



Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 5 December 2013; 2:30pm
Meeting Number: MSWJDAP/29
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Rory O'Brien (A/Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Bart Houwen (Local Government Member, City of Cockburn)
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Richard Smith (Local Government Member, City of Rockingham)

Officers in attendance

Mr Craig Shepherd, Development Assessment Panels
Mr Mat Selby, Department of Planning
Ms Erika Barton, City of Rockingham
Mr Mike Ross, City of Rockingham
Mr Andrew Lefort, City of Cockburn
Ms Chloe Johnston, City of Fremantle

Department of Planning Minute Secretary

Ms Dallas Downes

Applicants and Submitters

Mr Justin Page, Whelans
Mr Tim Dawkins, Urbis
Ms Prue Cunningham, Stockland
Mr James Thompson, MacJones

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

Mr Ian Birch (Deputy Presiding Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

The Minutes of the Metro South West JDAP Meeting No.28 held on 20 November 2013 were not available at time of Agenda preparation.

5. Disclosure of Interests

Nil

6. Declarations of Due Consideration

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

7. Deputations and Presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1	Property Location:	Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar
	Application Details:	51 Multiple Dwellings and 6 Grouped Dwellings
	Applicant:	Whelans (WA) Pty Ltd
	Owner:	Ocean Road Infrastructure Pty Ltd
	Responsible authority:	City of Cockburn
	Report date:	18/11/2013
	DoP File No:	DP/13/00773

8.2	Property Location:	Lots 2029 and 2031 (No. 47) Mews Road, Fremantle.
	Application Details:	Additions and alterations to existing building and partial change of use to Tavern 'restricte
	Applicant:	Bathers Beach Property Group
	Owner:	Minister for Transport
	Responsible authority:	Western Australian Planning Commission.
	Report date:	26 November 2013
	DoP File No:	DP/13/00826



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

9.1 Property Location: 434 Safety Bay Road Pty Ltd
 Application Details: Four Storey Mixed Use Development
 Applicant: TPG Town Planning and Urban Design
 Owner: 434 Safety Bay Road Pty Ltd
 Responsible authority: City of Rockingham
 Report date: 26th November 2013
 DoP File No: DP/12/00130

10. Appeals to the State Administrative Tribunal

8.2 Property Location: Lots 1 and 9084 Safety Bay Road, Baldivis
 Application Details: Reconsideration of DAP Planning Approval for
 Additions and Alterations to Baldivis District
 Shopping Centre
 Applicant: Stockland Development Pty Ltd C/- Urbis
 Owner: Stockland WA (Estates) Pty Ltd
 Responsible authority: City of Rockingham
 Report date: 4th November 2013
 DoP File No: DP/12/01276

11. Meeting Closure



Form 1 - Responsible Authority Report

(Regulation 12)

Application Details:	51 Multiple Dwellings and 6 Grouped Dwellings
Property Location:	Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar
DAP Name:	Metro South-West JDAP
Applicant:	Whelans (WA) Pty Ltd
Owner:	Ocean Road Infrastructure Pty Ltd
LG Reference:	6013387
Responsible Authority:	City of Cockburn
Authorising Officer:	Troy Cappellucci Senior Planning Officer
Application No and File No:	DAP13/007 and 6013387
Report Date:	18/11/2013
Application Receipt Date:	17/09/2013
Application Process Days:	62
Attachment(s):	1 – Site and Context Plans 2 – Floor Plans 3 – Elevations 4 – Perspectives 5 – Waste Management Plan

Recommendation:

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

Approve the Development Assessment Panel Application (DAP13/007) and accompanying plans (A1.01 to A1.09, A2.01 to A2.05 and A0.01) dated received 13 September 2013 for the development of 51 multiple dwellings and 6 grouped dwellings over Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue, Beeliar, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development. The details as agreed by the City are to be implemented in the development.
2. A detailed landscaping plan and lighting details of the subject site as part of this proposed staged development shall be submitted to the City's satisfaction prior to the lodgement of a Building Permit application. The plan agreed to by the City shall be implemented in the development.
3. Landscaping is to be established and reticulated in accordance with the approved detailed landscape plan prior to the occupation of the dwellings.

Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.

4. An acoustic report undertaken by a suitably qualified acoustic consultant demonstrating that the design of the development meets the following requirements: “the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled “Road and Rail Transport Noise and Freight Considerations in Land Use Planning”, will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy;”.
5. **Prior to the lodgement of a Building Permit with the City**, the Developer is to provide to the City with a report from a recognised acoustic consultant demonstrating that the design of the development and the location of plant within the development including air-conditioners and similar equipment will not result in noise emissions exceeding those set out in the Environmental Protection (Noise) Regulations 1997 (as amended) and the design of the development will result in acceptable indoor noise levels that meet the recommended design sound levels in table 1 of AS/ANS 2107:2000 entitled “Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors”, particularly with regard to noise transmission between units and floors.
6. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the Noise Report provided prior to the lodgement of a Building Permit with the City, have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the City must be provided prior to occupation of the development.
7. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City’s satisfaction prior to the lodgement of a Building Permit application for the development.
8. Arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
9. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 22 November 2013, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
10. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 22 bicycle bays (17 for residents, 5 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.

11. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
12. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bone fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
13. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
16. The approved development must clearly display the street number/s.
17. Car parking and access driveways shall be designed and constructed to comply AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
18. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a building permit and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
19. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
20. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite.
21. **Prior to the lodgement of a Building Permit**, any excavation and earthworks necessary within the Spearwood Avenue road reserve will need to be approved by the City.
22. The City is to initiate an MRS amendment to remove the Other Regional Roads (ORR) reservation from the affected portion of the subject site.
23. **Prior to the lodgement of a Building Permit**, the City is to reach agreement with the applicant regarding the provision of a pedestrian path along the Spearwood Avenue frontage of the site (western side of Spearwood Avenue between Ninghan Lookout and Beeliar Drive).

Footnotes

1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
4. With regard to Condition 11, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
5. With regards to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.
6. In regards to condition 4, when considering acceptable strategies to minimise the potential impact of road traffic noise on the homes proposed within this area, the following hierarchy of controls should be considered:
 - Increased spatial separation between the houses and the road – eg the use of public open space as a buffer between, the location of service roads to ensure that properties do not 'back on' to the transport route etc;
 - Zoning mechanisms to limit where possible land use in close proximity to the road to non-noise sensitive land uses (i.e. non-residential);
 - The use of buildings as shields or similar acoustic design principals;
 - Noise barriers, walls and bunds – not really an acceptable solution on its own in this situation, as it requires complete visual obstruction between the road and the houses;
 - The use of quiet house design requirements – as with the wall or barrier, this is not an option that can be used on its own due to the impact on the houses and increased cost burden on the home owner.

7. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
8. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
9. In regards to condition 20, an Application for Approval of a Dust Management Plan form may be obtained from the City of Cockburn website, and must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996) The developer is further advised that the City's Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
10. In regards to condition 21, please liaise with the City's Engineering Department.
11. In regards to condition 22, The City is to send the following information to WAPC Schemes, Strategies and Amendments – Attention to Anthony Muscara:
 - A brief explanation of the proposal;
 - Plans showing the affected portion of land; and
 - A preliminary design concept for the future intersection of Beeliar Drive/Spearwood Avenue.
12. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
13. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

Background:

Property Address:	Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive & Lot 9032 Spearwood Avenue, Beeliar
Zoning	MRS: Urban
	TPS: Development
Use Class:	Multiple Dwellings and Grouped Dwellings
Strategy Policy:	-
Development Scheme:	City of Cockburn Town Planning Scheme No. 3
Lot Size:	6424m2

Existing Land Use:	Vacant Land
Value of Development:	\$9,000,000

The proposal is for the construction of a residential apartment building containing a total of 51 multiple dwellings over five buildings, all three storeys in height, along with 6 two-storey grouped dwellings. The residential apartments will be accessed from Barnong Lookout, with separate ground level car parking provided for each unit as well as visitor parking bays. While the 6 two-storey grouped dwellings will be accessed from Ninghan Lookout.

The subject site is situated at the intersection of Beeliar Drive and Spearwood Avenue. The site is bound to the north by Beeliar Drive, to the east by Spearwood Avenue, to the west by future Barnong Lookout and to the south by existing 'R20' residential lots (Lots 114-118 Ninghan Lookout) and Ninghan Lookout.

There is a small portion of the subject site (approximately 133sqm) which is reserved under the Metropolitan Region Scheme (MRS) and Town Planning Scheme No. 3 (TPS 3) as 'Other Regional Roads'. As such, the application has been referred to the Department of Planning for their consideration, the detail of which is discussed later in this report.

In addition, prior to the JDAP Report being prepared, given the site is currently zoned 'Development' under the City of Cockburn TPS No. 3, a local structure plan (LSP) has been endorsed for the site which requires a Detailed Area Plan (DAP) to be prepared for the subject site. The DAP proposed, prepared by the applicants lodging the subject application, was consistent with the plans prepared for this application and as such, was endorsed by the City on the 8th of November 2013.

Details: outline of development application

The proposed development comprises:

- A total of 51 multiple dwellings (residential apartments) over five buildings including:
 - 15 one bedroom apartments;
 - 21 two bedroom apartments; and
 - 15 three bedroom apartments
- A total of 6 two-storey grouped dwellings;
- All the residential apartments provided with a balcony of 10sqm or greater;
- All the two-storey grouped dwellings provided with more than the required minimum outdoor living area of 16sqm;
- Vehicle access to the two-storey grouped dwellings is via Ninghan Lookout whereas access to the residential apartments is via the future Barnong Lookout;
- Individual storerooms for each residential apartment on the ground level, with some adjoining the residential properties along Ninghan Lookout, to the south of the subject site;
- The multiple dwellings will be brick cavity walls with rendered and textured painted white finish. While the grouped dwellings will have rendered and textured painted finish in white and brown with feature stone work to entry porches to be in limestone and natural rock face.

The subject site is currently vacant. The surrounding existing development is predominately low density residential, except for land further south of McLaren Avenue, where market gardens continue to operate. Multiple dwellings, in conjunction with the proposed six grouped dwellings proposed, provide an attractive and affordable housing choice within the area. The proposal creates an R60 development that provides for a range of accommodation types, including single, two and three bedroom apartment units and townhouses.

Legislation & policy:

Legislation

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

- City of Cockburn Town Planning Scheme No. 3 (TPS3). The application is to be determined in accordance with the provisions of Part 10 of the Scheme (Procedure for Dealing with Applications);
- The Residential Design Codes of Western Australia (R-Codes); and
- Cell 10 Beeliar Local Structure Plan (LSP).

With regards to the Cell 10 Beeliar LSP, which covers the subject site, an amendment was recently approved by the City of Cockburn to modify the R-Code density for Lot 9510 (formerly Lot 9000 Ninghan Lookout, Lot 9007 Beeliar Drive and Lot 9032 Spearwood Avenue) from R20 to R60.

The purpose of the LSP amendment was to facilitate the future subdivision and development of the subject site at a density of R60. This provides opportunity to create medium density housing (i.e. multiple and grouped dwellings) that will assist in diversifying the existing and planned housing stock in Beeliar. At the time of the City receiving and assessing this application, WAPC has now endorsed the change of zoning from R20 to R60 as part of the modified Structure Plan, on the 29 October 2013.

State Government Policies

Beeliar Drive is designated as an 'Other Regional Road' in both the Metropolitan Region Scheme, and City of Cockburn TPS 3. Spearwood Avenue north of Beeliar Drive is also designated as an 'Other Regional Road'. Vehicle traffic noise considerations under State Planning Policy 5.4 apply to the development site.

The land is already zoned for residential use under Beeliar Cell 10 Local Structure Plan, which confirms that any potential noise from vehicular traffic can be managed. The proposed development considers aspects such as building design, orientation of noise sensitive rooms away from noise, consideration to location of windows and window treatments, selection of building material etc.

While the City has noted this, the requirement for a detailed acoustic report has been recommended as a condition of this approval to ensure vehicle traffic and noise considerations are addressed prior to the lodgement of a Building Permit to the City.

Consultation:

Public Consultation

The proposal was subject of public consultation to some adjoining properties due to a boundary wall length variation proposed as a result of the stores for the 51 residential apartments having their boundary walls on the southern property boundary. Advertising was conducted to Nos. 3, 5, 7, 9 & 11 Ninghan Lookout, Beeliar, as the proposed storage room walls occupy the entire rear lot boundaries of Nos. 5, 7 & 9 Ninghan Lookout along with portions of Nos. 3 & 11 Ninghan Lookout.

During the advertising period, only one (1) submission was received, which was an objection. The variation and objection are explained in more detail below in the 'Planning Assessment' section is deemed acceptable in this instance.

Consultation with other Agencies or Consultants

The application was referred to the Department of Planning (DoP) for consideration and comment as the proposal abuts Beeliar Drive (Blue Road) road reservation and also has a small portion of the subject site, approximately 133sqm within this blue road reservation. In response, the Department has no objection to the proposal on regional transport planning grounds subject to the following recommendations:

- The City of Cockburn is to initiate an MRS amendment to remove the Other Regional Roads (ORR) reservation from the affected portion of Lot 9510;
- The applicant is to provide a minimum of five on-site visitor bicycle parking spaces in accordance with the R-Codes. The location of the spaces is to be endorsed by the City of Cockburn;
- The City of Cockburn is to reach agreement with the applicant regarding the provision of a pedestrian path along the Spearwood Avenue frontage of the site; and
- In accordance with State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4), notifications are required on certificates of title highlighting that the land is subject to transport noise. It is strongly advised that an acoustic study be conducted.

The above recommendations have been placed as conditions recommended for this application, subject to the application being approved.

The City has discussed the future layout of the Beeliar Drive/Spearwood Avenue intersection and it has been decided that the affected small portion of land reserved for 'Other Regional Road' as part of this application would not be required for road widening in the future. It is considered that the geometric requirements for a signalised intersection layout there will be able to be satisfied because of the availability of the reserve (Lot 109 Spearwood Avenue) vested in the City on the east side of Spearwood Avenue.

It should also be noted that the applicants met with Officers of the City's Statutory Planning team on several occasions prior to receipt of the application. At these meetings, the merits of the proposal along with a range of concerns were discussed at length with the plans evolving to those the subject of the application.

Planning assessment:

TPS Considerations

The LSP identifies development of grouped dwellings and multiple dwellings on the subject land as “Permitted” and “Discretionary” uses respectively, given the Residential (R60) zoning of the land. Discretionary (D) uses, in this case, the proposed 51 multiple dwellings, are not permitted unless the local government has exercised its discretion by granting planning approval.

R-Code Considerations

The following comments deal with the proposal’s degree of compliance with the relevant sections 5 and 6 of the R-Codes which relate to grouped and multiple dwellings.

The table below summarises the applicant’s degree of compliance with Part 5 of the R-Codes in relation to the proposed six grouped dwellings.

Considerations	Deemed to Comply Requirements	Compliance
Site Area – Clause 5.1.1	R60 grouped dwellings: Minimum site area = 120sqm Average site area = 150sqm	Total area set aside for the six grouped dwellings is 921sqm. Grouped dwellings are proposed to be built as built strata as part of the apartment development. Therefore, the average site area proposed is 154.5sqm, therefore the proposal is compliant. Does comply.
Street Setbacks – Clause 5.1.2	- Primary Setback 2m; and - Secondary Street Setback 1m.	- To Spearwood Avenue, more than 2m setback provided. - To Ninghan Lookout, more than 2m secondary street setback provided. Does comply.
Side and Rear Setbacks – Clause 5.1.3	Nil to 1m permitted subject to wall length and heights	- For ground floors, except for the storage outbuildings, side and rear setbacks meet requirements. - For upper floors, towards eastern boundary of Lot 118, required setback is 1.2m, proposed is 2.68m.

		<p>- With boundary walls of the stores towards Lot 118, meets length and height requirements for building on boundary requirements.</p> <p>Does comply.</p>
Open Space – Clause 5.14	Minimum 45% required	<p>- Open space provided for all the six grouped dwellings is 52.8%.</p> <p>Does comply.</p>
Building Height – Clause 5.1.6	<p>- Top of External Wall = 6m</p> <p>- Top of Pitched Roof = 9m</p>	<p>- External wall height 5.1m provided.</p> <p>- Roof pitch height of 6.5m provided.</p> <p>Does comply.</p>
Setback of Garages and Carports – Clause 5.2.1	Carports setback from primary street minimum 2 metres	<p>Carports setback from primary street of Spearwood Avenue of 7.8-8.7m.</p> <p>Does comply.</p>
Street Surveillance – Clause 5.2.3	Habitable rooms facing the street	<p>Townhouses front Spearwood Avenue and provide second storey surveillance from upper floor windows looking over ground floor carports.</p> <p>Does comply.</p>
Street Walls and Fences – Clause 5.2.4	Fences visually permeable above 1.2m above NGL	<p>Approximately 22m of fencing along Ninghan Lookout is visually permeable above 600mm. Proposed fencing is 600mm solid masonry high from NGL with 1200mm visually permeable infill to 1.8m high.</p> <p>Does comply.</p>
Sight Lines – Clause 5.2.5	Walls and fences truncated to provide sightlines or not greater than 0.75m within the truncation area	<p>The grouped dwellings common access driveway sightlines are clear from fences and walls.</p> <p>Does comply.</p>

Outdoor Living Areas – Clause 5.3.1	Each dwelling to have an outdoor living area minimum of 16sqm with a minimum dimension of 4m behind street setback line and accessible from habitable room.	<ul style="list-style-type: none"> - Each grouped dwelling has an outdoor living area more than 16sqm. - With minimum 4m dimensions, all dwellings fine except for Unit 57, which proposes a minimum dimension of 3.6m, in lieu of 4m. <p>Does not comply (in part) but does comply with design principles.</p>
Landscaping – Clause 5.3.2	<ul style="list-style-type: none"> - Street setback areas maximum 50% hard surface; - Pedestrian paths connecting buildings entries; - Landscaping around car bays to include shade trees per 6 car bays; - Lighting of pathways and communal open space and car parking areas; and - Clear sight lines at pedestrian and vehicle crossing points. 	<ul style="list-style-type: none"> - More than 50% landscaping provided. - Pedestrian paths from internal driveway and street do connect to paths leading to townhouse entries. - Mixture of soft and hard surface area landscaping provided. - Lighting is indicated as being provided. - Pedestrian crossings are truncated accordingly. <p>Does comply.</p>
Parking – Clause 5.3.3	<ul style="list-style-type: none"> - 6 grouped dwellings equates to 6 car bays required; and - 1 visitor bay per 4 dwellings equates to 2 visitor bays required. 	<ul style="list-style-type: none"> - 6 car bays provided. - 2 visitor bays provided. <p>Does comply.</p>
Vehicular Access – Clause 5.3.5	<ul style="list-style-type: none"> - Vehicular access from secondary street; - Maximum width of driveway to be 6m and not closer than 0.5m to a lot boundary; and - Driveways designed for two-way access and allow for exit in forward gear. 	<ul style="list-style-type: none"> - One access driveway from Ninghan Lookout proposed as Spearwood Avenue not preferred. - Driveway width is 6m and setback 0.73m-3m from adjoining lot boundary. - Driveway is 6m in width therefore allowing for two-way access. <p>Does comply.</p>
Site works – Clause 5.3.7	- Excavation and/or filling not to exceed 0.5 metres within front setback or within 1m of a lot boundary.	- Does not exceed 0.5 metres within front setback area or within front setback area or within 1m or a lot boundary, except

		<p>for area of driveway in front of carports.</p> <ul style="list-style-type: none"> - Excavation for carport areas is more than 0.5m. <p>Does not comply (in part) but does comply with design principles.</p>
Visual Privacy - Clause 5.4.1	<p>Major openings above 0.5m in height above NGL to comply with (R60) privacy setback requirements:</p> <ul style="list-style-type: none"> - Bedrooms/study = 4.5m - Other habitable rooms = 6m - Balconies = 7.5m 	<ul style="list-style-type: none"> - Upper floor bedroom 2 major opening window for each unit does not extend beyond the lot boundaries of the subject site. - All other windows on upper floors either minor opening windows or not from habitable rooms. <p>Does comply.</p>
Overshadowing – Clause 5.4.2	Overshadowing not greater than 25% of adjoining R20 sites as at 21 June.	<p>Overshadowing less than 25% of adjoining R20 sites.</p> <p>Does comply.</p>
Utilities and Facilities – Clause 5.4.5	Each unit to have enclosed storage with minimum dimensions of 1.5m and area of 4sqm.	<p>All dwellings have an enclosed storage area of 2.7m x 1.6m, with an area of 4.3sqm.</p> <p>Does comply.</p>

The table below summarises the applicant's degree of compliance with Part 6 of the R-Codes in relation to the proposed fifty-one multiple dwellings

Considerations	Requirement	Compliance
Building Size – Clause 6.1.1	0.7 permitted for R60	<p>0.7 provided.</p> <p>Does comply.</p>
Building Height – Clause 6.1.2	<p>Top of external wall = 9m</p> <p>Top of pitched roof = 12m</p>	<p>Maximum external and pitched height is 9m.</p> <p>Does comply.</p>
Street Setbacks – Clause 6.1.3	<ul style="list-style-type: none"> - 2m primary setback; - 2m secondary street setback; - Balconies contained within property boundaries; and - Minor incursions into the front setback area at nil setback. 	<ul style="list-style-type: none"> - Primary street setback of 2m or greater provided. - Secondary street setbacks of 2m or greater provided along Barnong Lookout and Spearwood Avenue. - All balconies within the subject site boundary. - Two porticos are provided at the pedestrian

		<p>entrances to Beeliar Drive within the front setback area.</p> <p>Does not comply (in part) but does comply with design principles.</p>
Side and Rear Setbacks – Clause 6.1.4	Nil to 1m permitted subject to wall length and heights (Tables 2A & 2B).	<p>- Except for storage outbuilding, site and rear setbacks proposed comply.</p> <p>- Proposed storage outbuildings for apartments on southern boundary of the subject site do not comply with length requirements of R-Codes for building on boundary.</p> <p>Does not comply (in part) but does comply with design principles.</p>
Surveillance – Clause 6.2.1	<p>- Street elevations to address street, clearly definable entry; and</p> <p>- Habitable room windows and balconies facing the street.</p>	<p>- Street elevations address Beeliar Drive and Spearwood Avenue.</p> <p>- Easily identifiable entry.</p> <p>- Windows and balconies overlook the street.</p> <p>Does comply.</p>
Outdoor Living Areas – Clause 6.3.1	Each dwelling to have a balcony or equivalent accessed via a habitable room with minimum 10sqm and dimension of 2.4m.	<p>- All dwellings have balconies or courtyards accessed via a habitable room.</p> <p>- All dwellings have minimum dimension of 2.4m.</p> <p>- All units have 10sqm balcony or equivalent except for Units 32, 33, 36 & 37. These units only have a balcony area of 9.2sqm.</p> <p>Does not comply (in part) but does comply with design principles.</p>
Landscaping – Clause 6.3.2	<p>- Street setback areas maximum 50% hard surface;</p> <p>- Pedestrian paths connecting buildings</p>	<p>- Street setback areas more than 50% landscaping proposed.</p> <p>- Pedestrian path from internal driveway with</p>

	<p>entries;</p> <ul style="list-style-type: none"> - Landscaping around car bays to include shade tree per 6 car bays; Lighting of pathways and communal open space and car parking areas; and - Clear sight lines at pedestrian and vehicle crossing points. 	<p>landscaping.</p> <ul style="list-style-type: none"> - Landscape strip provided between visitor bays where 6 car bays are provided to allow for shade tree planting. - Opportunity for lighting of all pathways possible. - Pedestrian crossings across internal driveways meet sightline needs. <p>Does comply.</p>
On-site Parking and Access – Clause 6.3.3	<ul style="list-style-type: none"> - 0.75 spaces for <75sqm; - 1 space 75sqm-110sqm; - 0.25 visitor spaces per dwelling; - 1 bicycle space for each 3 dwellings for residents and to each ten dwellings for visitors; - Parking designed in accordance with AS2890.1; - All resident spaces concealed from the street; - Limited access points; - Two-way access; and - Appropriate sightlines. 	<p>Does comply.</p> <p>See parking calculations below.</p>
Dwelling Size – Clause 6.4.3	<p>More than 12 dwellings requires:</p> <p>Minimum 20% 1 bedroom (maximum of 50%); and</p> <p>Minimum 40% 2 bedroom dwellings.</p>	<ul style="list-style-type: none"> - 29% one bedroom - 41% two bedroom - 30 % three bedroom. <p>Does comply.</p>
Building Design	<ul style="list-style-type: none"> - Visual privacy; - Solar access; - External stores; - External fixtures; - Stormwater disposal; and - Essential facilities (waste management). 	<p>Complies (in part).</p> <p>Note: conditions to be imposed regarding external fixtures and essential facilities (waste management).</p>

Front Setbacks – Clause 6.1.3 ‘Street Setback’ of the R-Codes

Two weather cover porticos are provided at the pedestrian entrances to Beeliar Drive within the front setback area for the multiple dwellings proposed as part of this application. These serve not only as entry statements, but also to provide cover for pedestrians. The porticos are considered minor incursions into the front setback area

as they are only 3m x 2m dimensioned porticos, 3.4m in height. In addition, porticos only affect 5% of the Beeliar Drive frontage, with the remainder of the proposed development complying with the front setback requirement.

Side and Rear Setbacks – Clause 6.1.4 ‘Lot Boundary Setbacks’ of the R-Codes

With the multiple dwellings, the proposed storage rooms for apartments and townhouses will be 2.2m in wall height and 3.2m to top of gable. The stores proposed occupy the entire southern boundary length of Lots 115, 116 & 117 Ninghan Lookout, and small portions of Lots 114 and 118. As a result of the length of storage walls exceeding the maximum length allowed in the deemed to comply provisions of the R-Codes, advertising was conducted to the directly affected southern properties as detailed earlier in this report.

While one objection was received, this objection did not relate to the issue at hand regarding the length of boundary wall proposed by the storage walls, as such the objection was not considered valid in this instance. In addition, the outbuildings have a limited adverse visual impact of building bulk, overshadowing, solar access on neighbouring property. The proposed row of storage outbuildings along the rear and side boundary of Lots 114-118 Ninghan Lookout has a lower impact on southern neighbours than say development of a single or two storey dwellings. The proposed design therefore allows for greater solar access and limited impact from building bulk to adjacent southern lots.

Outdoor Living Areas – Clause 6.3.1 ‘Outdoor Living Areas’ of the R-Codes for Multiple Dwellings and Clause 5.3.1 ‘Outdoor Living Areas’ for Grouped Dwellings

For the multiple dwellings proposed, units 32, 33, 36 & 37 are only 9.2sqm in effective area, in lieu of the required 10sqm. It is considered that the effective balcony area of 9.2sqm is only a minor variance from the deemed to comply R-Code provision of 10sqm. The space proposed for these subject units is useable and functional, for example still enough room for chairs and tables, and able to be used in conjunction with the habitable living room from which it is accessible. In addition, the subject balconies have access and are open to winter sun, given they are situated on the north-east corner of the proposed development.

While in terms of the outdoor living area variation proposed as part of the grouped dwelling development, unit 57 does not have a minimum courtyard dimension of 4m, proposed 3.6m. Unit 57 has a southern courtyard well in excess of 16sqm, proposed 44sqm given that the unit has two courtyards, both of which are in excess of 16sqm. The southern courtyard can be used in summer as it would be shaded by the dwelling. The eastern courtyard could be used in winter as it has access to the northern sun given its orientation. Therefore, a dimension of 3.6m is not considered significant when considering the overall size of the courtyard. Given there is sufficient outdoor living area accessible from a habitable room as part of the design of unit 57, the minor dimension variation proposed is deemed to comply with the design principle.

Site Works – Clause 5.3.7 ‘Site Works’ of the R-Codes

With regards to the carports proposed for the six grouped dwellings, excavation is necessary due to the finished lot level of the subject site adjoining Lot 118 (approximate 43.8m AHD). The excavation is necessary in order to remove “the hill” which is currently present at this portion of the site. The road pavement in

Spearwood Avenue is approximately 42.3m – 43.3m AHD, and the removal of the hill will create a better streetscape outcome for the proposed development. Excavation is therefore necessary in order to provide an appropriate terrain interface between the development and Spearwood Avenue. As such, the proposed excavation is supported; however a condition has been recommended that any excavation and earthworks necessary within the Spearwood Avenue road reserve to create the desired interface will be subject to Council satisfaction prior to the lodgement of a Building Permit.

Parking Provisions – Clause 6.3.3 ‘Parking’ of the R-Codes for Multiple Dwellings and Clause 5.3.3 ‘Parking’ for Grouped Dwellings

The R-Codes require the provision of car parking for the multiple dwelling portion of the site at the following rates due to being located within a high frequency bus route:

Size	Requirement	No. Dwellings	Required	Provided
<75sqm	0.75 spaces	15	12	12
75-110sqm	1 space	36	36	37
Visitors	0.25/dwelling	51	13	13

It is noted that all parking is provided on-site.

The R-Codes require the provision of bicycle parking at the following rates for the multiple dwellings proposed:

Type	Requirement	Required Spaces	Provided Spaces
Residents	1 per 3 dwellings	17	16
Visitors	1 per 10 dwellings	5	5

In regards to the shortfall of bicycle parking for residents of one bike bay, a condition has been recommended ensuring that in total 22 bicycle spaces are provided for the development, to be shown and detailed as part of the plans submitted to the City for Building Permit approval.

With regards to the six grouped dwellings proposed, car parking is required at the following rates due to being located within a high frequency bus route:

Size	Requirement	No. Dwellings	Required	Provided
Residents	Minimum of 1 bay per dwelling	6	6	6
Visitors	1 bay per 4 dwellings	6	2	2

Therefore, the subject six grouped dwellings comply with the car parking requirements of the R-Codes.

Conclusion:

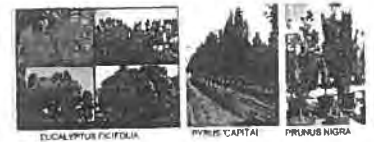
The proposed development is generally consistent with the provisions of the City’s Town Planning Scheme No. 3 and the R-Codes. The proposal represents a high quality response to the site in a prominent corner location in close proximity to the majority of the City’s major development areas such as Cockburn Gateway City,

Henderson Industrial area, Latitude 32 and Bibra Lake Industrial Park. As detailed above, the proposal is generally consistent with the planning controls that apply to the land, most importantly the recently approved structure plan amendment to change the zoning on-site from R20 to R60 as well as approved Detailed Area Plan for the site. In this regard, the pre-application work undertaken by the applicant and the City has informed the proposal and guided the design to achieve a desirable built form outcome. Therefore, it is recommended that the South West Joint Development Assessment Panel resolve to conditionally approve the development application in accordance with Clause 10.3 of the City's Town Planning Scheme No. 3.

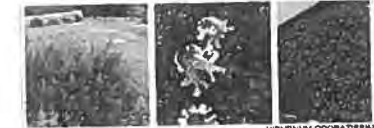
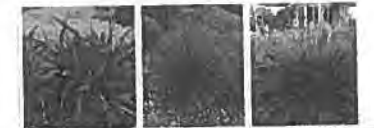
- TREE
- CARDU
 - SYNTHETIC TURF
 - NATURAL TURF



TREES:



SHRUBS:



GROUNDCOVERS:



HYDRANGEA SCANDENS

HYDRANGEA SCANDENS

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LANDSCAPE CONCEPT PLAN

BEELIAM APARTMENTS

deep green corporation

23 colgray avenue

osborne park

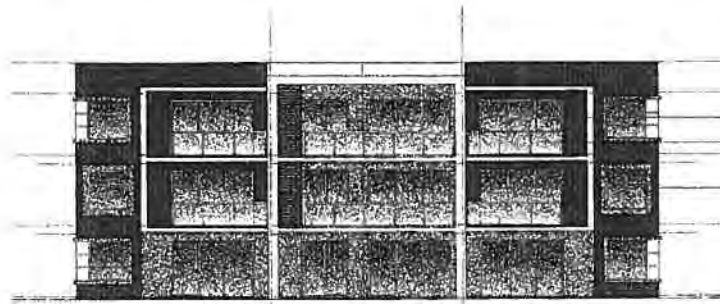
9242 2229 ph

9242 2229 fax

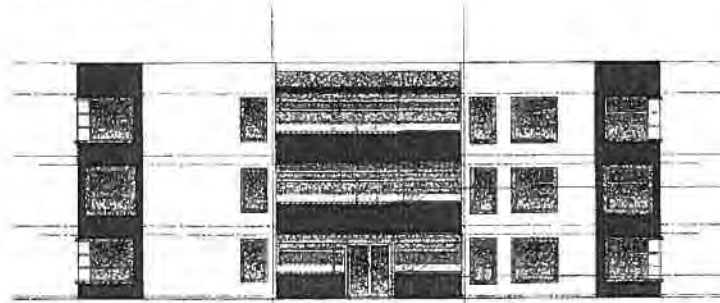
0412 667 237 mob

julian@deepgreenlandscaping.com.au

www.deepgreenlandscaping.com.au



1 ELEVATION
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2 ELEVATION
A2.01 SCALE: 1/8" = 1'-0"

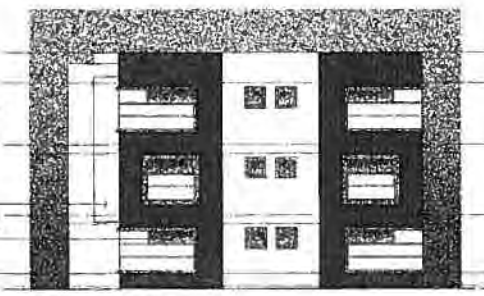
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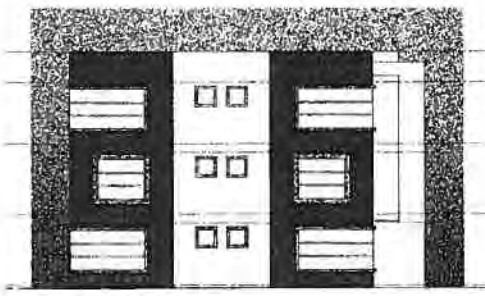
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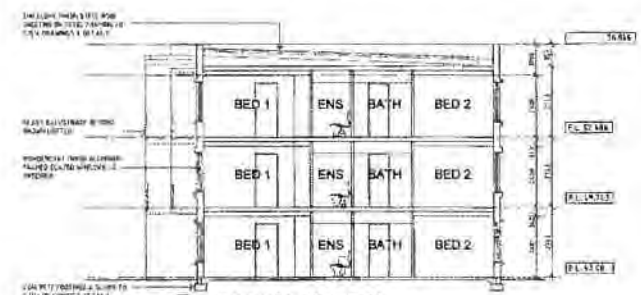
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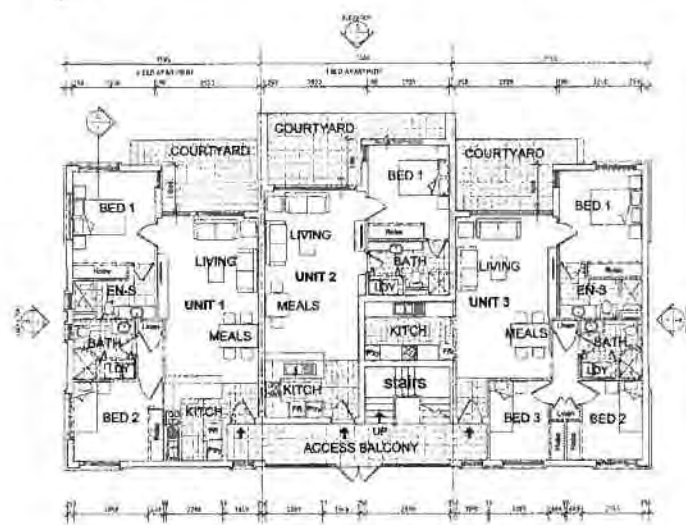
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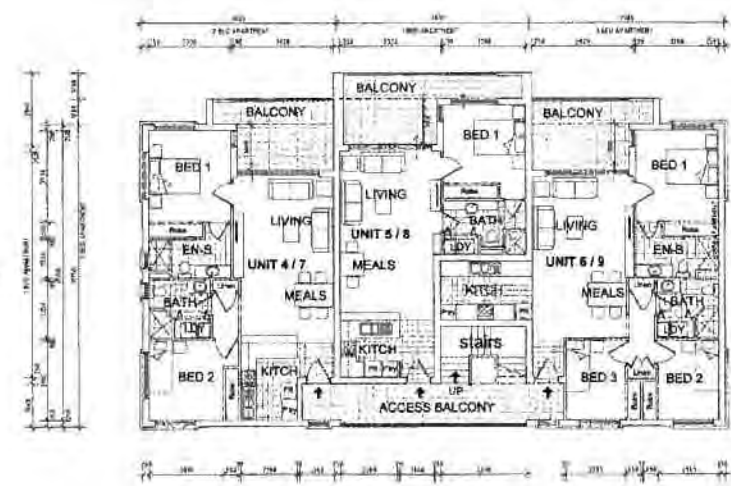
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A2.01 SCALE: 1/8" = 1'-0"



A SECTION (BLDG 3)
A2.01 SCALE: 1/8" = 1'-0"



1 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTES

NO.	DATE	DESCRIPTION	BY	CHKD

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J&B The
NEW APARTMENT COMPLEX

Location:
LOT 10000 BELLEVUE DRIVE
BELLINGHAM, WA

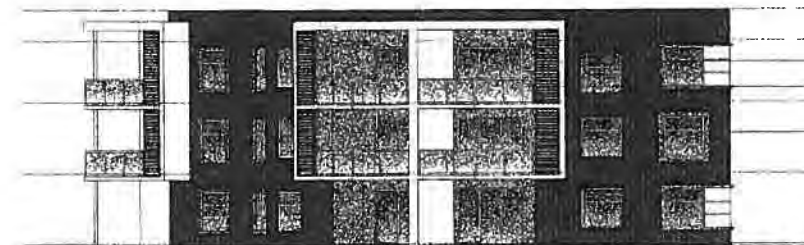
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FLOOR PLANS & ELEVATIONS

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Drawn: JLS
Check: JLS

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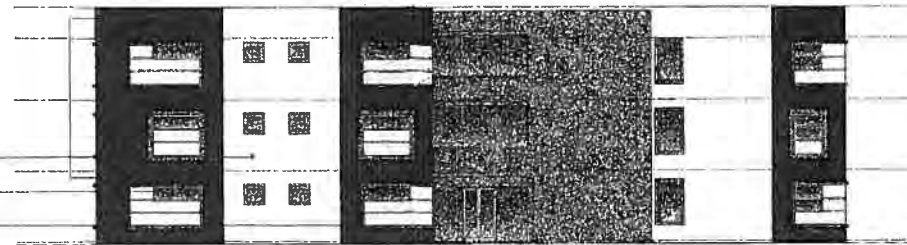


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FACEDGES AS SPECIFIED
PAINTED WOODWORK FINISHED
HANDWORK AS SPECIFIED

POWDERCOAT FINISH ALUMINIUM
PAINTED WOODWORK
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ALUMINIUM FRAMED
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WITH DOUBLE GLASS



3 ELEVATION
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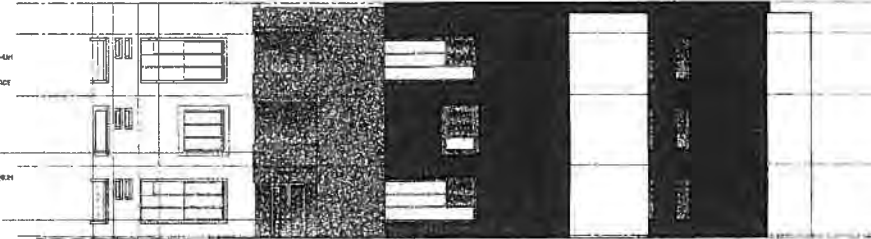


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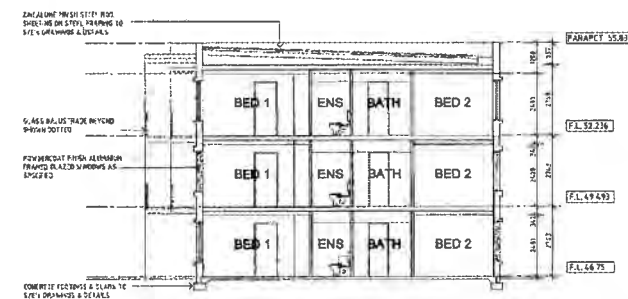
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ALUMINIUM FRAMED
WINDOWS & ENTRY DOORS
WITH DOUBLE GLASS



4 ELEVATION
A2.03 SCALE: 1:100



5 ELEVATION
A2.03 SCALE: 1:100



A SECTION
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NOTES

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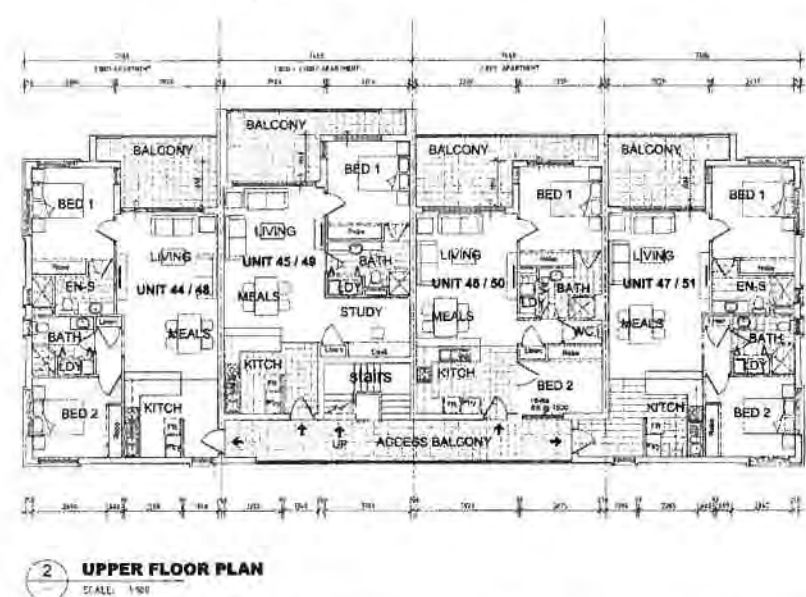
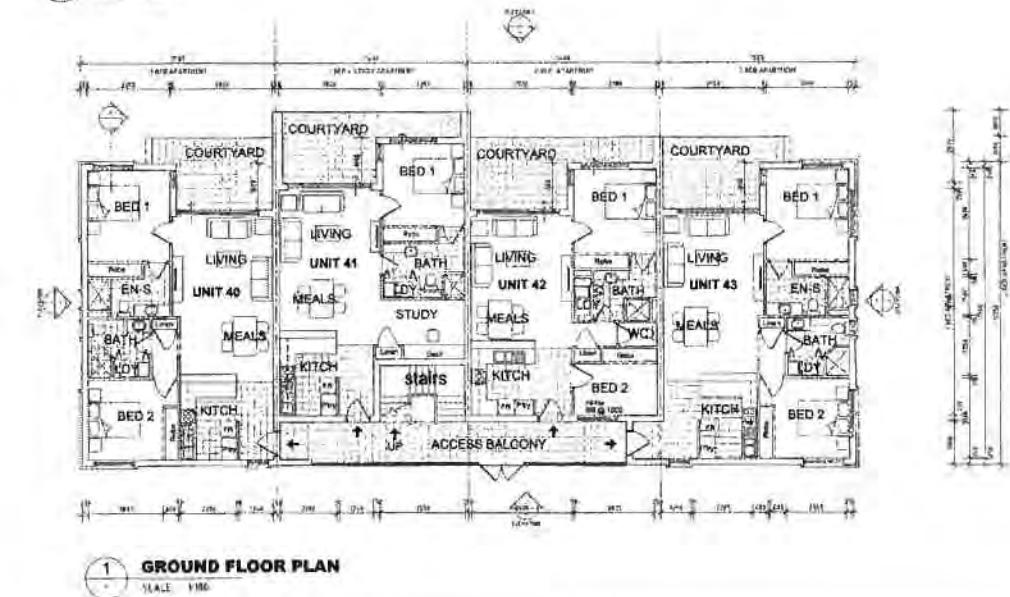
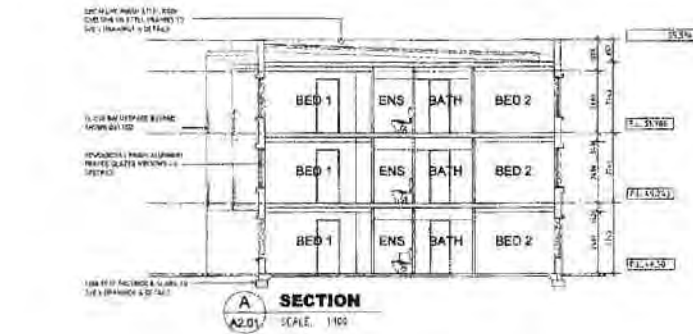
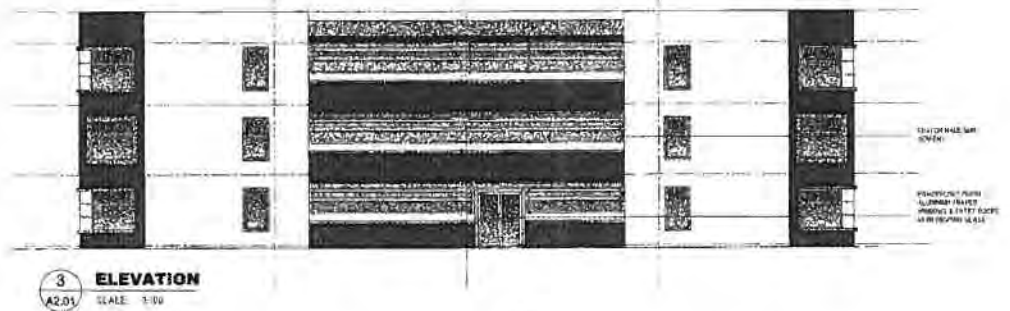
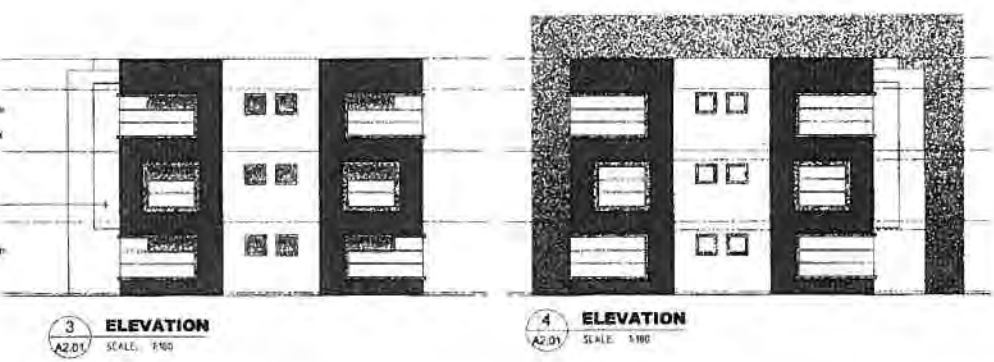
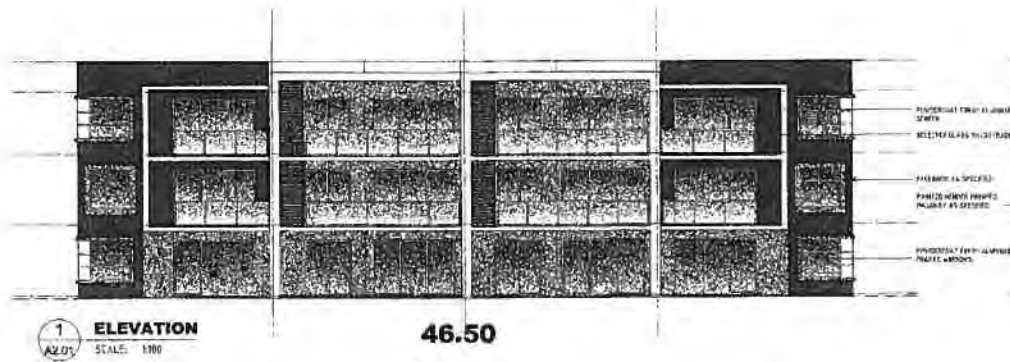
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LOT 9000 PEELE DRIVE
PEELWEE WA

Drawing Title
BUILDINGS
FLOOR PLANS & ELEVATIONS
Job No.
Scale
Date
Drawn
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A2.03
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DA 1

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NEW APARTMENT COMPLEX

LOT 1000 DEELAR DRIVE
DEELAR WA

Building Title
BUILDING'S
FLOOR PLANS & ELEVATIONS

Drawn By: JLB
Scale: 1:100
Date: 01/01/19
Project: DLT 100

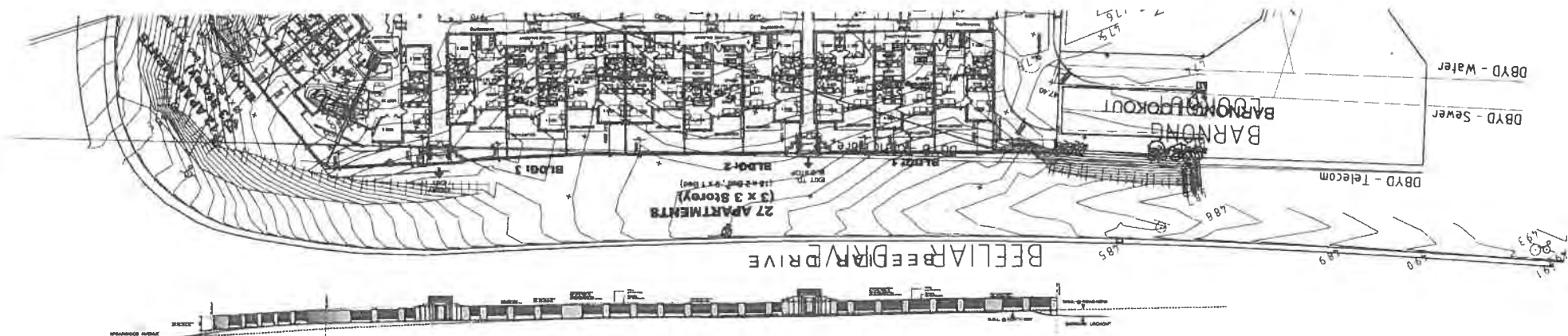
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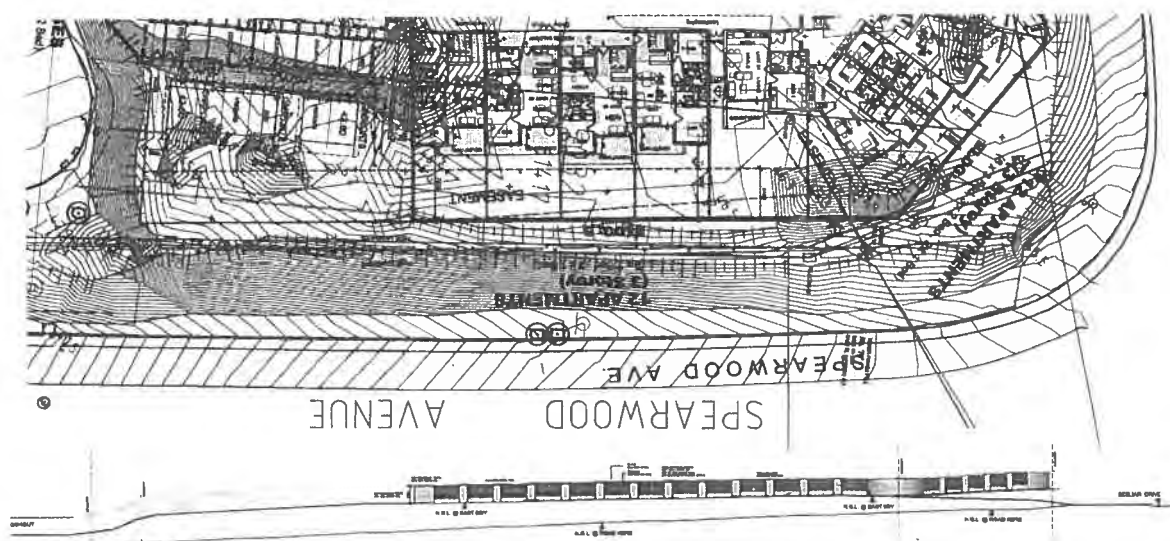
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3



1
A1.08 **BEELIAR DRIVE FENCE ELEVATION**
SCALE: 1:500 ON A3



1
A1.09 **SPEARWOOD AVENUE FENCE ELEVATION**
SCALE: 1:500 ON A3

NOTES

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Rev	Description

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Job Title:
NEW APARTMENT COMPLEX

Location:
LOT 9000 BEELIAR DRIVE
DEELING WA

Drawing Title:
STREET BOUNDARY FENCE
ELEVATIONS SHEET 1 OF 3

Job No:
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Scale:
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Date:
05/07/22

Drawn:
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Sheet No:
A1.07

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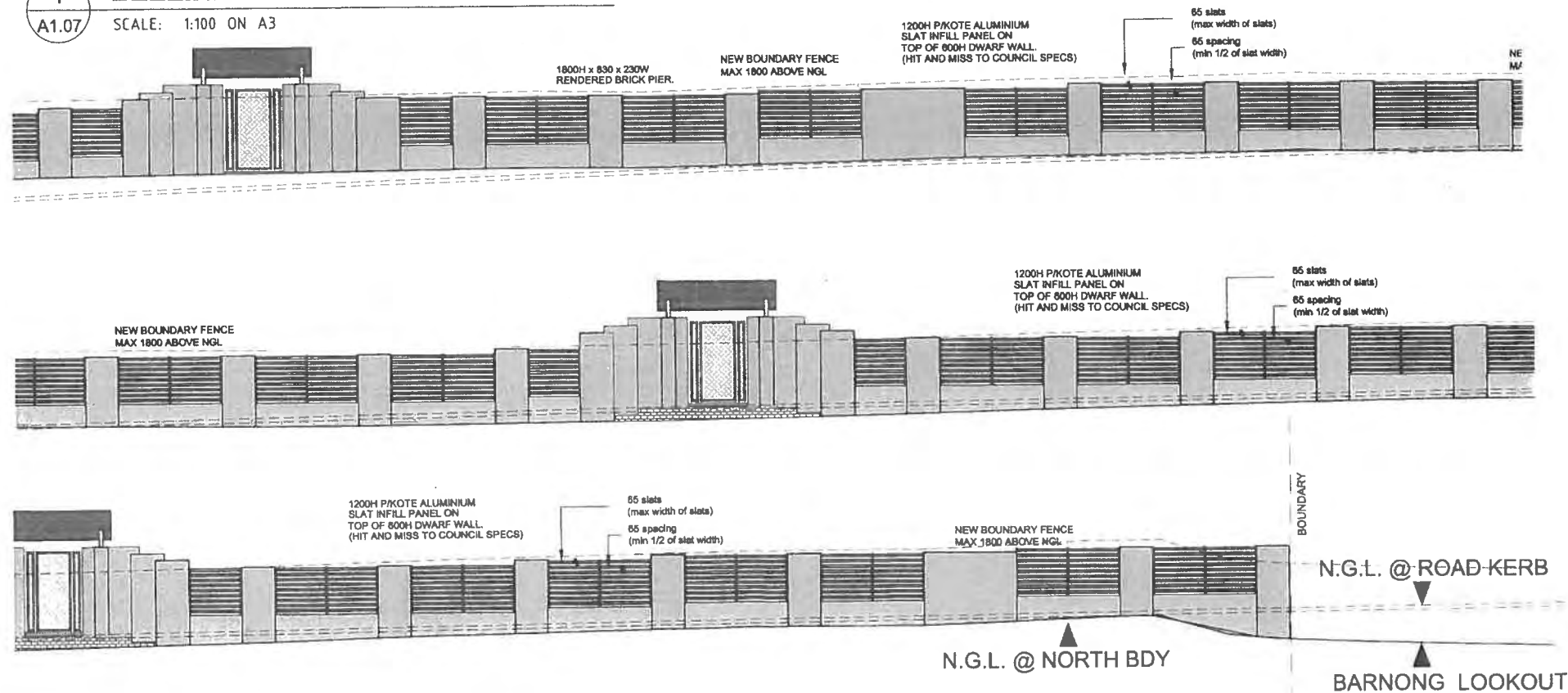
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SPEARWOOD AVENUE

1
A1.07

BEELIAR DRIVE FENCE ELEVATION

SCALE: 1:100 ON A3



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NEW APARTMENT COMPLEX

Location
LOT 9000 BEELIAR DRIVE
BEELIAR WA

Drawing Title
STREET BOUNDARY FENCE
ELEVATIONS SHEET 2 OF 3

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Drawn: JLS

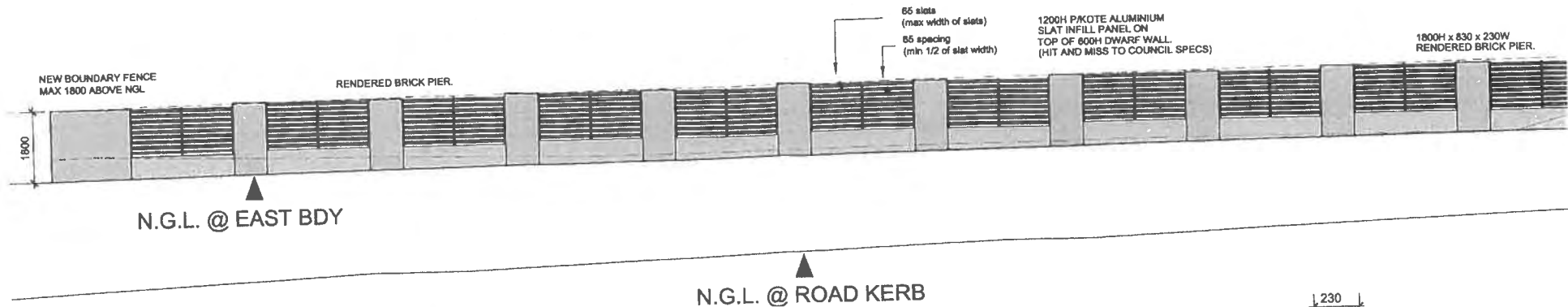
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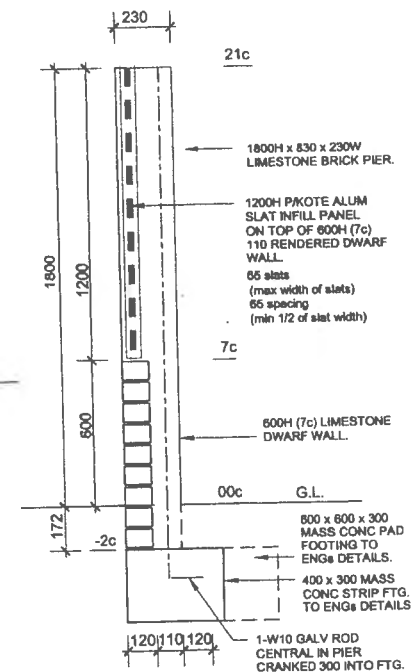
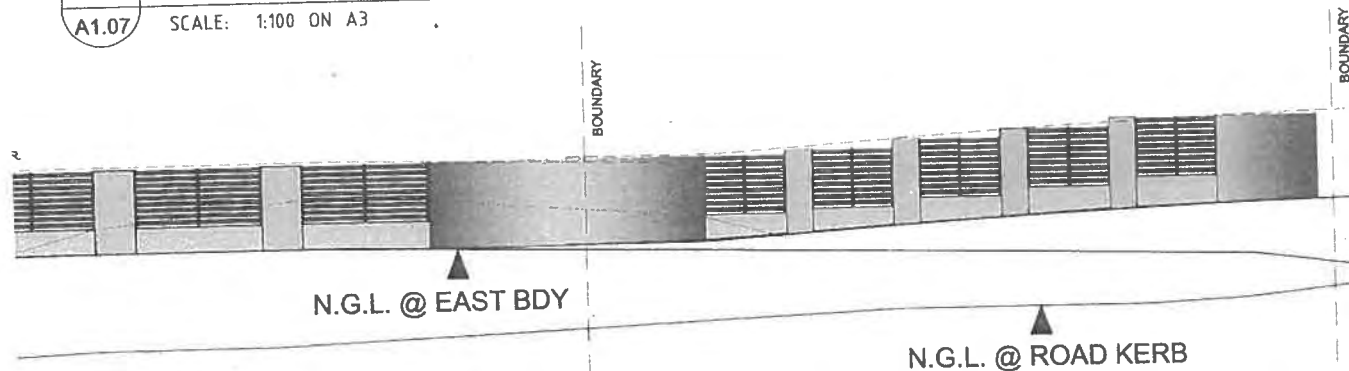
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SPEARWOOD AVENUE FENCE ELEVATION

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SECTION

SCALE 1:20 @ A3

NOTES

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201 00 100 100 830

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NEW APARTMENT COMPLEX

Location:
LOT 9000 DEELING DRIVE
DEELING WA

Drawing Title:
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ELEVATIONS SHEET 2 OF 3

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Scale:
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Date:
02/09/2020

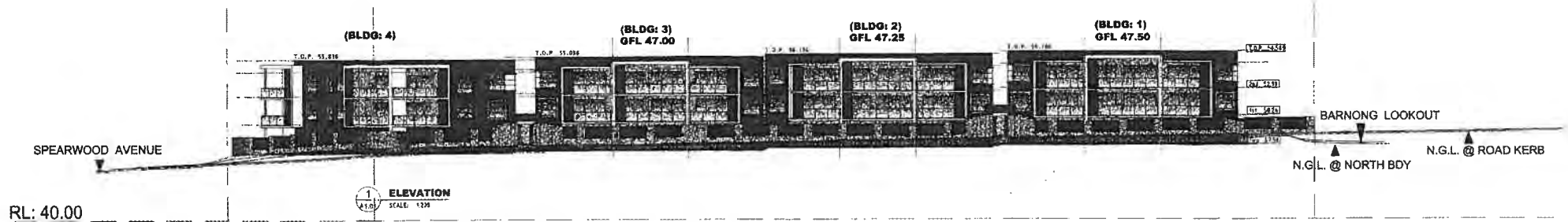
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Date: 02/09/2020
Rev: 01



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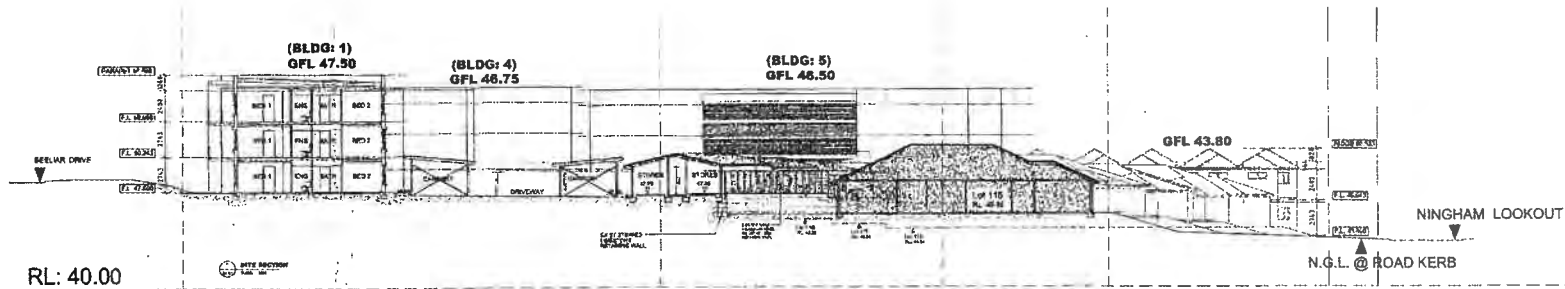


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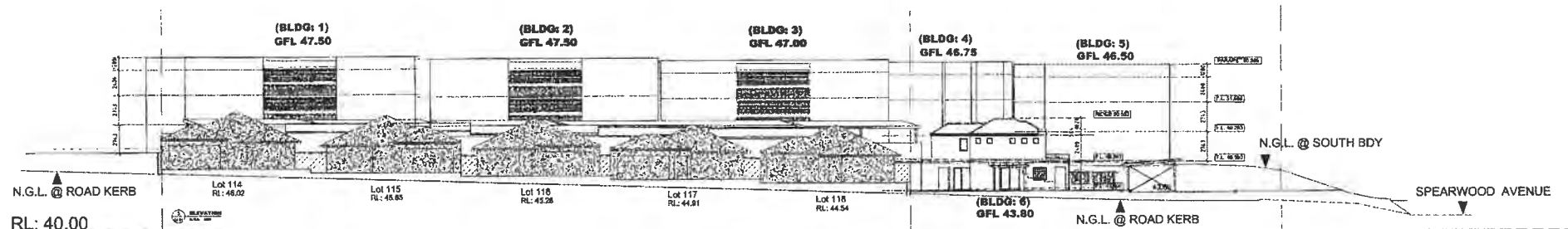
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Location:
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BEELIAR WA

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SHEET 1 OF 2
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DATE: 08/08/24
BY: [signature]



SITE SECTION PROFILE.
(Thru Bldg 1. / Carports / Adjoining Lot 115)



SOUTH PROFILE - NINGHAM LOOKOUT
(Showing Adjoining Properties)

NOTES

REVISIONS

Rev.	Date	Revised	Rev. Date	Revised



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Job Title
NEW APARTMENT COMPLEX
Location
LOT 9000, BEELARA DRIVE
BEELARA WA

Drawing Title
SITE SECTION PROFILE
Job No
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Drawn
1/09
Date
04/09/2009
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consulting

waste less, achieve more



Lot 9000, 9007 & 9032 Ningham Lookout, Beeliar

Waste Management Plan

22 November 2013

Ocean Road Infrastructure Pty. Ltd.

22 November 2013

Lot 9000, 9007 & 9032 Ningham Lookout, Beeliar Drive

City of
Cockburn

wetlands to waves



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Table of contents

Glossary of terms and acronyms	5
1 Introduction	6
1.1 Context	6
2 Waste and recycling system design	7
2.1 Bins and equipment for residential apartments	7
2.2 Estimated waste and recycling volumes	7
3 Bin storage space	9
4 Waste transfer and presentation of bins for collection	11
4.1 Apartments and town houses	11
4.1.1 Bulky waste	11
4.2 Collection method	11
5 Bin store amenity	12
6 Ongoing communication and management	13
6.1 Strata Manager	13
6.2 Residents	13
7 Construction and demolition waste	14
7.1 Construction	14

Glossary of terms and acronyms

Bulky waste	Items of waste from household or commercial tenancies that are too large to fit into the standard 240 L Mobile Garbage Bin
Commingled recycling	Common recyclables, mostly packaging; such as glass, plastics, aluminium, steel, liquid paper board (milk cartons). Commingled recycling may include paper but often, and particularly in offices, paper and cardboard are collected separately.
General Waste	Material that is intended for disposal to landfill (or in some States, incineration), normally what remains after the recyclables have been collected separately.
MGB	Mobile Garbage Bin – A wheeled bin with a lid often used for kerbside collection of waste or recyclables. (Often called a 'wheelie bin').
Recyclable	Material that can be collected separately from the general waste and sent for recycling. The precise definition will vary, depending upon location (i.e. systems exist for the recycling of some materials in some areas and not in others).
Recycling	Where a material or product undergoes a form of processing to produce a feedstock suitable for the manufacture of new products.
Reuse	The transfer of a product to another user, with no major dismantling or processing required. The term "reuse" can also be applied in circumstances where an otherwise disposable item is replaced by a more durable item hence avoiding the creation of waste (e.g. using a ceramic coffee mug in place of disposable cups).

1 Introduction

This Waste Management Plan (WMP) has been prepared for Ocean Road Infrastructure Pty. Ltd. for the development application for the proposed development located at Lot 9000, 9007 & 9032 Ningham Lookout, Beeliar. The proposed development is made up of 6 buildings with a total of 51 residential apartments and 6 town houses.

This WMP has been prepared based on the following information:

- Architectural plans provided by John L. Silbert Architects dated 21 November, 2013
- The City of Cockburn's Policy: Waste Management in Multi Unit Developments APD70 (reviewed in December 2012)
- NSW Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings* (2008)

1.1 Context

For efficient and effective waste management, the collection and centralisation of waste and recyclables should be carefully considered at the building design phase. Key factors to consider at the design phase include:

- The volumes of waste and recyclables likely to be generated during building operation
- Safety for all operatives involved in waste management
- Access to bins and storage areas from within the building
- Access for trucks for waste and recycling collection (including height restrictions)
- Truck turning circles
- Local council requirements
- Amenity (odours and noise)
- The ongoing management of waste and recycling services

2 Waste and recycling system design

The waste and recycling systems and storage space in this Section have been designed to comply with the minimum requirements for City of Cockburn.

2.1 Bins and equipment for residential apartments

The City of Cockburn's minimum bin storage requirements for residential developments are:

- 1 m² per residential dwelling for waste and recycling
- 0.5 m² per residential dwelling for bulky waste (preferred)

Based on these requirements the required storage space for each building is shown in Table 1.

Table 1: Total storage space required by City of Cockburn minimum requirements for residential waste/recycling for each of the six buildings (weekly collection for general waste and recycling)

	No. Apartments/ town houses	Storage space for waste and recycling bins (m ²)	Space for storing 'bulky waste' (preferred) (m ²)	Total storage space (m ²)
Building 1-5	51	51 m ²	25.5 m ²	76.5 m²
Building 6 (town houses)	6	6 m ²	3 m ²	9 m²

2.2 Estimated waste and recycling volumes

The number of bins required per apartment is not specified in the City of Cockburn's Waste Management in Multi Unit Developments APD70 (reviewed in December 2012). Estimated waste and recycling volumes have therefore been calculated using the waste generation rates for multiple unit dwellings detailed in NSW Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings* (2008).

The City of Cockburn's general waste and recyclables are collected in 240 L Mobile Garbage Bins (MGBs) on a weekly basis. Estimated waste and recycling volumes generated by residents are presented in Tables 2 and 3.

Table 2: Apartments: estimated waste and recycling volumes per week

Building	No. Apartment dwellings	Estimated volume general waste* (Litres)	Estimated volume recycling* (Litres)
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22 November 2013

Lot 9000, 9007 & 9032 Ningham Lookout, Beeliar Drive

Buildings 1 - 3	27	2,160	1,080
Building 4	12	960	480
Building 5	12	960	480
Total	51	4,080	2,040
No. of 240 L bins required to store for one week		17 x 240 L bins	9 x 240 L bins

*General waste generation is based on 80L/unit/week and commingled recyclables generation is based on 40L/unit/week.

Table 3: Town houses: estimated waste and recycling volumes per week

Building	No. townhouse dwellings	Estimated volume general waste* (Litres)	Estimated volume recycling* (Litres)
Building 6 (town houses)	6	480	240
Total	6	480	240
No. of 240 L bins required to store for one week		2 x 240 L bins	1 x 240 L bins

*General waste generation is based on 80L/unit/week and, commingled recyclables generation is based on 40L/unit/week.

3 Bin storage space

A separate bin storage room has been allocated to service the 51 apartments to the size specified in Table 1. Figure 1 shows that the bin storage space is 51.5 m² which exceeds the requirements stipulated by the City of Cockburn by 0.5 m² for the waste and recycling bins for buildings 1 to 5.

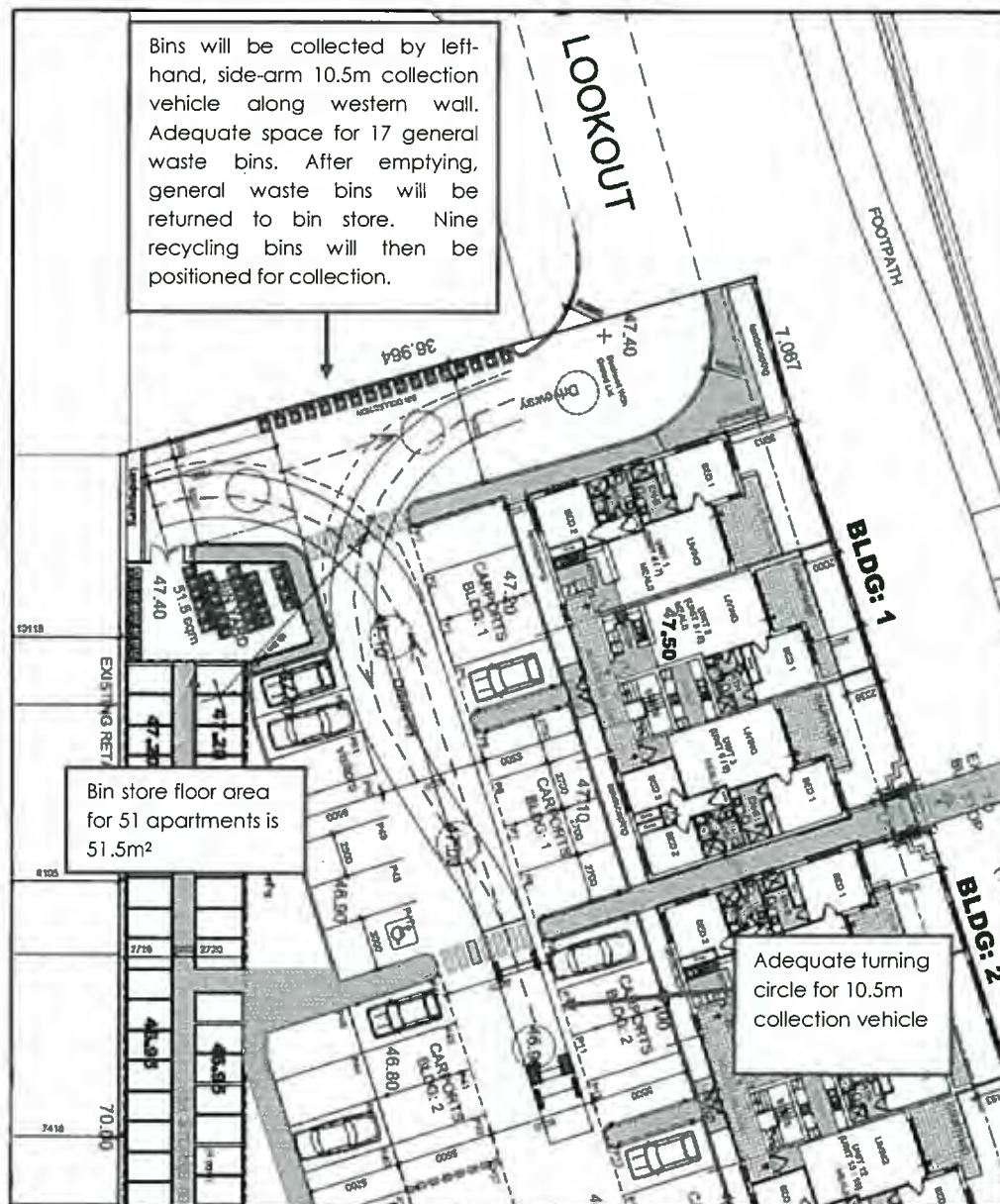


Figure 1: Bin store and collection point for 51 apartments

22 November 2013

Lot 9000, 9007 & 9032 Ningham Lookout, Beeliar Drive

An additional two bin stores have been identified to service the 6 town houses (refer Figure 2). Figure 2 displays the bin storage points.

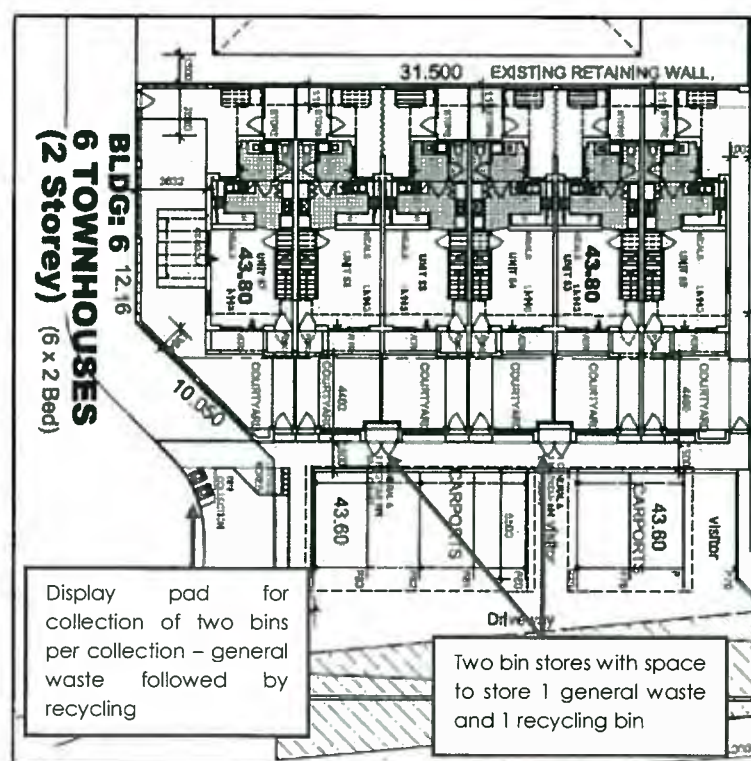


Figure 2: Bin store and collection point for 6 townhouses

4 Waste transfer and presentation of bins for collection

4.1 Apartments and town houses

Residents will be required to store waste and recyclables separately within their apartments and then bring items down to the ground floor bin store via stairs and through the car park and transfer them into 240 L bins for collection. It is recommended that tenants are provided with crates for recyclables to avoid plastic bags being used to transport recyclables to the bins store. The City of Cockburn recycling collection prefers that recyclable items are not placed in the bins in plastic bags, but rather items are emptied into the bins loose and the plastic bag placed separately in the recycling bin.

4.1.1 Bulky waste

From time to time, residents may need to dispose of bulky items such as broken furniture and other materials not suitable for disposing via the 240 L bins. The City of Cockburn provides a twice-yearly verge side collection for bulk waste, which apartment residents are permitted to use. Residents can store bulky items in their individual store rooms prior to the City of Cockburn's bulk verge waste collection.

The caretaker will coordinate with the City of Cockburn staff to inform residents of upcoming bulk verge collections. Verge waste can only be presented a maximum of 3 days prior to the collection date unless otherwise negotiated with the City of Cockburn.

4.2 Collection method

On the designated collection days, City of Cockburn waste and recycling collection service will service the bins.

Apartments – The bin store is located adjacent to Barnong Lookout. The collection vehicle will access the driveway from Barnong Lookout and reverse into the parking area. The building caretaker will be engaged for sufficient time (over a minimum of two days) to ensure the safe presentation and collection of the general waste and recycling bins.

Through consultation with the City of Cockburn, the building caretaker will identify the correct time to present the bins. The bins will be positioned along the western side of the bin store, with a 30 cm gap between each bin (see Figure 1). The presentation of both general waste bins and recycling bins will not take place simultaneously. The caretaker will return the empty bins to the storage facility immediately after collection. The collection vehicle will collect the bins using left-hand, side-lift collection vehicles.

Town houses – The two bin stores are located between the courtyard and carports. The residents will move their bins to Ningham Lookout for collection on the designated collection day and will return them after collection (see Figure 2).

5 Bin store amenity

Ongoing management: A strata management representative will manage the bins store to keep it clean and tidy. Informative signage will direct residents to ensure bins are filled consecutively. The strata management representative and building caretaker will also provide information to residents to encourage them to fill bins to their capacity so that the majority of bins presented externally on collection day are full. If this arrangement fails, the Strata Management will consider alternatives to improve waste separation and presentation. The strata management representative will also manage the bin store to avoid the storage area becoming a general dumping area which has the potential for a range of associated issues to occur.

Ventilation and odour: The design of each of the bin store rooms will provide for adequate separate ventilation with a system that complies with Australian Standard 1668 (AS1668). The ventilation outlet is not in the vicinity of windows or intake vents associated with other ventilation systems.

Noise: Collection of residential waste and recycling will occur after 6am on the relevant collection days. The location of the waste storage rooms will limit noise that may disturb residents when materials are placed into the bins.

Vermin: Bin stores will be constructed in a manner that prevents the entry of vermin.

Washing bins and waste storage area: All bin stores will have: 75mm concrete floors grading to a 100mm industrial floor waste (including a charged 'water-trap' connected to sewer or an approved septic system), with a hose cock to enable bins and /or the enclosure to be washed out. Both hot and cold water will be available.

Bin store walls and ceilings: All internal walls in bin stores will be cement rendered (solid and impervious) to enable easy cleaning. Ceilings will be finished with a smooth faced, non-absorbent material capable of being easily cleaned. Walls and ceilings will be finished or painted in a light colour.

Lighting: Bin stores will be provided with artificial lighting, sensor or switch controlled both internal/external to the room. All lighting in open areas will comply with AS4282-1997 (Control of Obtrusive Outdoor Lighting).

Signage: All bin stores will have the following signs and/or information to be displayed:

- i. A sign stating 'No standing' at the entrance to the bin store
- ii. A clearly visible 'danger' sign in the vicinity of the entrance to the room/area
- iii. Standard signage (details available at the City's Resource Recovery Calendar for Domestic Waste distributed with Rates Notices) explaining waste management and what materials are suitable for recycling (to be posted/erected in all bin stores)

6 Ongoing communication and management

6.1 Strata Manager

The Strata Manager will play a crucial role in the management and cleanliness of the bin stores throughout the development. The Strata Manager will be informed about their responsibility to work with the City of Cockburn to confirm the day and times for collection.

This WMP will be available to the building owners, strata management, residents and the building caretaker. It will be incorporated into the Strata Management Statement or equivalent and continue to be applied throughout the life of the building. Where the WMP requires updating and modifying, this will be carried out as and when required by the building owners and managers and in consultation with the City of Cockburn's Waste Management Officer.

6.2 Residents

Upon initial occupation of the apartments, all residents will be made aware through the Strata Management Statement (or equivalent) of the waste and recycling systems and how they should be used.

City of Cockburn provides educational materials to residents including an educative brochure and other materials to residents that explain what can be recycled and how to correctly dispose of each waste type. The City of Cockburn will also provide relevant recycling signage for the bin stores.

Commingled recycling in City of Cockburn includes:

- Glass jars and bottles (clean, no lids)
- Aluminium and steel cans
- Plastics – all types including plastic bags (empty)
- All types cardboard and paper; including office paper
- Liquid paper board (milk and juice cartons), no long-life cartons

NOTE: Recycling must be loose and not be placed in plastic bags

7 Construction and demolition waste

Lot 9000, 9007 & 9032 Ningham Lookout, Beelihar is a greenfill site and does not require a demolition phase (Figure 1).

7.1 Construction

During the construction phase the builder will be required to develop and implement a Construction WMP at the site (Figure 3). This requirement will form part of the builder's contract and their subcontractor's contracts. The objective of the WMP will be to avoid unnecessary waste, maximise the quantity of waste recycled and minimise the quantity sent to landfill.

The main materials that will be used for construction will be concrete or bricks, ceramic tiles, steel, aluminium and plasterboard. Packaging such as timber pallets, plastics, cardboard, brick strapping, will also be generated.

The approach for recycling the heavy materials (concrete, bricks and tiles) and metals will be to segregate these materials for storage on-site in large skip bins. When full the materials will be taken to recycling facilities for remanufacturing into road base and other products.

Packaging materials such as cardboard and mixed plastics will also be segregated for recycling during the latter stages of construction. Timber pallets and boxes will be segregated for recycling at a timber recycling facility.

Alternatively, a skip-operator who sorts mixed loads of construction waste off-site for recycling may be engaged. In this case, an operator who has a credible reputation for sorting mixed loads for recycling and providing accurate data and reports will be engaged by the builder.



Figure 3: Top view of Lot 9000, 9007 & 9032 Ningham Lookout, Beelihar



Form 1 - Responsible Authority Report (Regulation 12)

Application Details:	Additions and alterations to existing building and partial change of use to Tavern 'restricted'
Property Location:	Lots 2029 and 2031 (No. 47) Mews Road, Fremantle.
DAP Name:	Metro South West JDAP
Applicant:	Bathers Beach Property Group
Owner:	Minister for Transport
LG Reference:	DA2013/133
Responsible Authority:	Western Australian Planning Commission.
Authorising Officer:	Executive Director Perth and Peel Planning
Department of Planning File No and DAP File No:	05-2727-32 and DAP 80005/13
Report Date:	26 November 2013
Application Receipt Date:	11 October 2013
Application Process Days:	
Attachment(s):	1 (A-E) Development Plans; 2 Location Plan and MRS Zoning; and 3 (A-F) Perspective Images.

Recommendation:

That the South West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP80005/13 and accompanying plans Drawing No. A1.01 Rev A, A1.02 Rev A, A1.03 Rev A, A1.04 Rev A, A1.05 Rev A and associated images stamp dated 11 October 2011, in accordance with (Clause 30) of the Metropolitan Region Scheme, subject to the following conditions:

CONDITIONS

1. Additional details of the following being provided prior to the issue of a Building Permit to the specification of the City of Fremantle to the satisfaction of the Western Australian Planning Commission,
 - i. Details of the upper floor enclosure; and
 - ii. Details of materials, colours and textures.
2. The proposed development is to comply in all respects with the submitted plans received on the 11 October 2013 and stamped accordingly.
2. All storm water discharge shall be contained and disposed of on-site to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
3. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12 mm or "double glazed" utilising laminated or toughened safety glass of minimum thickness 6 mm. The windows/openings

shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.

4. All air conditioning systems shall provide internal central located 'shut down' points and associated procedures for emergency use and shall be installed to the specification of the City of Fremantle and to the satisfaction of the Western Australian Planning Commission.
5. Any signage permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective; retro-reflective or fluorescent materials in its design structure.

ADVICE

1. With regard to Condition 1, the applicant is advised that the City of Fremantle wishes to assess the upper enclosure to ensure that it can be read as lighter and more transparent feature so as to achieve the design intent of the original concept presented to the Design Advisory Committee.
2. With regard to Conditions 3 and 4, the applicant should refer to the requirements set out within City of Fremantle Policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines.

Background

Property Address:	Lots 2029 and 2031 (No. 47) Mews Road, Fremantle.
Zoning MRS:	Public Purposes - Special Use
Development Scheme:	Metropolitan Region Scheme
Lot Size:	1392m ²
Existing Land Use:	Unoccupied restaurant
Value of Development:	\$4 million

A Development Application has been forwarded by the City of Fremantle (the City) to the Western Australian Planning Commission (WAPC) for determination. The application proposes additions and alterations to an existing building at No. 47 Mews Road and partial change of use for the western half of the building from restaurant to Tavern 'restricted'. **(Attachment 1 - Development Plans)**

The application has been lodged by Bathers Beach Property Group. The site is reserved under the Metropolitan Region Scheme (MRS) for 'Public Purposes - Special Use' and is located wholly within the City of Fremantle Town Planning Scheme No. 4 (TPS4) area **(Attachment 2 - Location Plan and MRS Zoning)**.

The site is located within the City's West End Heritage Conservation Heritage area and is listed on the City's Municipal Inventory and Heritage List.

Development approval under the MRS is required with the WAPC giving due regard to TPS4. The applicant has opted to have the application determined by the South West Joint Development Assessment Panel (DAP). The cost of the proposed development is expected to be \$4,000,000 and the estimated time of completion is December 2014.

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- The purpose for which land is zoned or reserved under the scheme;
- The orderly and proper planning of the locality; and
- The preservation of amenities of the locality.

Details of Proposed Development.

- Partial change of use from Restaurant to Tavern 'restricted' (western portion of the building only);
- Internal alterations on the ground and upper floors including kitchen, bars, toilets, office and keg cool room;
- External alterations to opening for Bar/Bistro element on the ground floor and the special events bar on the upper floor;
- Reconstructed canopy and elevations;
- Covered alfresco on eastern and southern elevations;
- Expanded bin holding;
- Painting of walls and balustrading;
- Reactivation of the northern elevation; and
- General maintenance and upgrading of the existing building.

NB. The existing eastern tenancies are not proposed to be changed internally as part of this application as only upgrading of the external is proposed.

Legislation & policy

Legislation

Planning and Development Act 2005.
Metropolitan Region Scheme.
City of Fremantle Town Planning Scheme No.4.

Policies

State Planning Policy 1 - State Planning Framework (Variation 2).
Development Control Policy 1.2 - Development Control General Principles.

Fremantle Boat Harbours Development Policy 10.
Fremantle Policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines.

Consultation

City of Fremantle:

The City of Fremantle supports the application and has recommended a number of conditions should approval be recommended to the JDAP. The City advertised the proposal to surrounding landowners for a period of 21 days and has confirmed that it received no submissions during this period.

The City, in its assessment of the proposal, referred the application to both internal and external bodies. There were no objections from the City's Design Advisory Committee, the Heritage Officer or from the Environmental Health Officer.

State Heritage Office:

The State Heritage Office has confirmed that the proposal does not significantly impact on the identified cultural significance of the Round House and Arthur Head Reserve.

Fremantle Ports Authority:

The Fremantle Ports Authority has no objection to the proposal but advises that the subject site falls within 'Area 2', which has built form requirements, including treatments to windows, openings, air conditioning systems, quiet house design and roof insulation.

Department of Transport (DoT)

DoT has no objections to the proposal.

Planning assessment:

The proposed development is being undertaken in the context of the following:

Metropolitan Region Scheme

The surrounding locality encompasses a number of established eating and drinking establishments as such the proposed development is considered in keeping with the existing character of the 'Public Purpose - Special Use' reservation and adheres to proper and orderly planning principles.

Land Use

WAPC Policy 1.2 Development Control General Principles describes the principles by which the WAPC assess applications for approval to commence development. In respect of land reserved under the MRS, the policy states that a principal objective is to ensure that the use of reserved land is not prejudiced by a development application. As mentioned it is considered that the proposal is in keeping with the use of the reservation and can be supported.

The proposal is also consistent with the Fremantle Boat Harbours Development Policy (DGF10) which has been prepared by the City of Fremantle to guide development and land uses within the harbour area.

The subject land is identified as 'Area B' in DGF10 and has been designated for 'visitor / tourist / waterfront activities' under where the preferred uses are restaurants / cafes / take-away food outlets, tavern / bistro, processing and / or retailing of seafoods or retailing of fishing and / or water recreation supplies / clothing. The proposed use aligns with this policy and can be supported on the basis that a Tavern is a preferred use for 'Area B'.

With regard to the change of use to Tavern 'restricted' to distinguish between a general 'Tavern' and a 'Tavern 'restricted' liquor license, the Department of Racing, Gaming and Liquor (DRGL) provides the following definitions:

A '**Tavern**' licence authorises:

- i) *The sale and supply of liquor for consumption on the premises;*
- ii) *The sale and supply of packaged liquor to patrons for consumption off the licensed premises.*

A '**Tavern Restricted**' licence authorises:

- i) *The sale and supply of liquor for consumption on the premises.*

Building Form and Design Typology

The proposed works to the existing building will combine a colourful material pallet with elevational articulation to provide visual interest along in the streetscape. The alterations are considered to be in keeping with the scale of the existing building and the surrounding built form. The application will not result in an increase in the height of the existing building or its footprint. It is considered that the design philosophy is respectful of the harbour and coast line environment, while the development will provide an opportunity to improve 'people to building' interaction for both visitors to the area and local residents alike (**Attachment 3 - Perspective Images**).

Parking

Under policy DGF10 and TPS4, 180 car parking bays are required for the development. The existing restaurant use attracts a 113 bay requirement while the portion of the premises changing to Tavern requires an additional 63 bays requirement (total 180 bays).

In terms of this parking requirement, it is noted that there is no allocated parking provision proposed under this application and this results in a parking deficit. However, despite this parking deficit the application can be supported on the following basis;

- There is car parking availability in the locality (inclusive of street parking);
- There are public transport options in the locality; and
- There is already a parking deficit associated with the existing use of the land.

The discretion to reduce car parking is consistent with Clause 5.3.3.1a of TPS4 which enables parking provision to be either waived or reduced.

Heritage

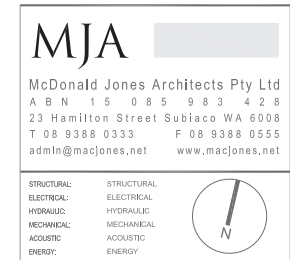
Both the State Heritage Office and the City's Heritage Officer have supported the application on the basis that the proposed development will not negatively impact on the surrounding area, which has heritage significance, being Arthur head and the Fishing Boat Harbour.

Conclusion:

The WAPC is satisfied that the proposal is consistent with the reservation of the land, the principles of orderly and proper planning and the preservation of amenity within the locality. The proposal also meets the requirements of WAPC Policy 1.2

"Development Control - General Principles" and the City's Town Planning Scheme and associated policies.

The WAPC considers that the proposal will not result in an adverse impact on the amenity of the locality and on this basis recommends that the application be approved subject to the appropriate planning conditions.

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SITEPLAN

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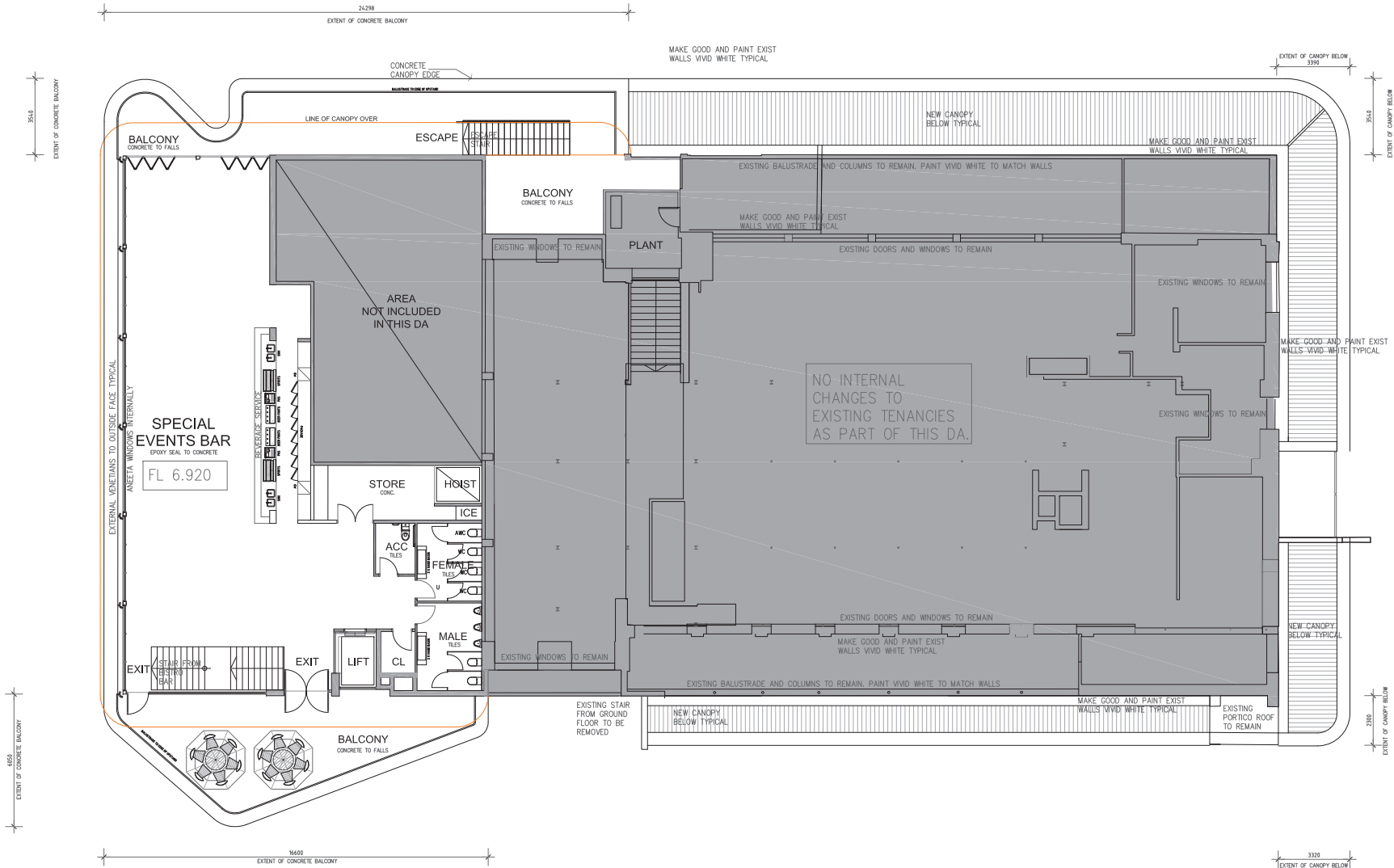
FISHERMEN'S CO-OP
MEWS RD FREMANTLE
B.B.P.G

GROUND FLOORPLAN

SCALE: 1:100 @ A1, 1:200 @ A3	DRAWING No.	REV
DATE: 16.09.13	A1.02	A
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MECHANICAL: MECHANICAL
ACOUSTIC: ACOUSTIC
ENERGY: ENERGY

**FISHERMEN'S CO-OP
MEWS RD FREMANTLE
B.B.P.G**

FIRST FLOORPLAN

SCALE: 1:100 @ A1, 1:200 @ A3
DATE: 16.09.13
DRAWN: JT
ISSUED FOR: DA

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REV **A**

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NORTH ELEVATION

1:1000SCALE @A1
1:2000SCALE @A3



WEST ELEVATION

1:1000SCALE @A1
1:2000SCALE @A3

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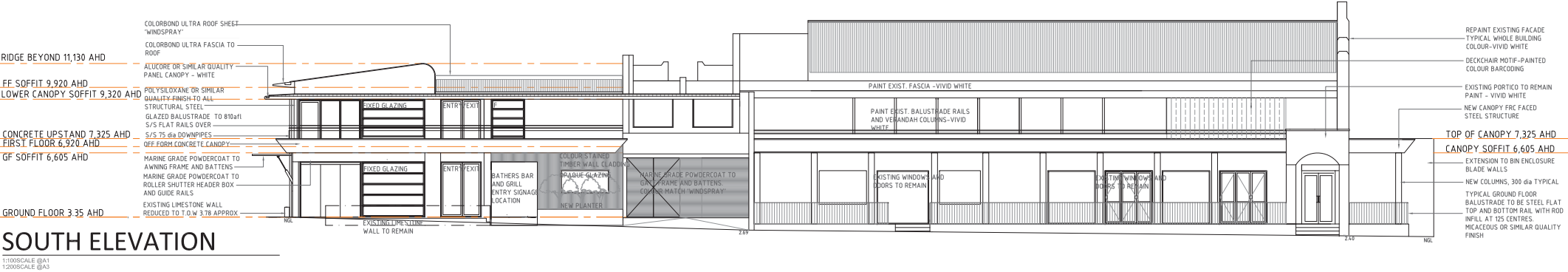
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NORTH & WEST ELEVATIONS

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SOUTH & EAST
ELEVATIONS

SCALE:	1:100 @ A1, 1:200 A3	DRAWING No.	REV
DATE:	16.09.13	A1.05	A
DRAWN:	T	CHECKED:	CHKD
ISSUED FOR:	DA	JOB No.	1315



FISHERMEN'S CO-OP: DA SUBMISSION

IMAGE_1 : NORTH WESTERN CORNER FROM BATHERS BEACH



MCDONALD JONES ARCHITECTS

23 Hamilton Street Subiaco T 08 9388 0333 F 08 9388 0555





FISHERMEN'S CO-OP DA SUBMISSION

IMAGE_1 : NORTH WESTERN CORNER FROM BATHERS BEACH



MCDONALD JONES ARCHITECTS

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FISHERMEN'S CO-OP: DA SUBMISSION
IMAGE_4 : SOUTH WESTERN CORNER



MCDONALD JONES ARCHITECTS

23 Hamilton Street Subiaco T 08 9388 0333 F 08 9388 0555



FISHERMEN'S CO-OP: DA SUBMISSION

IMAGE_5 : PEDESTRIAN LINK TO FISHING BOAT HARBOUR



MCDONALD JONES ARCHITECTS

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FISHERMEN'S CO-OP: DA SUBMISSION
IMAGE_6 : SOUTH EASTERN CORNER



MCDONALD JONES ARCHITECTS

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COLORBOND ULTRA 'WINDSPRAY'
ROOF SHEET, FLASHINGS & FASCIA

ALUCORE OR SIMILAR QUALITY
PANEL CANOPY - WHITE

GLAZED BALUSTRADE TO E10 w/ 5/5 FLAT RAILS OVER

OFF FORM CONCRETE CANOPY

MARINE GRADE POWDERCOAT TO
ROLLER SHUTTER HEADER BOX AND
GUIDE RAILS

FRAMELESS GLASS BI-FOLD DOOR
SYSTEM



COLOR STAINED TIMBER WALL
CLADDING

COLORBOND ULTRA "WINDSPRAY"
ROOF SHEET, FLASHINGS & FASCIA

ALUCORE OF SIMILAR QUALITY
PANEL CANOPY- WHITE
OFF FORM CONCRETE CANOPY



ALUCORE OR SIMILAR QUALITY
PANEL CANOPY - WHITE

EXTERNAL VENETIAN OVER ANEETA
SASHLESS WINDOWS

S/S DOWNPIPES

MARINE GRADE POWDERCOAT TO
AWNING FRAME AND BATTENS

MARINE GRADE POWDERCOAT TO
ROLLER SHUTTER HEADER BOX AND
GUIDE RAILS

EXISTING LIMESTONE WAL TAKEN
DOWN TO T.O.W APPROX 3.76



Form 2 - Responsible Authority Report

(Regulation 17)

Proposed Revised Design – Four Storey Mixed Use Development (Former Waikiki Hotel Site)

Property Location:	Lot 100 (No.434) Safety Bay Road
Application Details:	Four Storey Mixed Use Development
DAP Name:	Metropolitan South West JDAP
Applicant:	TPG Town Planning and Urban Design
Owner:	434 Safety Bay Road Pty Ltd
LG Reference:	28/0456-16; 20.2012.24.3 (D13/120549)
Responsible Authority:	City of Rockingham
Authorising Officer:	Mr Mike Ross, Manager Statutory Planning
Department of Planning File No:	DAP Application 12/00130
Report Date:	26th November 2013
Application Receipt Date:	4th October 2013
Application Process Days:	60 days
Attachments:	1. Stage 2 Site Plan (A1.01) 2. Basement Floor Plan (A1.02) 3. Ground Floor Plan (A1.03.1) 4. Pool Area Ground Floor Plan (A1.03.2) 5. Level 1 Plan (A1.04) 6. Level 2 Plan (A1.05) 7. Level 3 Plan (A1.06) 8. Roof Plan (A1.07) 9. Elevations (A3.01) 10. Elevations (A3.02) 11. Section (A4.01)

Recommendation:

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

1. Accept that the DAP application reference 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 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 12/00130 as detailed on the DAP Form 2 dated 4th October 2013 and accompanying plans Ref: A1.01, A1.02, A1.03.1, A1.03.2, A1.04, A1.05, A1.06, A1.07, A3.01, A3.02, A4.01, in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30(1) of the Metropolitan Region Scheme, for the proposed minor amendment to the approved Four Storey Mixed Use Development at Lot 100 (No.434) Safety Bay Road Safety Bay, subject to the following amended conditions, and additional conditions. All other conditions and advice notes on the Planning Approval remain.

Amended Conditions

(a) Deletion of Condition No.1

(b) Amending Condition No.2 as follows:

“2. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon the commencement of development.”

(c) Amending Condition No.4 as follows:

“4. A Landscaping Plan shall be prepared for the Malibu Road verge adjacent to the development site, including the planting of street trees, to the satisfaction of the City, prior to applying for a Building Permit. Works on the approved Landscaping Plan must be undertaken prior to occupation and be maintained at all times.

(d) Amending Condition No.5 as follows:

“5. The carpark must:

- (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit.*
- (ii) include two car parking spaces dedicated to people with disability and shared spaces designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Car parking for people with disabilities;*
- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and*
- (iv) have lighting installed in the basement, prior to applying for an occupancy permit.”*

(e) Amending Condition No.6 as follows:

“6. Nine on-street car parking spaces shall be designed for short-term parking and loading and unloading of commercial vehicles servicing the commercial tenancies (i.e. 2.6m wide) in accordance with AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior applying for a Building Permit, and constructed prior to applying for an occupancy permit.”

(f) Amending Condition No.7 as follows:

- “7. Forty-nine long term bicycle parking spaces and 8 short term bicycle parking space must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking facilities and end of trip facilities must be constructed prior to applying for an occupancy permit, and be maintained for the duration of the development.”*
- (g) Delete Condition No.9.
- (h) Amending Condition No.10 as follows:
- “10. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Malibu Road and Safety Bay Road.”*
- (i) Amending Condition No.11 as follows:
- “11. Entries and window frontages of all Commercial tenancies shall not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Malibu Road, at all times.”*
- (j) Amending Condition No.12 as follows:
- “12 Street Awnings shall be provided to Malibu Road across the full width of the proposed building at a minimum of 2.5m wide and minimum clearance of 3.2m above the footpath, with light being provided under the street awning.”*
- (k) Deletion of Condition No.13
- (l) Deletion of Condition No.14
- (m) Deletion of Condition No.15
- (n) Deletion of Condition No.17
- (o) Amending Condition No.18 as follows:
- “18. The balconies of Units 11, 24 and 36 shall be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level to prevent overlooking of adjacent survey strata lots (WAPC Ref: 66-12) within 7.5m of the balconies, prior to applying for a Building Permit.”*
- (p) Amending Condition No.19 as follows:
- “19. All stormwater generated by the proposed development shall be designed to be contained and disposed of on-site, and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.”*
- (q) Amending Condition No. 20 as follows:

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

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

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

(r) Deletion of Condition No.21

(s) Amending Condition No.22 as follows:

“22. An Acoustic Report must be prepared:

- a) prior to applying for a Building Permit, demonstrating how all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997. Development must only be carried out in accordance with the Acoustic Report approved by the City of Rockingham’s Health Services; and*
- b) prior to applying for an occupancy permit, demonstrating how the completed development complies with the Environmental Protection (Noise) Regulations 1997. In the event that remediation works are required, such works must be implemented and maintained for the duration of the development.”*

(t) Amending Condition No.23 as follows:

“23. All service areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction, prior to applying for a Building Permit.”

(u) Deletion of Condition No.24.

(v) Amending Condition No.25 as follows:

“25. The development must be designed to incorporate a rear service door access for commercial tenancies Nos. 2 and 3 to access the service corridor, to facilitate direct access to the bin store.”

(w) Amending Condition No.26 as follows:

“26. A car parking space allocation plan being provided to the satisfaction of the City of Rockingham, prior to applying for a Building Permit, which designates the allocation of the approved parking spaces to the various

approved uses. Such plan shall apply for the duration of the development. The required residential visitor parking spaces shall be clearly delineated as such on-site in common ownership and available for use by bona-fide visitors of the occupants of the dwellings the subject of this approval for the duration of the development. All commercial car parking bays must also be delineated as such on-site and be available for customer and staff parking during all operating hours of the commercial tenancies. “

New Conditions

27. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
28. The 14 Short Stay Accommodation Units must only be used for Short Stay Accommodation and not as Multiple Dwellings (permanent accommodation).
29. The above conditions amend the previous Approval dated 3rd May 2012.

Amended Advice Notes

- (a) Deleting Advice Note (a)
- (b) Amending Advice Note (b) as follows:

“(b) A Sign Permit under the City of Rockingham Signs, Hoardings and Bill Posting By-law must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City’s Building Services in this regard.”
- (c) Amending Advice Note (d) as follows:

“(d) The applicant is reminded of the need to obtain approval for the encroachments over the street under the Local Government (Miscellaneous Provisions) Act 1960; contact the City’s Building Services for more information. The applicant and owner should liaise with the City of Rockingham’s Building Services and the Department of Lands in this regard.”
- (d) Deleting Advice Note (e)
- (e) Deleting Advice Note (g)
- (f) Deleting Advice Note (h)

New Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. With respect to Condition No.4, the applicant should liaise with the City of Rockingham's Parks Services to confirm requirements for the upgrading of the street setback area and provision of on-street parking along Malibu Road
3. The applicant is advised that exhaust facilities associated with any future proposed restaurant must be provided in accordance with Australian Standard AS1668.2 – 2002. The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with "state of the art" filtration and odour suppression devices.
4. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards, should any food premises be proposed to occupy the commercial tenancies. The applicant should liaise with the City's Health Services in this regard.
5. In relation to Condition No.22 the Final Acoustic Report must include the following information:
 - noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - tonality, modulation and impulsiveness;
 - confirm the implementation of noise attenuation measures.

Background:

Table 1 - Background

Property Address:	434 Safety Bay Road, Safety Bay
Zoning	MRS: Urban
	TPS: Commercial
Use Class:	Multiple Dwellings, Short Stay Accommodation, Office, Shop, Restaurant
Strategy Policy:	Planning Policy 6.3 – Local Commercial Strategy Planning Policy 3.3.14 – Bicycle Parking and End of Trip Facilities Planning Procedure 1.16 – Carparking and Access for People with Disability
Development Scheme:	City of Rockingham Town Planning Scheme No.2
Lot Size:	1.313ha
Existing Land Use:	434 Safety Bay Road - Commercial Building and Vacant Land
Value of Development:	\$10.5 million



Figure 1 - Location Plan



Figure 2 - Aerial Photo

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

434 Safety Bay Road includes a strata building constructed in 1983 with five Shop tenancies. One tenancy is currently occupied by a Shop (Beachfront Supa Deli); the other four tenancies are vacant.

Since 2007, the Council has issued three Planning Approvals for Mixed Use developments on the subject site and in May 2012 the Metropolitan South West Joint Development Assessment Panel issued approval, as follows:

- (i) In September 2007, the Council issued Planning Approval for a Mixed Use development on 434 Safety Bay Road, comprising:-
 - 121 Multiple Dwellings;
 - Tavern;
 - Shops (liquor store, betting agency, deli and retail tenancy);
 - Restaurant;
 - Recreational facilities;
 - 437 car parking spaces; and
 - 44 Grouped Dwellings.

432 Safety Bay Road was not affected by this approval.

- (ii) In September 2009, renewal of the 2007 Planning Approval was issued by the City. The proponent (Saville) went into receivership and the development was not substantially commenced. This Planning Approval has since expired.
- (iii) In December 2010, the Council issued Planning Approval for a Mixed Use development on 432-434 Safety Bay Road comprising:-
 - 387 Multiple Dwellings and Short Stay accommodation;
 - Tavern;
 - Betting agency;
 - Commercial tenancies (Shop or office use);
 - Restaurant (including café);
 - Recreational facilities;
 - 860 car parking bays, and
 - 15 on-street parking bays along Malibu Road.

The development included six new buildings with three eight-storey buildings, one five-storey building and two three-storey buildings, plus the retention of the existing Shops on 432 Safety Bay Road. It includes a five-storey building with ground floor shops and 44 Multiple Dwellings fronting onto Malibu Road in a similar location to the current proposal as depicted in Figure 3

The Planning Approval expired on the 16th December 2012.



Figure 3 - Elevations for a Mixed Use development approved in December 2010

(iv) In May 2012, the Metropolitan South West Joint Development Assessment Panel (SWJDAP) issued Planning Approval for a four storey Mixed Use development on 432-434 Safety Bay Road, Comprising:-

- 38 one & two bedroom Multiple Dwellings;
- 12 Short Stay accommodation units,
- 4 Office/Shop tenancies;
- Restaurant;
- 85 basement car parking spaces;
- 54 at grade car parking spaces;
- 8 on-street bays on the Malibu Rd verge;
- 49 bicycle parking spaces; and
- The retention of the existing commercial building on 432 Safety Bay Road.

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



Figure 4 – Elevations of the Mixed Use development approved in May 2012

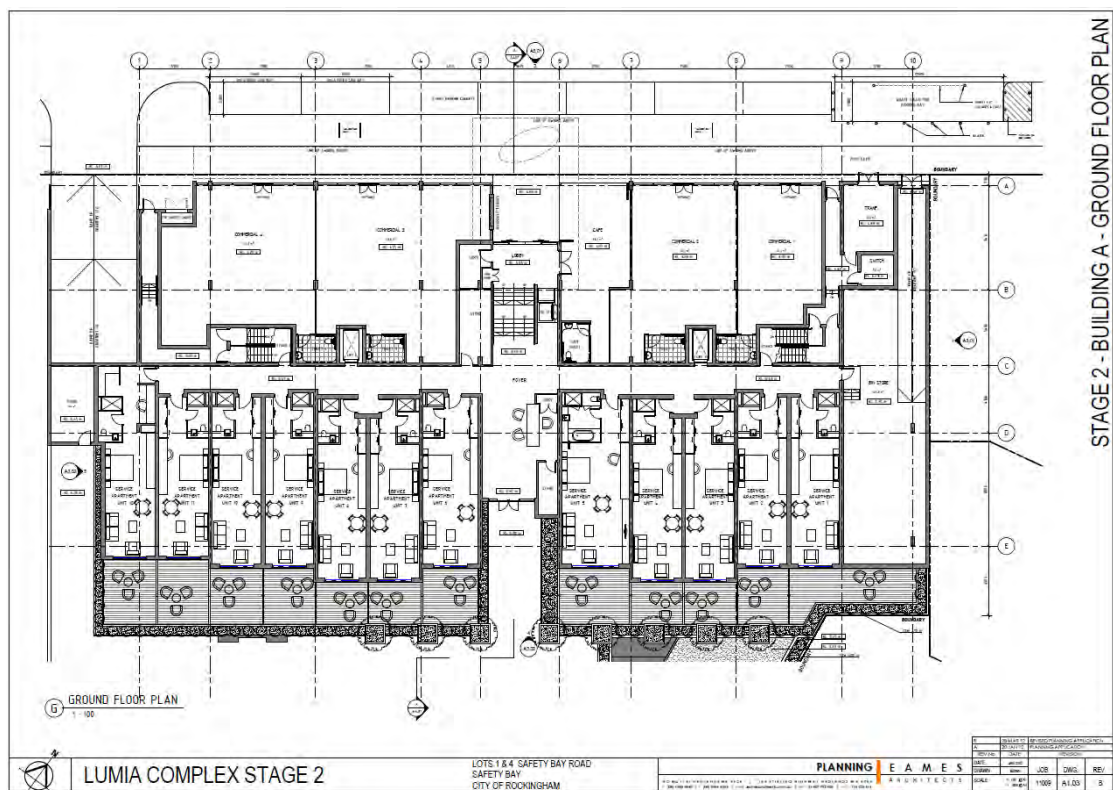


Figure 5 - Ground Floor Plan of the Mixed Use development approved in May 2012

- (v) A 36 lot subdivision representing 'Stage 1' of the Waikiki Hotel Site redevelopment has received Survey Strata subdivisional approval (Survey Strata Plan 63459).
- (vi) A new Certificate of Title and Deposited Plan (No.74131) was created over 432-434 Safety Bay Road, entitled Lot 100 (No.434) Safety Bay Road. This lot includes the existing commercial building (SP11787).

Details: outline of development application

The applicant seeks Planning Approval for a revised Mixed Use and Short-Stay Accommodation development comprising:-

- 38 two bedroom Multiple Dwellings;
- 14 Short Stay Accommodation units;
- 3 Commercial tenancies suitable for use as a Shop, Office, or Restaurant;
- 2 Commercial tenancies suitable for use as a Shop or Office;
- The retention of the existing commercial building on the site;
- An upgrade to the existing car park with a total of 51 ground floor car parking spaces proposed.
- 93 basement car parking spaces;
- 13 ground floor car parking spaces adjacent to the Landscaped Pool deck; and
- 9 onstreet car parking spaces.

Development site

The proposed building, basement carpark and private open space covers only part of 434 Safety Bay Road. The location of the development site is identified in Figure 6.

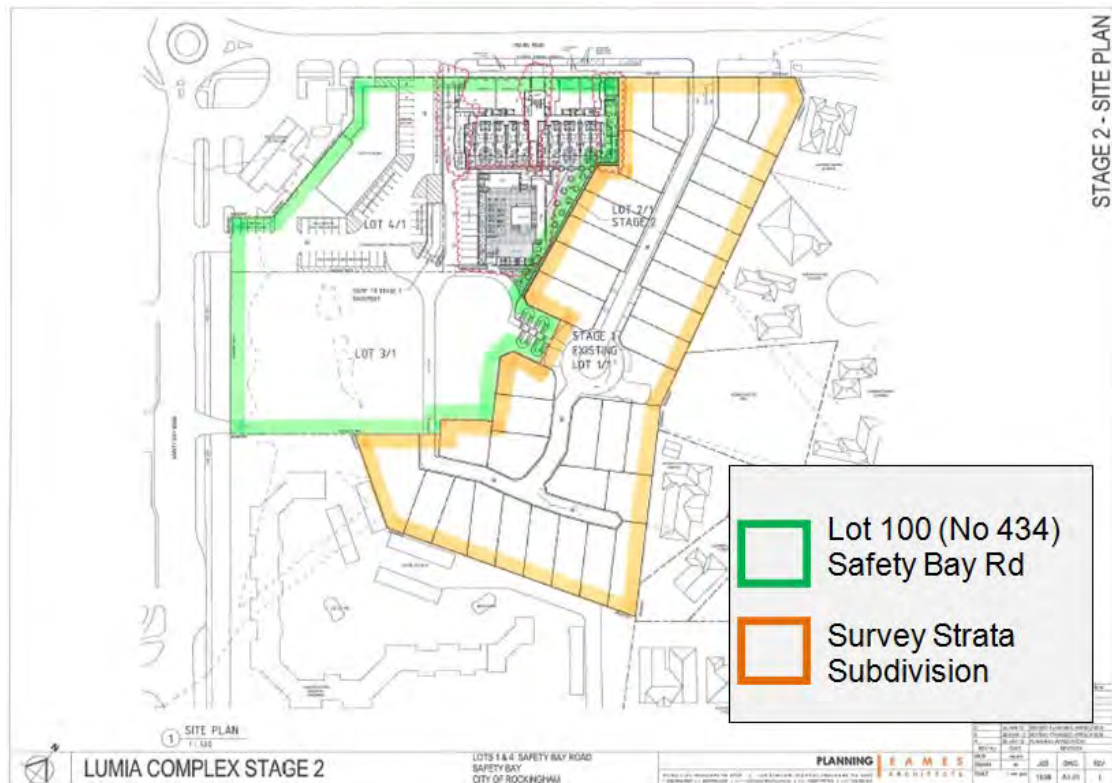


Figure 6 - Location of the development site (Stage 2) within the draft Staging Plan

The proposal is similar to the 2012 Planning Approval with the majority of modifications to internal design. The proposed modifications to the approved plans are detailed below:

Revised Floor Plans

All units are proposed as two bedroom units. Previously there was a mix of one bedroom and two bedroom units.

Air conditioning and hot water units are proposed on the balconies. The units will be enclosed and screened from view.

Short Stay Accommodation Units

An additional two Short Stay Accommodation units are proposed increasing the total number of short-stay accommodation units on the site to fourteen. This has been largely achieved by reducing the overall size of the original twelve short-stay accommodation units and the foyer area.

The applicant seeks approval for the short-stay accommodation units to be approved for both Short Stay accommodation, and Multiple Dwellings (permanent residential use).

Storage and Services

A revised layout to the car parking and utilities area located within the basement level will increase the number of basement parking bays from 85 bays to 93 bays (inclusive of 2 carparking spaces for people with disability). A total of 38 enclosed lockable storage units are also proposed.

The upgrade to the car park associated with the existing commercial centre is also proposed. In this regard, a total of 51 bays are proposed where 31 currently exist. Two carparking spaces for people with disability are proposed.

Waste Servicing

The bin storage rooms have been redesigned to allow for improved interface to the service road which straddles the site. The design will allow for bins to be serviced within the development with no reliance on the City's verge.

Landscaped Deck

The landscaped deck and pool area will be modified to remove excess landscaping and accommodate the revised car parking design. The landscaped pool deck will retain all of its features including a plunge pool, lap pool, gymnasium, deck, showers and cabana area. The functionality of the landscaped deck and pool area is not impinged by the proposed modification.

Elevations

The awning to the entrance is to be narrowed and relocated to Level 1 as a result of modifications to the lobby.

The inclusion of enclosed air conditioning and hot water units within the balconies will result in some modification to the appearance of the balconies. Minor modifications to render and glazing details are also proposed given revised internal apartment layouts and associated minor improvements to the proposed building façade.

Legislation & policy:

Town Planning Scheme No.2 (TPS2)

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

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

The proposal complies with clause 4.6.2(A) of TPS2, which requires the Council to ensure that site planning, scale, built form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

Clause 5.6.14 – Development Contributions for Infrastructure

Clause 5.6.14 of TPS2 requires developers of residential development and subdivision to provide a financial contribution towards the development and administration of community infrastructure in the district. Upon the commencement of development the development contribution is payable to the City in accordance with the City's Development Contribution Plan No.2.

Clause 4.15.1.3 – Car parking Requirements

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

Proposed Land Uses	Bays required
38 Multiple Dwellings (2 bedrooms)	48
Visitor parking	10
Short Stay Accommodation/Multiple Dwellings (1 bedroom)	14
3 x Shop/Office/Restaurant tenancies (1,2 & 3)	24
2 x Shop/Office tenancies (4 & 5)	10
Existing shops – 432 Safety Bay Road	31
Total Required	137

Table 1 – Car Parking Requirements

The parking rate for the Shop/Office/Restaurant tenancies has been calculated based on the “restaurant” use which has a higher demand for parking.

Car parking provision is as follows:

Car Parking Provision	Bays proposed
Basement car park	93
On-street parking (Malibu Rd)	9
Parking adjacent to the Landscaped Pool Deck	13
Upgrade to existing car park next to Shops – 432 Safety Bay Road	51
Total Provided	166

Table 2 – Car Parking Provision

A total of 137 car parking spaces are required, when including the car parking requirements for the existing shops with the proposed development. Based on the development site, a total of 106 bays are required, in comparison with 115 bays proposed. The overall development has a surplus of 9 bays. The distribution of spaces is explained below:-

- a) There are sufficient basement spaces for at least 1 car parking bay for each multiple dwelling unit. Car parking was calculated on the basis of 0.75 bays per 1 bedroom and 1 per 2 bedroom units.

- b) The commercial component of the development requires the provision of 34 car parking bays. It is expected that some staff will utilise the basement carpark, and on this basis there is considered to be sufficient car parking provided for the commercial component of the development.
- c) The nine on-street car parking spaces provide short-term parking for visitors of the commercial units, plus provides for residential visitor parking. Residential visitors are no longer proposed to have the use of the carpark in front of the commercial building at 434 Safety Bay Road, but this is likely to occur after hours.

The proposal provided 9 spaces in excess of the minimum number of on-site car parking spaces required under TPS2. Due to basement parking access being at the rear of the development site, customers and visitors to the development may find it difficult to navigate to the proposed parking areas. Signage will be needed to direct customer and visitor parking to the rear of the development. It is recommended that the applicant prepare a car parking space allocation plan to the satisfaction of the City which designates the allocation of approved parking spaces to the various approved uses. The required visitor parking spaces shall be clearly delineated as such on-site in common ownership.

Clause 5.3 – Control of Advertisements

The application does not propose any advertisements, except for a 0.5m x 3m panel stating 'Lumia Complex' with raised lettering. Clause 5.3.1 of TPS2 states that the Council shall examine each application for advertisements in light of the objectives of TPS2 and with particular reference to the character and amenity of the locality within which it is to be displayed.

Advertisements on the Commercial tenancies fronting onto Malibu Road will need to be controlled to ensure that an active street frontage is maintained. This may be achieved through the imposition of a condition on the prospective Planning Approval prohibiting the covering, closing, or screening of entries and window frontages to ensure that a commercial, interactive frontage is available at all times.

State Government Policies

R-Codes

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

Building Height

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

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

The site is a landmark location and there is an opportunity to consider greater building height and scale commensurate with the proposed development. The previously-approved five storey proposal also has a greater building height than the current proposal. For these reasons, the proposed building height and scale of four storeys is considered appropriate.

The balconies of Units 11, 24, and 36 are located within 7.5m of the lot boundary and could overlook adjacent strata lots. It is recommended that a condition of Planning Approval includes a requirement to screen these balconies to protect the visual privacy of neighbours.

Malibu Road Building Setback

Table 4 of the R-Codes requires a 2m street setback. The application proposes a 0.5m street setback at the ground level and 0m street setback on all upper levels, with an indented street setback 4m deep and 9.5m wide in the upper levels above the main entrance. Given the main street style of development incorporating commercial development, and the 30m distance to nearby residential dwellings, the 0m setback is considered appropriate.

There are also several incursions over the street, including a 2m wide awning for much of the building frontage, a 4m wide feature awning over the main entrance, vertical glass screens in front of balconies on the 2nd and 3rd level and the roof structure extending over the street by 1m.

Approval of the various encroachments proposed over Malibu Road is required under the Local Government (Miscellaneous Provisions) Act 1960, and will need to comply with the City of Rockingham Street Verandah Local Law 2000. The applicant should be reminded of this as an advice note to any approval.

Side and Rear boundary setback

A 4m setback is required for the northeast and southeast elevations in accordance with Table 5 of the R-Codes.

The northeast elevation (side boundary) includes a 5m high nil setback wall and a 15m high wall less than 28m in length with major openings. The nil setback wall is less than 6m in height and complies with R-Code setback requirements. The remainder of the wall is setback between 1m and 2.5m, in lieu of the 4m required.

At its closest point, the southeast elevation (rear boundary) is setback between 1m and 2m, up to a height of 15m, in lieu of the 4m required. It is noted that both the side and rear setbacks are in accordance with the design approved by the SWJDAP in May 2012. Furthermore, the adjoining Survey Strata lots were approved in August 2012 shortly after the May 2012 SWJDAP approval.

The applicant states that prospective purchasers of the Survey Strata lots have been advised about the Mixed Use Development approval and the location of future stages of development. These details have also been provided when contract of sale documents are finalised. The proposed R-Code variations relating to side and rear boundary setbacks are considered acceptable, as the 2012 Planning Approval preceded the Survey Strata Subdivision.

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

The proposed development complies with the requirements of SPP2.6, including s.5.3 which states that the height of buildings within 300m of the coast should be limited to a maximum of five storeys (and not exceeding 21m).

Local Policies

Planning Policy 6.3, Local Commercial Strategy (LCS)

The subject site forms part of the larger “Waikiki Hotel Site” in the City’s Local Commercial Strategy which includes the existing BP Service Station at 430 Safety Bay Road. The LCS allocates a maximum retail floorspace of 1,495m² NLA to the centre. The proposed development complies with the maximum permitted shop/retail floorspace.

Planning Policy 3.3.14, *Bicycle Parking and End of Trip Facilities*

The purpose of PP3.3.14 is to ensure the provision of appropriate bicycle parking and end-of-trip facilities in new development. The application proposes 49 bicycle parking spaces in a 48m² Class 2 compound in the basement level which meets the requirements for long-term (staff and residents) parking under PP3.3.13. It is secured by a door approximately 1.2m wide which does not meet the design requirement of Australian Standard AS 2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*. In this regard, a passage at least 1.5m wide and 2.25m high is required.

An end-of-trip room is provided off the bicycle parking compound; it contains a shower and basin. The end-of-trip room facilities meet the requirements of PP3.3.14.

The application also proposes 8 bicycle parking spaces located in the Malibu Road verge near the front entries to the commercial tenancies. This meets the requirements of PP3.3.14 for short-term (customers and visitors) bicycle parking.

Planning Procedure 1.16 – Carparking and Access Considerations for People with Disability

The proposed development complies with the accessible carparking requirements of Planning Procedure 1.16 – Carparking and Access Considerations for People with Disability. It is recommended the applicant provide direction signs to the accessible carparking bays as the route to the parking spaces for people with disability is not readily apparent from the vehicular entrance to the car park. The direction signs should comprise the international symbol for access and an arrow, to be placed at the entrance and at each change in direction, to direct traffic to the spaces.

Consultation:

Public consultation

Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation sets out that where an application for planning approval to use or carry out development involves a ‘D’ use, or for any other development, the Council may give notice of the application in accordance with clause 6.3.3.

Consultation with the community was previously undertaken as part of the May 2012 Planning Approval for the four storey Mixed Use development. This Planning Approval was for a similar development but the ground floor commercial tenancies were approved as Shop/Office with only one tenancy approved as a restaurant (café).

The City does not consider that public consultation is required because the site is zoned Commercial and the development and land uses proposed are similar to the May 2012 Planning Approval.

Consultation with other agencies or consultants

As the proposed development does not exceed a height of five storeys or 21m, the approval of the WAPC is not required in accordance with Clause 32 (No.63) of the Metropolitan Region Scheme. The criteria by which development between five and eight storeys adjacent to the coastline is set out in the WAPC's State Planning Policy 2.6.

Planning assessment:

Site Context

The subject site is zoned 'Commercial' under TPS2. The site forms part of the larger "Waikiki Hotel Site" local centre (the Centre) which includes the existing Service Station at 430 Safety Bay Road. A small, undeveloped park adjoins the northeast boundary of the subject site. This park has access to Reef Place and Harbour Court via the cul-de-sac heads of these streets.

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



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

There is a three-storey, 55 Multiple Dwelling development known as 'Seaside Apartments' on 436 Safety Bay Road, which adjoins the southeast boundary of the subject site. The remainder of the locality comprises largely single-storey single houses on lots sized between 500m² and 1000m² predominantly.



Figure 9 - Seaside Apartments on Safety Bay Road (R50)

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

Short Stay Accommodation

The City supports the Short Stay Accommodation Units being increased from 12 to 14 units, but it does not support these units being used as Multiple Dwellings (permanent accommodation), because the units are only single bedroom units which are designed for short stay accommodation. None of the floor plans for the 14 units include kitchens, laundries, and storerooms. The City does not consider that the 14 ground floor units are self-contained.

Commercial Tenancies

The City has no objection to Tenancies 1, 2 & 3 being used for a Shop /Office/Restaurant, and Commercial Tenancies 4 & 5 being used as a Shop/Office, but the proposal raised issues associated with waste management.

In May 2012 the SWJDAP approved commercial tenancy No.3 as a 'Restaurant', subject to the following condition:

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

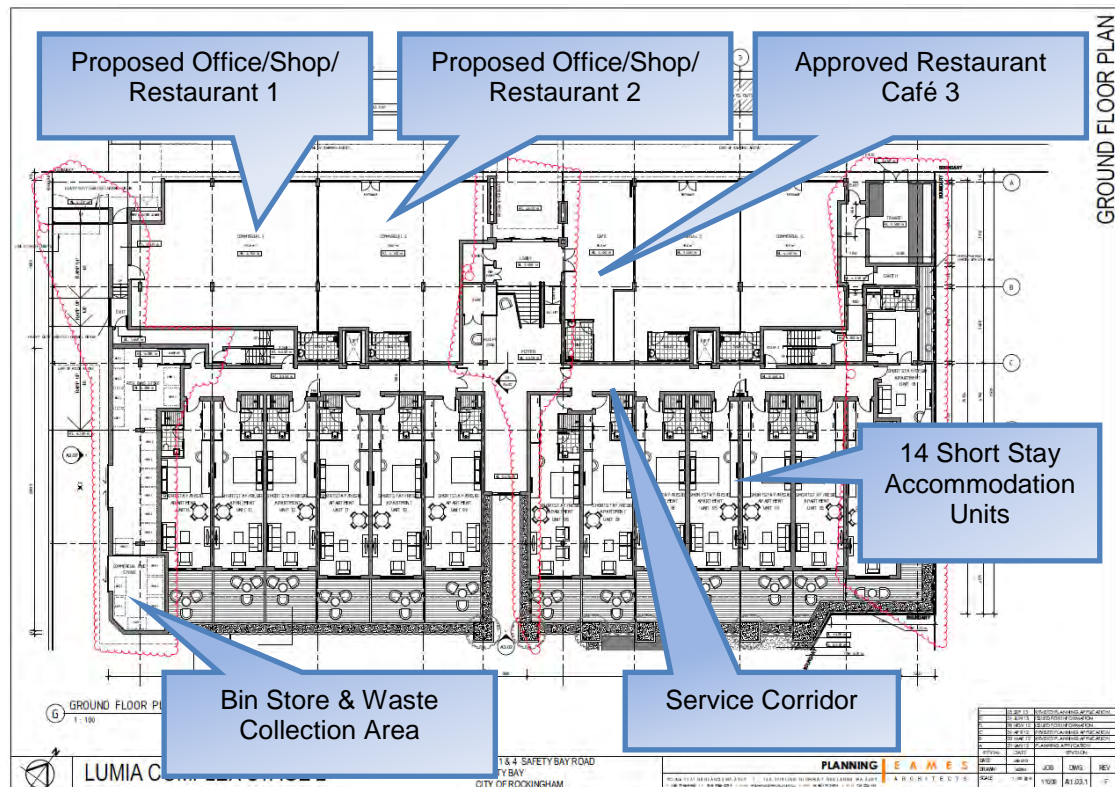


Figure 10 – Ground Floor Plan showing corridor access

While commercial tenancy No.1 has a secondary door allowing direct access to the commercial bin store, the amended plans do not include rear doors to commercial tenancies Nos. 2 or 3 which are proposed as restaurants.

The applicant objects to a rear door to the corridor for the following reasons:

- “1. The doors would open into the corridor which services the Short Stay Accommodation units. This raises concerns with security, privacy and maintenance. We want to avoid people with delivery trolleys or bags of rubbish moving up and down this corridor.
2. The commercial floor levels are lower than the rear corridor therefore steps within the tenancies would be required. Not only is this impractical for deliveries, but it will also take up useable and therefore sellable space.”

The applicant also advised that a Waste Management Plan will be prepared which will detail how waste will be stored within the tenancies and then transported to the bin store after hours’.

It is noted that there is an approximate 1.6m height difference between the rear corridor and the commercial tenancies. It is agreed that Tenancy 1 has good direct access to the bin service area where no concerns are raised by the City.

Without service corridor access from the rear of Tenancies 2 & 3 there would be a reliance on food waste being taken through dining areas, along Malibu Road, and down the service access road to the commercial bin store (bin store). The City’s Health Services considers that it is undesirable for restaurant tenancies not to have rear service access, given that waste may need to be taken to the bin store while the tenancy is operating.

It is considered appropriate to impose a condition consistent with the May 2012 approval stipulating that commercial tenancies 2 & 3 must include a rear door for access to the service corridor to facilitate direct access to the bin store.

Safety Audit

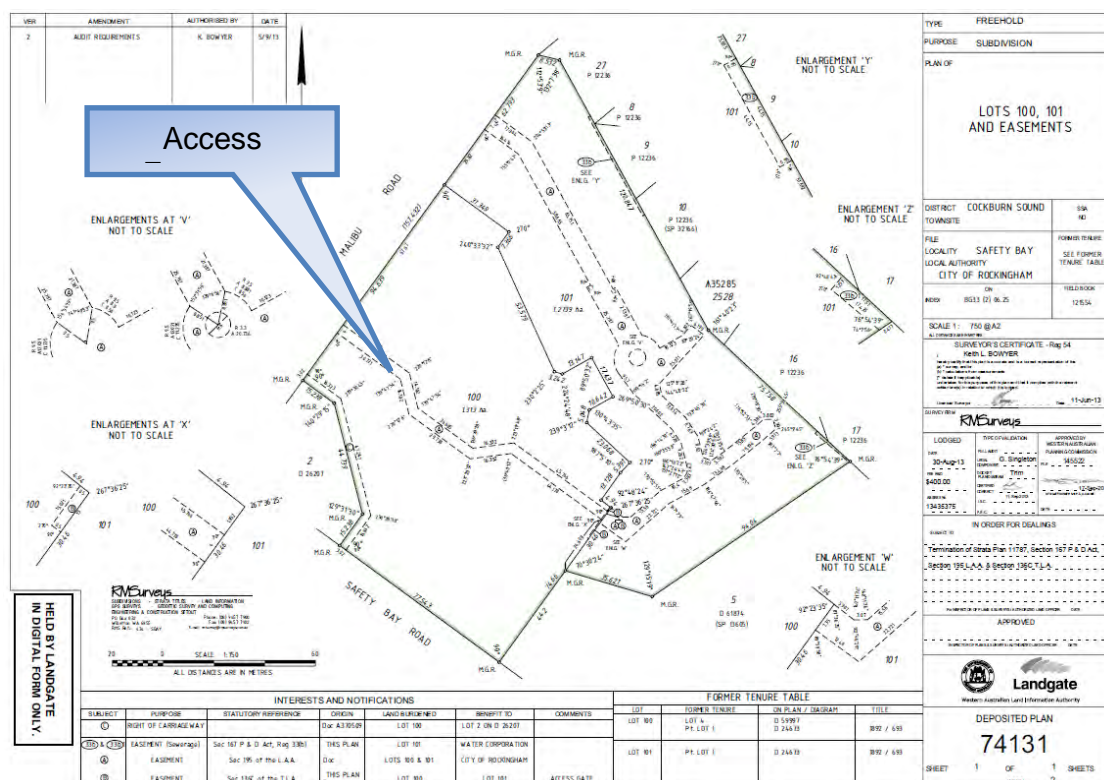
An Independent Traffic Safety Audit, Corrective Action Report of the proposed vehicle access point onto Malibu Road relative to the existing crossover to the adjoining shops must be undertaken to determine how the access point can be designed to operate in a safe manner and whether any turning pockets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

Built Height and Setbacks

The building height, street setback and side setbacks are unchanged from what was approved by the SWJDP in 2012. The building height, street setback and side setbacks have been assessed against the R-Codes (for R-AC3) and the City Design Guidelines.

Waste Disposal

The subject site has an access easement register on the title of Lot 100, which straddles the development site to service the proposed bin store. The collection of all waste bins by the City will occur from within the development and not from Malibu Road. Waste will also be collected by the City's Refuse Vehicles travelling in a one way direction through the Stage 1 development of 36 survey strata lots, via the access easement, permitting the service vehicle to exit in forward gear onto Malibu Road via an electronic operated secure roller door.



of *Rockingham Street Verandahs Local 2000*. The potential for integration of signage within the awning at the pedestrian level could be considered.

It is recommended that a clearance of 3.2m from the footpath to the awning is provided to facilitate the future installation of under-awning advertisements. Given the additional height, an awning valance should be considered.

Carpark design

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

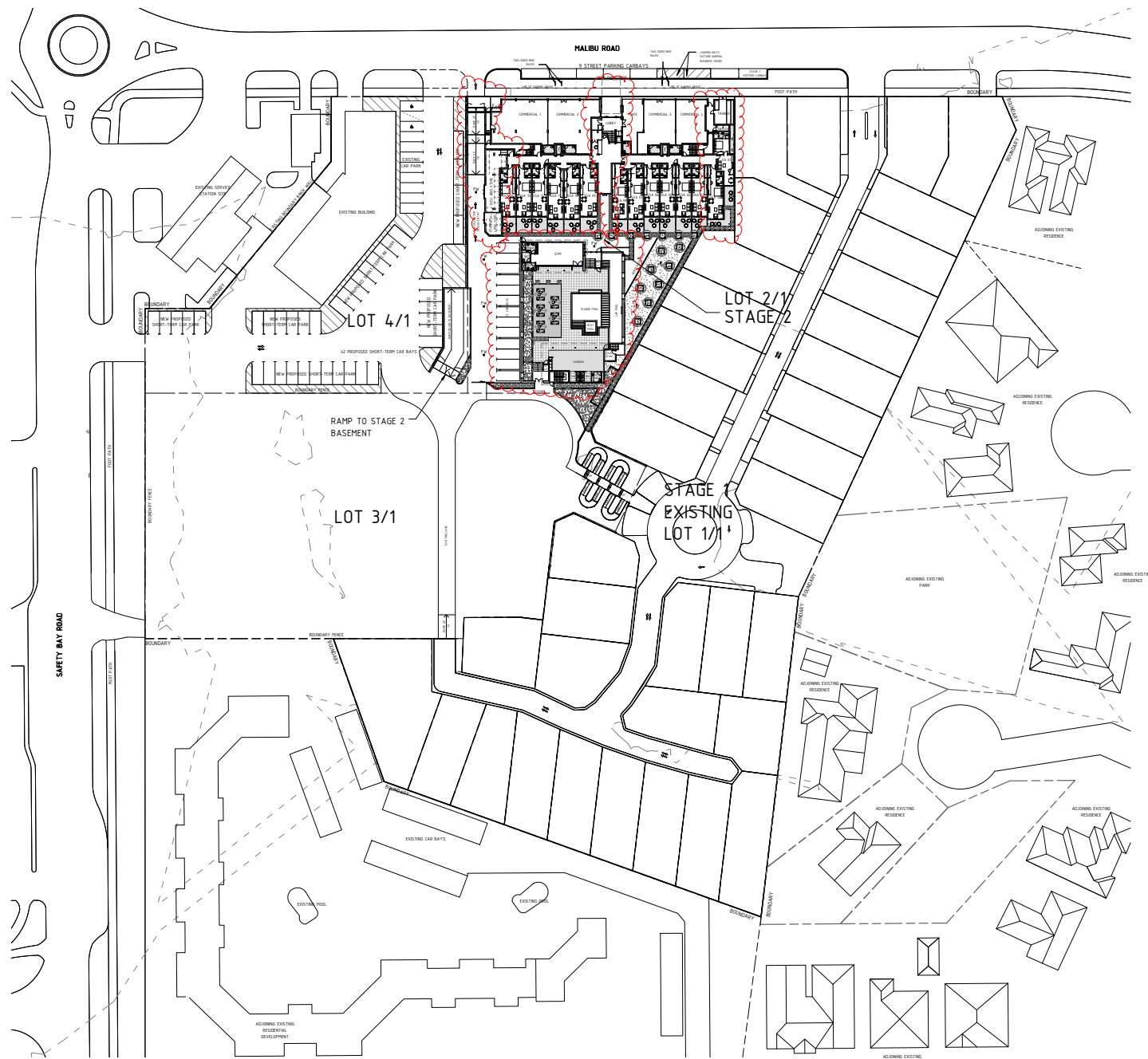
The basement carpark is designed in accordance with AS/NZS 2890.1 and AS/NZS 2890.6.

Noise

It is important that a pre and post Acoustic Report is included in a Planning Approval, to ensure that adequate structural modifications are included in the building design given the mixed-used development proposed with Multiple Dwellings above Commercial tenancies.

Conclusion

The revised mixed-use development is generally consistent with TPS2 and Policy requirements. It is recommended that the SWJDAP approve the DAP application.



① SITE PLAN
1 : 500

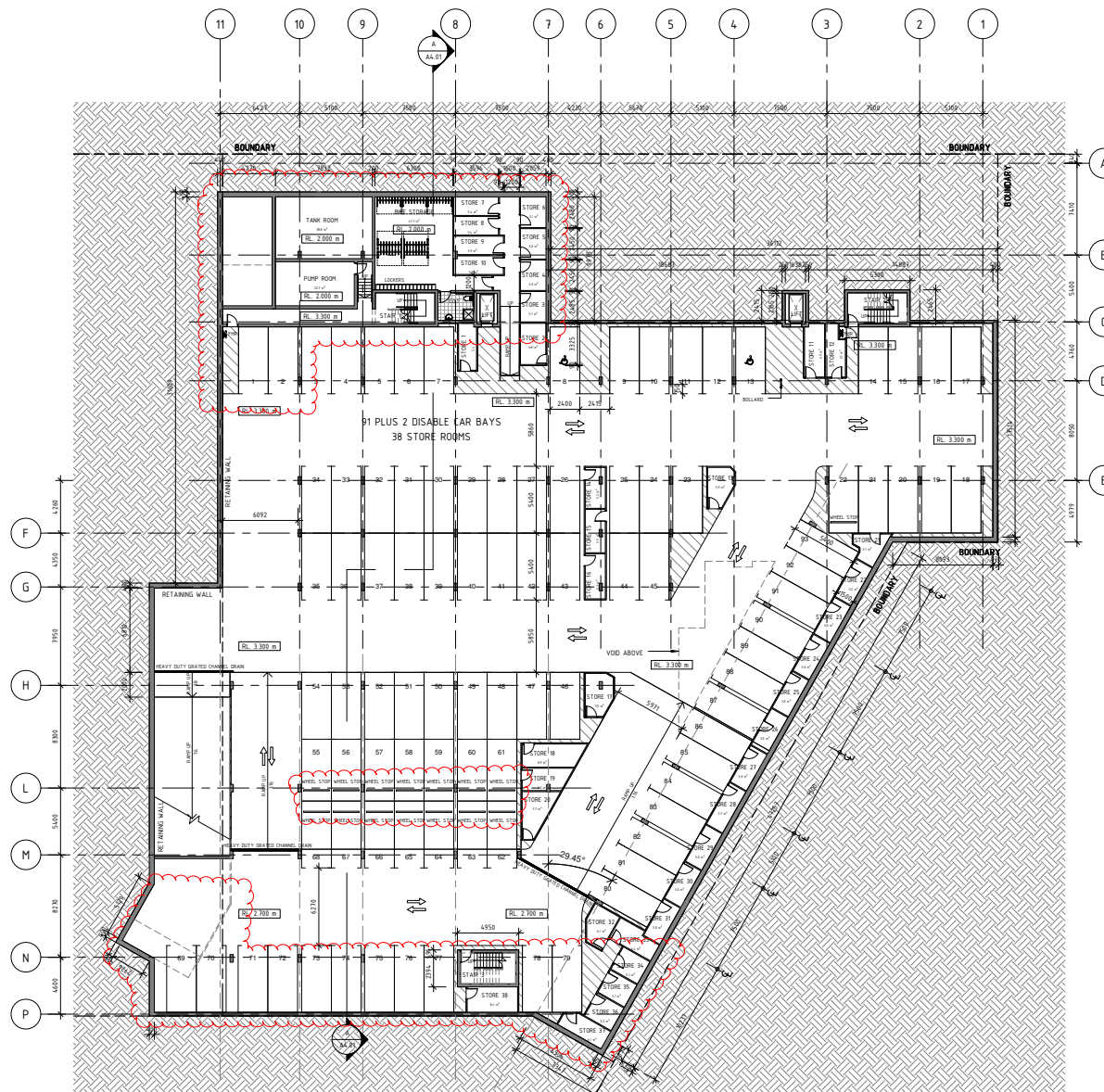
LUMIA COMPLEX STAGE 2

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

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G	18 APR 13	ISSUED FOR INFORMATION
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E	11 FEB 13	ISSUED FOR INFORMATION
D	28 NOV 12	ISSUED FOR INFORMATION
C	26 APR 12	REVISED PLANNING APPLICATION
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A	20 JAN 12	PLANNING APPLICATION
REV No	DATE	REVISION
DATE	JAN 2012	
DRAWN	162	
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JOB	11009	
DWG.	A1.01	
REV	I	



1 BASEMENT FLOOR PLAN
1 : 200



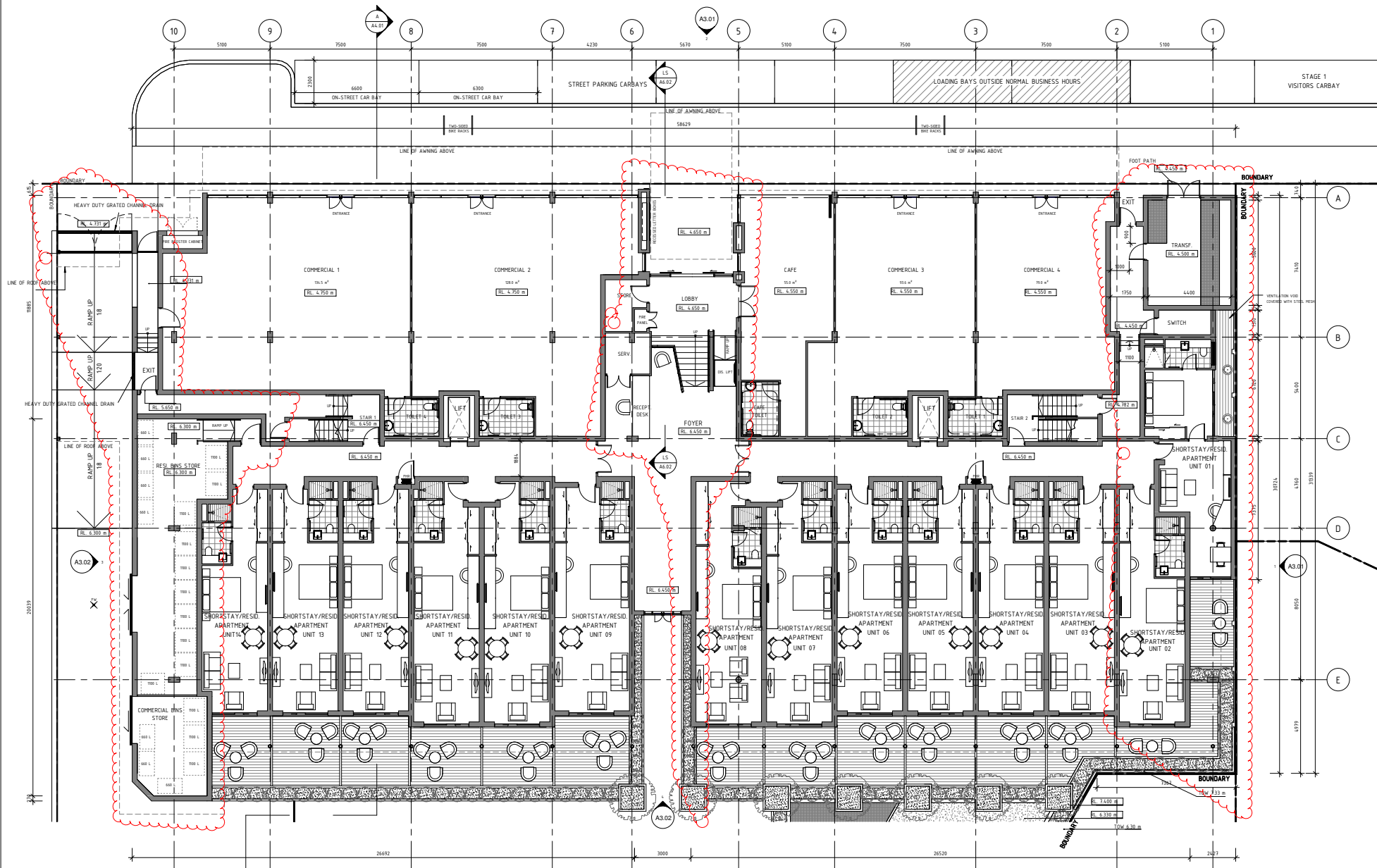
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JOB	11009	
DWG.	A1.02	
REV	F	



G GROUND FLOOR PLAN
1 : 100



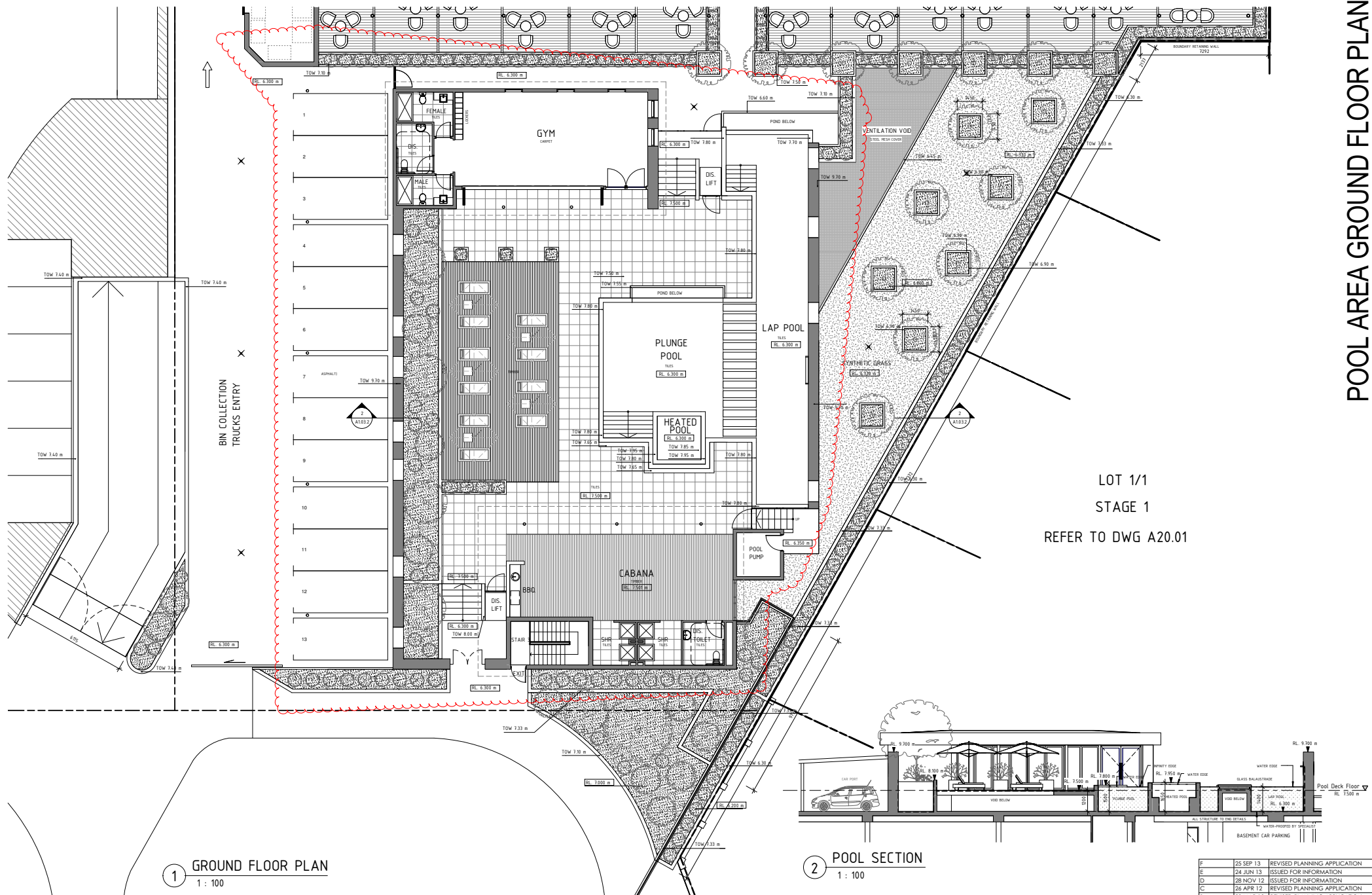
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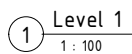
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LOTS 1 & 4 SAFETY BAY ROAD
SAFETY BAY
CITY OF ROCKINGHAM

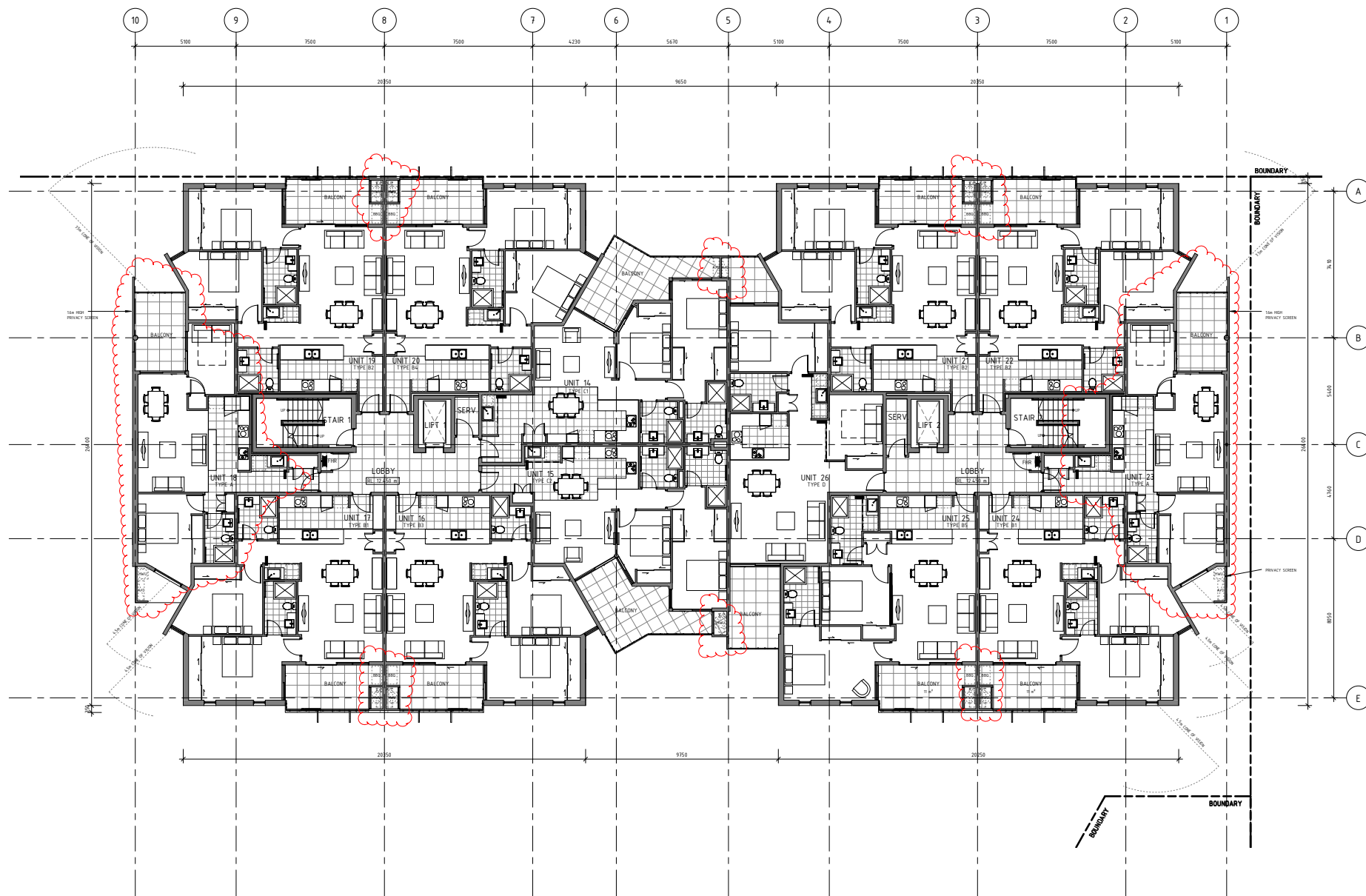
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MATERIAL LEGEND:

- 1 METAL ROOF SHEET AT 3° PITCH
- 2 SCREED TO FALLS TO SW OUTLET FULLY WATERPROOFED BY SPECIALIST TO ALLOW TRAFFICABLE SURFACE
- 3 BOX GUTTER COLORBOND
- 4 METAL FASCIA CLADDING
- 5 COLORBOND CAPPING



1 Level 2
1 : 100



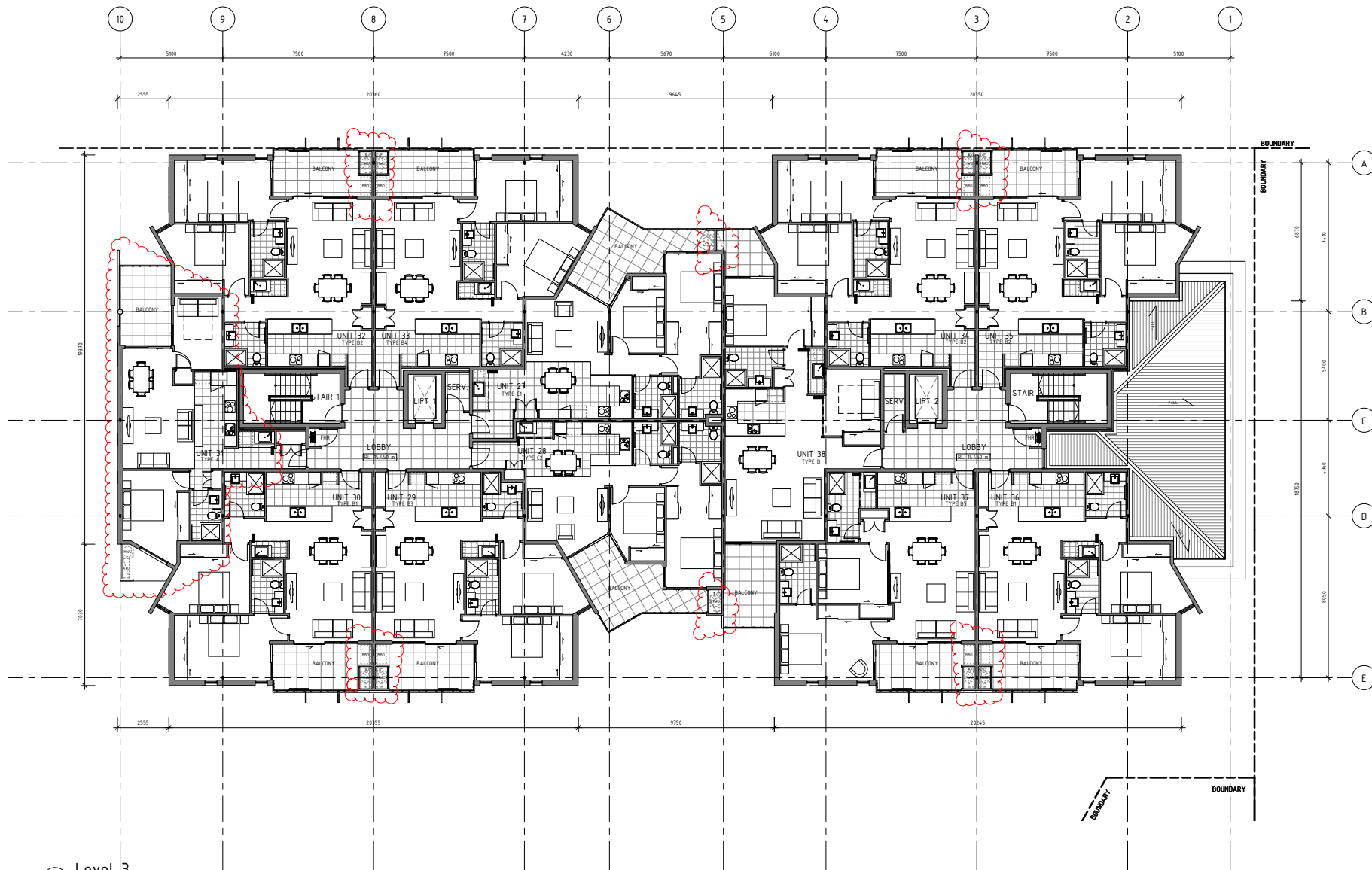
LUMIA COMPLEX STAGE 2

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REV No	DATE	REVISION		
DATE	JAN 2012			
DRAWN	MZWS	JOB	DWG.	REV
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3 Level 3
1 : 100



LUMIA COMPLEX STAGE 2

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REV No	DATE	REVISION		
DATE	JAN 2012			
DRAWN	MZHW	JOB	DWG.	REV
SCALE	1:100 @ A1	11009	A1.06	E

GENERAL NOTES

1. DO NOT SCALE OFF DRAWINGS. THE CONTRACTOR IS TO VERIFY ALL MEASUREMENTS & DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS INCLUDING ARCHITECTURAL AND ALL CONSULTANT DRAWINGS, SPECIFICATIONS & SCHEDULES.
3. REFER TO DRAWINGS BY OTHERS FOR ALL STRUCTURAL, MECHANICAL, HYDRAULIC, ELECTRICAL, LIFT & FIRE SERVICES DETAILS.
4. THE CONTRACTOR IS TO ASSUME THAT ALL ITEMS IN DRAWINGS ARE NEW WORK UNLESS OTHERWISE NOTED.
5. THE CONTRACTOR IS TO PROVIDE SAMPLES OF ALL PROPOSED EXTERNAL & INTERNAL FINISHES TO THE ARCHITECT WITH SUFFICIENT TIME FOR APPROVAL PRIOR TO INSTALLATION, FABRICATION, CONSTRUCTION AND/OR ORDERING.
6. THE CONTRACTOR IS TO PROVIDE ALL SPECIALIST FABRICATION DRAWINGS TO THE ARCHITECT & RELEVANT CONSULTANTS WITH SUFFICIENT TIME FOR COMMENT PRIOR TO INSTALLATION, FABRICATION, CONSTRUCTION AND/OR ORDERING.
7. THE CONTRACTOR IS TO VERIFY THE ACCURACY OF ALL SITE LEVELS, SITE BOUNDARIES & BUILDING SETOUT POINTS SHOWN PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
8. THE CONTRACTOR IS TO MAINTAIN A MINIMUM 20mm CLEARANCE TO ALL WALLS AND STRUCTURE THAT ARE LOCATED ON A BOUNDARY.
9. ASSUME THAT ALL WALLS ARE FULL HEIGHT UNLESS OTHERWISE NOTED.
10. THE CONTRACTOR IS TO NOTIFY ANY DISCREPANCIES BETWEEN DRAWINGS TO THE ARCHITECT IMMEDIATELY.

ROOF NOTES

1. PROVIDE & INSTALL FULL ARREST & ROOF ACCESS SYSTEM TO ALL ROOF ACCESS AREAS TO COMPLY WITH WORKSAFE REGULATIONS AND ALL RELEVANT CODES & AUSTRALIAN STANDARDS.
2. THE ROOFING CONTRACTOR IS TO GUARANTEE WATER TIGHTNESS OF ROOF.
3. ANY FIXING TO ROOF SHEETING TO BE FULLY SEALED BY CONTRACTOR RESPONSIBLE.
4. THE CONTRACTOR IS TO PROVIDE BIRD COWLS TO ALL RAIN WATER SUMPS.
5. REFER HYDRAULIC DRAWINGS FOR SIZES OF ALL RAINWATER GOODS.

MATERIAL LEGEND:

- 1 METAL ROOF SHEET AT 3° PITCH
- 2 SLOPED TO FALLS TO SW OUTLET FULLY WATERPROOFED BY SPECIALIST TO ALLOW TRAFFICABLE SURFACE
- 3 BOX GUTTER COLORBOND
- 4 METAL FASCIA CLADDING
- 5 COLORBOND CAPPING

1 Roof Plan
1 : 100

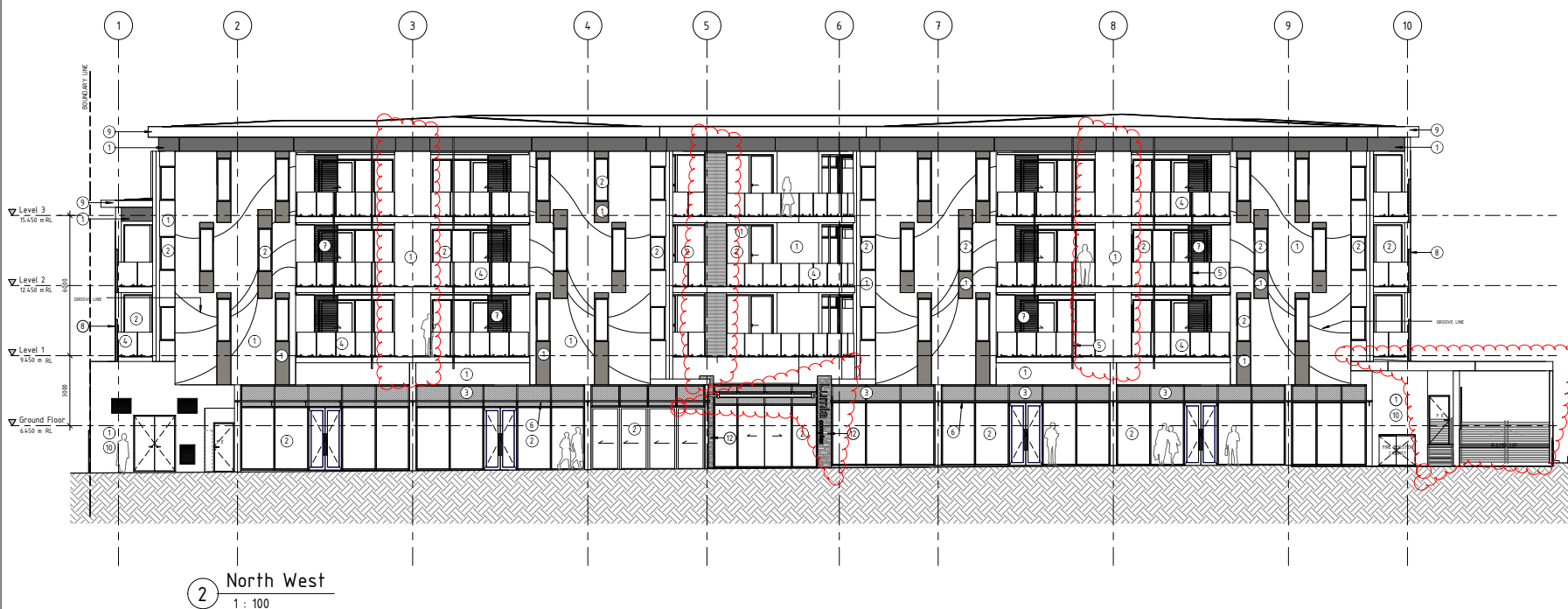
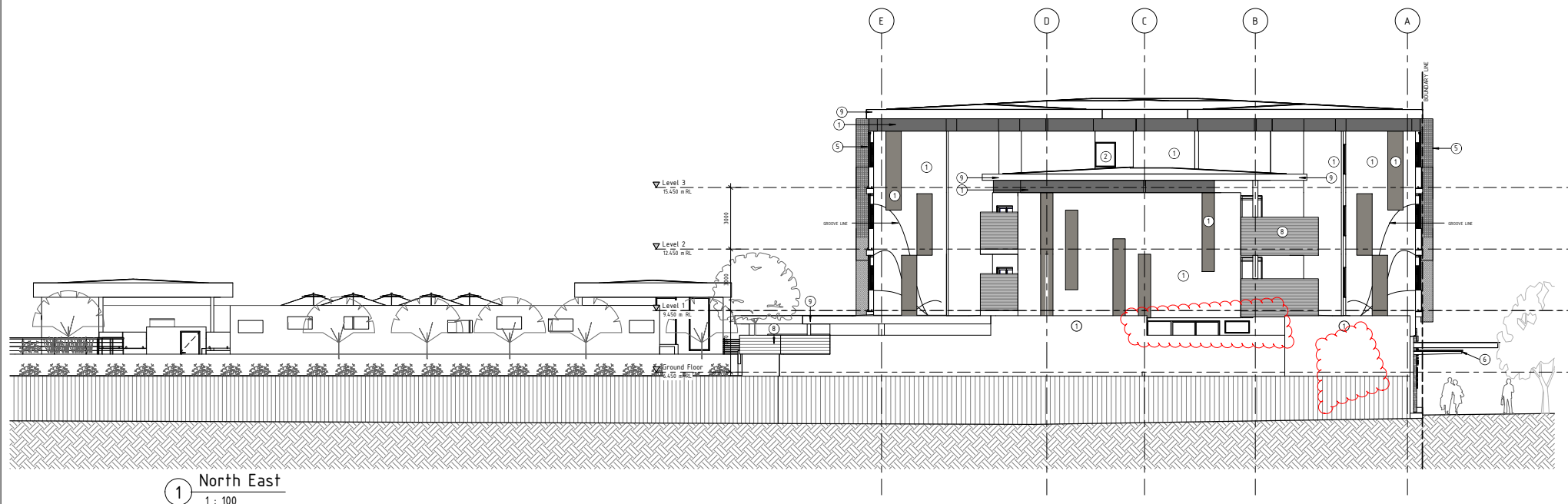
LUMIA COMPLEX STAGE 2

LOTS 1 & 4 SAFETY BAY ROAD
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DRAWN	MDWS	
SCALE	1:100 @A1	
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DWG.	A1.07	
REV	E	



MATERIAL LEGEND:	
1	RENDER + PAINT
2	GLAZING
3	COLORBACK SPANDREL GLASS PANEL
4	GLASS BALUSTRADE
5	FEATURE VERTICAL PERFORATED METAL
6	PERFORATED METAL AWNING
7	SLIDING METAL LOUVRE SUN SCREEN
8	METAL LOUVRE PRIVACY SCREEN
9	METAL FASCIA PANEL
10	ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3m AFFL
11	LMSTONE RETAINING WALL
12	STACK STONE FEATURE CLADDING

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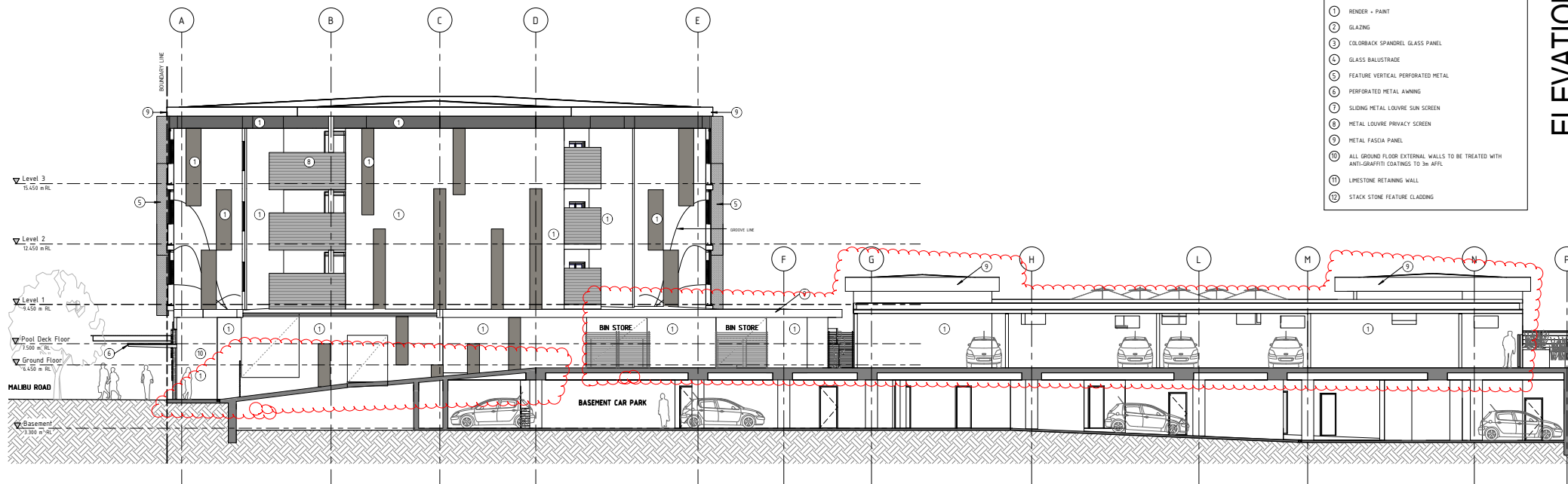
LUMIA COMPLEX STAGE 2

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

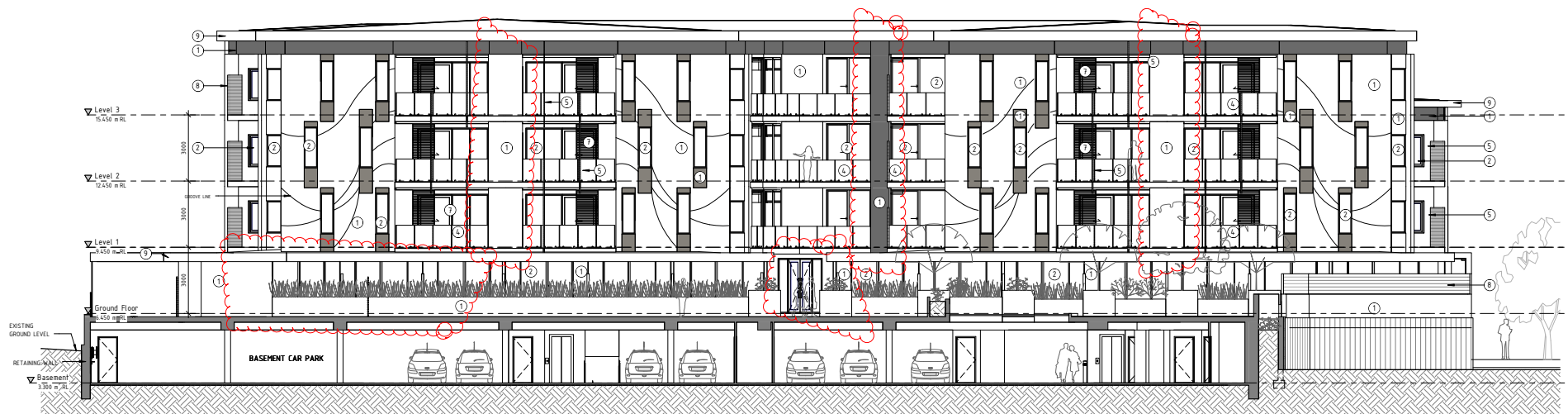
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MATERIAL LEGEND:	
1	RENDER + PAINT
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8	METAL LOUVER PRIVACY SCREEN
9	METAL FASCIA PANEL
10	ALL GROUND FLOOR EXTERNAL WALLS TO BE TREATED WITH ANTI-GRAFFITI COATINGS TO 3m AFFL
11	LMESTONE RETAINING WALL
12	STACK STONE FEATURE CLADDING



3 South West
1 : 100



4 South East
1 : 100

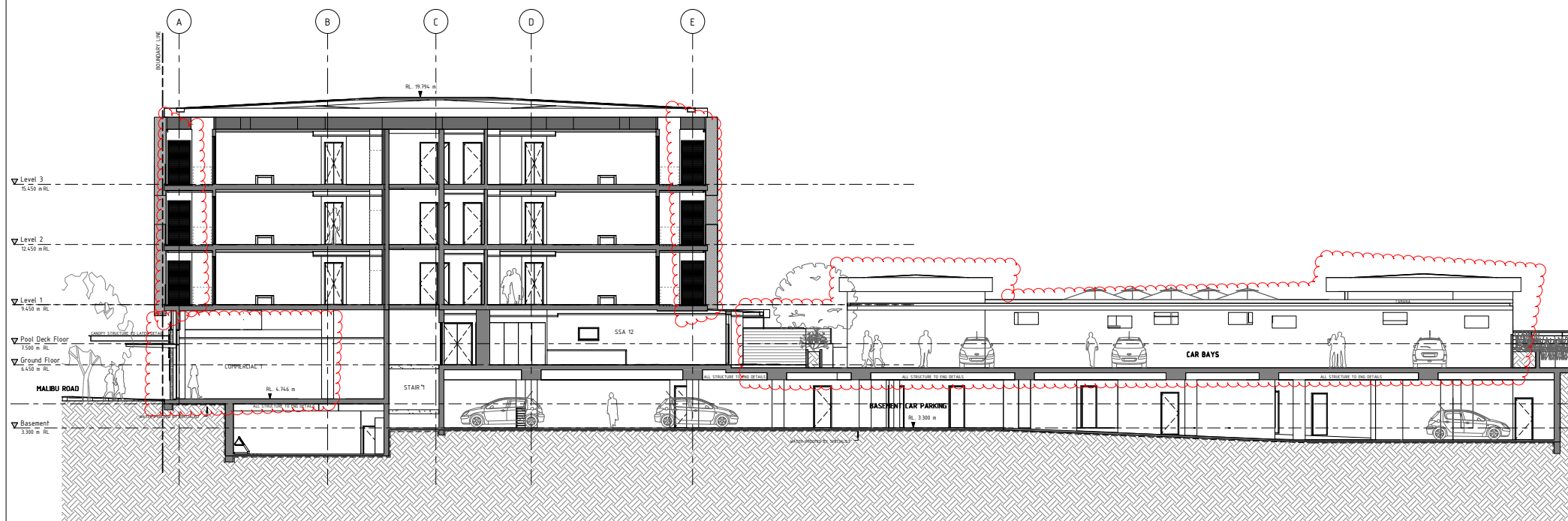
LUMIA COMPLEX STAGE 2

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DATE	DATE	REVISION
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SCALE	1:100 @A1	DWG.
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		E



A Section A-A
1 : 100



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

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DATE	DATE	REVISION
DRAWN	JAN 2012	
SCALE	1:100 @A1	
JOB	11009	
DWG.	A4.01	
REV	E	



State Administrative Tribunal Reconsideration

Responsible Authority Report

(Regulation 12)

Property Location:	Lots 1 and 9084 Safety Bay Road, Baldivis
Application Details:	Reconsideration of DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre
DAP Name:	Metro South West JDAP
Applicant:	Stockland Development Pty Ltd C/- Urbis
Owner:	Stockland WA (Estates) Pty Ltd
LG Reference:	20.2012.290 (D13/122234)
Responsible Authority:	City of Rockingham
Authorising Officer:	Mr Mike Ross, Manager Statutory Planning
Department of Planning File No:	DP/12/01276
Report Date:	4th November 2013
Application Receipt Date:	14th August 2013 (SAT)
Application Process Days:	N/A
Attachment(s):	<ol style="list-style-type: none">1. Site Plan (DA0101-C)2. Ground Floor Plan (DA0102-B)3. Level 1 Carpark Plan (DA0103-B)4. Building 5 Floor Plans (DA0104-A)5. Elevations Sheet 1 (DA0201-C)6. Elevations Sheet 2 (DA0202-C)7. Elevations Sheet 3 (DA0203-C)8. Sections Sheet 1 (DA0301-C)9. Perspective Sheet 1 (DA0501-B)10. Perspective Sheet 2 (DA0502-B)11. Boundary Realignment Safety Bay Road/Settlers Avenue (DWG No PA0740 SKP-01 REV1)

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 287 of 2013, resolves to:

Reconsider its decision dated 8th March 2013 and **approve** DAP Application reference 20.2012.00000290 and accompanying plans Site Plan (Drawing No. DA0101-C), Ground Floor Plan (Drawing No. DA0102-B), Level 1 Carpark Plan (Drawing No. DA0103-B), Building 5 Floor Plans (Drawing No. DA0104-A), Elevations Sheet 1 (Drawing No. DA0201-C), Elevations Sheet 2 (Drawing No. DA0202-C), Elevations Sheet 3 (Drawing No. DA0203-C), Sections Sheet 1 (Drawing No. DA0301-C), Perspective Sheet 1 (Drawing No. DA0501-B),

and Perspective Sheet 2 (Drawing No. DA0502-B) dated 12 April 2013 in accordance with Clause 6.7 of the City of Rockingham District Planning Scheme No.2 and the Metropolitan Region Scheme, subject to the following amended conditions and condition 28 relating to road widening. All other conditions and advice notes on the Planning Approval (as amended on 29 July 2013) remain.

Amended Conditions:

2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking.
9. The car parking and access easement documentation in favour of Lots 7 & 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided.
11. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an Occupancy Permit.
- 12 Deleted
19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.
28. The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road, is to be vested in the Crown as a public road under section 152 of the *Planning and Development Act 2005*, and such land is to be ceded free of cost without payment of compensation, prior to applying for an occupancy permit.

Advice Note

- ii. In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.
- xiii. All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.



BACKGROUND:

Site Details

Insert Property Address:	Lots 1 and 9084 Safety Bay Road
Insert Zoning MRS:	Urban
TPS:	District Town Centre
Insert Use Class:	Shop, Restaurant, Office, Car Parking, Motor Vehicle Repair Station and Showroom.
Insert Strategy Policy:	Baldivis Activity Centre Structure Plan 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 Planning Policy 2.3 - Development Considerations and Disabled Persons
Insert Development Scheme:	City of Rockingham Town Planning Scheme No.2
Insert Lot Size:	Lot 1 = 8.0264ha Lot 9084 = 1.3726ha
Insert Existing Land Use:	Shopping Centre (shops, offices, restaurants and fast food outlets)
Value of Development:	\$90 million

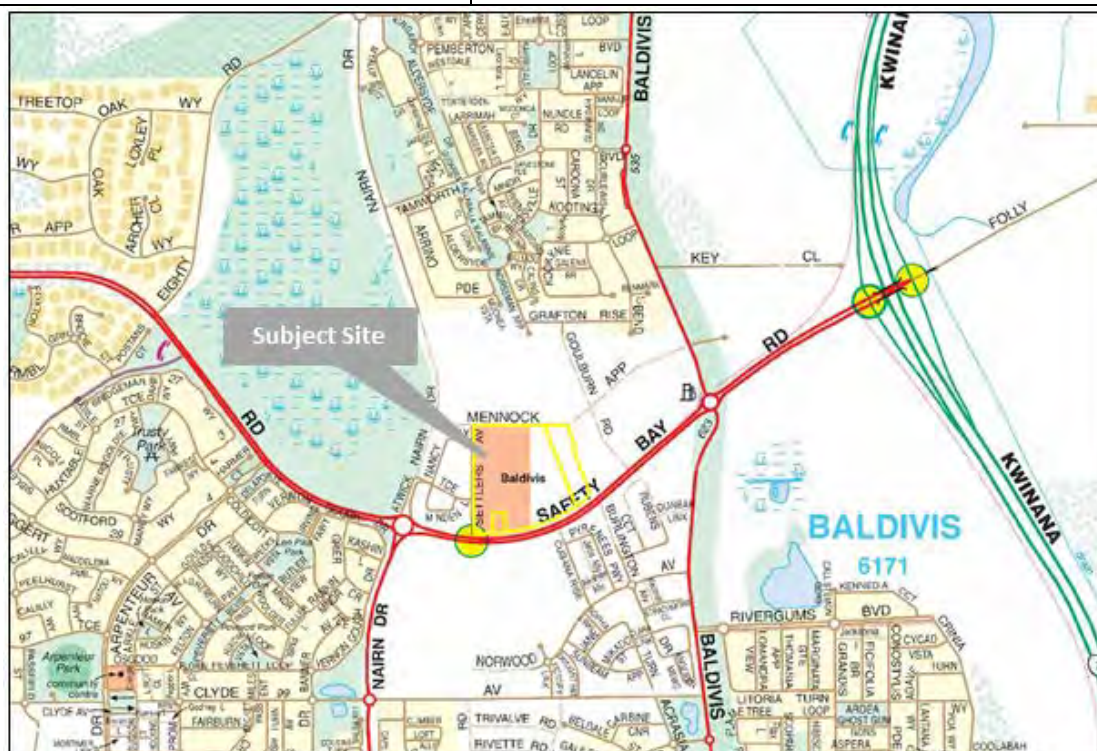


Figure 1 - Location Plan



Figure 2 - Aerial Photo

History

The following outlines the history of planning approvals on the site:

- July 2006 - Stage 1 Shopping Centre - conditional Planning Approval issued.
- March 2009 - McDonalds Restaurant - conditional Planning Approval issued.
- July 2010 - Car Park Extension - conditional Planning Approval issued.
- October 2011 - Red Rooster - conditional Planning Approval issued.
- November 2011 - Extension to Shopping Centre - conditional Planning Approval granted by the City. The proponent chose not to commence this Planning Approval and instead lodged the subject application for a larger development.
- March 2011 – Extension to Shopping Centre – conditional Planning Approval issued by the SWJDAP.
- July 2013 – Extension to Shopping Centre – amendment to Planning Approval issued by the SWJDAP.
- August 2013 – Appeal lodged with the State Administrative Tribunal (SAT), contesting various approval conditions the subject of this report.

DETAILS: OUTLINE OF DEVELOPMENT APPLICATION

The applicant lodged an appeal with the SAT for review of the following conditions of the Planning Approval on the basis that some conditions contained within the decision were not appropriate or lacked appropriate clarity.

Condition 1

"1. Microsimulation modelling of all Safety Bay Road intersections from the Safety Bay Road/Nairn Drive roundabout to the Safety Bay Road/Norseman Approach/Burlington Drive intersection must be undertaken. The microsimulation modelling shall:

- i. be undertaken for 2031 weekday PM peak hour traffic flows assuming full development of the Baldivis Activity Centre Structure Plan (BACSP) area. The model is to clearly show which vehicles are associated with the Stockland Baldivis shopping centre, which is the subject of this development application; and*
- ii. model a base scenario that is to include the proposed Safety Bay Road left in/left out access and upgrading of Safety Bay Road/Settlers Avenue intersection proposed by this development application and the existing Safety Bay Road/Nairn Drive roundabout and the existing Safety Bay Road/Norseman Approach/Burlington Drive signalised intersection.*

If the operation of the base case scenario road network is considered unsatisfactory, an improved scenario is to be developed with appropriate intersection improvements to achieve satisfactory operation (to be agreed between City of Rockingham and the applicant's traffic engineering consultants).

An alternative scenario is to be modelled with Nairn Drive/Safety Bay Road roundabout intersection replaced by a signalised intersection and the Settlers Avenue/Safety Bay Road intersection modified to a four-way signalised intersection with a connection to the south.

The findings of the microsimulation shall provide intersection designs (upgrades) and the development design modifications that are required to accommodate the appropriate level of service.

The microsimulation modelling must be completed prior to the issue of a Building Permit."

Condition 2

"2. The development must be designed to exclude the car parking spaces, access ways and retaining walls north side of the location marked in red on the approved plan, prior to applying for a Building Permit."

Condition 9

"9. A current Easement for the benefit of the public that is registered on the Certificate of Title (Deposited Plan 69965) for Lot 1 Safety Bay Road, Baldivis, specifying public access rights for the car park is to be amended to reflect the 12 April 2013 revised at-grade car park plan, in accordance with Section 195 and 196 of the Land Administration Act 1997. The Easement must continue to state as follows:-

"Public Access Easement for Carparking and Pedestrian Access".

Condition 11

“11. The Service Vehicle access shall be designed and constructed to the satisfaction of the City, to provide for access to the loading docks from Nairn Drive, in the vicinity of Mennock Approach road reserve. The Service Vehicle access shall be in place prior to the occupation of the development and maintained for the duration of the development or until such time that Mennock Approach is constructed and dedicated as a public road.”

Condition 12

“12. The owner shall enter into a legal agreement with the City with a caveatable interest, for the construction of the portion of Mennock Approach on the Land, either:

- (i) When the owner of the balance of Mennock Approach adjacent to the Land (‘Balance’) announces an intention to construct the portion of Mennock Approach on the Balance; or*
- (ii) When the owner of the land obtains the balance of Mennock Approach; Prior to issue of a certificate of occupancy.”*

Condition 19

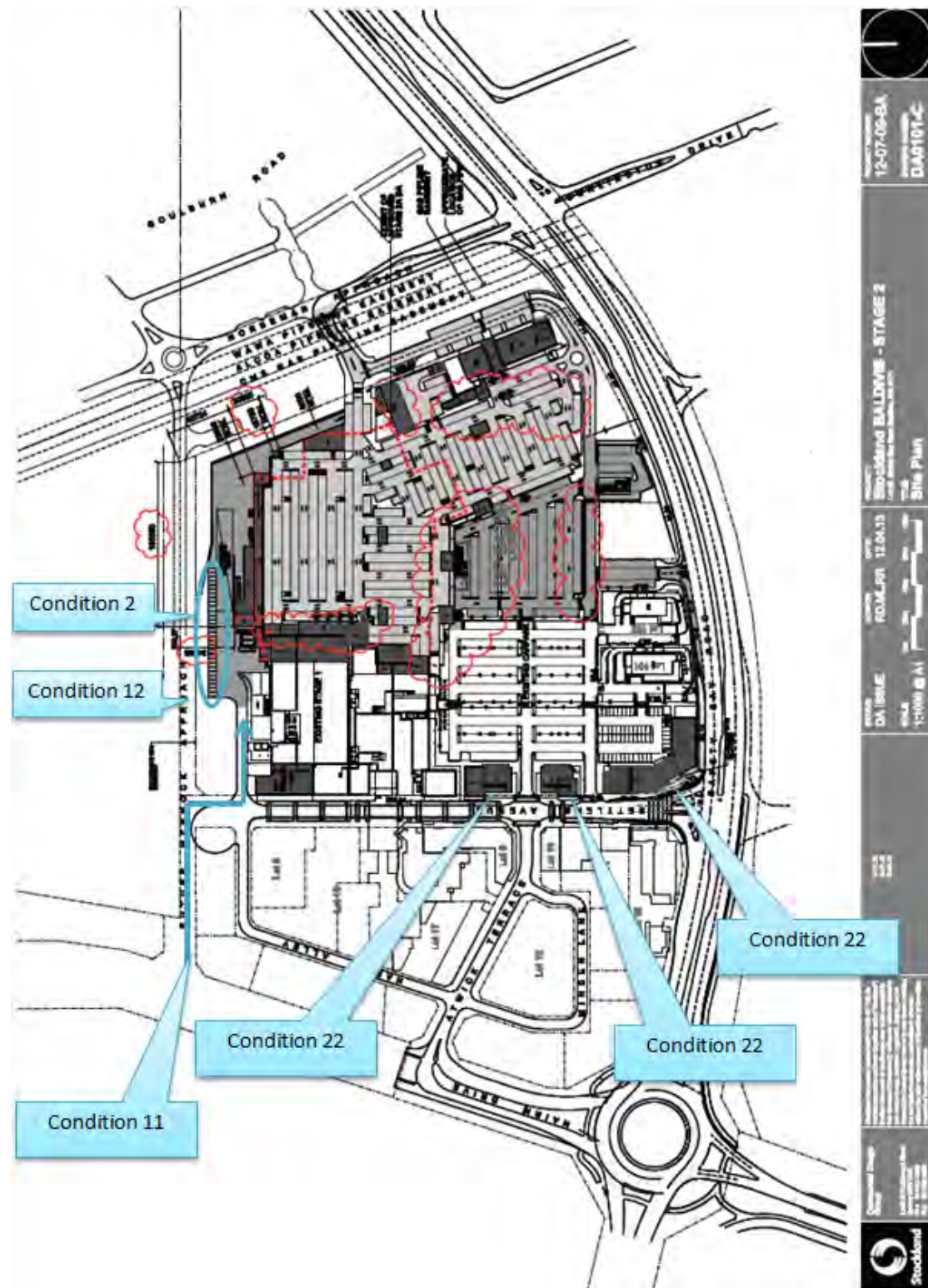
“19. Access to service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.”

Condition 22

“22. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.”

Advice Note (ii)

“(ii) Condition 2 is required to ensure that sites, unencumbered by development such as walls, parking and vehicle access areas and able to be built on independently of the shopping centre, are made available for future buildings adjacent to Mennock Approach as identified on the adopted Integrated Development Guide Plan for the Baldivis Town Centre. The applicant's proposal to retain car parking and walls in the building envelope locations is not considered to achieve the objective of providing sites unencumbered by the development and able to be developed independently of the shopping centre.”



LEGISLATION & POLICY:

Legislation

Rockingham Town Planning Scheme No. 2 (TPS2)

There are no provisions of TPS2 relevant to this reconsideration.

State Administrative Tribunal Act 2004

Section 31 of the *State Administrative Tribunal Act 2004* provides SAT with the power to invite the decision maker to review its decision. This report has been prepared as a response to the SAT inviting the Metro South West Joint Development Assessment Panel (SWJDAP) to review its decision for the granting of Planning Approval for the additions and alterations to the Baldivis District Shopping Centre.

State Government Policies

Nil

Local Policies

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

PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The Policy comprises both an Integrated Development Guide Plan (IDGP) and policy provisions to guide development in accordance with the Policy principles and requirements.

Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an adopted IDGP for the Baldivis 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 adopted IDGP is shown in Figure 3 below.

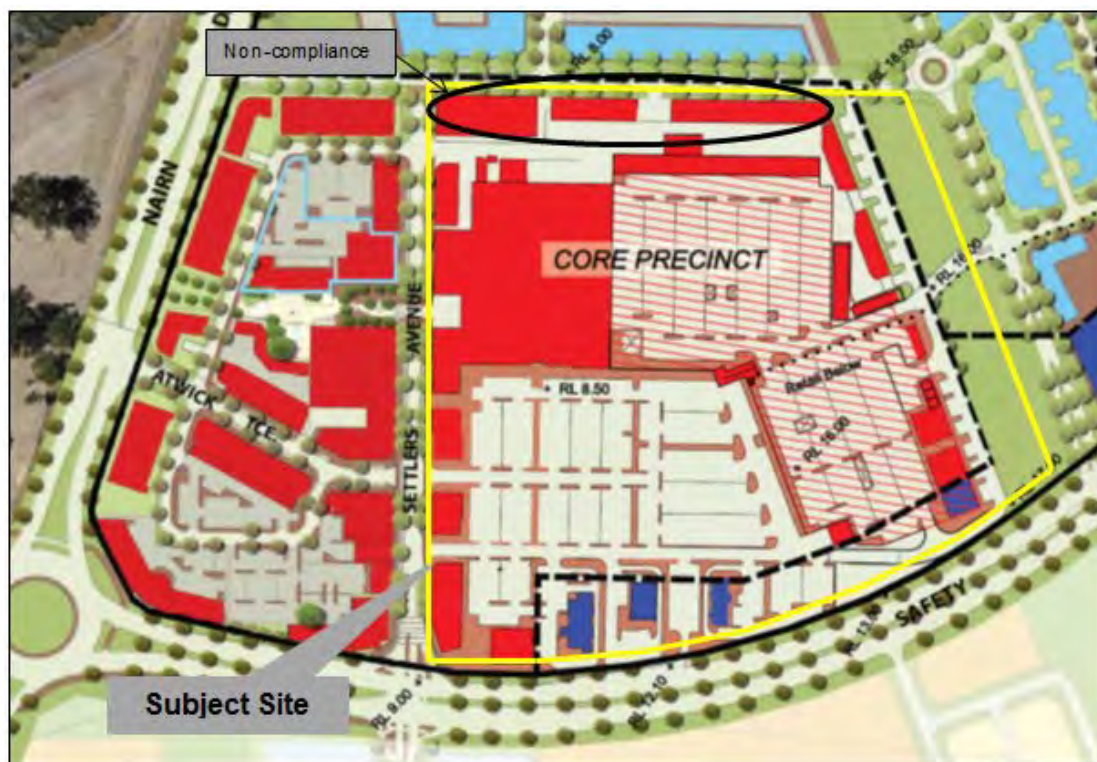


Figure 3 - Approved IDGP

Planning Policy 3.3.1 – Control of Advertising (PP3.3.1)

PP3.3.1 provides guidance on advertisements within the City. Specifically it requires at least 50% of the ground floor facades of streetfront buildings to be transparent. Condition 22 was imposed to ensure this requirement was achieved.

CONSULTATION:

Public Consultation

Public Consultation is not required as part of the SAT process.

Consultation with other Agencies or Consultants

Consultation with other Agencies or Consultants is not required as part of the SAT process.

PLANNING ASSESSMENT:

Three mediation sessions were held as part of the SAT proceedings on 24th September, 17th October, and 31st October 2013, which the City was invited to participate in. The City was invited to attend the mediation proceedings to provide technical responses, on the basis that City Officers assessed the application as part of the Responsible Authority Report.

Immediately prior to the third mediation session on 30th October 2013, the applicant and respondent reached agreement on the conditions being considered.

The respondent was represented by the following parties:

- Presiding Member of the SWJDAP;
- Representative from the State Solicitor's Office;
- Representation from the Department of Planning; and
- City Officers.

Given the mediation outcomes, the SAT invited the SWJDAP to reconsider its decision, pursuant to section 31 of the *State Administrative Tribunal Act 2004*.

The following sets out the negotiated outcomes of the mediation.

Condition 1

The City confirmed in writing that this condition had been satisfied. Consequentially this condition was removed from the mediation items for discussion.

The City is satisfied with the outcomes of the SAT mediation and consequentially recommends no changes to Condition 1.

Condition 2

Condition 2 required the deletion of parking proposed on the northern side of the development, as shown in Figure 3. The car parking in this location was not supported by the SWJDAP based upon the following concerns raised by the City:

- *Approval of staff car parking in this location has the potential to restrict the future development of the land along the future Mennock Approach, and it may impact on the actual construction of the road, especially given that the alignment is yet to be accurately determined.*
- *The proposed staff car parking would result in a conflict between heavy and light vehicles which result in safety issues for the light vehicles.*
- *The isolated nature of the loading dock areas is not considered to provide for a safe environment for people to be accessing their cars, whether they are staff or patrons*

and is therefore contrary to the principles of Crime Prevention through Environmental Design (CPTED)."

Since the July 2013 Planning Approval, Stockland has acquired the land to the north of the subject site. During the mediation it was indicated that Stockland is investigating the realignment of Mennock Approach to a location further north than shown in the Baldivis Town Centre Integrated Development Guide Plan (IDGP). This would require formal modification of the IDGP, including assessment of the impacts of such a change on the overall form and functioning of the plan.

During the mediation it was agreed that the parking deleted by Condition 2 could be accepted until such a time as Mennock Approach is constructed.

On review of the mediation outcomes, further agreement was reached on the deletion of the legal agreement requirements relating to Mennock Approach. In this regard the following revised condition is recommended by the City:

- "2. The 31 staff car parking spaces located on the northern side of the development are only permitted to remain and be used for parking until Mennock Approach is constructed. Once Mennock Approach is constructed, the staff car parking spaces must cease to be used for any parking."*

Condition 9

The subject site is burdened by easements to provide for car parking and access for the adjacent Lots 7 and 8 Settlers Avenue. The current easements will need to be amended to reflect the newly approved car park layout. Condition 9 was imposed to update the easement to ensure it reflected the approved carpark layout.

It was agreed through the mediation a modified condition be imposed:

- "9. The car parking and access easement documentation in favour of Lots 7 & 8 Mennock Approach is to be updated to reflect the revised car parking layout. The easement documentation is to reflect no less than the number of car bays currently provided."*

The City is satisfied with the proposed mediated condition outlined above.

Condition 11

Condition 11 required the construction of a service vehicle access from Nairn Drive to the loading docks in the vicinity of the Mennock Approach Road Reserve as the use of the existing local road network by heavy vehicles was considered to be unacceptable by the City.

Stockland has recently acquired the land to the north of the subject site. During the mediation, Stockland advised that it would be prepared to construct that portion of Mennock Approach between Nairn Drive and Settlers Avenue instead of providing the service vehicle road. This proposal was considered to be acceptable to both parties during mediation, with a proposed new Condition 11:

- "11. Mennock Approach is to be constructed between Nairn Drive and Settlers Avenue in accordance with engineering drawings and specifications submitted for approval of the City of Rockingham. The land required to construct Mennock Approach between Nairn Drive and Settlers Avenue is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to applying for an Occupancy Permit."*

The City is satisfied with the proposed mediated condition outlined above.

Condition 12

Condition 12 required the proponent to enter into a legal agreement for the future construction of that portion of Mennock Approach on the subject site. There is a nexus between the development and the construction of Mennock Approach. At the time the original application

was determined, the future Mennock Approach road reserve was held in two separate land ownerships. The City saw it as impractical to require the applicant to construct half a road. Consequentially Condition 12 aimed to ensure the road was constructed in the future.

Condition 12 was agreed, through mediation, to be incorporated into an amended Condition 2 which is outlined above.

It is now proposed that Condition 12 be deleted, as the legal agreement has been identified as not being a preferred means for achieving the intent of this condition. Given that Stockland now owns the land to the north of the subject site, the City can achieve the provision of Mennock Approach through other means outside of the terms of this approval.

Condition 19

Condition 19 restricted the hours of access for services vehicles and the operation of forklifts to be consistent with the *Environmental Protection (Noise) Regulations 1997* (EP Regulations). These hours have been applied by the City to shopping centres throughout the City to ensure the amenity of the locality is maintained, particularly for future residents in the town centre.

Through the mediation an Acoustic Report was prepared on behalf of the applicant and it was identified that the Stage 1 (already built) component of the shopping centre was operating under slightly different hours for access of service vehicles. It was agreed, through the mediation, that a Noise Management Plan could be prepared to provide a site specific response to the noise impacts and to address both existing and proposed components of the development. A new Condition 19 was agreed to as part of the mediation.

On review of the agreed condition it was determined that a slight rewording was required to give greater clarity and certainty to what was required by this condition. Thus, the City proposes the following amended Condition 19:

“19. A Noise Management Plan must be prepared for the operation of all service vehicles and forklifts in association with the Baldivis Shopping Centre. The Noise Management Plan is to demonstrate that all vehicles can operate and are to be operated in accordance with the Environmental Protection (Noise) Regulations 1997. The Noise Management Plan shall be submitted to and approved by the City of Rockingham prior to any application for an Occupancy Permit being lodged.

Service deliveries and the operation of forklifts must only be carried out or undertaken in accordance with the approved Noise Management Plan, for the duration of the development.”

Condition 22

As a result of the mediation, there was no change to Condition 22, which required no screening of the ground floor entries and windows of the buildings fronting Settlers Avenue.

A new advice note was agreed through mediation, to be added which reads:

“xiii. All window and façade signage for the ground floor tenancies facing Settlers Avenue and Safety Bay Road must be in accordance with a Planning Approval and Sign Licence issued by the City of Rockingham and be compliant with City of Rockingham Planning Policy and Local Law.”

Advice Note (ii)

Advice Note (ii) provided the rationale for Condition 2. There was no clear resolution on this as part of the mediation. The City recommends it be reworded to reflect the amended Condition 2:

“(ii) In relation to Condition 2, the City has only accepted the car parking bays to remain until Mennock Approach is constructed because this land must be made available for

future buildings adjacent to Mennock Approach as identified in the adopted Integrated Development Guide Plan for the Baldivis Town Centre.”

Condition 28

During the second SAT Mediation on 17th October 2013, the City advised Stockland that it seeks the transfer of land at the intersection of Settlers Avenue and Safety Bay Road for road widening in response to the findings of the Microsimulation. The Microsimulation showed road widening for future intersection works.

The land area required for road widening is approximately 43m², in accordance with Figure 5 below.

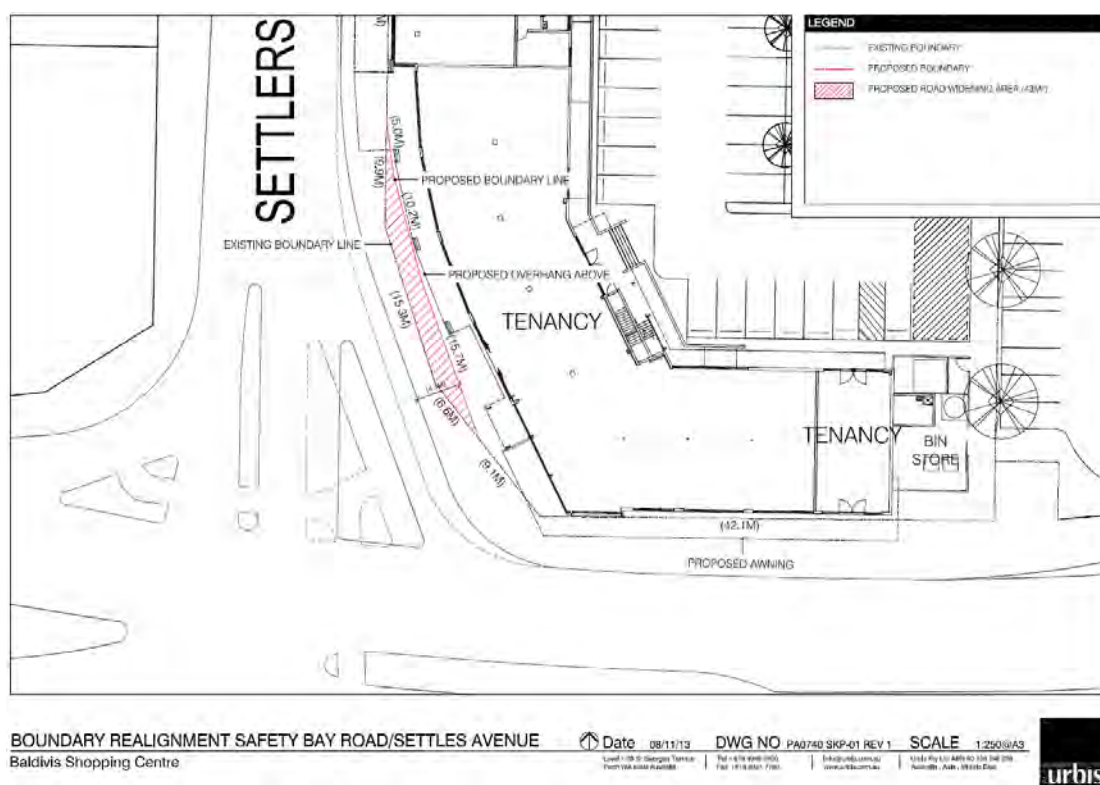


Figure 5 – Boundary Realignment Safety Bay Road/Settlers Avenue

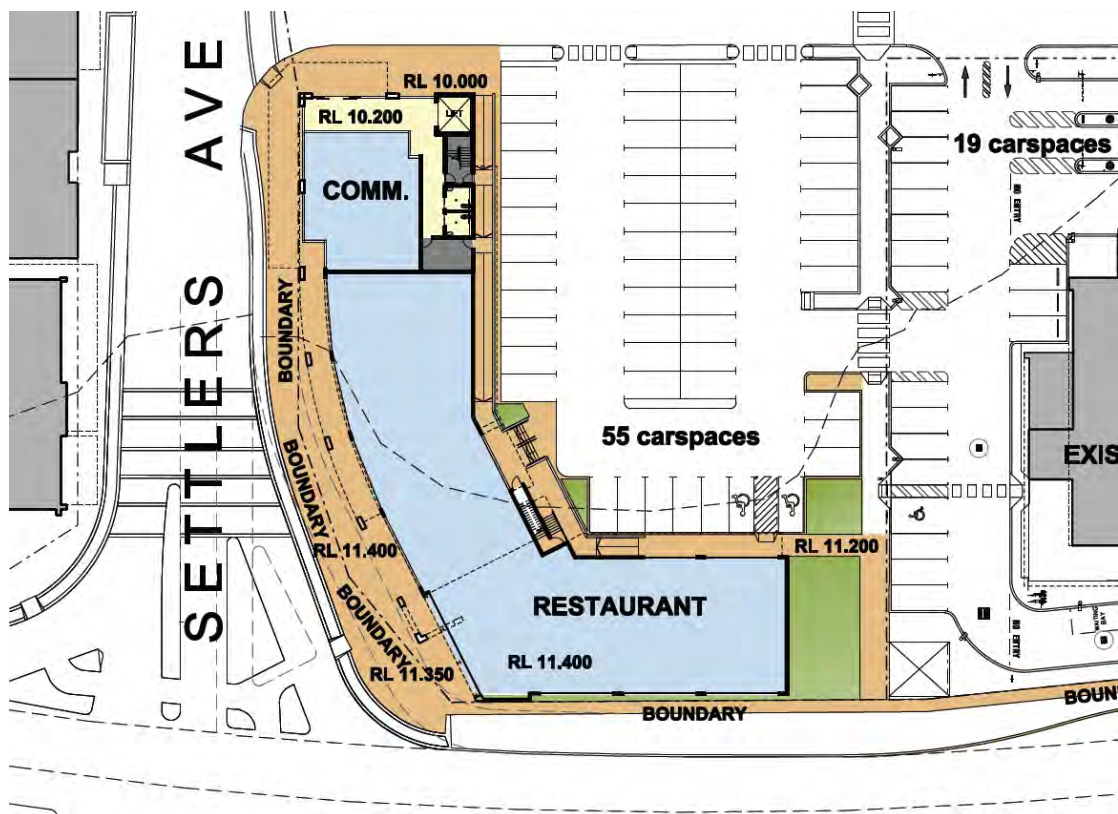


Figure 6 – 2013 Planning Approval (existing boundary alignment)

The following condition is based on the discussions that occurred during the SAT mediation which relate to Condition 1, which is the subject of the SAT appeal.

“The 43m² of land on Lot 1 required for road widening (on DWG No PA0740 SKP-01 REV1) at the intersection of Settlers Avenue and Safety Bay Road is to be vested in the Crown as a public road under section 152 of the Planning and Development Act 2005, and such land is to be ceded free of cost without payment of compensation, prior to applying for an occupancy permit.”

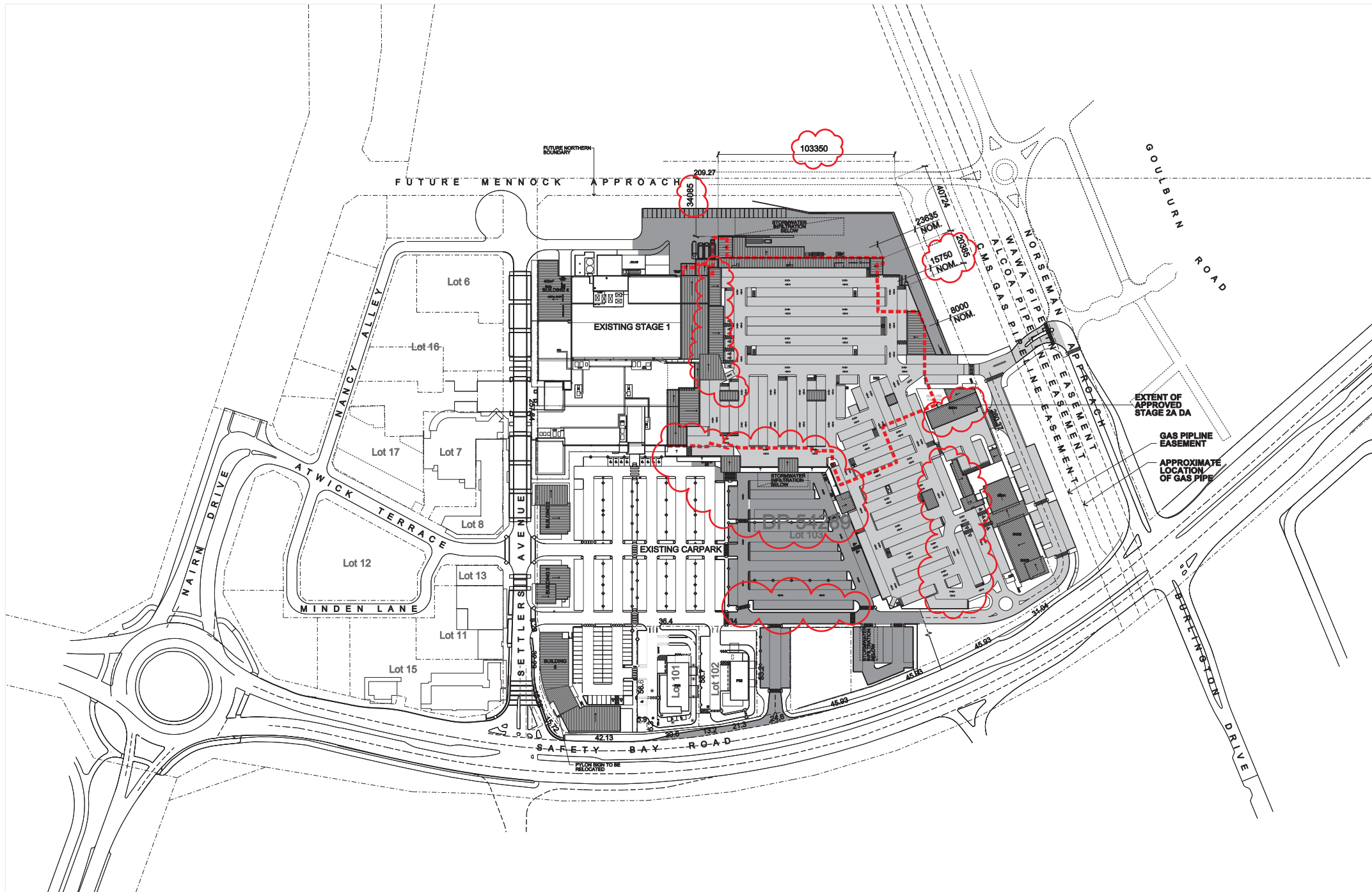
CONCLUSION:

The SWJDAP has been invited by the SAT to reconsider its decision in relation to the Planning Approval for the additions and alterations to the Baldvis District Centre. Following the three mediation sessions as part of the SAT proceedings, the disputed conditions of Planning Approval were settled, with the following modifications to the conditions agreed to by both the applicant and the respondent:

- Condition 1 - unchanged
- Condition 2 modified to allow the parking for a time limited period.
- Condition 9 is amended to require the existing easement be amended to reflect the new car park layout.
- Condition 11 is amended to reflect the construction of Mennock Approach instead of a service vehicle access.
- Condition 12 is deleted.
- Condition 19 is amended to require a Noise Management Plan and operation of service vehicles and forklifts to be in accordance with such.
- No change to Condition 22.

- Updating of Advice Note (ii) to reflect the amended Condition 2.
- A new Advice Note to reflect proposed condition 22A.

Road widening was agreed to 'in principle' by Stockland and this is reflected in Condition 28.



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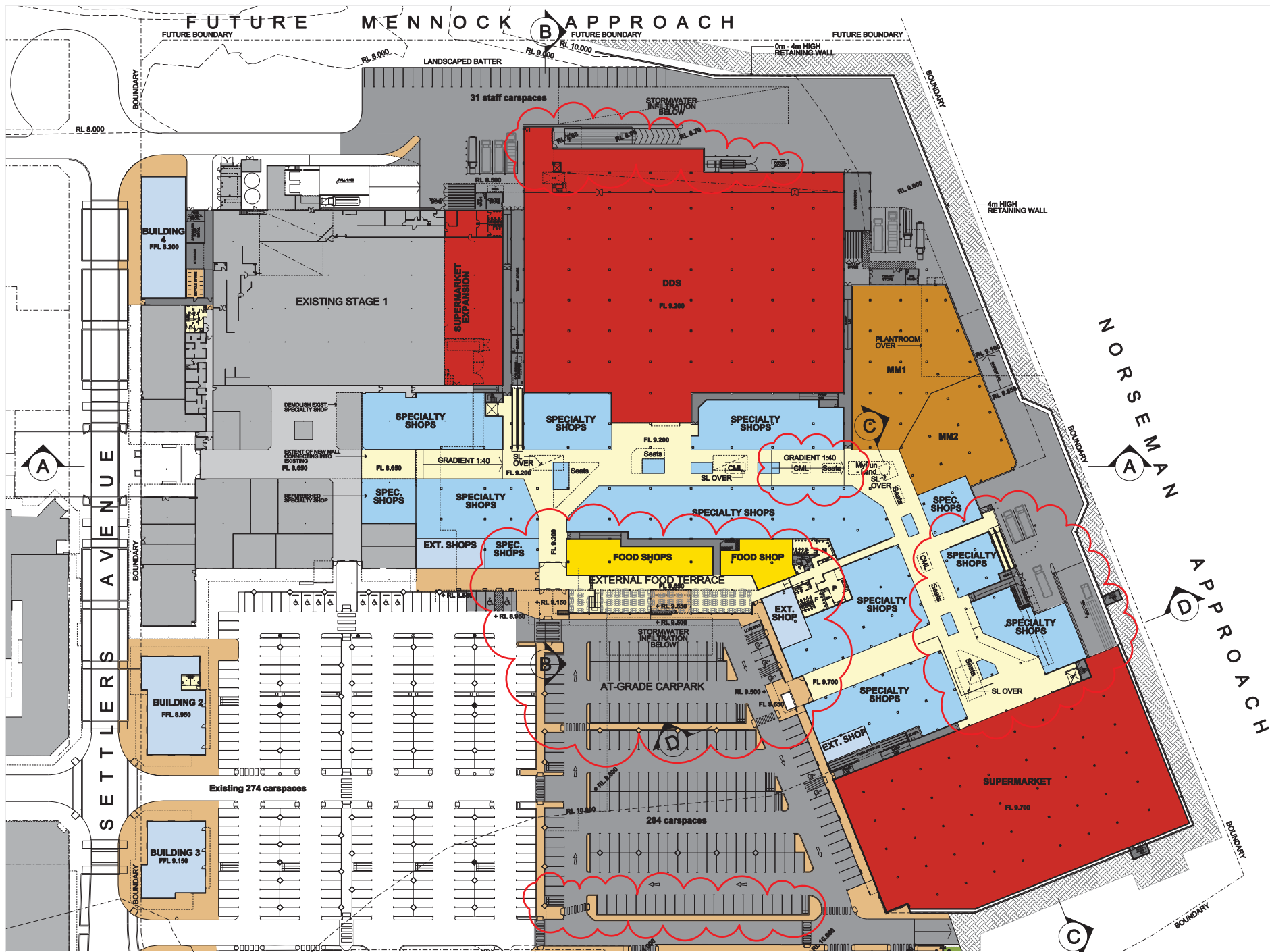
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B DA ISSUE 14.01.13
C DA ISSUE 12.04.13

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AUTHOR:
RD,ML,RR
DATE:
12.04.13
SCALE:
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PROJECT:
Stockland BALDIVIS - STAGE 2
Lot 26, Safety Bay Road Baldvis, WA 6171
TITLE:
Site Plan

PROJECT NUMBER:
12-07-09-BA
DRAWING NUMBER:
DA0101-C





COLOUR LEGEND

	DISCOUNT DEPARTMENT STORE (DDS)
	MINI MAJORS
	INTERNAL SPECIALTY SHOP
	EXTERNAL SPECIALTY SHOP
	MALL
	SERVICE AREAS / BACK OF HOUSE
	EXISTING SHOPPING CENTRE
	EXISTING MALL
	LANDSCAPE

LEGEND

BW	BIN WASH
CL	CLEANER'S STORE
CB	CARDBOARD BAILER
CMO	CENTRE MANAGEMENT OFFICE
D	ACCESSIBLE TOILET
DDS	DISCOUNT DEPARTMENT STORE
EL	ELECTRICAL ROOM
F	FEMALE TOILET
FCH	FEMALE CHANGE ROOM
FCR	FIRE CONTROL ROOM
L1	PASSENGER LIFT
L2	SERVICE / TROLLEY LIFT
M	MALE TOILET
MCH	MALE CHANGE ROOM
MM	MINI MAJOR
P	PARENTS ROOM
SL	SKYLIGHT
SM	SCRUBBING MACHINES
SPV	SPRINKLER PUMP/VALVE ROOM
ST1	CENTRE STORE
ST2	TENANT STORE
ST3	TROLLEY STORE
ST4	BICYCLE STORE
SUB	SUBSTATION

FOR CONTINUATION REFER TO DRAWING DA0102



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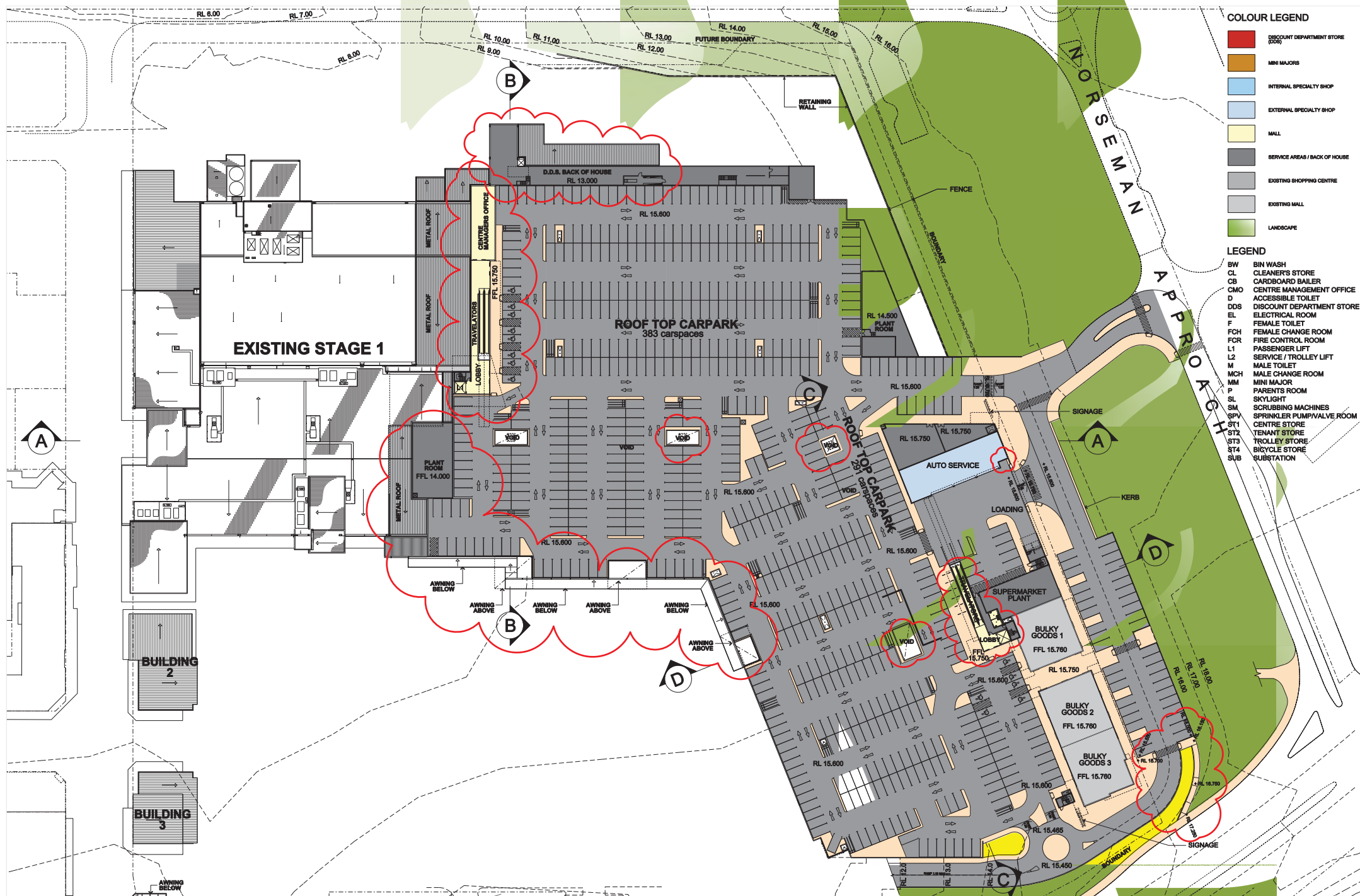
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DATE: 12.04.13
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PROJECT: Stockland BALDIVIS - STAGE 2
Lot 26, Safety Bay Road Baldy, WA 6171
TITLE: Ground Floor Plan

PROJECT NUMBER: 12-07-09-BA
DRAWING NUMBER: DA0102-B





COLOUR LEGEND

■	DISCOUNT DEPARTMENT STORE (DDS)
■	MINI MAJORS
■	INTERNAL SPECIALTY SHOP
■	EXTERNAL SPECIALTY SHOP
■	MALL
■	SERVICE AREAS / BACK OF HOUSE
■	EXISTING SHOPPING CENTRE
■	EXISTING MALL
■	LANDSCAPE

LEGEND

BW	BIN WASH
CL	CLEANER'S STORE
CB	CARDBOARD BAILER
CMO	CENTRE MANAGEMENT OFFICE
D	ACCESSIBLE TOILET
DDS	DISCOUNT DEPARTMENT STORE
EL	ELECTRICAL ROOM
F	FEMALE TOILET
FCH	FEMALE CHANGE ROOM
FCR	FIRE CONTROL ROOM
L1	PASSENGER LIFT
L2	SERVICE / TROLLEY LIFT
M	MALE TOILET
MCH	MALE CHANGE ROOM
MM	MINI MAJOR
P	PARENTS ROOM
SL	SKYLIGHT
SM	SCRUBBING MACHINES
SPV	SPRINKLER PUMP/VALVE ROOM
ST1	CENTRE STORE
ST2	TENANT STORE
ST3	TROLLEY STORE
ST4	BICYCLE STORE
SUB	SUBSTATION



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Stockland BALDIVIS - STAGE 2

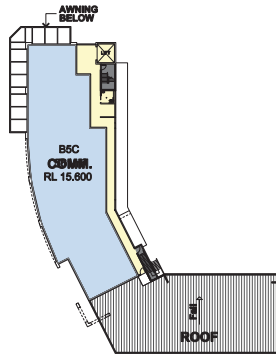
Lot 26, Safety Bay Road Baldvis, WA 6171

TITLE:
Level 1 Carpark Plan

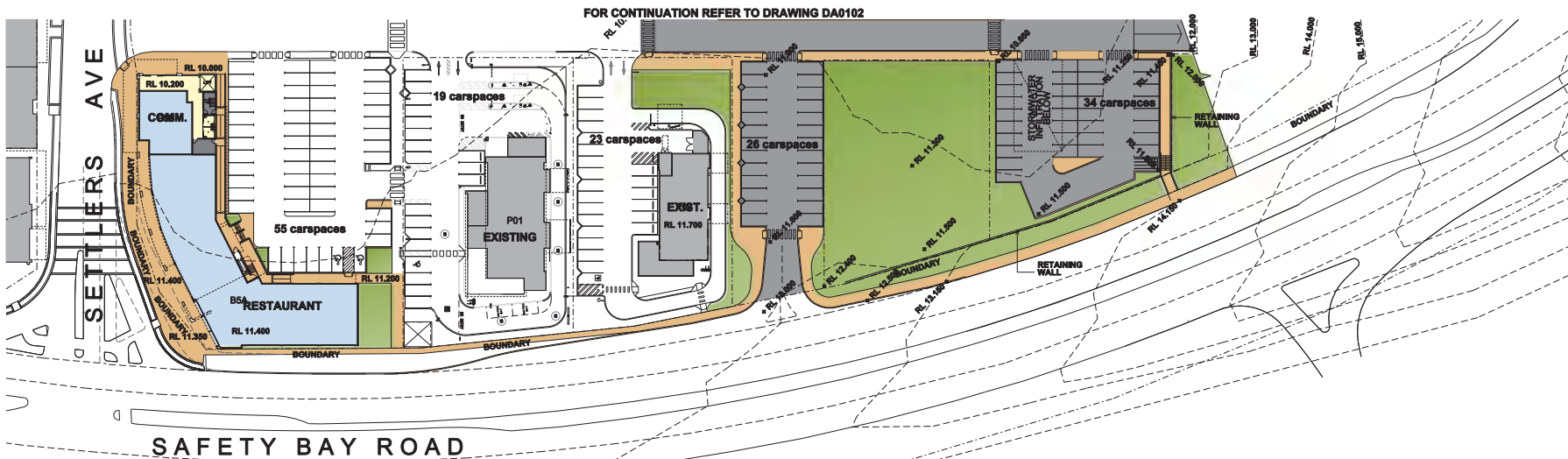
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12-07-09-BA

DRAWING NUMBER:
DA0103-B





**02 Building 5
Level 1 Floor Plan**
Scale 1:500



**01 Building 5
Ground Floor Plan**
Scale 1:500

COLOUR LEGEND

	DISCOUNT DEPARTMENT STORE (DDS)
	MINI MAJORS
	INTERNAL SPECIALTY SHOP
	EXTERNAL SPECIALTY SHOP
	MALL
	SERVICE AREAS / BACK OF HOUSE
	EXISTING SHOPPING CENTRE
	EXISTING MALL
	LANDSCAPE

LEGEND

BW	BIN WASH
CL	CLEANER'S STORE
CB	CARDBOARD BAILER
CMO	CENTRE MANAGEMENT OFFICE
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14.11.12



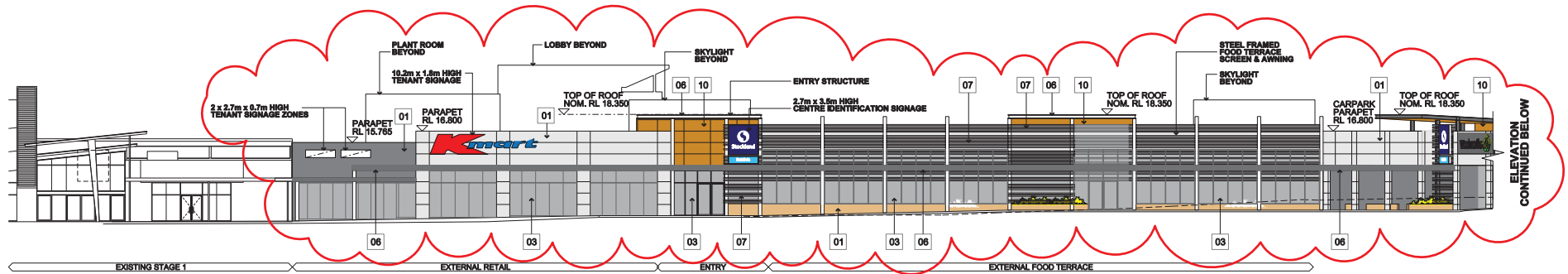
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Stockland BALDIVIS - STAGE 2
Lot 26, Safety Bay Road Baldivis, WA 6171

TITLE:
Building 5 Floor Plans

PROJECT NUMBER:
12-07-09-BA

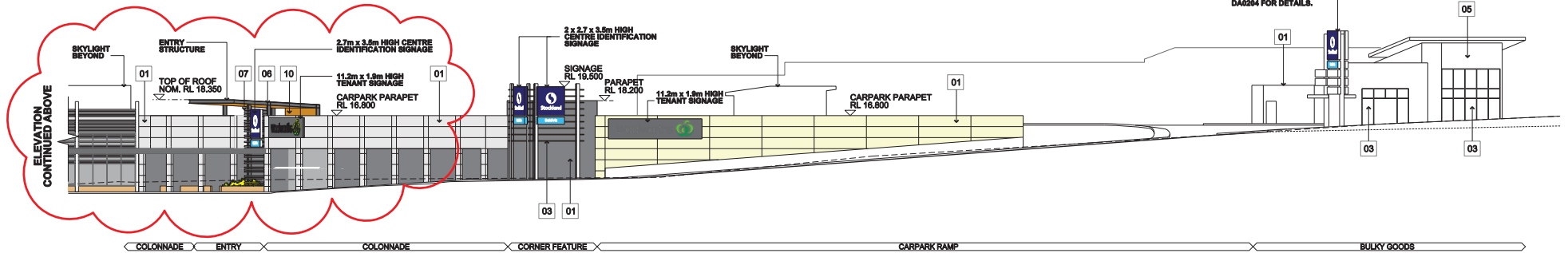
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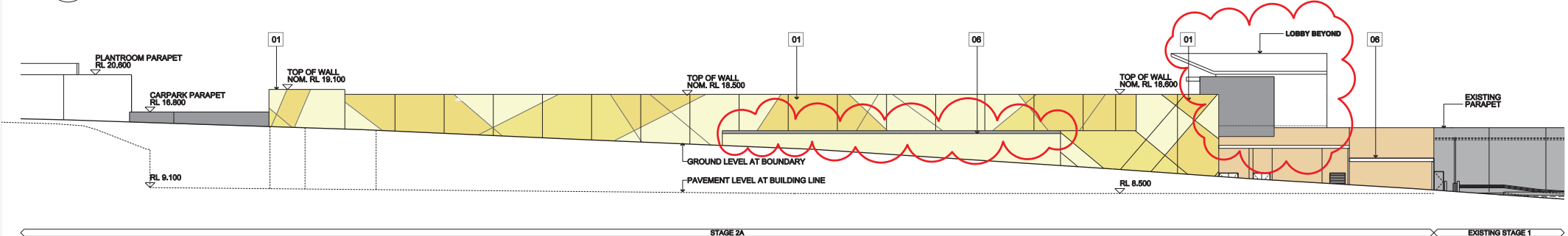
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Scale 1:200



02 ELEVATION SOUTH - CONT.

Scale 1:200



03 ELEVATION NORTH

Scale 1:200

LEGEND - MATERIALS / FINISHES

01	MASONRY (PAINT FINISHED)	06	STEEL FRAMED AWNING (PAINT FINISHED)
02	MASONRY (SANDSTONE CLADDING)	07	TIMBER BATTENS (STAINED/SEALED)
03	GLAZING (POWDERCOATED)	08	METAL LOUVRES (PRE-FINISHED)
04	FIBRE CEMENT (PAINT FINISHED)	09	STEEL BALUSTRADE (PRE-FINISHED)
05	METAL WALL CLADDING (PRE-FINISHED)	10	EXTERNAL PLYWOOD (PRE-FINISHED)



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C DA ISSUE 12.04.13

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AUTHOR:
RD,ML,RR

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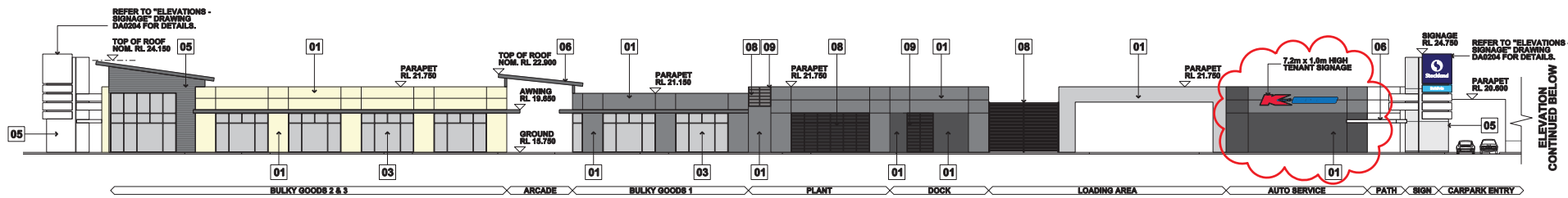


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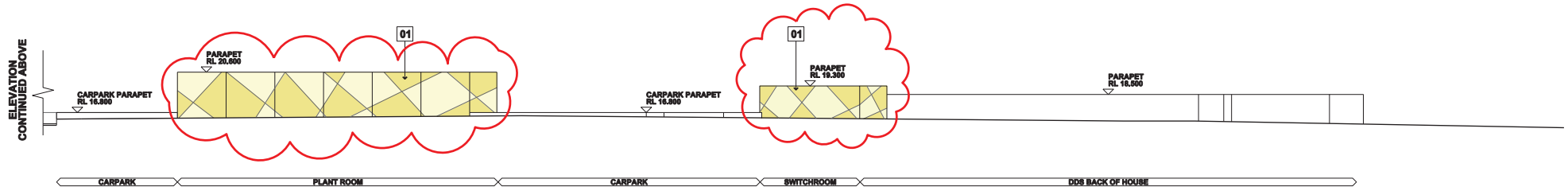
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PROJECT NUMBER:
12-07-09-BA

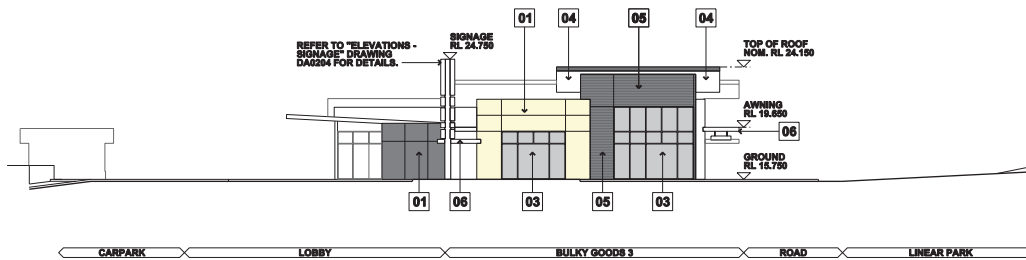
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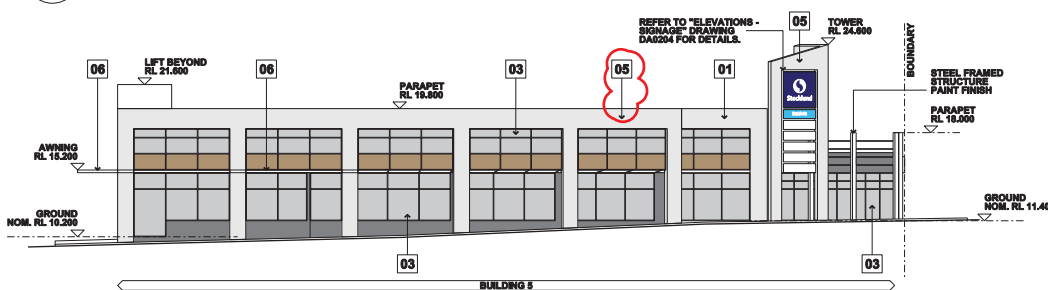
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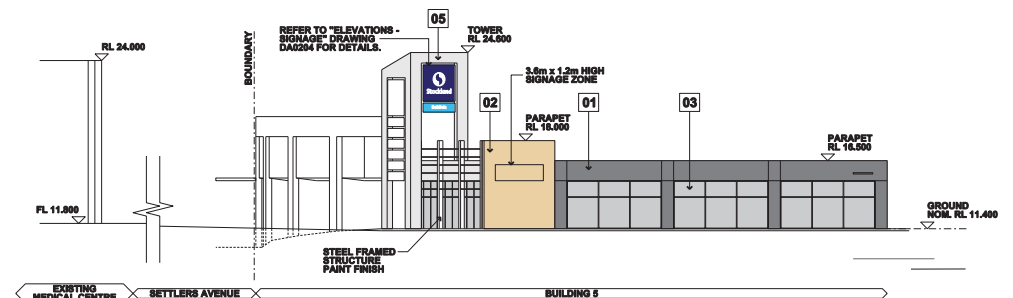
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03 ELEVATION SOUTH EAST
Scale 1:200



04 ELEVATION WEST - BUILDING 5
Scale 1:200



05 ELEVATION SOUTH - BUILDING 5
Scale 1:200

LEGEND - MATERIALS / FINISHES

- 01 MASONRY (PAINT FINISHED)
- 02 MASONRY (SANDSTONE CLADDING)
- 03 GLAZING (POWDERCOATED)
- 04 FIBRE CEMENT (PAINT FINISHED)
- 05 METAL WALL CLADDING (PRE-FINISHED)
- 06 STEEL FRAMED AWNING (PAINT FINISHED)
- 07 TIMBER BATTENS (STAINED/SEALED)
- 08 METAL LOUVRES (PRE-FINISHED)
- 09 STEEL BALUSTRADE (PRE-FINISHED)
- 10 EXTERNAL PLYWOOD (PRE-FINISHED)



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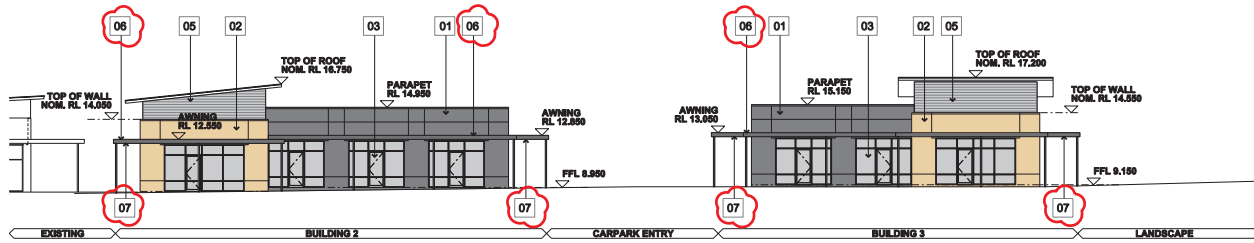
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Stockland BALDIVIS - STAGE 2
Lot 26, Safety Bay Road Baldivis, WA 6171

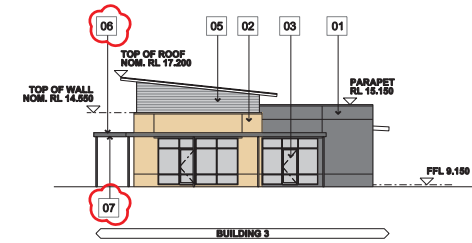
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PROJECT NUMBER:
12-07-09-BA

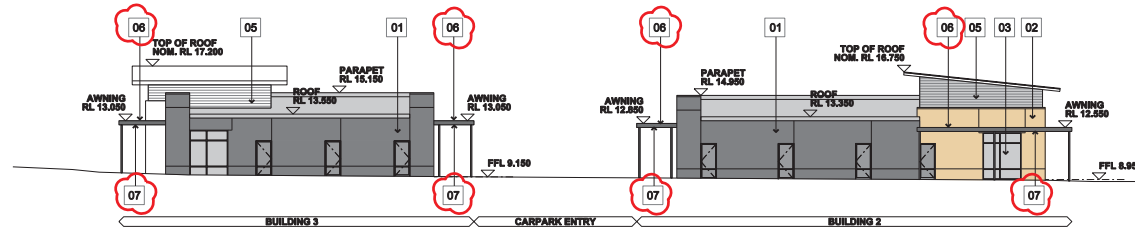
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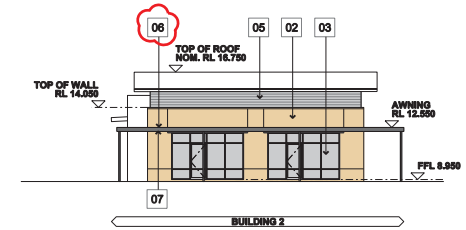
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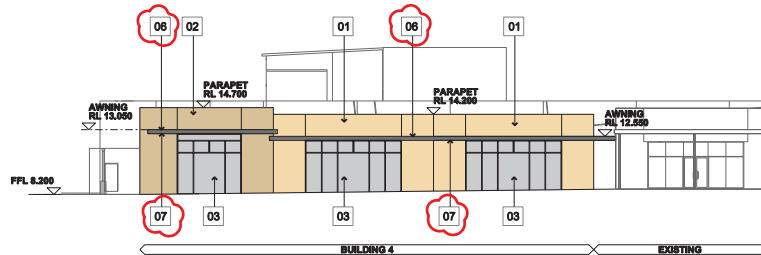
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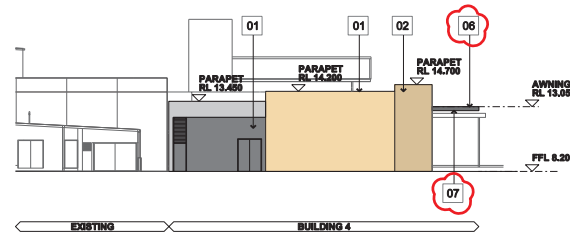
03 ELEVATION EAST
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04 ELEVATION NORTH
Scale 1:200



05 ELEVATION WEST - BUILDING 4
Scale 1:200



06 ELEVATION NORTH - BUILDING 4
Scale 1:200

LEGEND - MATERIALS / FINISHES

- 01** MASONRY (PAINT FINISHED)
- 02** MASONRY (SANDSTONE CLADDING)
- 03** GLAZING (POWDERCOATED)
- 04** FIBRE CEMENT (PAINT FINISHED)
- 05** METAL WALL CLADDING (PRE-FINISHED)
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- 10** EXTERNAL PLYWOOD (PRE-FINISHED)



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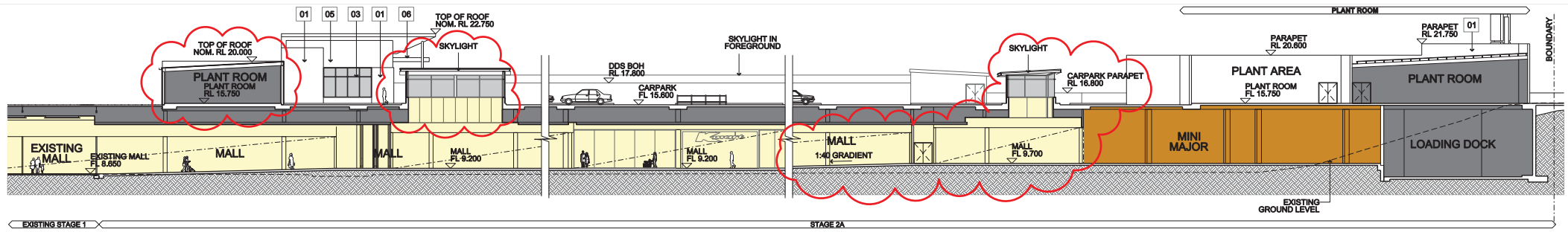


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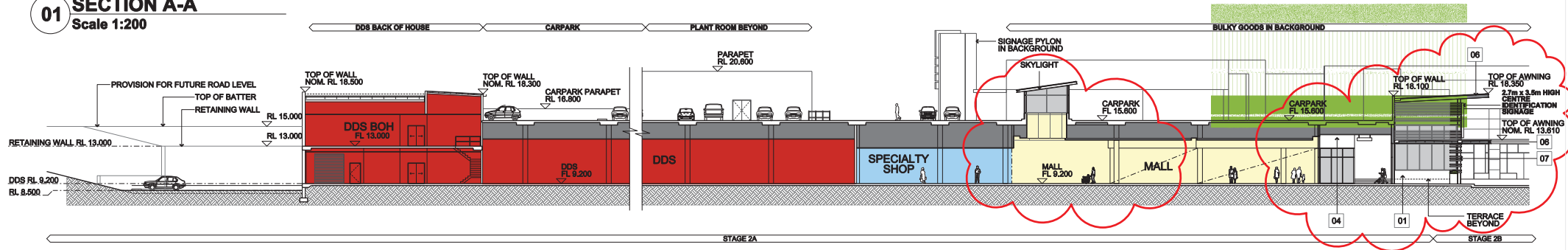
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PROJECT NUMBER:
12-07-09-BA

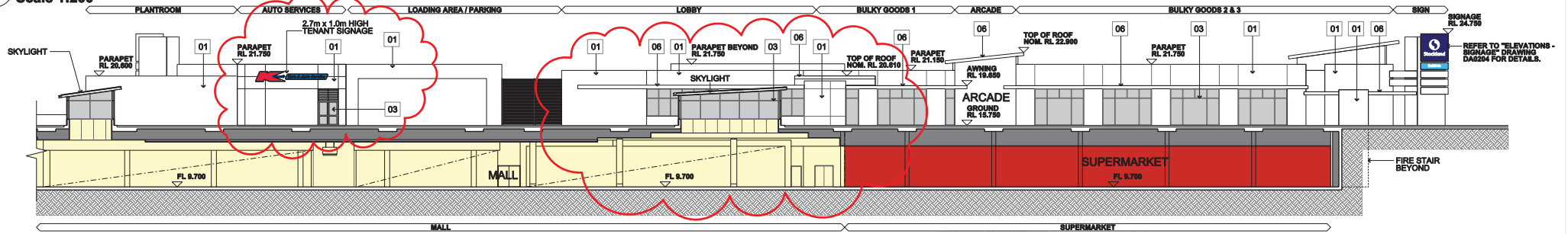
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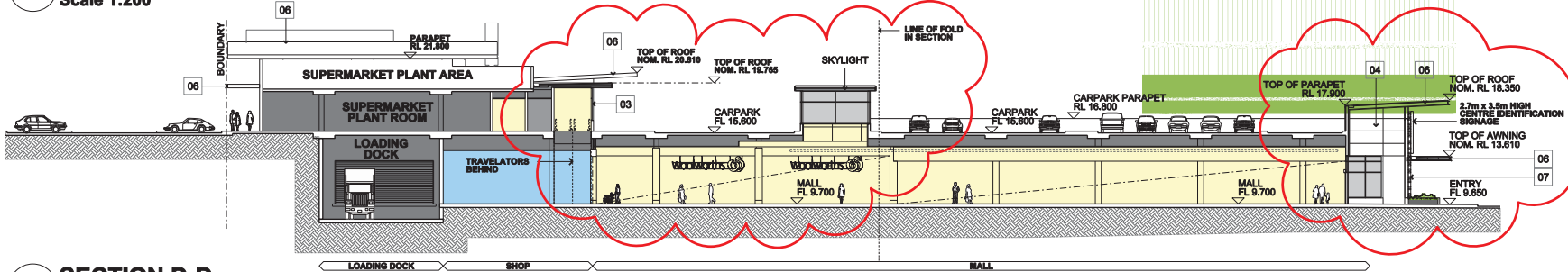
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02 SECTION B-B
Scale 1:200



03 SECTION C-C
Scale 1:200



04 SECTION D-D
Scale 1:200

LEGEND - MATERIALS / FINISHES

- 01 MASONRY (PAINT FINISHED)
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- 03 GLAZING (POWDERCOATED)
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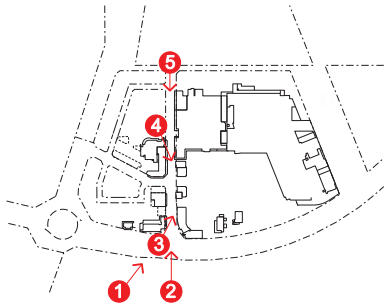
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Stockland BALDIVIS - STAGE 2

Lot 26, Safety Bay Road Baldivis, WA 6171

TITLE:
Sections Sheet 1

PROJECT NUMBER:
12-07-09-BA

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DA0301-C



CORNER SAFETY BAY ROAD & SETTLERS AVENUE

1



SETTLERS AVENUE BUILDING 2 - LOOKING NORTH

4



SETTLERS AVENUE ENTRY - LOOKING NORTH

2



SETTLERS AVENUE BUILDING 4 - LOOKING NORTH

5



SETTLERS AVENUE BUILDING 3 - LOOKING NORTH

3



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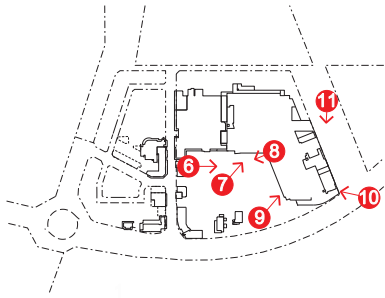
AUTHOR:
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Stockland BALDIVIS - STAGE 2
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TITLE:
Perspectives Sheet 1

PROJECT NUMBER:
12-07-09-BA
DRAWING NUMBER:
DA0501-B





PEDESTRIAN LINK - LOOKING EAST

6



COLONNADE - LOOKING EAST

9



ENTRY & FOOD TERRACE - LOOKING NORTH EAST

7



BULKY GOODS - FROM SAFETY BAY ROAD

10



FOOD TERRACE

8



ROOF CARPARK ENTRY - FROM LINEAR PARK

11



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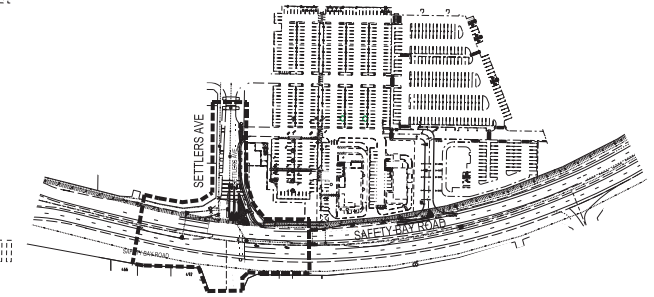
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Stockland BALDIVIS - STAGE 2
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TITLE:
Perspectives Sheet 2

PROJECT NUMBER:
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LOCALITY PLAN
SCALE 1:2000



B	ISLAND REVISED TO SUIT PEDESTRAIN MOVEMENTS	DUK			
A	ORIGINAL ISSUE				
REV.	DESCRIPTION	DRAWN	VER	APPROVED	



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CLIENT:
STOCKLAND WA ESTATES PTY LTD

PROJECT:
SETTLERS HILLS - BALDIVIS TOWN CENTRE - SLIP LANE

TITLE:
INTERSECTION DETAIL - SHEET 2 OF 2

SECTION: CIVIL SERVICES	VERIFIED :	SCALE : At @ 1:100
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DRAWN : D.KONSTANDIS	APPROVED FOR CONSTRUCTION:	WAPC: 141298

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17091C-BTC-SL

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