pty. Ltd.
PO Box 1289
Subiaco WA 6004

Via Email: gpitman@propertymatrix.net.au

Dear Grant,

**Commonwealth Government of Australia - DHS
Provision of Leased Accommodation in Fremantle
Premises: 11 Queen Victoria Street, Fremantle WA**

We refer to your Offer of 20 January 2011 and our further negotiations with regard to providing suitable office accommodation for our client DHS in Fremantle, WA for 1,000m².

Please be advised that your submission for a ten (10) year lease has received formal approval from the DHS Delegate to proceed subject to the finalisation and execution of the Agreement to Design Construct and Lease.

We will be advising the solicitor who will be acting on behalf of DHS in this matter, and they will forward a draft Agreement to Design, Construct and Lease to you in due course based upon the terms of your Offer Form and any subsequent negotiations agreed to date.

The basic terms and conditions are as follows:

Area	1000m ² (subject to survey and capped)
Annual Rent	\$
Lease term	Ten (10) years
Options	Two (2) x Three (3) years
Rent Reviews	Annual reviews to the greater of 3.5% or CPI on the anniversary of the commencement date with review to market rental on commencement of option periods
Legal cost	Each party to bear their own legal costs.
Incentive	Nil
NABERS	4.5

The DHS contact for this project will be Kevin Koch, Zone Representative for Western Australia, who can be reached on (08) 9214 8178.

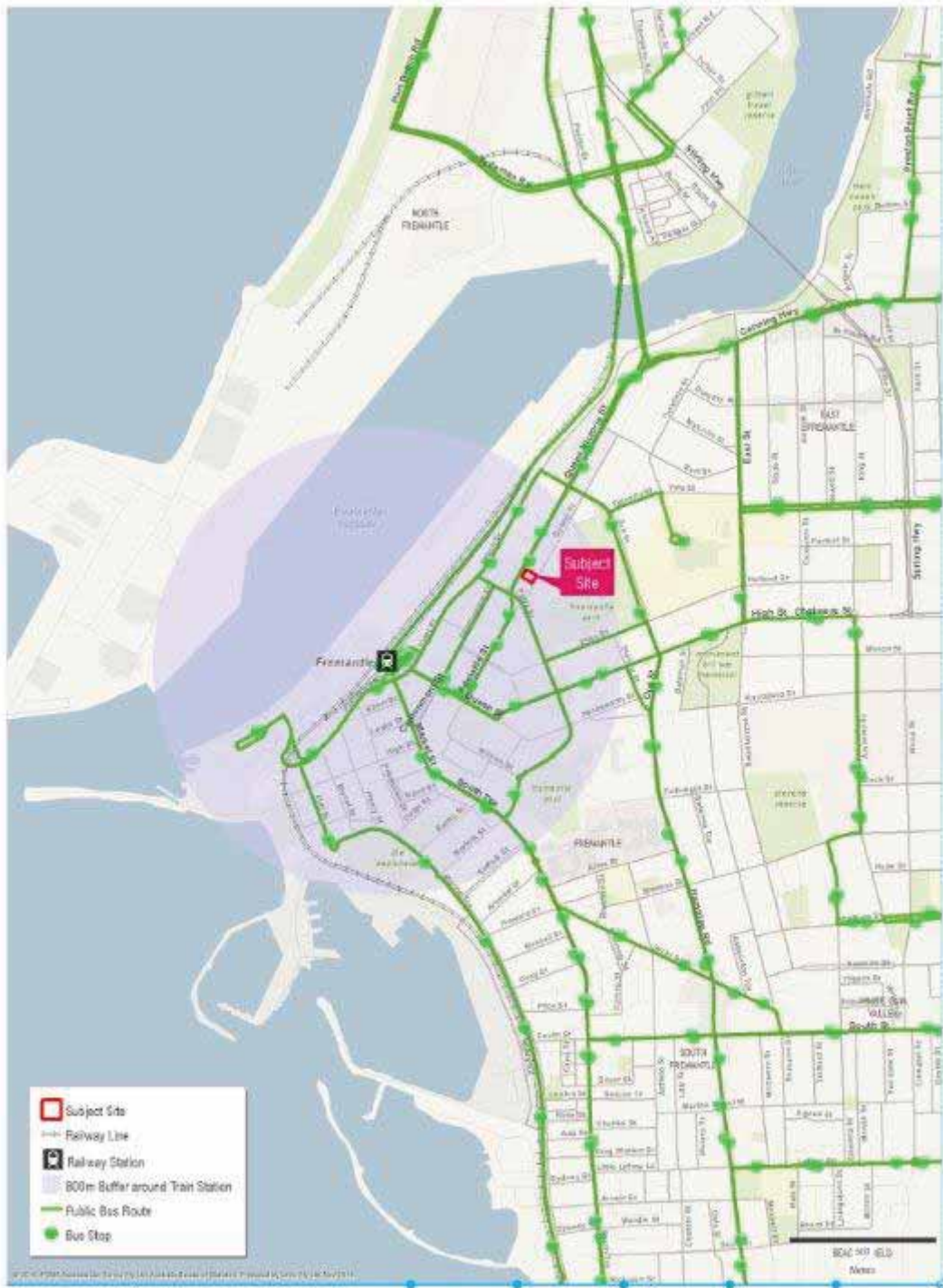


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9-11 Queen Victoria St, Fremantle

Walkability Catchment Area





9-11 Queen Victoria St, Fremantle

Public Transport Accessibility



Application No: DA0599/11
Enquiries: Steve Sullivan
Telephone: 9432 9968
Email: planning@fremantle.wa.gov.au

26 April 2012

Krystie Brown
DAP Committee Support
Development Assessment Panels
Level 4, 140 William Street, Perth WA 6000

Dear Sir / Madam

ADDRESS: 11 Queen Victoria Street FREMANTLE WA 6160
LOT & PLAN: Lot 348 Plan 222424
PROPOSAL: Proposed part six storey, part three storey Mixed Use
Development with basement car parking

ADVICE OF REFERRAL

I refer to the City's previous correspondence to you on 23 April 2012 where by the Planning Officers DAP report was submitted to you. Further to this Planning Services Committee and Council considered the above matter at the meeting held on 24 April 2012 and has resolved as follows:-

A. That the Planning Services Committee and Council refers the following recommendation to the South-West Joint Development Assessment Panel:

Approve DAP Application reference DP/12/00213 and accompanying plans dated having been received by the City of Fremantle on the 20 February 2012 (Plan references 11046_DA with plan numbers 0002_01; 1100_02; 2000_02; 2100_02; 2101_02; 2102_02; 2103_02; 2104_02; 2105_02; 3101_02; 3102_02; 3103_02; 3201_02; 3202_02; 4100_01; 5000_01; 5100_01) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the imposition of the following conditions:

- 1) In accordance with the provisions of Clause 10.8 of Local Planning Scheme No. 4 and prior to the submission of a Building Permit application, the applicant shall submit a further application for planning approval to be determined by the City of Fremantle, to address the following matters:**
 - a) Modification to the Queen Victoria Street facade showing:**

- i) further detailed design treatment of the ground floor to improve the character of this part of the facade;
 - ii) Improvement to the form and visual permeability of the residential entrances so as not to appear as a fire escape; and
 - iii) Further emphasis and architectural definition on the commercial frontage and entry including addressing the height and setback of the glazed shopfronts relative to the solid framing structure of levels 01 and 03 above and the transparency of the shopfronts where they return at the ends to satisfy designing out of crime principles.
 - iv) the materiality of the façade component at level 04 and above to be designed to be perceived to be less visible from the street.
 - v) the illumination of the external ground floor environment to satisfy designing out crime principles and to improve visual character and interactiveness with the street

- b) The width of the awning to Queen Victoria Street shall be increased in width to provide greater weather protection, but taking into consideration the existing growth of the existing street trees.

- c) Modification to the Quarry Street ground level facade showing:
 - i) Improved character of residential entry so as to be less corporate and more residential in nature.
 - ii) Fire escape door detail is to be further investigated with designing out crime principles in mind, such as the use of a glazed door and alternative treatment of corner to courtyard; and
 - iii) Quarry St façade needs to be further investigated with a view to improving interaction with the street, addressing issues associated with a shared lobby and to improve planning and elevational treatments.

- d) Should the development require a transformer compound, the location and design treatment of this compound shall be submitted in order to address any adverse impacts on either street facade through the inclusion of this infrastructure.

- e) The development shall be modified to provide traffic sightlines for vehicles exiting the development, in accordance with the relevant Australian Standard to the satisfaction of the Chief Executive Officer, City of Fremantle.

- f) the location of air-conditioning units, which are not to be located on the balconies;

- 2) The ground floor window glazing is not to be obscured through the use of blinds, curtains, painting, film or other treatment.
- 3) Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy *L.P.P.2.3: Fremantle Port Buffer Area Development Guidelines* for properties contained within Area 2. Specifically, the development shall include the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners if provided, shall incorporate internal centrally located ‘shut down’ points and associated procedures for emergency use.
 - c) Roof insulation shall be provided in accordance with the Building Code of Australia.
- 4) The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.
- 5) The development hereby permitted must substantially commence within four years from the date of the decision letter.
- 6) Engineering drawings for the proposed location and construction of any ACROD bay in Queen Victoria Street shall be submitted for approval by the Chief Executive Officer, City of Fremantle. If approved, the cost of any changes to the recently upgraded street verge shall be at the cost of the owner.
- 7) A 1.0m setback of existing on-street parking bays shall be provided from the boundaries of the proposed crossover to Quarry Street to assist exiting and entering vehicles. The existing bays shall be modified to conform to AS2890.5 On-Street Parking should they need to be modified. Details of the proposed changes shall be submitted for approval by the Chief Executive Officer, City of Fremantle, prior to the changes occurring. The costs of such changes are to be borne by the owner.
- 8) The owner shall install and maintain a traffic light control system at the entry/exit point on Quarry Street. Details of the traffic light system shall be submitted for approval by the Chief Executive

Officer, City of Fremantle and installed prior to occupation of the development.

- 9) Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
- 10) The 10 on-site car parking spaces shall be allocated exclusively and marked for office use only during the hours that the office(s) are open.
- 11) Prior to occupation, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that:
 - a) All studio and 1 bedroom units have not been allocated any on-site car parking spaces during office hours;
 - b) they, including any occupier, will not be entitled to an on-street residential parking permit(s); and
 - c) the current street parking arrangement may change as a consequence of further development by further restricting street parking on the locality.
- 12) The owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle, prior to the submission of a Building Permit application.
- 13) Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.
- 14) Prior to occupation of the development, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 15) Prior to occupation, the boundary walls located on the north-eastern and south-western boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 16) All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be

not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.

- 17) The owner is required to seek the written consent and tenure from State Land Services for the proposed balcony encroachments into the airspace of the road reserves prior to the submission of a Building Permit application.
- 18) The bicycle storage facilities shall be provided in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.
- 19) End of trip bicycle shower facilities for office staff shall be provided. Plan details of these facilities shall be submitted for approval by the Chief Executive Officer, City of Fremantle and such facilities shall be provided and maintained for that use, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 20) Air-conditioning units are not permitted to be located on the balconies.
- 21) The ground floor office use is restricted to the Centrelink/Department of Human Services tenancy OR limited to an office use that maintains an active retail-like street frontage as viewed from Queen Victoria Street to the satisfaction of the Chief Executive Office – City of Fremantle.

ADVICE NOTES

- 1) The applicant should recognise the potential contaminating activities, industries and land uses that have previously taken place on the site. It is a legal obligation to report any suspected or confirmed contaminated sites to the Department of Environment & Conservation (DEC) for relevant assessment. The applicant should then be advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation.

B. THAT the South-West Joint Development Assessment Panel delegates to the City of Fremantle, the authority to determine the further planning application required in condition 1 of the Planning Approval.

Please quote reference number DA0599/11 in any future correspondence relating to this application. If you require any further information in relation to this determination, please contact the assessing officer by telephone on 9432 9968 or via e-mail at planning@fremantle.wa.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'N. Goode', with a large loop at the end of the 'e'.

Natalie Martin Goode
Manager Statutory Planning