



## **Metro South-West Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** Thursday, 4 February 2016; 1:00pm  
**Meeting Number:** MSWJDAP/92  
**Meeting Venue:** City of Rockingham

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Stacey Towne (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Chris Elliot (Local Government Member, City of Rockingham)  
Cr Lee Downham (Local Government Member, City of Rockingham)

#### **Officers in attendance**

Ms Erika Dawson (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Mr Peter Wright (Department of Planning)

#### **Local Government Minute Secretary**

Ms Nicole D'Alessandro

#### **Applicants and Submitters**

Mr Ross Underwood (Planning Solutions)  
Mr Arno Staub (Staub Family Pty Ltd)  
Mr Alessandro Stagno (Planning Solutions)

#### **Members of the Public**

Nil

#### **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**

Cr Kelly McManus (Local Government Member, City of Rockingham)

#### **3. Members on Leave of Absence**

Nil



#### **4. Noting of Minutes**

The Minutes of the Metro South-West JDAP Meeting No.91 held on 29 January 2016 were not available at time of Agenda preparation.

#### **5. 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.

#### **6. Disclosure of Interests**

Nil

#### **7. Deputations and Presentations**

- 7.1** Mr Arno Staub (Staub Family Pty Ltd) presenting for the application at Item 10.1. The presentation will provide a brief historical summary of acquiring the vacant land.
- 7.2** Mr Ross Underwood (Planning Solutions) presenting for the application at Item 10.1. The presentation will outlining planning justification for approval of the proposed development and address the RAR recommendation for refusal.

#### **8. Form 1 - Responsible Authority Reports – DAP Application**

Nil

#### **9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval**

Nil

#### **10. Appeals to the State Administrative Tribunal**

- 10.1**

Property Location:	Lot 159 Minden Lane, Baldivis
Application Details:	Mixed Use Development (Showroom and Office)
Applicant:	Planning 4Site Pty Ltd (MW Urban)
Owner:	Staub Family Pty Ltd
Responsible authority:	City of Rockingham
DoP File No:	DAP/14/00631

#### **11. General Business / Meeting Closure**



## State Administrative Tribunal Reconsideration

### Responsible Authority Report

(Regulation 12)

<b>Property Location:</b>	Lot 159 Minden Lane, Baldivis
<b>Application Details:</b>	Mixed Use Development (Showroom and Office)
<b>DAP Name:</b>	Metro South West JDAP
<b>Applicant:</b>	Planning 4Site Pty Ltd (MW Urban)
<b>Owner:</b>	Staub Family Pty Ltd
<b>LG Reference:</b>	20.2014.373.001 (D15/172990)
<b>Responsible Authority:</b>	City of Rockingham
<b>Authorising Officer:</b>	Mr Bob Jeans, Director Planning & Development Services
<b>Department of Planning File No:</b>	DAP/14/00631
<b>Report Date:</b>	21 December 2015
<b>Application Receipt Date:</b>	19 September 2014
<b>Application Process Days:</b>	60
<b>Attachment(s):</b>	<ol style="list-style-type: none"><li>1. JDAP Refusal</li><li>2. Second JDAP deferral</li><li>3. First JDAP deferral</li><li>4. Applicant's Additional Information including amended plans:<ul style="list-style-type: none"><li>• Site and Ground Floor Plan (Drawing SK.12 Rev M)</li><li>• First Floor Plan (Drawing No. SK.13 Rev M)</li><li>• Second Floor Plan (Drawing No. SK.14 Rev M)</li><li>• Elevation and Section Plan (Drawing No. SK.15 Rev J)</li><li>• Perspective Plan</li></ul></li><li>5. Urban Design Advice</li><li>6. Approved Detailed Area Plan</li></ol>

#### Officer Recommendation:

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 375 of 2015, resolves to:

1. **Reconsider** its decision dated 2<sup>nd</sup> October 2015 and;
2. Affirm its decision to **Refuse** DAP Application reference DAP/14/00631 and accompanying plans:

- Site and Ground Floor Plan, Drawing No.SK.12 Rev M, dated 11.12.15;
  - First Floor Plan, Drawing No.SK.13 Rev M, dated 11.12.15;
  - Second Floor Plan, Drawing No.SK.14 Rev M, dated 11.12.15; and
  - Elevation and Section Plans, Drawing No.SK.15 Rev J, dated 9.11.15
- in accordance with Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:
- (a) The proposed development fails to provide an adequately designed car park, as it does not comply with the parking requirements of *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*.
  - (b) The proposed development is not considered to be compatible with its setting, as required by clause 67 (m) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*.
  - (c) Adequate provision has not been made for the loading and unloading of service vehicles, as required by Clause 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*.
  - (d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (h) The proposal lacks variety and high design standards as required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (i) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.

- (j) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (k) Primary entry to ground floor tenancies is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (l) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (m) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (n) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

**Background:**

Insert Property Address:	Lot 159 Minden Lane, Baldivis
Insert Zoning	MRS: Urban
	TPS: District Town Centre
Insert Use Class:	Showroom, Office,
Insert Strategy Policy:	State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2) Baldivis Activity Centre Structure Plan Planning Policy 3.1.2 - Local Commercial Strategy Planning Policy 3.2.4 - Baldivis Town Centre Planning Policy 3.3.1 - Control of Advertisements Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities
Insert Development Scheme:	Planning and Development (Local Planning Scheme) Regulations 2015 Town Planning Scheme No.2
Insert Lot Size:	2,814m <sup>2</sup>
Insert Existing Land Use:	Vacant
Value of Development:	\$3.15 million

The site fronts the north eastern corner of the Nairn Drive and Safety Bay Road intersection. The rear of the lot is bound by Minden Lane. The lot is currently vacant. See Figures 1 and 2.

**History**

**JDAP Meeting - 12 December 2014 - Initial Consideration**

The application was initially considered by the South-West Joint Development Assessment Panel (SWJDAP) on 12 December 2014 when it was resolved to defer the application for the following reason:

*"In order for the applicant to address matters pertaining to parking, deliveries (servicing) and waste management"*

### **JDAP Meeting - 3 March 2015 - Second Consideration**

The applicant provided additional information to address the reasons for deferral. The revised application was considered by the SWJDAP on 3 March 2014 when it was resolved to defer the application in order for the applicant to liaise further with the City regarding:

- "1. Review layout of car parking to ensure it satisfies all relevant standards, including consideration of the following:*
- a. Pedestrian connection between building, car park, and streets at all opening hours.*
  - b. Keeping ROW easements clear of obstructive use.*
  - c. Service bays and refuse storage areas and manoeuvring.*
  - d. Centralized disability bays to main access.*
  - e. Levels to reflect disability access (AS1428).*
  - f. Internal footpath should be 1700 width or more.*
  - g. Defined pedestrian entry and exit points from the building to show safe footpath access.*
- 2. In relation to the building facades, greater consideration be given to the points raised by the City's Urban Design Consultant in the RAR."*

### **JDAP Meeting - 2 October 2015 - Third Consideration (Determination)**

The applicant provided additional information but failed to sufficiently address the reasons for deferral. As such, the SWJDAP resolved to refuse the application for the reasons recommended by the City in its Responsibility Authority Report.



Figure 1 - Location Plan



Figure 2 - Aerial Photo

### **DETAILS: OUTLINE OF DEVELOPMENT APPLICATION**

The Metro South-West Joint Development Assessment Panel (SWJDAP) was invited to reconsider its decision to refuse the JDAP application for the Showroom, a Health Studio and an Office pursuant to section 31 of the *State Administrative Tribunal Act 2004*. As part of the reconsideration, the applicant provided additional information and a revised site layout plan, which resulted in the following changes to the development:-

- Change in land use in the eastern ground floor and upper floor tenancy from a gym to an office;
- The following changes have been made to the original development plans:
  - Site and Ground Floor Plan:
    - Removal of internal toilets located at the wings of the building;
    - Showers and lockers included in each tenancy;
    - The Safety Bay Road building entry has been modified by consolidating the support columns into one pillar, and extending the awning on the footpath to connect with the entry awning, to provide a continuous awning along the street;

- The bin store at end of the Public Access Easement has been removed;
- Small car bays have been removed;
- One accessible bay has been moved closer to the entry;
- One car parking bay has been deleted, This results in an overall parking provision of 43 parking bays (inclusive of two (2) accessible parking bays);
- Two motorcycle parking bays are proposed;
- The service bay has been relocated to the northwest corner of the carpark, and a dedicated delivery area and bin store has been created between the service bay and the service entry to the motorcycle showroom tenancy;
- The existing footpath at the Safety Bay Road / Nairn Drive intersection is to be modified to tie in with proposed footpath;
- The bicycle parking bays on the Safety Bay Road verge have been moved to adjacent to the building entry. A total of 20 bicycle parking spaces are provided at the building frontage and in the rear carpark;
- The parking aisle near the Minden Lane corner has been widened to 5.8m; and
- The median in the carpark has been reduced.

The proposal now involves the development of a two story, plus mezzanine level, mixed use commercial building comprising of the following landuses:-

- A ground floor, first floor and mezzanine level offices (1,861m<sup>2</sup>); and
- A ground floor showroom tenancy (662m<sup>2</sup>).

No details were provided for the proposed use of the showrooms and office.

Construction materials have not been specified for the proposal. A colour palette of white and grey has been proposed. Six entries, two each for the showrooms, offices and the central access way, are proposed from Safety Bay Road. The central access way will also be served by two entries from the rear carpark.

The building is comprised of two wings (8.02m in height) and a central mezzanine component (12.04m in height). The wings are proposed to be located on the street boundary with the central component recessed from the street. The development proposes repetitive triangular windows on both the street and rear elevation of the wings. It is proposed to incorporate non-transparent tinted glazing within the central component. A 2.5m deep cantilevered awning is proposed to run along the street frontage.

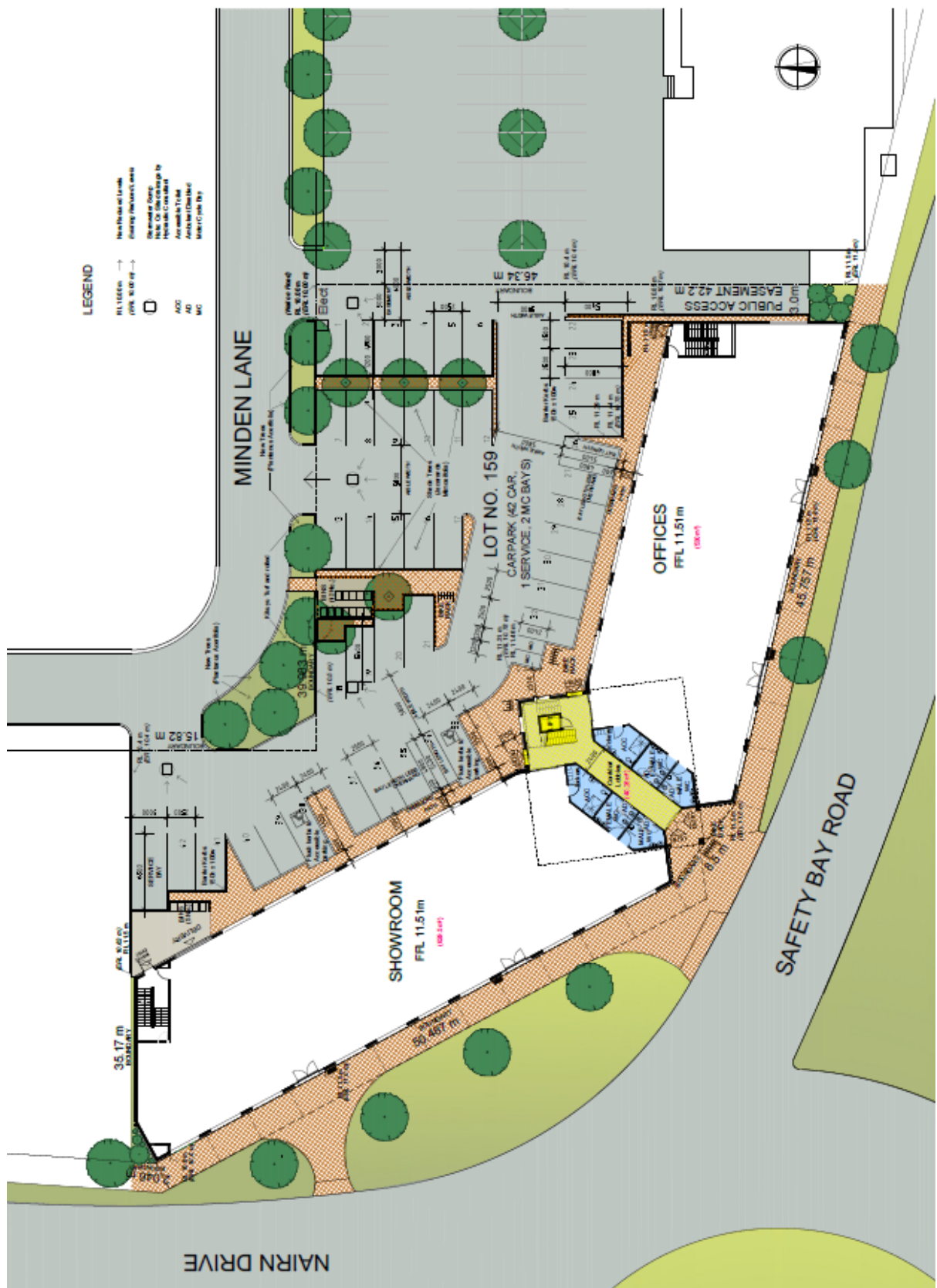


Figure 3 – Revised (Current) Site and Ground Floor Plan (11.12.2015)

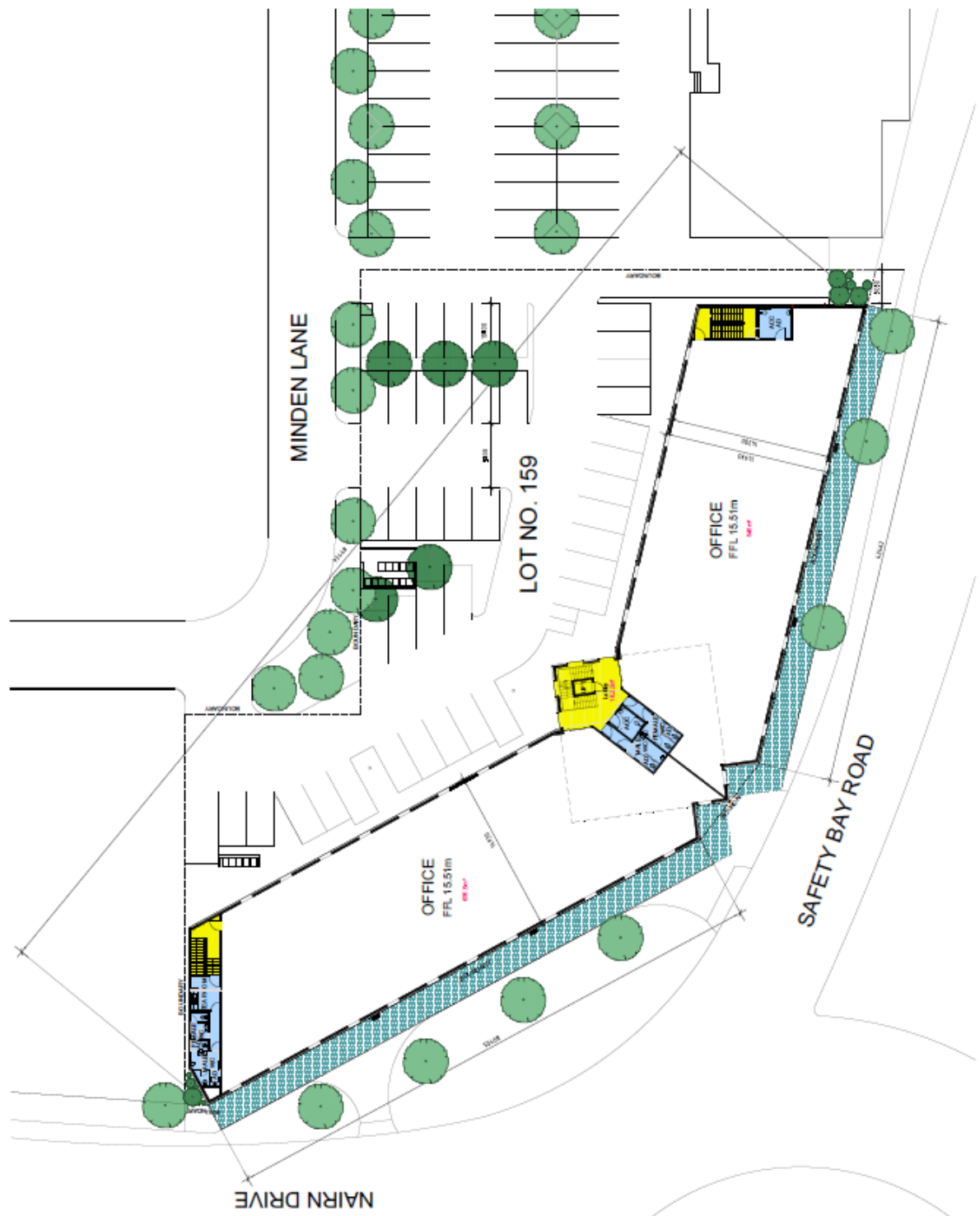


Figure 4 - Revised (Current) First Floor Plan (11.12.2015)



Figure 5 – Revised (Current) Second Floor Plan (11.12.2015)

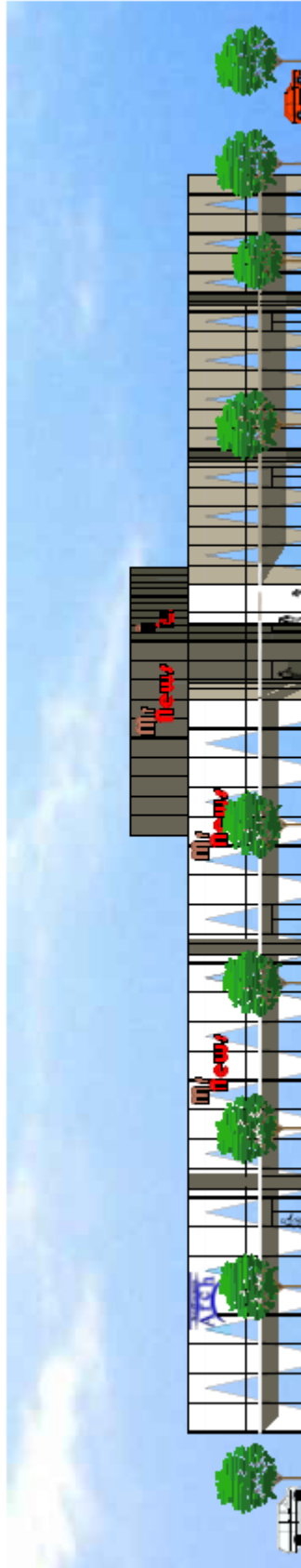


Figure 6 – Revised (Current) Safety Bay Road Elevation (South Western) (8.6.2015)

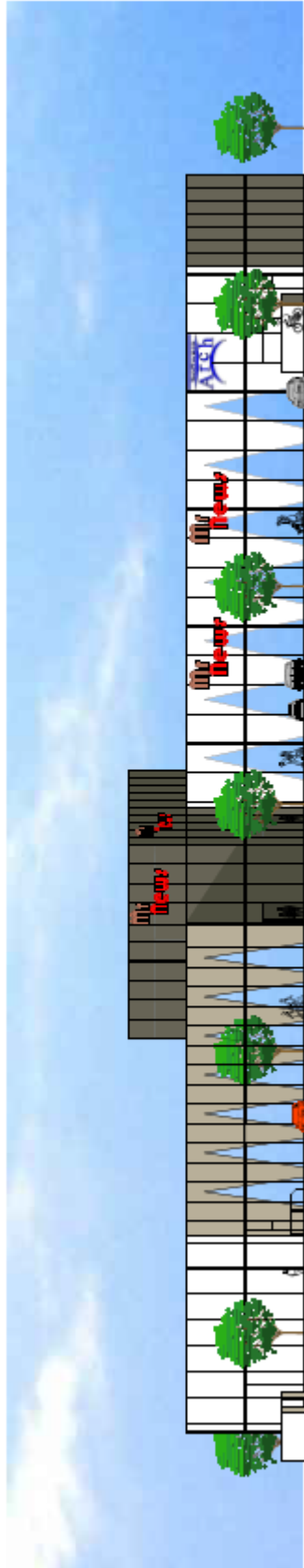


Figure 7 – Revised (Current) Minden Lane Elevation (North Eastern) (8.6.2015)

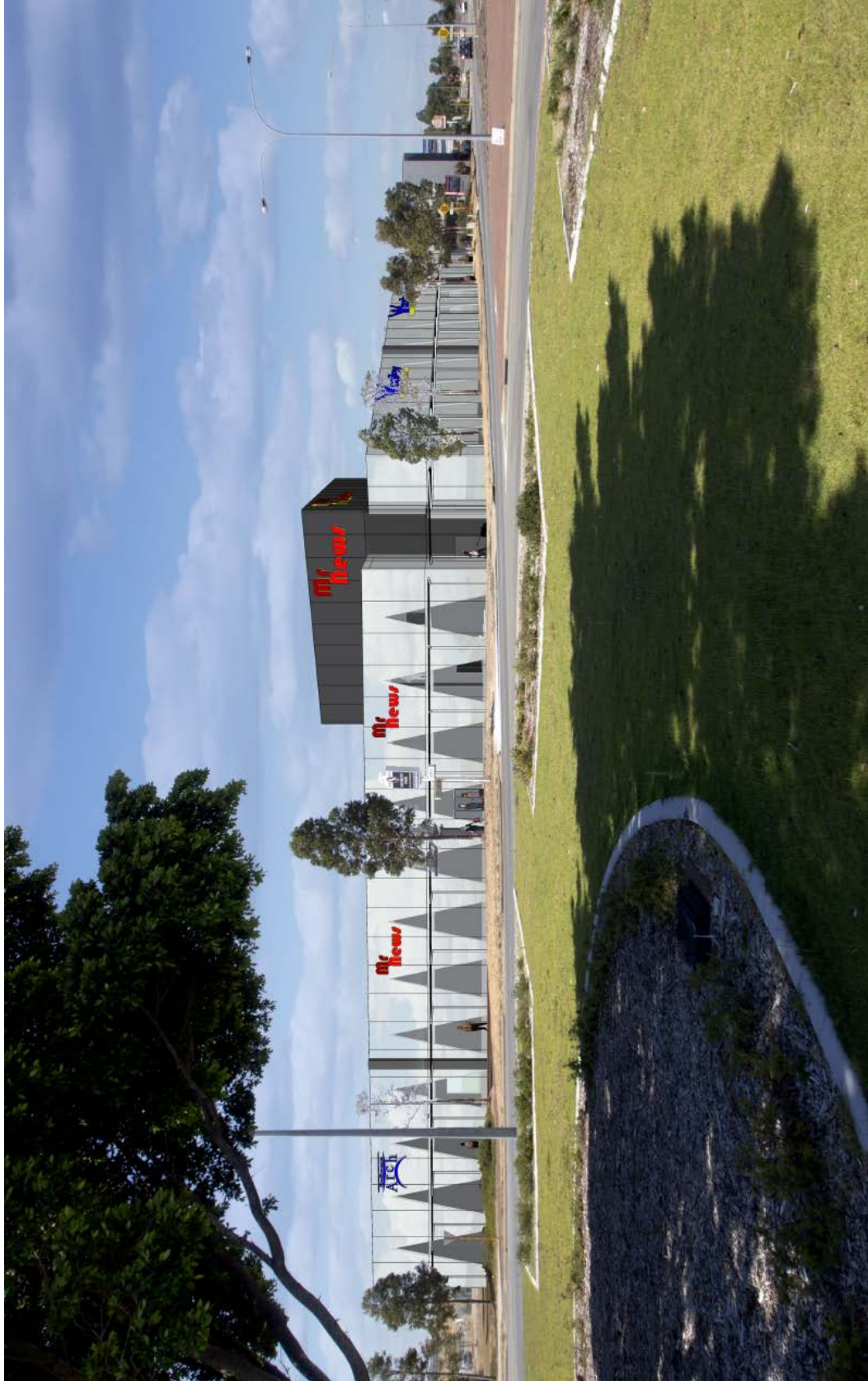


Figure 8 – Perspective Plan (Safety Bay Road and Nairn Drive Intersection)

## **LEGISLATION & POLICY:**

### **Legislation**

#### **State Administrative Tribunal Act 2004**

If invited by SAT, the SWJDAP has the ability to reconsider its decision pursuant to Section 31(2) of the *State Administrative Tribunal Act 2004*. This Responsible Authority Report (RAR) forms the assessment for the SWJDAP to reconsider its decision.

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

##### **Schedule 2 - Deemed Provisions**

##### **Clause 67 - Matters to be considered by local government**

Clause 67 outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

##### **Metropolitan Region Scheme (MRS)**

The subject lot is zoned 'Urban' under the MRS.

The subject lot abuts a road reserved as an 'Other Regional Road' under the MRS. For this reason the proposal was referred to the Department of Planning for comment. (See consultation section).

##### **City of Rockingham Town Planning Scheme No. 2 (TPS2)**

##### **Clause 3.2 - Zoning Table**

The subject site is zoned 'District Town Centre' under TPS2. The proposed uses of 'Showroom' and 'Office' are uses that are not permitted (D), unless the Council has exercised its discretion by granting Development Approval.

##### **Clause 4.5 - District Town Centre Zone**

##### **Objective**

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

As is highlighted in the assessment of the proposal against the provisions of *Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)*, parts of the proposal are not considered to be consistent with the objective of the District Town Centre Zone.

##### **Clause 4.5.3 - Planning Principles**

The Council is required to have due regard to the following planning principles in determining any development application. Each principle has been considered in relation to this application.

(a) *be guided by the objectives of the Policies;*

The proposal is not considered to be consistent with PP3.2.4. This is considered below in the Local Policies Section.

- (b) *have due regard to the impact of the development on the establishment, quality and use of the public domain;*

The development is sited as per PP3.2.4's Indicative Development Plan adjacent to the Safety Bay Road street boundary. As discussed in the Local Policies Section of this report, however, the configuration of the building will not contribute directly to the establishment, quality and use of the public domain.

- (c) *seek to encourage a mix of uses both within individual developments and more broadly within the Centres as a whole;*

As identified in the State Government Policies Section of this report, a Showroom is not identified as a preferred land use in this area. An office is considered to be appropriate for this location.

- (d) *have due regard to the principles and objectives of State Planning Policy 4.2: Activity Centres for Perth and Peel; and*

The proposal is not considered to be consistent with State Planning Policy 4.2: Activity Centres for Perth and Peel, as outlined, below in the State Government Policies Section.

- (e) *consider the specific requirements of the policies established by the Policies for each of the use precincts within the Zone.*

The proposal is not considered to be consistent with PP3.2.4, as outlined below in the Local Policies Section.

#### **Clause 4.15 - Carparking**

##### **Parking Requirements & Provision**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.

A full assessment of the car parking requirements and provision is contained within the Planning Assessment Section where it is determined that the proposal complies with TPS2 parking requirements.

#### **Clause 5.3 - Control of Advertisements**

Clause 5.3.1 requires Development approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2.

The proposal shows indicative signage only. Further detail on signage is discussed in the Policy section under *Planning Policy 3.3.1 - Control of Advertisements*.

#### **State Government Policies**

##### **State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)**

The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

#### **Clause 5.1 - Activity Centre Hierarchy**

Baldivis is identified as a 'District Centre' under the Activity Centres Hierarchy in SPP4.2. The proposed development is consistent with the planned activity centre hierarchy.

### **Clause 5.2 - Activity**

Although the proposal contributes to the overall mix of land uses within the District Centre, the proposed Showroom is not considered to be appropriate in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional 'service road' format, or where a rear parking court is accessed directly from the adjacent major road(s).

In this case, the proximity to the intersection precludes direct access to this site, requiring customers to navigate through the town centre and along Minden Lane to find the car parking, which brings a high degree of inconvenience and is at odds with the convenience normally associated with showroom developments.

The other fundamental issue with showroom uses that have car parking to the rear is that the shopfront tends to face the car park. Whilst a proposal may show doors facing the street, the reality is that there will always be pressure from the tenants to prioritise frontage to the car park and, thus, render the street frontage as a token gesture and a signage opportunity.

### **Clause 5.3 - Movement**

The subject site was chosen as the location for the District Centre given its proximity to Safety Bay Road which is identified under the MRS as an 'Other Regional Road'.

Consistent with SPP4.2, the City has set upper limits to parking in TPS2 reflecting the opportunity for reciprocal and shared parking and availability of on-street parking. Clause 5.3.2 (4) of SPP4.2 states that parking should be provided at a rate of two (2) bays per 100m<sup>2</sup> (i.e. one (1) bay per 50m<sup>2</sup>) for showrooms and offices.

SPP4.2 requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The development proposes sleeved parking generally consistent with the intent of SPP4.2. The design of the carpark, however, fails to comply with *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking's (AS/NZS 2890.1)*. As such, the development fails to make adequate provision for car parking. This is discussed in detail in the Planning Assessment Section of this report.

### **Clause 5.4 - Urban Form**

The applicant has disregarded both the City's and the JDAP's attempts to modify the design of the building. As such, a number of design flaws were included in the JDAP's reasons for refusal. The proposed development is characterised by its lack of variety. Excessive repetition is found in the:

- Parapet height;
- Articulation of façade;
- Façade treatment;
- Opaque street frontage; and
- Awning treatment.

The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.

The configuration and use of ground floor buildings is unlikely contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark. It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the Baldivis Town Centre with the Warnbro train station. These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site. It is, therefore, considered short sighted to denounce the requirement for an active street frontage on the basis on the current intersection configuration.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City's Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of SPP4.2.

#### **Clause 5.5 - Resource Conservation**

The application has not identified whether the development will include any measures to contribute to the conservation of resources.

#### **Clause 5.6 - Out of Centre Development**

A showroom is not classified as a high trip generating land use in Appendix 1 of SPP4.2. Clause 5.6.1 states that bulky goods retailing (i.e. showroom) is unsuited to the walkable catchment or the core of activity centres given their size and car-parking requirements, low employment densities and need for freight vehicle access. As such, its location within the Activity Centre is not considered to be appropriate.

#### **Clause 6.6 - Development Control**

Clause 6.6.1 of SPP4.2 requires the preparation of an Activity Centre Structure Plan prior to approval of any major development within an activity centre and for the development to be located within an appropriate level centre of the activity centre hierarchy. The Baldivis Activity Centre Structure Plan (BACSP), which is discussed below, was prepared to fulfil this requirement.

Clause 6.6.1(5) of SPP4.2 requires the responsible authority to consider the region planning scheme, town planning scheme or strategy, state planning policy, and any relevant endorsed policy, strategy or plan. These have all been considered in this assessment.

#### **Local Policies**

##### **Baldivis Activity Centre Structure Plan (BACSP)**

The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs and guides changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012.

#### **Centre Vision**

The subject site is located within the Core Precinct of the Structure Plan. The proposed development is partially consistent with the vision for the Core Precinct

which is to achieve a lively character with an emphasis on land uses which will generate interest and pedestrian activity.

### **Activity**

The Core Precinct forms the core of the Activity Centre with key concentrations of commercial and community activity. The precinct will accommodate the major shopping and community facilities within the activity centre and be supported in the future by office activity and residences.

Land uses identified for the Core precinct include:

- Retail;
- Entertainment and leisure;
- Eating and drinking premises; and
- Offices.

A Showroom is not identified as a preferred land use for the Core precinct. It is, however, identified as a preferred land use Transition and Eastern precincts.

The assessment of the proposal against the provisions of *Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)* concludes that the proposal does not sufficiently generate pedestrian activity along Safety Bay Road and Nairn Drive. As noted earlier under the SPP4.2 - Urban Form heading, it is considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.

### **Urban Form**

The BACSP outlines that the Core Precinct will continue to be characterised by a strong built form accommodating pedestrian-based activity and appropriate land uses to encourage pedestrian activity. Development within the Core Precinct will build upon the theme of an urban town centre, with strongly defined streets, which accentuate the void in the street created by the town square. Active ground floor uses should be present on all frontages in this precinct.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City's Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of the BACSP.

### **Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2)**

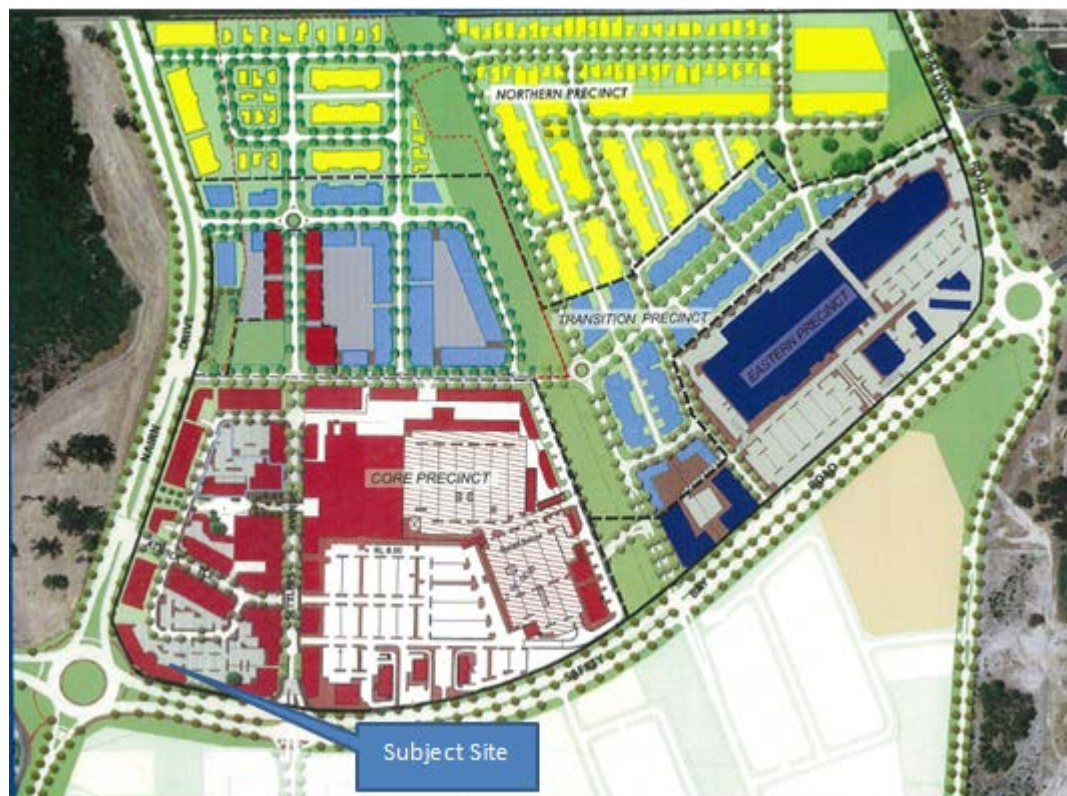
The subject site forms part of the Baldivis District Centre in the City's PP3.1.2. In 2012, PP3.1.2 was reviewed by the Council to incorporate the recommendations of SPP4.2. A Retail Sustainability Assessment (RSA) was undertaken as part of the Baldivis Activity Centre Structure Plan in accordance with SPP4.2. The BACSP outlines retail floor space requirements. A showroom and an office are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2. Accordingly, the proposal complies with PP3.1.2.

### **Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)**

PP3.2.4 provides guidance on development of land within the Baldvis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The proposed development is considered to be inconsistent with the provisions of PP3.2.4 as outlined below.

### Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an IDGP for the Baldvis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The approved IDGP is shown in Figure 9.



**Figure 9 - Approved IDGP**

The proposal is generally consistent with the IDGP.

### Requirements

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

Policy Requirements	Planning Comments	Compliance
<b>General Requirements</b>		
<b>Land Use</b>		
Retail land uses shall be considered having regard to the City's Local Commercial Strategy.	A showroom and an office are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2.	N/A

Policy Requirements	Planning Comments	Compliance
<b>Movement Network</b>		
Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.	The site's location is not suitable for on street parking. Consequently the parking is proposed to be located to the rear of the development.	Yes
To achieve street front continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.	Three crossovers are proposed to Minden Lane. This is consistent with the DAP and considered to be acceptable.	Yes
The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.	No on street parking proposed.	N/A
Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.	<p>Access for service vehicles is proposed to be obtained from Minden Lane. This is considered to be suitable within the context of the site.</p> <p>The development, however, only proposes one service bay, meaning that the office development cannot be serviced appropriately. (The service bay is located in the North Western corner of the lot, away from the eastern office service entry).</p> <p>Access to the service bay is poor as a result of the vehicle overhang. Pedestrians will be required to traverse the carpark in order to access the bin store.</p>	Partially Compliant (Access)
<b>Urban Design</b>		
The height of buildings will generally be set at a minimum two stories or equivalent parapet height.	The proposed building achieves an equivalent two-storey height level.	Yes
To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces	The proposal is three storeys at its maximum.	Yes

Policy Requirements	Planning Comments	Compliance
between 12 noon and 2 pm on June 22.		
The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development.	<p>While the building offers contiguous framing of the street, the land uses are not considered to be conducive to providing an active street frontage. A showroom is not a preferred land use in this area as it is heavily car dependant.</p> <p>The proposed office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc.</p> <p>It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the Baldivis Town Centre with the Warnbro train station.</p> <p>These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site.</p> <p>It is, therefore, considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.</p>	Partially Compliant (Contiguous)
Variety and articulation of street front building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages.	The proposed building features extensive repetition of the architectural treatment. Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building.	No
<b>Precinct Requirements</b>		
<b>Core Precinct</b>		
The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must	<p>The proposed development provides for a mixture of land uses, however, it is considered that the proposal is inconsistent with the overall urban design objective of PP3.2.4 as is demonstrated in this table.</p> <p>The configuration and use of ground</p>	Partially Compliant (Mixture of land uses)

Policy Requirements	Planning Comments	Compliance
define an attractive sequence of outdoor spaces which the public will occupy.	<p>floor buildings will not contribute to an active and attractive outdoor space which the public will occupy.</p> <p>Both ground floor tenancies will be accessed primarily from the rear carpark.</p> <p>It is considered that the proposed ground floor office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc.</p>	
All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages.	The proposal achieves the minimum two storey height.	Yes
Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses.	<p>The proposed development provides a Showroom and an Office on the ground floor. Both tenancies are proposed to be accessed primarily from the rear.</p> <p>Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional 'service road' format, or where a rear parking court is accessed directly from the adjacent major road(s).</p> <p>A showroom is not considered to be an appropriate land use in this location for this building to promote an active street frontage.</p> <p>The reception centre for the Office is located towards the rear of the building meaning that entries from the street will be unlikely.</p> <p>The proposed office is likely to come with future compliance issues as tenants seek to cover up the already insufficient glazing via curtains, blinds etc.</p> <p>It is noted that once Nairn Drive is completely constructed, the intersection with Safety Bay Road will be converted to a signalised intersection. Furthermore, the City is currently working on a bicycle network plan that will connect the</p>	No

Policy Requirements	Planning Comments	Compliance
	<p>Baldivis Town Centre with the Warnbro train station.</p> <p>These changes will undoubtedly foster an attractive pedestrian environment at this intersection directly in front of the development site.</p> <p>It is, therefore, considered short sighted to denounce the requirement for an active street frontage at this site on the basis on the current intersection configuration.</p>	
To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided.	The proposal achieves the minimum ceiling height.	Yes
Street elevations are to be articulated to include defined street front entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.	<p>The six street entries, while present, are not well defined.</p> <p>Four unidentifiable entries, set within the triangular windows, serve the showroom and the ground floor office.</p> <p>The two entries serving the central portion of the building are recessed from the street. The entries lack elements, outlined in the policy provision that would assist legibility from the street.</p>	No
Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.	A continuous awning has been provided.	Yes
Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.	The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little to no architectural treatment has been provided to this section of the building.	Partially Compliant (Height)
Blank walls fronting public spaces will not be permitted.	The ground floor tenancies provide for a mixture of glazed and blank facades. Less than 50% of the facade, however, is proposed to be glazed.	Partial (Mixture of facades provided)
Within an urban streetscape	The proposed developed is	No

<b>Policy Requirements</b>	<b>Planning Comments</b>	<b>Compliance</b>
discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.	characterised by its lack of variety. Excessive repetition is found in the: <ul style="list-style-type: none"> <li>– Parapet height;</li> <li>– Articulation of façade;</li> <li>– Façade treatment;</li> <li>– Opaque street frontage; and</li> <li>– Awning treatment.</li> </ul> The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.	
Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.	Less than 50% of the ground floor street frontage is proposed to be transparent.	No
Drive-through facilities will not be supported in the Core Precinct, consistent with main street design principles.	No drive through facilities are proposed.	Yes
The pedestrian entry onto the street is to remain open during business hours. Where rear customer parking is provided, provision should be made for a pedestrian path linking the carparking area with the street.	Pedestrian entry onto the street could be conditioned to remain open during business hours if the application were to be approved. One pedestrian path has been provided through the centre of the building.	Yes
Residential development shall achieve a minimum density of 40 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.	No residential development. Not applicable to this development.	N/A
Residential development must incorporate noise attenuation measures to the satisfaction of the City to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.	No residential development. Not applicable to this development.	N/A
Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall	Verge treatments could be conditioned to be upgraded if the application were to be approved.	Yes

Policy Requirements	Planning Comments	Compliance
generally include pavements, kerbside parking, streets trees, lighting and furniture.		

### **Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)**

The proposal shows indicative signage only. A Sign Strategy would be required to be submitted which demonstrates compliance with the objectives of PP3.3.1, prior to the placement of advertisements on a building or structure. Section 6 of PP3.3.1 outlines the requirements for the Sign Strategy. It is noted that the building design does not make adequate provision for signage.

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

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

#### **Bicycle Parking Requirement**

Land Use	Required			
	Short Term		Long Term	
	Rate	Number	Rate	Number
Showroom (629.5m <sup>2</sup> )	1/1000m <sup>2</sup> NLA	1	1/750m <sup>2</sup> NLA	1
Office (1,861.7m <sup>2</sup> )	1/500m <sup>2</sup> NLA	4	1/200m <sup>2</sup> NLA	10
<b>Total</b>		<b>5</b>		<b>11</b>

The application proposes 42 bicycle bays: 14 in the road reserve and 28 in the carpark. It is considered that the 28 in the carpark can serve as long term bays as per the requirements of PP3.3.14.

#### **End-of-Trip Facilities**

In terms of PP3.3.14, the provision of eleven (11) long term parking spaces requires the provision of four showers (two male, two female). The showers are required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

### **CONSULTATION:**

#### **Public Consultation**

Public consultation is not required pursuant to Town Planning Scheme No.2.

#### **Consultation with Other Agencies or Consultants**

#### **Department of Planning (DoP)**

As the subject lot abuts an Other Regional Road under the MRS, the original application was referred to the DoP for comment. Upon receipt of the referral, the

DoP requested that the applicant submit a Traffic Impact Statement in support of the proposal. Due to the location of the site, within the BACSP area, the applicant supplied the DoP with the Transport Assessment undertaken for the BACSP. The DoP was satisfied that this Transport Assessment contained sufficient detail for the subject proposal.

The DoP is satisfied that the surrounding intersections will continue to operate within acceptable levels with the proposed development application subject to modifications as outlined in the transport assessment.

The DoP has no objections to the proposal on regional transport planning grounds subject to the development proposal contributing towards the construction of the northern path on Safety Bay Road to finalise the pedestrian network to the signalised pedestrian crossing at the Safety Bay Road/ Settlers Avenue intersection.

### **COR Comment on DoP Response:**

Should the application be approved the DoP's recommended condition would be applied.

*Note: The amended proposal was not referred to DoP as the proposed changes are minor in nature and will not have any further impact on the Regional Road Reservation*

### **PLANNING ASSESSMENT:**

#### **Site Context and Design**

The site forms part of the larger Baldivis Activity Centre, which includes the Settlers Avenue main street and the Baldivis Shopping Centre. The site is located within the Core Precinct of the Baldivis Activity Centre Structure Plan, which is planned to contain the major shopping facilities of the Centre and provide an attractive visual presence to the traffic dominated Safety Bay Road and an intimate pedestrian oriented presence. Figure 10 illustrates the built form intention for the Core Precinct Area and Figures 10-13 illustrate the existing built form in the area. These figures show appropriate land uses (retail, café etc.) and development that provides variety in parapet height and building materials, articulation of the façade and active street frontages.

The City's consultant Urban Designer advised that the proposal is lacking in detail and is of an architectural appearance that lacks the urban or civic character associated with a town centre. This advice has been extrapolated upon throughout the assessment of the proposal against the provision of PP3.2.4 and the approved DAP.

The City has had numerous meetings with the developer and applicant where the urban design concerns were raised. Apart from some minor changes, the applicant/developer has refused to amend the design to address these issues.



**Figure 10 - North Western Corner Settlers Ave/Safety Bay Road Intersection**



**Figure 11 - South West Corner Settlers Ave/Atwick Terrace Intersection**



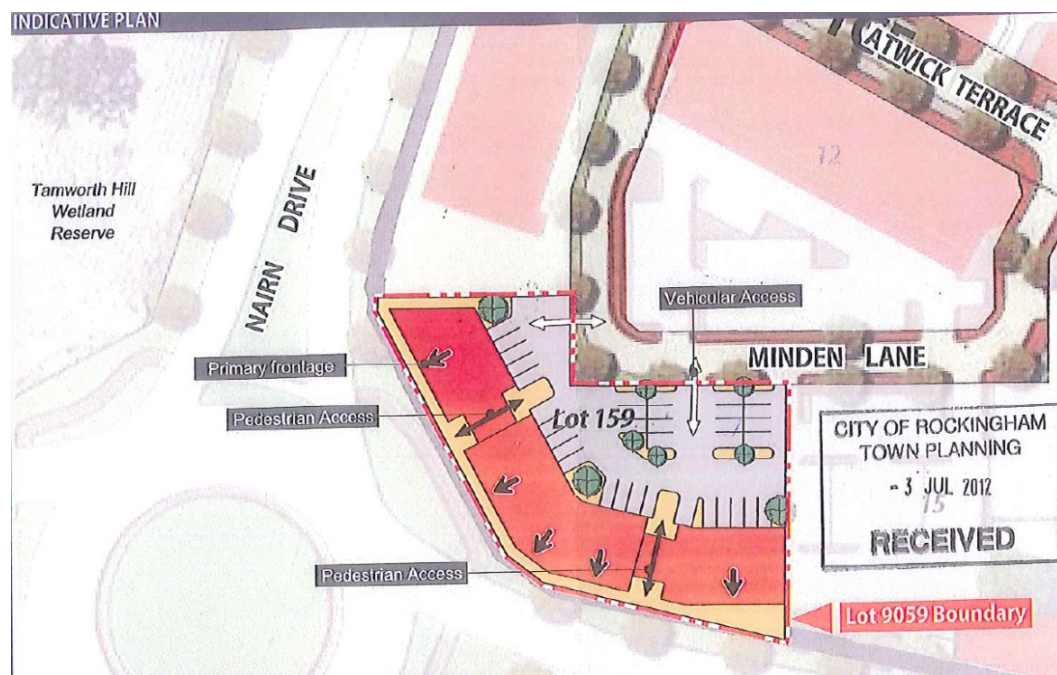
**Figure 12 - North West corner of Settlers Ave/Atwick Terrace Intersection**



Figure 13 - North Eastern corner of Settlers Ave/Atwick Terrace Intersection

### Detailed Area Plan

Pursuant to Clause 4.23 (which was, at the time, Clause 4.3.2) of TPS2 a Detailed Area Plan was prepared by the previous landowners and approved by the City for the subject lot. This DAP was approved 20 July 2012.



**Figure 14 - Detailed Area Plan**

<b>DAP Requirements</b>	<b>Planning Comments</b>	<b>Compliance</b>
<b>General Provisions</b>		
<b>Permitted Land Use</b>		
As per TPS2.	The proposed land uses are permitted only when the Council exercises its discretion by issuing a Development Approval under TPS2.	Yes
<b>Preferred Land uses</b>		
<ul style="list-style-type: none"> <li>– Retail;</li> <li>– Civic and Community;</li> <li>– Entertainment and Leisure;</li> <li>– Eating and Drinking Premises;</li> <li>– Offices; and</li> <li>– Medium Density Residential.</li> </ul>	<p>The Showroom is not a preferred land use in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional 'service road' format, or where a rear parking court is accessed directly from the adjacent major road(s).</p> <p>A showroom is not considered to be an appropriate land use in this location.</p> <p>The office is a preferred land use.</p>	Partial Compliance (Office)
<b>Setbacks</b>		
All buildings shall generally have a contiguous frontage addressing the street within a 0-2m setback; Nil setback permitted to Minden Lane and all internal boundaries.	Building complies with prescribed setbacks	Yes
<b>Building and Ceiling Heights</b>		
Structures to be a minimum two storey.	The proposed building achieves an equivalent two-storey height level.	Yes
Minimum ground floor to first floor height of 3.2m with a ceiling height of 3m.	4m height proposed.	Yes
<b>Built Form and Orientation</b>		
The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages.	<p>Tenancy entrances are not defined and the major entrance is recessed from the street. Primary access to the building is from the rear carpark.</p> <p>The reception area is located adjacent to the rear entrance.</p> <p>The upper level offices will be served by the stairwell located to the rear of the central portion.</p> <p>Less than 50% of the ground floor</p>	No

DAP Requirements	Planning Comments	Compliance
	elevation, fronting the street, is transparent.	
Building entries to the internal boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and the rear carpark where possible.	Entries, while not defined, are available from the street. The building offers surveillance of the carpark.	Yes
The building may be stepped back at right angles from the corner truncations to provide flexibility in design.	Building to provide a constant hard edge to street frontages.	Yes
Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.	The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little architectural treatment has been provided to this section of the building.	Partially Compliant (Height)
Where a building abuts a street cantilevered awnings, with a minimum depth of 2.5m and a minimum height of 3m above pavement level, must be provided for the full length of each façade.	A continuous awning has been provided along the street frontage.	Yes
Ground level facades of commercial and mixed use buildings fronting the street shall be transparent for at least 60% of its area.	Less than 50% of the ground floor front the street is glazed.	No
Facades are to be articulated by providing indentations and projections in the floor plan, whilst maintaining a continuous awning at 2.5m depth.	Both 'wings' of the building are proposed to be set hard up against the street boundary with no indentation in the floor plan. This serves to accentuate the repetitiveness of the building. The only indentation in the floor plan occurs at the central portion of the building.	Partially Compliant (Awning)
Broad facades and blank walls shall be broken up to create variety and interest through architectural design features. Blank walls facing roads are not acceptable.	The ground floor tenancies provide for a mixture of glazed and blank facades. Less than 50% of the facade, however, is proposed to be glazed.	No
At least one designated pedestrian access corridor, linking the street to the rear carpark and Minden Lane is required, This corridor shall be contiguous and well defined.	One pedestrian access way is proposed. The corridor is contiguous.	Yes
Larger developments to be broken	Both wings remain the same height	No

DAP Requirements	Planning Comments	Compliance
up through the use of elements which emphasise a vertical proportion.	for their entire length. This serves to accentuate the horizontal scale of the building.	
<b>Pedestrian Access</b>		
The main public entrances to all buildings shall be located along Nairn Drive or the corner of Nairn Drive and Safety Bay Road or may also be access via the contiguous and well defined corridor identified in the DAP.	The main public entrance is located to the rear to the building from the carpark.	No
Primary entries to first floor tenancies and secondary entries to ground floor tenancies may be accessed via the suggested contiguous and well defined pedestrian corridors.	Primary entry to the ground floor tenancies are proposed from the pedestrian corridor.	No
Separate and clear pedestrian paths should be provided between the car park and main public entrances to facilitate customer's safe access to building entries. A central pedestrian corridor linking the main entry to the new carpark is encouraged.	A pedestrian path has been proposed along the rear of the building, however, no paths have been provided within the carpark. As such, safe pedestrian access is not provided.  A central pedestrian corridor has been provided.	Partially Compliant (Central pedestrian corridor)
<b>Materials and Finishes</b>		
Variety and high urban design standards are encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail.	The City's consultant Urban Designer outlined the following issues with the elevation treatment include: <ul style="list-style-type: none"> <li>– The extensive repetition of the architectural treatment.</li> <li>– The 'flatness' of the wall and the corresponding lack of shadows to provide visual relief.</li> <li>– The limited palette of wall materials and the resulting lack of visual interest.</li> <li>– The inability to appropriately incorporate signage into the design of the building.</li> <li>– The 'thinness' of the canopy and the resulting lack of significance as part of the composition of the street elevations, and the inability to incorporate lighting to improve pedestrian amenity after dark.</li> </ul>	No

DAP Requirements	Planning Comments	Compliance
	<ul style="list-style-type: none"> <li>– The incongruity and irrelevance of the triangular windows.</li> <li>– The lack of continuity of the awning along the street frontage – there are gaps between the main awnings and the awning associated with the central three-storey element.</li> <li>– The relentless single parapet height (other than the three storey component).</li> <li>– The extent of solid (opaque) wall to the street frontage.</li> <li>– The lack of differentiation between the architectural treatment of the 'front' and 'back' of the building, which will only serve to reinforce the confusion as to which way tenancies should face.</li> </ul>	
Durable and low maintenance materials in an earthy colour palette is recommended.	Details on construction materials have not been supplied. The white colour material proposed to be used is not considered to be earthy.	No
A combination of materials and/or finishes shall be incorporated to add visual interest.	<p>The proposed development is characterised by its lack of variety. Excessive repetition is found in the:</p> <ul style="list-style-type: none"> <li>– Parapet height;</li> <li>– Articulation of façade;</li> <li>– Façade treatment;</li> <li>– Opaque street frontage; and</li> <li>– Awning treatment.</li> </ul>	No
Unfinished walls including boundary walls shall not be left exposed where in public view.	Although materials have not been specified, the plans indicate that all walls are proposed to be finished with a rendered material.	Yes
<b>Service and Storage Areas</b>		
Delivery, loading and storage areas are to be screened from public view by an enclosure which is complementary with the style and materials of the primary building.	The service bay is visible from Minden Lane. The bin stores are proposed to be screened.	No
Minden Lane shall be the primary access for service vehicles and services areas (such as big storage bins).	Minden Lane is proposed to be used for service access to the rear of the building.	Yes

<b>Vehicle Access and Parking Areas</b>		
All vehicle access shall be via the designated access points off Minden Lane and parking generally sleeved at the rear of the premises.	Vehicle access is proposed from Minden Lane. Parking is located to the rear of the building.	Yes
The development must meet the maximum and minimum car parking requirements as set out in Table 3 and Clause 4.15.1.1 of TPS2.	It is noted that the design of the carpark fails to comply with the relevant Australian Standards. The City is concerned that, should the development be modified to comply with the standards, the number of car parking bays will be reduced to an unacceptable level.	Unknown
Undercroft parking is encouraged.	None proposed.	N/A
<b>Signage</b>		
Pylon Signage is not permitted.	N/A	N/A
Signage additional to the corporate branding must be consistent in colour, size and font.	Indicative signage has been displayed on the elevation plans. A sign strategy could be conditioned, however, it is considered that the building design does not make appropriate provision for the incorporation of signage.	N/A
All buildings must include a sign strategy in accordance with PP3.3.1.	A sign strategy could be conditioned should the application be approved.	Yes
<b>Fencing</b>		
Perimeter Fencing is discouraged and should be limited to residential land uses and alfresco dining.	None proposed.	N/A
Commercial fencing maximum height of 700mm.	None proposed.	N/A
Fencing shall be constructed in masonry to complement the style and materials of the primary building.	None proposed.	N/A
<b>Landscaping</b>		
Landscaping of the verges must be installed by the purchaser.	Landscaping could be conditioned should the application be approved.	Yes

## **Carparking**

### **TPS Requirement**

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 of TPS2 and Table 3 of TPS2.

Use	Required	
	Rate	Amount
Office (1,861.7m <sup>2</sup> )	1 bay per 60m <sup>2</sup> (40)m <sup>2</sup> NLA	31 (47)
Showroom (629.5m <sup>2</sup> )	1 bay per 80m <sup>2</sup> (60)m <sup>2</sup> NLA	8 (11)
<b>Total</b>		<b>39 (58)</b>
Notes: For the Baldivis Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.		

Under the parking provision of TPS2, the proposed development requires the provision of a minimum 39 and a maximum of 58 parking spaces.

### **Parking Provision**

The proposed development has provided for a total of 42 parking spaces. This is compliant with the requirements of TPS2. The amount of parking, however, shown on the plans will be reduced for the following reasons:

- Under AS/NZS2890.1 the development is assigned User Class 3, being 'Short-term town centre parking'. For car parking bays at 90° the following is required:
  - A parking bay width of 2.6m must be provided. The proposal provides for bays widths of 2.5m. No bays comply with this width; and
  - An aisle width of 5.8m is required. The development does not achieve this minimum width in the North Western corner of the lot. Furthermore, in order to provide the required bay widths of 2.6, the aisle widths will have to be reduced below the required 5.8m. The development cannot provide the required bay width and aisle width without modifying the building design

*Note: The City reasserts that AS/NZS 2890.1 "User Class 3" is appropriate for this carpark. The showroom land use fits the description of "short term town centre parking". The City considers that an office, located in a District Town Centre, also fits this category. The office will undoubtedly involve the calling in of customers/clients etc. Customers/clients calling to an office will generally be for a short amount of time (i.e ½ hour -1 hour) compared to a sports facility/ entertainment centre/etc. where people will spend 3+ hours.*

### **Parking for People with Disability**

The City's *Planning Procedure 1.16 - Carparking and Access Considerations for People with Disability*, outlines that the City shall, amongst other matters, take into consideration the provisions made for people with a disability based upon

compliance with the Building Code of Australia (BCA) and the Australian Standards in relation to carparking, pathways, ramps, steps, signs and lighting.

Parking provision for people with disability is based on BCA requirements. The requirements for provision are outlined below:

Building Class	Requirement		
	Rate	Calculations	Spaces
Class 5 (Office)	1 space/100 carparking spaces (or part thereof)	31	1
Class 6 (Showroom)	1 space/50 carparking spaces (or part thereof)	8	1
<b>Total</b>			<b>2</b>

The *National Construction Code 2014 Guide to the BCA Volume One* states that:

*“If a carpark serves a multi-classified building, the number of accessible carparking spaces required should be calculated by determining the number of spaces serving each classification.”*

The development provides for a total of two (2) accessible spaces. This is compliant with the requirements of the BCA.

### **Servicing / Waste Disposal**

The application proposes for service vehicles to access the site from Minden Lane, this is consistent with the DAP.

In the amended submission the application has relocated the service bay to North Western corner of the lot. This has isolated the dedicated service entry for the office tenancies. The applicant's submission states that these office tenancies will not require frequent access service vehicles and no additional service bays are considered necessary. This is considered to be impractical and will limit the adaptability of the building.

Two bin storage areas are proposed with the capacity for a total of 17,240L bins. One bin store is conveniently located in the north western corner adjacent to the proposed service bay. This bin store is considered appropriate for the proposed showroom land use. The second bin store is located in the centre of the site isolated from the building. It has not been demonstrated that this can serve the remainder of the development in a functional manner. It is also noted that there is no safe path of travel from the office buildings through to this bin store in the central area.

As such, the City is not satisfied that the development can function appropriately from a servicing and waste disposal perspective. The City is especially concerned with the long term functionality of the development.

### **Incursion into Minden Lane**

The amended proposal includes a parking aisle that extends 2.75m into Minden Lane road reserve (the previous proposal showed a lesser incursion of 1.1m). Should the application be approved, it is advised that all works in the road reserve must be to the satisfaction of the City's Engineering Services.

### **CONCLUSION**

The proposal for the showroom and office development is permissible in the District Town Centre zone. As outlined throughout this report, however, the proposal fails to provide for an appropriate design, form and activation. The proposed building is of an architectural appearance that lacks the urban or civic character associated with a town centre. The City does not consider that the amended plans have addressed the concerns previously identified and they are not in a position to be approved. The City is particularly concerned that no evidence has been provided that all the reasons for refusal have all been sufficiently addressed.

Furthermore, the development fails to provide adequate provision for the parking and manoeuvring of vehicles. The development also will not have the ability to be serviced adequately. For these reasons it is recommended that the decision for refusal remain.



**8.4** Property Location: Lot 159 Minden Lane, Baldivis  
Application Details: Proposed Two & Three Storey Commercial  
Development  
Applicant: MW Urban  
Owner: Staub Family Pty Ltd  
Responsible authority: City of Rockingham  
DoP File No: DAP/14/00631

#### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Joy Stewart

**Seconded by:** Cr Richard Smith

#### That the metro South-West JDAP resolves to:

1. **Refuse** the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev G), First Floor Plan (Drawing No.SK.13 Rev G), Second Floor Plan (Drawing No.SK.14 Rev G) and Elevation and Section Plans (Drawing No.SK.15 Rev H), dated 20 August 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

- (a) The proposed development fails to make adequate provision of car parking spaces as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
- (b) The proposed development is not considered to be compatible with its setting – see clause 6.6 (i) of TPS2.
- (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles - see clause 6.6 (q) of TPS2.
- (d) Adequate provision has not been made for cyclists, and the provision of bicycle parking and end-of-trip facilities - see 6.6(u) of TPS2.
- (e) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (f) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (g) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.



- (i) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (j) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.
- (k) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan. .
- (l) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (m) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (n) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (o) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (p) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (q) The colour scheme proposed is not consistent with an earthy colour palette as required by clause 6 (b) of the approved Detailed Area Plan.
- (r) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (s) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (t) The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.

#### PROCEDURAL MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Richard Smith

To defer the application to no later than the 27 February 2015.



**REASON:** To allow for issue regarding parking, deliveries and waste management operations to be addressed.

**9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval**

- 9.1** Property Location: Lot 34 (8) Point Street, Fremantle  
Application Details: Variation to previous Planning Approval for DAP80008/13 (DP/13/00872) (currently proposed - Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (152 Hotel Rooms, 99 Multiple Dwellings, Shop & Restaurant) with Basements of Car park Development)
- Applicant: Design inc Perth  
Owner: Sks Land Pty Ltd  
Responsible authority: City of Fremantle  
DoP File No: DP/13/00872

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Bill Massie

**That the South-West Joint Development Assessment Panel resolves to:**

- 1. Accept** that the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 4 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- 2. Approve** the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 4 September 2014 and accompanying plans dated 25 November 2014 (Plan reference: SK01 (site plan); SK03 (floor plan – basement level 2); SK04 (floor plan – basement level 1); SK05 (floor plan- ground); SK06 (floor plan – level 1); SK07 (floor plan - level 2); SK08 (floor plan – level 3); SK09 (floor plan - level 4); SK10 (floor plan – level 5); SK11 (floor plan – level 6); SK12 (floor plan – roof); SK13 (sections A-A & section D-D); SK14 (section B-B & section C-C); SK15 (section E-E & section FF); SK16 (Point Street and Adelaide Street elevations); SK17 (Princess May Park and Cantonment Street Elevations); SK18 (Cantonment Street and Princess May Park corner perspective); SK19 (hotel entry – Cantonment Street perspective); SK20 (hotel entry – Adelaide Street perspective); SK21 (Point Street and Adelaide Street corner perspective); SK22 (Princess May Park and Adelaide Street corner perspective); SK23 (reference images (1)); SK24 (reference images (2))) in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development at No. 8 (Lot 34) Point Street, Fremantle, subject to:



## Minutes of Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** 3 March 2015; 11am  
**Meeting Number:** MSWJDAP/62  
**Meeting Venue:** 8 William Street, Fremantle

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Jon Strachan (Local Government Member, City of Fremantle)

#### Officers in attendance

Ms Erika Barton (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Ms Natalie Martin-Goode (City of Fremantle)  
Mr Anthony Denholm (City of Fremantle)

#### Local Government Minute Secretary

Ms Michelle Gibson (City of Fremantle)

#### Applicants and Submitters

Mr Tony Watson (MW Urban)  
Mr Phil Davies (Steel Storage Australia)

#### Members of the Public

Nil

### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 11.03am on 3<sup>rd</sup> of March 2015 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

**2. Apologies**

Cr Joy Stewart (Local Government Member, City of Rockingham)  
Mr Matt Selby (DoP)

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting no.61 held on 12 February 2015 were noted by DAP members.

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**6. Disclosure of interests**

Nil

**7. Deputations and presentations**

**7.1** Mr Tony Watson (MW Urban) presenting for the application at Item No 8.1. The presentation will explain the actions that have taken place subsequent to the deferral of the development application.

**7.2** Mr Jonathon Riley (Traffic Consultant) presenting for the application at Item No 8.1. The presentation will explain the findings of his assessment of the development from a parking and traffic perspective

**7.3** Mr Adam Bailey (Future Gymnasium Tenant) presenting for the application at Item No 8.1. The presentation will explain to the panel how the parking provided is satisfactory for the purpose of his business.

***The presentations at Item 7.1 were heard prior to the application at Item No.8.1***



## 8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 159 Minden Lane, Baldivis  
Application Details: Mixed Use Development (Showroom, Gymnasium and Office)  
Applicant: Planning 4Site Pty Ltd  
Owner: Staub Family Pty Ltd  
Responsible authority: City of Rockingham  
DoP File No: DAP/14/00631

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Ian Birch      **Seconded by:** Cr Richard Smith

That the metro South-West JDAP resolves to:

1. Refuse the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev H), First Floor Plan (Drawing No.SK.13 Rev H) and Second Floor Plan (Drawing No.SK.14 Rev H) dated 23 January 2015 and Elevation and Section Plans (Drawing No.SK.15 Rev H), dated 20 August 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:
  - (a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
  - (b) The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.
  - (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.
  - (d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
  - (h) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.



- (i) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.
- (j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (l) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (m) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (n) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (o) The colour scheme proposed is not consistent with an earthy colour palette as required by clause 6 (b) of the approved Detailed Area Plan.
- (p) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (q) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (r) The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.
- (s) The proposed development fails to provide an unimpeded path of access linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*.

## PROCEDURAL MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Richard Smith

To defer the application to enable further liaison with the City regarding:

1. Review layout of car parking to ensure it satisfies all relevant standards, including consideration of the following:
  - a. Pedestrian connection between building, car park, and streets at all opening hours.
  - b. Keeping ROW easements clear of obstructive use.
  - c. Service bays and refuse storage areas and manoeuvring.
  - d. Centralized disability bays to main access.
  - e. Levels to reflect disability access (AS1428).
  - f. Internal footpath should be 1700 width or more.
  - g. Defined pedestrian entry and exit points from the building to show safe footpath access.
2. In relation to the building facades, greater consideration be given to the points raised by the City's Urban Design Consultant in the RAR.



LG Ref: 20-2014-373-1  
DoP Ref: DAP/14/00631  
Enquiries: Development Assessment Panels  
Telephone: (08) 6551 9919

Mr Tony Watson  
MW Urban  
PO Box 214  
North Fremantle WA 6159

Dear Mr Watson

**Metro South-West JDAP – City of Rockingham – DAP Application 20-2014-373-1  
Lot 159 Minden Lane, Baldivis  
Proposed 2 and 3 storey commercial development**

Thank you for your application and plans submitted to the City of Rockingham on 19 September 2014 for the above development at the abovementioned site.

This application was considered by the Metro South-West Joint Development Assessment Panel at its meeting held on 2 October 2014, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to refuse the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Mr Greg Delahunty at the City of Rockingham on (08) 9528 0429.

Yours sincerely,

*Sean O'Connor*

**DAP Secretariat**

**12/10/2015**

Encl. DAP Determination Notice  
Refused Plans

Cc: Mr Greg Delahunty  
City of Rockingham





## ***Planning and Development Act 2005***

### **City of Rockingham Town Planning Scheme No.2**

#### **Metro South-West Joint Development Assessment Panel**

### **Determination on Development Assessment Panel Application for Planning Approval**

**Location:** Lot 159 Minden Lane, Baldivis

**Description of proposed Development:** Proposed 2 and 3 storey commercial development

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 2 October 2014, subject to the following:

**Refuse** DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev J), First Floor Plan (Drawing No.SK.13 Rev J), Second Floor Plan (Drawing No.SK.14 Rev J) and Elevation and Section Plans (Drawing No.SK.15 Rev I), dated 8 June 2015 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

- (a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
- (b) The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.
- (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.
- (d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.



- (g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (h) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.
- (i) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.
- (j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (l) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (m) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (n) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (o) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (p) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (q) The proposed development fails to provide an unimpeded path of access linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work.



SITE & GROUND FLOOR PLAN  
1:200

J	08.06.15	PLAN REVISIONS	JG TH
I	24.02.15	PLAN REVISIONS	JG TH
H	23.01.15	PLAN REVISIONS	JG TH
G	20.08.14	PLAN REVISIONS	JG TH
F	04.02.14	SAFETY B RD ELEV. REVISION	JG TH
E	10.12.13	PARKING REVISION	JG TH
D	10.12.13	PARKING REVISION	JG TH
C	09.12.13	CROSSOVER	JG TH
B	06.12.13	LANDSCAPING LEVELS	JG TH
A	22.11.13	DESIGN DEVELOPMENT	JG TH
REV	DATE	COMMENTS	BY CHK

HOLTON CONNOR  
ARCHITECT PLANNER

56 THOMAS STREET, WEST PERTH  
WESTERN AUSTRALIA 6005  
Tel: 08 9322 2884 Fax: 08 9322 3033  
Email: info@holtonconnor.com.au

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BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

DESIGNED	TH	CHECKED	TH	PRINCIPAL	
DRAWN	JG	APPROVED	TH	SIGNATURE	
SCALE	1:200 @ A1 1:400 @ A3	DATE	2013.09.13	DRAWING No.	REV.
JOB No.	1311	FILE NAME	1311BCP	SK.12	J

HOLTON CONNOR PTY LTD ABN 19 626 131 428



FIRST FLOOR  
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I	24.02.15	PLAN REVISIONS	JG TH
H	23.01.15	PLAN REVISIONS	JG TH
G	20.08.14	PLAN REVISIONS	JG TH
F	04.02.14	SAFETY B RD ELEV. REVISION	JG TH
E	11.12.13	PARKING REVISION	JG TH
D	10.12.13	PARKING REVISION	JG TH
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B	06.12.13	LANDSCAPING LEVELS	JG TH
A	22.11.13	DESIGN DEVELOPMENT	JG TH
REV	DATE	COMMENTS	BY CHK

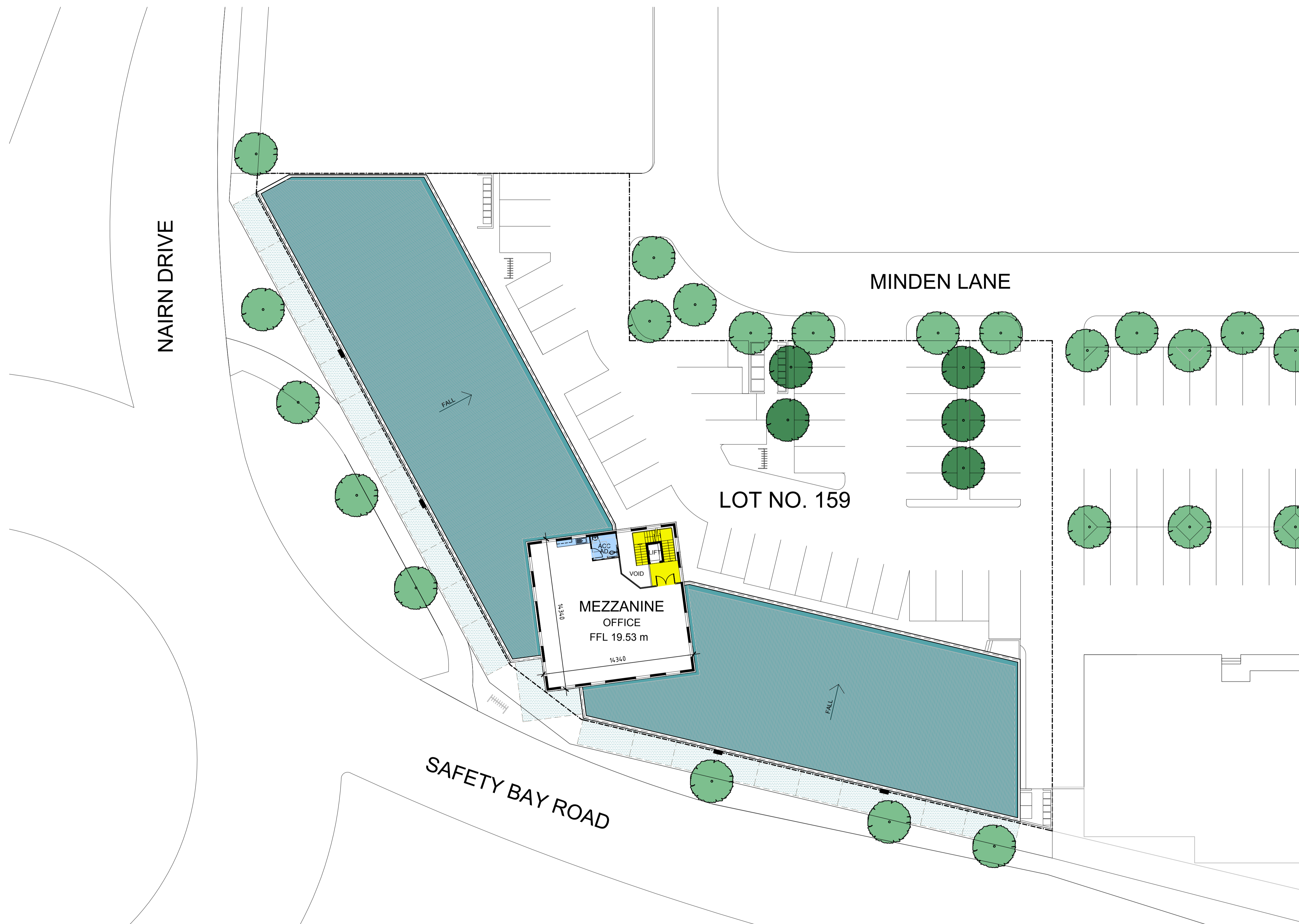
HOLTON CONNOR  
ARCHITECTS . PLANNERS

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FOR ARNO STAUB

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JOB No.	1311						



SECOND FLOOR  
1:200

J	08.06.15	PLAN REVISIONS	JG TH
I	24.02.15	PLAN REVISIONS	JG TH
H	23.01.15	PLAN REVISIONS	JG TH
G	20.08.14	PLAN REVISIONS	JG TH
F	04.02.14	SAFETY B RD ELEV. REVISION	JG TH
E	11.12.13	PARKING REVISION	JG TH
D	10.12.13	PARKING REVISION	JG TH
C	09.12.13	CROSSOVER	JG TH
B	06.12.13	LANDSCAPING LEVELS	JG TH
A	22.11.13	DESIGN DEVELOPMENT	JG TH
REV	DATE	COMMENTS	BY

HOLTON CONNOR  
ARCHITECTS

PLANNERS

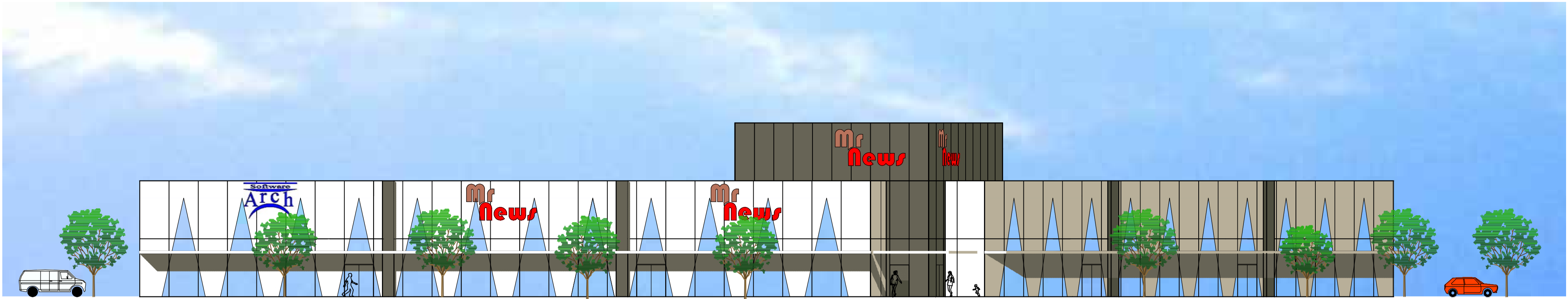
54 THOMAS STREET, WEST PERTH  
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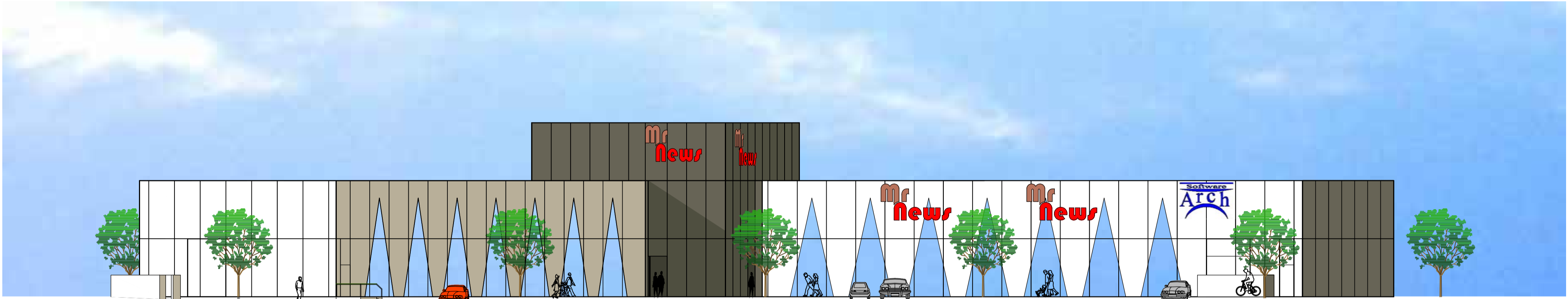
BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

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JOB No.		FILE NAME		REV.	
1311		1311BCP		J	

HOLTON CONNOR PTY LTD ABN 19 056 131 426



SAFETY BAY ROAD ELEVATION  
1:200



MINDEN LANE ELEVATION  
1:200



SECTION THROUGH CENTRAL CORE  
1:200

I	08.06.15	ELEVATION REVISIONS	JG	TH
H	20.08.14	ELEVATION REVISIONS	JG	TH
G	04.02.14	SAFETY B RD ELEV. REVISION	JG	TH
F	17.12.13	ELEVATION LINE REVISION	JG	TH
E	10.12.13	SIGNAGE REVISIONS	JG	TH
D	10.12.13	SIGNAGE REVISIONS	JG	TH
C	09.12.13	CROSSOVER	JG	TH
B	06.12.13	LANDSCAPING LEVELS	JG	TH
A	22.11.13	DESIGN DEVELOPMENT	JG	TH
REV	DATE	COMMENTS	BY	CHK

HOLTON CONNOR  
ARCHITECT & PLANNER  
54 THOMAS STREET, WEST PERTH  
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Tel: 08 9322 2884 Fax: 08 9322 3333  
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BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

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JOB No.	1311	FILE NAME	1311BCP				

HOLTON CONNOR PTY LTD ABN 19 056 131 426

PSA Ref: 4336  
SAT Ref: DR 375/2015

11 December 2015

Metropolitan South-West Joint Development Assessment Panel  
C/- Department of Planning  
Locked Bag 2506  
PERTH WA 6001

Attention: Ian Birch, Presiding Member

Dear Sir,

**DR 375/2015 - STAUB FAMILY PTY LTD V PRESIDING MEMBER OF THE METROPOLITAN SOUTH-WEST JOINT DEVELOPMENT ASSESSMENT PANEL  
RECONSIDERATION REQUEST**

Planning Solutions acts on behalf of Staub Family Pty Ltd, the proponent of the proposed development of Lot 159 Minden Lane, Baldivis (**subject site**).

Further to orders issued by State Administrative Tribunal (**SAT**) on 3 December 2015 in relation to the above matter, we are pleased to provide the following information and amended plans for the Respondent's reconsideration, pursuant to section 31 of the State Administrative Tribunal Act 2004.

The plans have been amended as follows in comparison to the application refused by the DAP:

- The gym tenancy has now been changed to an office use.
- The internal toilets have been consolidated.
- Showers and lockers are now included in each tenancy.
- The Safety Bay Road building entry has been modified by consolidating the support columns into one pillar, and extending the awning on the footpath to connect with the entry awning, to provide a continuous alwinging along the street.
- Bin store at end of the Public Access Easement has been removed.
- Small car bays have been converted to standard size bays.
- An accessible bay has been moved closer to the entry.
- A car parking bay has been deleted.
- Two motorcycle bays are now proposed.
- The service bay has been relocated to the northwest corner of the carpark, and a dedicated delivery area and bin store has been created between the service bay and the service entry to the motorcycle showroom tenancy.

- Existing footpath on Safety Bay Road / Nairn Drive modified to tie in with proposed footpath.
- The bicycle parking bays on the Safety Bay Road verge have been moved to adjacent to the building entry. A total of 20 bicycle parking spaces are provided at the building frontage and in the rear carpark.
- The parking aisle near the Minden Lane corner has been widened to 5.8m.

Refer **Appendix 1** for the amended development plans.

The Respondent's reasons for refusal, as we understand them to be, made at the Respondent's meeting of 2 October 2015 are addressed by the amended plans as follows.

Having regard to the above amendments, the reasons for refusal pertaining to the planning framework have been addressed as follows:

### Provision of car parking

Pursuant to Clause 4.6.3 of the City of Rockingham Town Planning Scheme No.2 (**TPS2**), car parking is to be provided in accordance with Clause 4.15.1.1 of TPS2 and Table 3 of TPS2.

Use	Required	Rate Amount
Office (1,861.7m <sup>2</sup> )	1 bay per 60m <sup>2</sup> (40m <sup>2</sup> ) NLA	31.0 (46.5)
Showroom (629.5m <sup>2</sup> )	1 bay per 80m <sup>2</sup> (60m <sup>2</sup> ) NLA	7.9 (10.5)
<b>Total</b>		<b>38.9 (57.0)</b>

Notes: For the Baldivis Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Under the parking provision of TPS2, the revised proposal presented to the SAT at mediation requires the provision of a minimum 39 and a maximum of 57 car parking spaces.

A total of 42 car parking spaces (plus 2 motorcycle spaces) are now provided, which falls within the allowable parking range of TPS2.

Two accessible parking spaces are also provided, notwithstanding only one accessible space is required (refer to the *Guidelines on the Application of the Premises Standards* which states that where it is not possible to determine the number of spaces serving each classification that Table D3.5 of the BCA should be consulted and "the higher ratio of the classification applicable to the relevant building should be adopted".

### Dimensions of parking bays

All car parking spaces comply with the minimum dimensions applicable to a Class 2 carpark pursuant to AS2890.1 (for 90° spaces, each space with a dimension of 2.5m x 5.4m (or 4.8m with a 0.6m overhang) and a parking aisle width of 5.8m). Class 2 is described by AS2890.1 as:

User class	Required door opening	Required aisle width	Examples of uses (Note 1)
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)

We understand the City considers Class 3 standards should be applied to the proposed development. AS2890.1 describes Class 3 as:

User class	Required door opening	Required aisle width	Examples of uses (Note 1)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres

The Class 3 description is not considered relevant to the proposed development for the following reasons:

- The proposed uses, being office and motorcycle showroom, do not have a high turnover of customers as would be expected in a hospital, medical centre or parking station.
- The proposed development is expected to have a medium turnover of parking common for office and showrooms in a town centre environment, consistent with the description for class 2.
- Class 3 standards have not been consistently applied to developments in the Baldivis Town Centre. Analysis of existing parking spaces in the Town Centre demonstrates parking spaces generally conform to Class 2 standards, even in high-turnover locations.

The dimensions of parking spaces warrants approval.

### Building design

The proposal is laid out almost identical to the approved Detailed Area Plan (DAP) applicable to the subject site, and contains most of the features sought by the DAP including:

- Two-storey contiguous built form, with a third storey landmark feature on the corner.
- The inclusion of a pedestrian corridor linking the main building entries to the street.
- Car parking is located to the rear of the building.

In considering the proposal, it is relevant to note the site is located at the roundabout intersection of two major arterial roads. Of relevance:

- The arterial roads are designed for a high volume of fast-moving and free-flowing vehicle traffic.
- There is no opportunity for on-street parking in this location.
- Very-low pedestrian traffic is expected in this location. Residents from nearby areas are far more likely to access the Town Centre via the Settlers Avenue traffic lights; crossing by foot at the roundabout would be dangerous in comparison.

The City's urban designer provided advice critical of the design of the building, generally relating to a lack of detail (albeit acknowledging the design is 'distinctive').

The advice does not contemplate the building, in its position at a roundabout intersection of two major arterial roads, would at best receive a glancing look predominately from drivers and their passengers. In this sense, the building is located on a site on which fine-grain detail would be lost on observers; such detail is better included in a pedestrian-oriented environment such as Settlers Avenue.

Generally the design responds to the DAP's encouragement of two-storey built form, three-storey corner landmark above the building entry, and the use of triangles to emphasise vertical proportions as required by the DAP.

The design is distinctive and is suitable to this location given its context.

The urban design requirements of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre (**LPP3.2.4**) are addressed in detail in the following table.

**Table 2 – Local Planning Policy 3.2.4 – Baldivis Town Centre.**

Development Requirement Provision	Provided	Compliant
<b>7.4.3 General Urban Design Requirements</b>		
<p>(i) The height of buildings will generally be set at a minimum two stories or equivalent parapet height.</p> <p>(ii) To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2pm on June 22.</p> <p>(iii) The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development.</p> <p>(iv) Variety and articulation of streetfront building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages.</p> <p>(v) A 'Detailed Area Plan' may be required at subdivision stage to show how the desired urban form can be achieved.</p>	<p>(i) The height of the proposed development is set at two stories.</p> <p>(ii) N/A.</p> <p>(iii) The building's frontage to Safety Bay Road and Nairn Drive, along with the building's physical appearance to Minden Lane is generally contiguous.</p> <p>(iv) All elevations/facades of the proposed building are appropriately articulated to result in a high visual standard. This includes:</p> <ul style="list-style-type: none"> <li>• Varying textures.</li> <li>• Varying colours which are highly compatible.</li> <li>• The use of patterns along the entire façade.</li> </ul> <p>Consequently, the proposed design concept results in a simple and distinctive statement to the western side of the overall commercial precinct.</p> <p>(v) The proposed development is generally consistent with the approved DAP.</p>	✓
<b>8.1.3 Performance Standards/Requirements</b>		
<p>(i) The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must define an attractive sequence of outdoor spaces which the public will occupy.</p>	<p>The composition of the site is not appropriate for the provision of outdoor spaces for public occupation.</p>	✓

Development Requirement Provision	Provided	Compliant
<i>(iii) Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses.</i>	<p>Further, the proposed development is located adjacent to a high-traffic roundabout on the periphery of an established commercial precinct. The proposed land uses of showroom and office are not the types of uses which would constitute a requirement for habitable outdoor spaces or highly active building frontages.</p> <p>It is considered appropriate for outdoor spaces to be applied for developments within the core of the precinct where there is an established mixed-use environment featuring a concentration of entertainment type uses such as restaurants and retail.</p>	
<i>(v) Street elevations are to be articulated to include defined streetfront entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.</i>	<p>The elevations feature a highly distinctive and articulated external façade, clearly distinguishing the proposed development from other nearby buildings within the precinct.</p> <p>The façade is appropriately glazed and features a variance of materials, textures and colours which result in an attractive built form.</p>	✓
<i>(vi) Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.</i>	A continuous 2.5m awning is provided.	✓
<i>(viii) Blank walls fronting public spaces will not be permitted.</i>	<p>Having regard to the architectural design features described earlier in the submission, the proposed development does not feature any blank walls fronting public spaces.</p> <p>The mezzanine level is proposed as a glass façade which is substantially glazed, and reflects the surrounding environment. This is consistent with the built form commonly found in Central Business District type areas.</p>	✓
<i>(ix) Within an urban streetscape discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.</i>	<p>The design of the proposed premises incorporates a range of architectural features which result in a distinctive character. These include:</p> <ul style="list-style-type: none"> <li>• Varying textures.</li> <li>• Varying colours which are highly compatible.</li> <li>• The use of patterns along the entire façade.</li> </ul> <p>No tilt slab or pre-cast concrete construction is proposed for any external walls.</p>	

Development Requirement Provision	Provided	Compliant
	As described above, the mezzanine level is proposed as a glass façade and incorporates substantial glazing. The proposed development provides an attractive and distinctive addition to the commercial precinct's periphery.	

The building is designed to provide a distinctive entrance to the Baldivis Town Centre, and warrants approval.

The northwest corner of the building is truncated at a right-angle to the street frontage, and creates a small area in the northwest corner which is not developed with building. This is an intentional design element in response to the non-standard lot dimensions. Specifically, it allows for the building's distinctive triangle façade elements and proportions to satisfactorily conclude, without a disproportionate end feature. The leftover space not occupied by the building can be fenced off at the Nairn Drive frontage so as to avoid the creation of an alcove in accordance with crime prevention through environmental design principles.

### Building entries

All tenancies are accessed from the pedestrian corridor, which links directly to Safety Bay Road as well as the rear carpark. In this way the design minimises the numbers of entries needed to each tenancy while maximising access via a central and accessible corridor. The DAP contemplates the need for rear access to tenancies; provision 4(b) states:

*Building entries to internal/rear boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and rear parking areas where possible.*

The design provides for entry corridors consistent with provision 5(b) of the DAP:

*Primary entries to first floor tenancies, and secondary entries to ground floor tenancies, may be accessed via the suggested contiguous and well-defined pedestrian corridors addressed under Provision 4(i).*

The Baldivis Activity Centre Structure Plan (**BACSP**) identifies Safety Bay Road and Nairn Drive as having a passive street frontage. An active street frontage is clearly not appropriate for the high-speed roundabout intersection of Safety Bay Road and Nairn Drive.

Nonetheless, the four secondary street entries have been modified to show swinging doors in lieu of the sliding doors. Although these four doors allow for the robust use of the building over time (such as subdivision of tenancies allowing separate street entries), the doors are not intended to be kept open during business hours due to the security issues and high resourcing demands of businesses to maintain open doors to entries which will infrequently, if ever, be used.

### Showroom Use

Although a showroom is not a preferred land use for the Core precinct under the LPP3.2.4, Showroom is nonetheless a "D" use within the District Town Centre zone of TPS2 and is a use which is therefore capable of approval.

Comments have also been made on the suitability of a motorcycle showroom on this site. The use is consistent with the objectives of the City's Planning Policy 3.2.4 – Baldivis Town Centre:

- (ii) *To ensure the integration of a diverse mix of activities so as to avoid the sterility of a single function land use. Town centre living, as well as offices, shops, restaurants, community and recreation should be interspersed; [emphasis added]*

Restricting uses to 'preferred uses' only simply aids to reduce the diverse mix of land uses in the Town Centre. Further, the tenancies are robustly designed and could be appropriated for any number of commercial land uses over time. Simply put, there is no benefit to restricting the development of the subject site for showroom uses.

There is nothing in the planning framework which restricts a showroom use from being undertaken on the subject site. For these reasons, the proposed motorcycle display and sales showroom is a use which warrants approval.

### **Service bays**

A service bay for use by delivery vehicles is provided in the northwest corner of the carpark, directly adjacent to the service access to the motorcycle showroom and a bin store. This is considered the most convenient location for a service bay.

The office tenancies will not require frequent access by large service vehicles, and courier deliveries can utilise standard user parking spaces. No additional service bays are considered necessary.

### **Weather protection of parking spaces**

A reason for refusal relates to the requirement of weather-protected accessible car bays. No such weather protected bays have been provided for other developments in the locality. Further, roofing of accessible parking spaces may restrict access by wheelchair lifts and other technologies, and for these reasons no weather protection is proposed.

### **Incursion into Minden Lane**

The amendments include a parking aisle furthering its incursion into Minden Lane (the previous proposal showed a lesser incursion). It will be necessary prior to the issue of a building permit to confirm the incursion does not conflict with any existing street infrastructure, and if there is a conflict, the infrastructure is either relocated at the proponent's expense or the parking aisle modified accordingly.

If the parking aisle requires narrowing as a result of street infrastructure, it may be necessary to reinstate the one-way carpark circulation. This can be addressed as a condition of approval.

### **Bin stores**

Two bin storage areas are proposed with the capacity for a total of 17 240L bins. The bin stores will provide capacity for the number of bins necessary for the proposed uses, plus additional capacity to provide robustness to allow for different uses occupying the building over time.

### **Street awning**

A continuous street awning is now provided along Safety bay Road and Nairn Drive.

### Accessible path of travel

A 1.1m wide path (exclusive of vehicle overhang) is now provided along the entire rear of the building, exceeding the minimum accessible path of travel dimensions of AS1428.1.

### Minor changes to proposal

The amendments to the plans does not amount to a new proposal. The principles in determining this matter have been addressed by the State Administrative Tribunal in the matter of *SITA Australia Pty Ltd and Wheatbelt Joint Development Assessment Panel [2015] WASAT 40 (SITA)*. The principles established in SITA can generally be summarised as:

- Whether the amendments consistent a significant change to the character of the development; and
- Whether the amendments are made in an attempt to respond to issues raised by the Respondent.

The amendments to the proposed development are consistent with the above principles. The building is essentially unchanged, with the exception of minor adjustments to the carpark and building. The change of use is in itself minor, and has been made to address the shortfall in car parking which would have otherwise resulted.

The proposal is not substantially different, and in our view can proceed under the s.31 reconsideration.

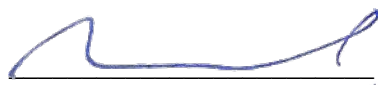
### Conclusion

We request the respondent reconsider its decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* and approve the proposed mixed commercial development for the following reasons:

- The development plans have been amended to respond to all of the listed reasons for refusal.
- The proposed development is consistent with the planning framework applicable to the Baldivis Town Centre.
- The proposed development is highly functional and features a modern, attractive façade which results in a distinctive entry point to the commercial precinct in which the site is situated.
- The proposed development is compliant with all Australian Standards and Building Codes of Australia requirements.

The proposal is therefore justified and warrants approval accordingly.

Yours faithfully



**ROSS UNDERWOOD**  
**SENIOR PLANNER**

## Appendix 1

### Development Plans



## OFFICES AND SHOWROOMS PROJECT, BALDIVIS FOR ARNO STAUB

LOT 159 MINDEN LANE, BALDIVIS CITY OF ROCKINGHAM WA

HOLTON CONNOR

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SITE & GROUND FLOOR PLAN  
1:200

M	11.12.15	PLAN REVISIONS	JG	TH
L	09.12.15	PLAN REVISIONS	JG	TH
K	09.11.15	PLAN REVISIONS	JG	TH
J	08.06.15	PLAN REVISIONS	JG	TH
I	24.02.15	PLAN REVISIONS	JG	TH
H	23.01.15	PLAN REVISIONS	JG	TH
G	20.08.14	PLAN REVISIONS	JG	TH
F	04.02.14	SAFETY B RD ELEV. REVISION	JG	TH
E	10.12.13	PARKING REVISION	JG	TH
D	10.12.13	PARKING REVISION	JG	TH
C	09.12.13	CROSSOVER	JG	TH
B	06.12.13	LANDSCAPING LEVELS	JG	TH
A	22.11.13	DESIGN DEVELOPMENT	JG	TH
REV	DATE	COMMENTS	BY	CHK

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BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

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JOB NO.	1311	FILE NAME	1311BCP	REV.	M

HOLTON CONNOR PTY LTD ABN 91 926 431 628

NAIRN DRIVE

MINDEN LANE

LOT NO. 159

SAFETY BAY ROAD

FIRST FLOOR

1:200

OFFICE  
FFL 15.51m  
635.5m<sup>2</sup>

OFFICE  
FFL 15.51m  
545m<sup>2</sup>

M	11.12.15	PLAN REVISIONS	JG TH
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K	09.11.15	PLAN REVISIONS	JG TH
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C	09.12.13	CROSSOVER	JG TH
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A	22.11.13	DESIGN DEVELOPMENT	JG TH
REV	DATE	COMMENTS	BY CHK

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FOR ARNO STAUB

FIRST FLOOR PLAN			
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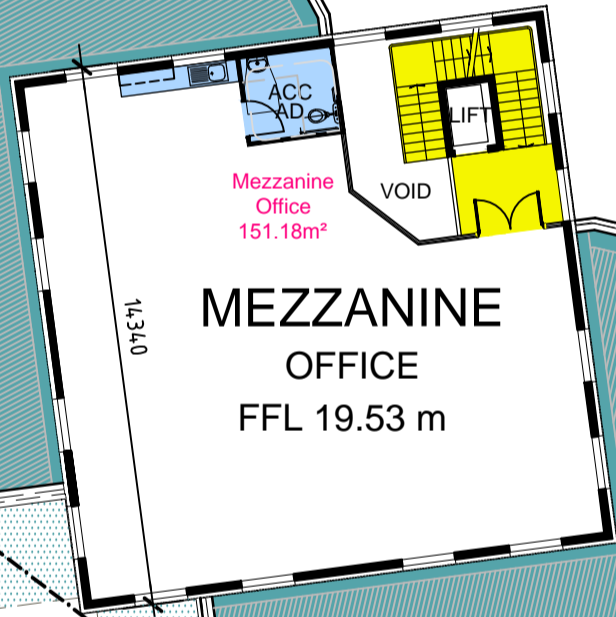
NAIRN DRIVE

MINDEN LANE

LOT NO. 159

SAFETY BAY ROAD

SECOND FLOOR  
1:200



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F	04.02.14	SAFETY B RD ELEV. REVISION	JG TH
E	11.12.13	PARKING REVISION	JG TH
D	10.12.13	PARKING REVISION	JG TH
C	09.12.13	CROSSOVER	JG TH
B	06.12.13	LANDSCAPING LEVELS	JG TH
A	22.11.13	DESIGN DEVELOPMENT	JG TH
REV	DATE	COMMENTS	BY CHK

HOLTON CONNOR  
ARCHITECTS

PLANNERS

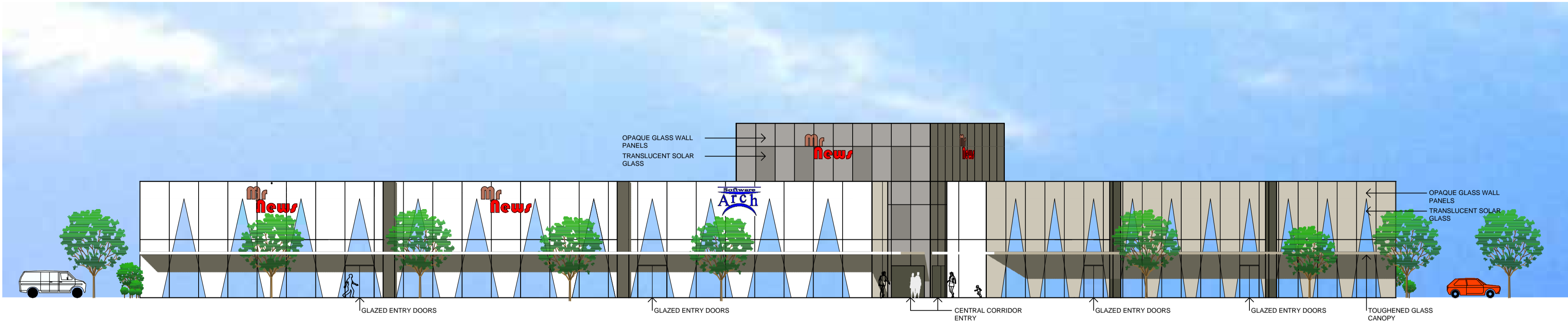
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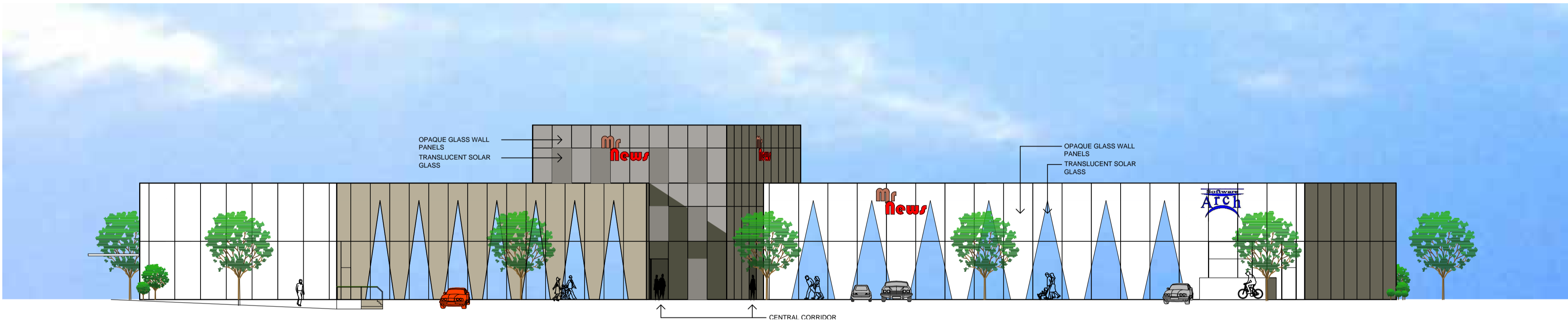
BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

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JOB No.	1311	FILE NAME	1311BCP		M

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SAFETY BAY ROAD ELEVATION  
1:200



MINDEN LANE ELEVATION  
1:200



SECTION THROUGH CENTRAL CORE  
1:200

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REV	DATE	COMMENTS	BY CHK

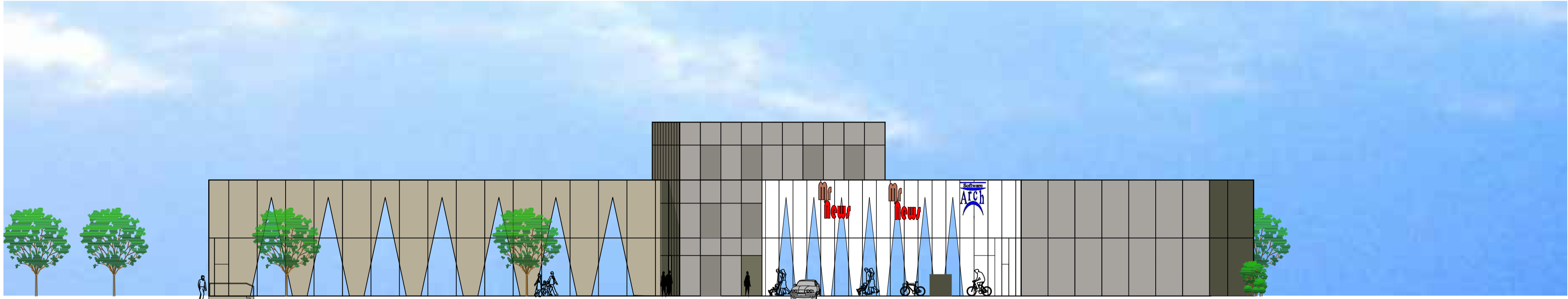
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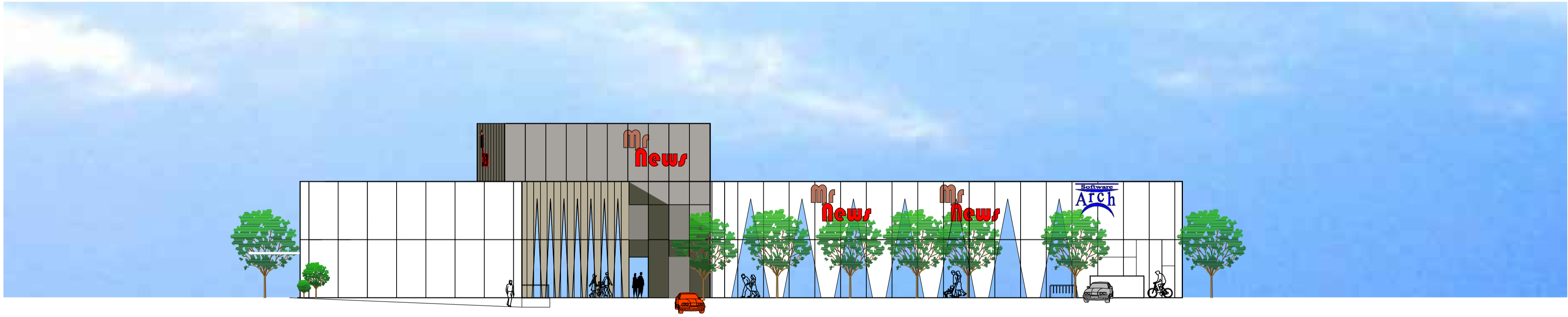
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FOR ARNO STAUB

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JOB No.	1311	FILE NAME	1311BCP		J

HOLTON CONNOR PTY LTD ABN 19 056 171 426



NORTH ELEVATION  
1:200



EAST ELEVATION  
1:200

D	09.12.15	PLAN REVISIONS	JG	TH
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B	11.06.15	PLAN REVISIONS	JG	TH
A	23.01.15	PLAN REVISIONS	JG	TH
REV	DATE	COMMENTS	BY	CHK

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PLANNER

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FOR ARNO STAUB

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JOB No.	1311	FILE NAME	1311BCP		D

HOLTON CONNOR PTY LTD ABN 93 656 131 426

NAIRN DRIVE

2048  
212°11'28"

35170

90°

15820

MINDEN LANE

Nail on the road

270°

39983

90°

50487

2814m<sup>2</sup>

LOT 159  
NAIRN DRIVE  
BALDIVIS

46340

155°51'31"

8500

155°51'31"

SAFETY BAY ROAD

45757

Vacant Land

R.O.W.  
3.0m

76°41'3"

SITE SURVEY PLAN

1:200

A	11.06.15	NOTES ADDED	JG	TH
REV	DATE	COMMENTS	BY	CHK

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BALDIVIS COMMERCIAL PROJECT  
FOR ARNO STAUB

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JOB No.	1311	FILE NAME	1311BCP	SK.17	A

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## **Review of proposed commercial development, Lot 159 Nairn Drive, Baldivis town centre**

The City of Rockingham requested Mackay Urbandesign to review and prepare a short report on the proposal for the construction of a commercial development on the corner of Nairn Drive and Safety Bay Road in the core precinct of the Baldivis town centre).

The proposal is for a predominantly two-storey building, with a three-storey 'mezzanine' portion in the centre of the building. The proposal indicates that the main uses will be showrooms and a large gymnasium.

As a component of the Baldivis town centre, the proposal is required to significantly comply with the Baldivis town centre policy (Planning Policy 3.2.4), the associated Integrated Development Guide Plan, and the approved Detail Area Plan.

### **General comments on land use and location**

The showroom uses are, at face value, a logical use for a building on a high-exposure corner of two major roads on the edge of an activity centre. However, showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional 'service road' format, or where a rear parking court is accessed directly from the adjacent major road(s).

In this case, the proximity to the intersection precludes direct access to this site, requiring customers to navigate through the town centre and along Minden Lane to find the car parking, which brings a high degree of inconvenience and is at odds with the convenience normally associated with showroom developments.

The other fundamental issue with showroom uses that have car parking to the rear is that the shopfront tends to face the car park. Whilst a proposal may show doors facing the street, the reality is that there will always be pressure from the tenants to prioritise frontage to the car park and, thus, render the street frontage as a token gesture and a signage opportunity.

The Detailed Area Plan for the site is specific about the spatial relationship between the building and the car park, and is a logical urban design outcome. Unfortunately, it doesn't particularly suit showroom uses. It should also be noted that upper floor showrooms are rarely successful.

The most appropriate uses for this corner site are actually office and residential uses with lower levels of car-based visitation than a showroom use. The proposed gymnasium is arguably more appropriate than a showroom use in this location given the specific nature of a gymnasium as a destination.

The gymnasium is also a useful component of the town centre given that it is often frequented after normal business hours and contributes to activation of the town centre in the evening and early morning.

### **General comments on built form and architectural treatment**

The built form is broadly consistent with the Detailed Area Plan in that it is of a two-storey scale that follows the street boundary, with car-parking to the rear, glazing to the street frontage and a relatively continuous awning to the street front.

The three-storey element in the centre helps to break up the relentless repetition and uniformity of the proposed building's elevation treatment.

Whilst it could be argued that the three-storey element is a corner feature, the reality is that the corner is a sweeping one with an obtuse angle and, as a result, the building will read as a cranked linear building rather than a traditional corner building. However, in this respect, the three-storey element is appropriately located at the point where the building cranks.

However, the proposal is lacking in detail and is of an architectural appearance that, whilst 'distinctive', lacks the urban or civic character associated with a town centre.

Concerns with the elevation treatment include:

- The extensive repetition of the architectural treatment.
- The 'flatness' of the wall and the corresponding lack of shadows to provide visual relief.
- The limited palette of wall materials and the resulting lack of visual interest.
- The lack of consideration as to how signage might be incorporated into the design of the building.
- The 'thinness' of the canopy and the resulting lack of significance as part of the composition of the street elevations, and the inability to incorporate lighting to improve pedestrian amenity after dark.
- The incongruity and irrelevance of the triangular windows.
- The lack of continuity of the awning along the street frontage – there are gaps between the main awnings and the awning associated with the central three-storey element.
- The relentless single parapet height (other than the three storey component).
- The extent of solid (opaque) wall to the street frontage.
- The lack of differentiation between the architectural treatment of the 'front' and 'back' of the building, which will only serve to reinforce the confusion as to which way tenancies should face.

In addition, further consideration should be given to:

- Providing an alternative ground floor level walk-through from the rear car park to the street frontage that is accessible after normal business hours (rather than access only through the lobby). In this respect, it should be noted that the DAP diagram indicates two walk-throughs although the text suggests a minimum of one.
- Demonstrating adequate provision for delivery vehicles for the showroom components, and internal goods access to the upper level showrooms. The only service bay is at the far eastern end of the building.
- Identifying discreet areas for refuse storage and collection. The only bin store is at the far eastern end of the building.
- Relocating the disabled bays adjacent to the stair well for more central access for the disabled users.
- Avoiding the leftover triangle of land in the north-western corner of the site if the adjacent site is built to the boundaries. A more appropriate outcome would be for the building to follow the boundaries of the western and northern boundaries and complete the corner.

### **Comment in relation to the approved Detail Area Plan**

The proposed development is superficially consistent with the DAP. However, it fails to meet the requirements in a number of detailed areas, many of which correspond to the general built form and architectural comments above. The areas of inadequacy include:

- The lack of activation of the street frontage with entrances to tenancies. No doors are indicated to the showrooms and the gymnasium entrance is clearly from the rear through the stair well.
- The lack of 'substantial glazing' to the street frontage. The DAP has a requirement for at least 60% of the ground floor street frontages to be glazed – the proposal is estimated at less than 50%.
- The lack of provision of a second walk-through from the rear car park to the street frontage (as per the diagram).
- The lack of continuity of awning cover to the street frontage.
- The lack of lighting to the underside of the awnings.
- The lack of articulation, interest and variety of architectural treatment to the street elevations in particular.
- A preference for 'earthy' colours to the elevations.
- The impracticality of the servicing and bin storage areas for the showroom components.

### **Summary and recommendations**

In summary, the proposal is superficially consistent with the Baldivis town centre policy and the DAP for the site. However, at the detailed level the proposal is a sub-standard urban design and architectural outcome.

The proposal would be significantly improved by:

- A less repetitive architectural treatment.

- Variations in the wall plane of the street elevation, which could be used to imply a series of attached buildings rather than one large building.
- The introduction of a complimentary wall material or materials to add visual interest. The change in materials could help to differentiate the base, middle and top of the building or to break up the mass of the building into several sections.
- The introduction of standard signage panels on the parapet and awnings.
- A more substantial canopy with integrated downlights to light the pedestrian pathway.
- Replacement of the triangular windows with more rectangular ones that are more consistent with the rest of the town centre.
- The provision of continuous canopy cover for pedestrians along the pedestrian route along the street frontage.
- Some variation in parapet height along the two main street frontages.
- Wider windows to the ground level street frontage in order to achieve a minimum of 60% glazing.
- Greater differentiation between the architectural treatment of the 'front' and 'back' of the building.
- Provision of an 'all-hours' ground floor level walk-through from the rear car park to the street frontages in addition to the central lobby. The additional walk-through would be better located mid point along the northern wing
- Provision for delivery vehicles for the showroom components, and provision of internal goods access to the upper level showrooms.
- Provision of an additional refuse storage and collection area to serve the showrooms.
- Relocation of the disabled bays adjacent to the stair well for more central access for the disabled users.
- Reconfiguration of the north-western corner of the building to follow the boundaries of the western and northern boundaries and complete the corner.
- Provision of street frontage entrances to the ground floor tenancies, and relocation of the gymnasium entry and reception to the front of the building.
- The use of a palette of 'earthy' colours to the elevations.

**Malcolm Mackay**

Director Mackay Urbandesign

07 April 2014

## PROVISIONS

The purpose of this Detailed Area Plan is to identify the requirements of the *City of Rockingham Town Planning Scheme No. 2 (TPS2)*, *Planning Policy 3.2.4, Baldivis Town Centre* and the *Integrated Development Guide Plan* for the Baldivis Town Centre that apply to Lot 159 Nairn Drive, Baldivis; and apply certain other requirements that are particular to this land. The key criteria of *State Planning Policy 4.2 Activity Centres for Perth and Peel* are also addressed in this Detailed Area Plan, particularly those relating to the development of well integrated, accessible, diverse and high quality urban form within Activity Centres.

### 1. GENERAL PROVISIONS

(a) TPS2 Zoning	'Baldivis Town Centre'
(b) Permitted Land Uses	Refer to TPS2 Zoning Table
(c) Preferred Land Uses	<ul style="list-style-type: none"> <li>Retail</li> <li>Civic and Community</li> <li>Entertainment and Leisure</li> <li>Eating and Drinking Premises</li> <li>Offices</li> <li>Residential- Medium Density (refer Provision 1(d))</li> </ul> <p>NB. Drive-through facilities will not be supported, consistent with main street design principles.</p>
(d) Residential Development	Residential development shall be assessed in accordance with the R-AC3 provisions of the R-Codes, excluding primary street setbacks as addressed below.

### 2. BUILDING SETBACKS

Street Setbacks	Minimum	Maximum
	Nil	2m
(a) Primary Frontage	<ul style="list-style-type: none"> <li>i. All buildings shall generally have a contiguous frontage addressing the street within a 0-2m lot setback.</li> <li>ii. The prescribed building setbacks can be substituted by an alfresco dining area or similar, subject to the construction of a formal physical separation between the boundary and the verge (i.e. masonry fencing).</li> </ul>	
(b) Other Frontages	ii. Nil setback permitted to Minden Lane and all internal boundaries.	

### 3. BUILDING & CEILING HEIGHTS

- All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to all buildings along all street frontages.
- Where two or more storeys are proposed, a minimum ground floor to first floor height of 3.2m with a minimum 3.0m ceiling height must be provided.
- The remainder of the building, if single storey, shall be designed to have a ceiling height which could incorporate a mezzanine floor level at least 3.2m above the ground level. The facade of the building shall be designed to reflect the mezzanine level, subject to the facade having a minimum height of 6m.

### 4. BUILT FORM & ORIENTATION

- The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages.
- Building entries to internal/rear boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and rear car parking area where possible.
- Pursuant to Provision 2(a)(i) and (ii), the built form may be stepped back at right angles from the corner truncation to provide flexibility to the design.
- Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.
- Where a building abuts a street, cantilevered awnings must be provided for the full length of each facade. The awning must have a minimum depth of at least 2.5m and achieve a clearance of 3m above pavement level with sufficient lighting provided to the underside of the awning. Refer to *City of Rockingham - Street Verandahs Local Law 2000*.
- Awning posts within the road reserve are generally not supported.
- The ground-level facades of commercial and mixed use buildings fronting the street shall be transparent for at least 60% of the area of its area. The ground level residential units fronting the street shall be transparent over at least 30% of its area.
- Facades are to be articulated by providing indentations and projections in the floor plan, whilst maintaining a continuous awning at 2.5m minimum depth pursuant to provision 4(e).
- Broad facades and blank walls shall be broken up to create variety and interest through architectural design features. Blank walls facing roads are not acceptable.
- At least one designated pedestrian access corridor linking the street to the rear car park and Minden Lane is required. The corridor(s) shall be contiguous and well defined.
- Larger developments are to be broken up through the use of elements which emphasise a vertical proportion.
- Residential dwellings must incorporate at least one habitable room and balcony facing the street.
- All residential developments must incorporate noise attenuation measures to the satisfaction of the City of Rockingham to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.

### 5. PEDESTRIAN ACCESS

- The main public entrances to all buildings shall be located along Nairn Drive or the corner of Nairn Drive and Safety Bay Road or may also be accessed via the contiguous and well defined pedestrian corridor(s) identified by Provision 4(j).

- Primary entries to first floor tenancies, and secondary entries to ground floor tenancies, may be accessed via the suggested contiguous and well-defined pedestrian corridors addressed under Provision 4(j).
- Separate and clear pedestrian paths should be provided between the car park and main public entrances, to facilitate customer's safe access to building entries. A central pedestrian corridor linking the main entry(s) to the rear car park is encouraged.

### 6. MATERIALS & FINISHES

- Variety and high urban design standards are encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail.
- Durable and low maintenance materials in an earthy colour palette is recommended.
- A combination of materials and/or finishes shall be incorporated to add visual interest.
- Unfinished walls, including boundary walls, shall not be left exposed where in public view.

### 7. SERVICE & STORAGE AREAS

- Delivery, loading and storage areas are to be screened from public view by an enclosure which is complementary with the style and materials of the primary building.
- Minden Lane shall be the primary access for service vehicles and service areas (such as bin storage areas).

### 8. VEHICLE ACCESS AND PARKING AREAS

- All vehicles access shall be via the designated access points off Minden Lane and parking generally sited at the rear of the premises.
- The development must meet the minimum and maximum car parking requirements as set out in Table 3 and clause 4.15.1.1 of *City of Rockingham Town Planning Scheme No. 2*.
- Undercroft parking is encouraged.

### 9. BICYCLE PARKING & END OF TRIP FACILITIES

- 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.

### 10. SIGNAGE

- Pylon signage is not permitted on this site.
- Signage additional to the corporate branding must be consistent in colour, size and font.
- All building proposals must include a 'Sign strategy' in accordance with the *City of Rockingham Planning Policy 3.3.1, Control of Advertisements*.

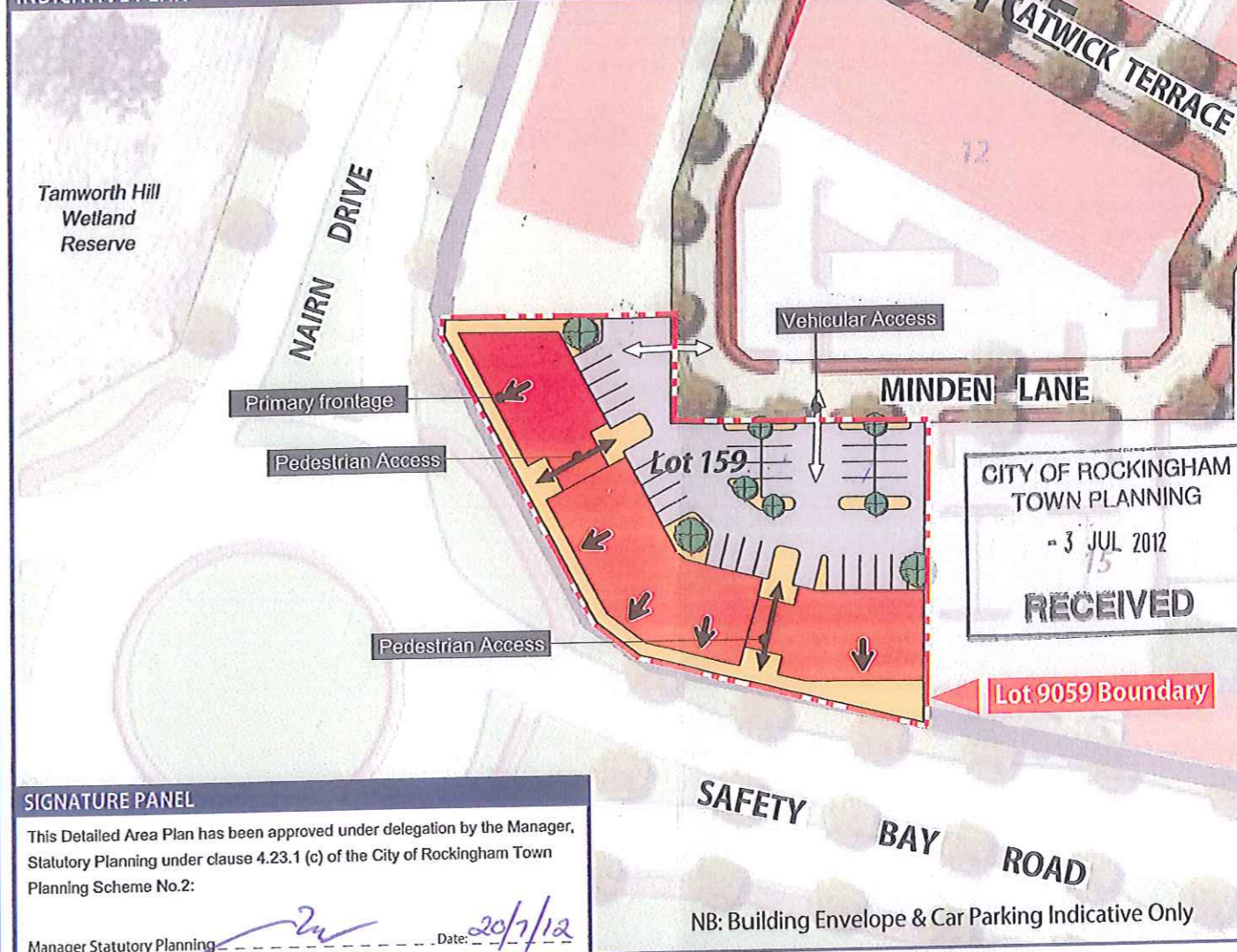
### 11. FENCING

- Perimeter fencing to the site is discouraged and should be limited to residential type land uses or alfresco dining areas.
- Fencing to commercial land uses may be solid to a maximum 700mm height.
- Fencing shall be constructed in masonry to complement the style and materials of the primary building.

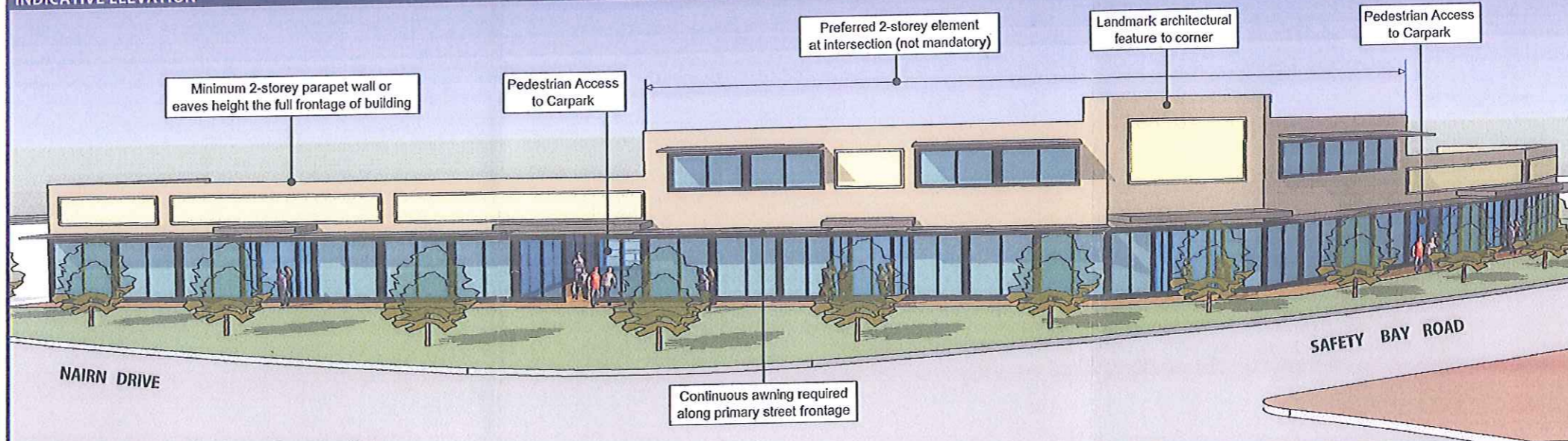
### 12. LANDSCAPING

- Landscaping of the verges adjacent the lot must be installed by the purchaser.

## INDICATIVE PLAN



## INDICATIVE ELEVATION



NB: Elevation Plan for Illustration Purposes Only



## DETAILED AREA PLAN

Lot 159 Nairn Drive

**BALDIVIS TOWN CENTRE**

NORTH		Scale 1: 1,000 @ A3	
0 10 20 30 40 50 metres			
COMPILED: DPS		DRAWN BY: MDH	
DATE: 30/11/2011		REVISED: 3/7/2012	
GRID: MGA 50		DATUM: AHD	
DRAWING NUMBER: ST08C005h-DAP		JOB CODE: ST08CDAP	
FILE ID: MAST08CST08C005h-DAP.dgn			



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