



Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 8 May 2014; 2:00pm
Meeting Number: MSWJDAP/43
Meeting Venue: City of Cockburn
9 Coleville Crescent, Spearwood

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Paul Drechsler (A/Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham) – *via teleconference*
Cr Joy Stewart (Local Government Member, City of Rockingham)
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)
Cr Bart Houwen (Local Government Member, City of Cockburn)

Officers in attendance

Mr Craig Shepherd (Development Assessment Panels)
Ms Erika Barton (City of Rockingham)
Mr Troy Cappellucci (City of Cockburn)

Local Government Minute Secretary

Ms Lynnette Jakovich (City of Cockburn)

Applicants and Submitters

Mr Stephen Lubich (Samson Project Management)
Mr Daniel Sanbrook (Aztec Architects)

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**

Mr Ian Birch on leave from 10 April – 10 May 2014

4. **Noting of Minutes**

Note the Minutes of the Metro South-West JDAP Meeting No.42 held on 29 April 2014..

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**

- 7.1 Mr Dan Sanbrook & Mr Tomas Briones (Aztec Architects) presenting for the application at Item 8.2. The presentation will discuss the amendments and changes that have been made to the proposal in light of the previous JDAP meeting and will show how requests made by neighbours and Councillors have been accommodated.

8. **Form 1 - Responsible Authority Reports – DAP Applications**

- 8.1 Property Location: Lot 7 (No.31) & Lot 8 (No.33) McNicholl Street & Lot 14 (No.3) Market Street, Rockingham
Application Details: Mixed Use Development (54 Room Hotel, Restaurant, Function Rooms & Associated Facilities, 24 Residential Apartments and Commercial Offices)
Applicant: Sampson Project Management Pty Ltd
Owner: McGill Property Pty Ltd
Responsible authority: City of Rockingham
Report date: 14 April 2014
DoP File No: DAP/14/00504
- 8.2 Property Location: 32 Multiple Dwellings – Amended Plans
Application Details: 13 (Lot 115) O`Connor Close NORTH COOGEE
Applicant: Aztec Architects
Owner: South Metropolitan Youth Link
Responsible authority: City of Cockburn
Report date: 28/04/2014
DoP File No: DP/13/00978



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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Closure



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Tuesday, 29 April 2014; 2:00pm
Meeting Number: MSWJDAP/42
Meeting Venue: City of Fremantle
8 William Street, Fremantle

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Sasha Ivanovich (Alternate Specialist Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)
Cr Bart Houwen (Local Government Member, City of Cockburn)

Officers in attendance

Ms Natalie Martin Goode (City of Fremantle)
Mr Andrew Lefort (City of Cockburn)

Local Government Minute Secretary

Mrs Kayla Beall (City of Fremantle)

Applicants and Submitters

Mr Michael Patroni (Space Agency Architects)
Mr Daniel Grincer (Donaldson & Warn Architects)
Mr Dean Burrowes (South Beach Management Pty Ltd)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 2:08pm on 29 April 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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



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

2. Apologies

Mr Ian Birch (Deputy Presiding Member)
Mr Rob Nicholson (specialist member)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.41 held on 27 March 2014 were noted by DAP members.

5. Disclosure of interests

Nil

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Michael Patroni (Spaceagency) addressed the DAP for the application at Item 8.1.

8. Form 1 - Responsible Authority Reports – DAP Application

8.1 Property Location:	No. 20 (Lot 9000) Knutsford Street, Fremantle
Application Details:	Multiple dwelling (28) and Grouped dwelling (8) development.
Applicant:	Spaceagency
Owner:	FJM Property P/L, Georgiov Capital P/L, Mainpoint Holdings P/L.
Responsible authority:	City of Fremantle
Report date:	17 April 2014
DoP File No:	DP/14/00167



REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Mr Clayton Higham

Approve DAP Application reference DP/14/00167 (City of Fremantle reference DAP80001/14) dated 8 April 2014 (City of Fremantle date) and accompanying plans A0.00; A0.02; A0.03; A0.04; A0.05; A1.01; A1.02; A1.03; A1.04; A1.05; A1.06; A1.07; A1.08; A1.09; A1.10; A2.01; A2.02; A2.03; A2.04; A2.05; A2.06; and A2.07 in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 7 March 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy L.P.P2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
 - a) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
 - b) A copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
3. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.
4. Prior to occupation the primary street fence associated with unit 125.5 and the primary street fence located behind the transformer in front of unit 128.20 be limited in height to a maximum of 1.6 metres above natural ground level to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to occupation the secondary street fence associated with unit 125.5 located along Rochfort Way be limited in height to a maximum of 1.8 metres above natural ground level to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. Prior to occupation, the boundary walls located on the northern boundaries of proposed lots 125 and 128, the western boundary of proposed lot 128 and the southern boundaries of proposed lots 101 and 110 shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle, at the expense of the owner. The design and materials of construction of any new



crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.

8. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. Prior to occupation, the boundary fence located between units 125.2 and 125.3 and the northern elevations of the Store rooms associated with units 125.2 and 125.4 shall be truncated or reduced to no greater than 0.75m height within 1.5m of vehicle access points and street corners that comply with Clause 5.2.5 C5 of the Residential Design Codes or otherwise provide adequate sightlines through the provision of convex mirrors to the satisfaction of the Chief Executive Officer, City of Fremantle.
10. Prior to occupation, all walls/fences within 1.5m of the vehicle access associated with lot 128 shall be truncated or reduced to 0.75m in height within 1.5m of Kymbra Lane that comply with Clause 5.2.5 C5 of the Residential Design Codes or otherwise provide adequate sightlines through the provision of convex mirrors to the satisfaction of the Chief Executive Officer, City of Fremantle.
11. Prior to occupation, the unit 128.13 balcony on the northern elevation shall be either:
 - a) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
 - b) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,

in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

12. Prior to the submission of a Building Permit application, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle.
13. Prior to the issue of a Building Permit, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.
14. All storm water discharge shall be contained and disposed of on-site.
15. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer, City of Fremantle, having regard to advice from the Design Advisory Committee:
 - a) Introduction of skylights to stairwells to improve access to natural light;
 - b) Larger openings being provided for bedroom windows located at the front of dwellings to improve cross ventilation;



- c) Openings are to be included in bathrooms and ensuites that are within external walls to improve natural ventilation and access to daylight; and
- d) Further consideration is to be given to the issue of acoustic privacy between units arising from adjoining contained courtyards and the closeness of some balconies to bedrooms of other units.

Advice Notes:

- i. The applicant is advised that all noise levels from equipment (including air conditioner units) installed on the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- ii. The applicant is advised that all noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing.

Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

- iii. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Fremantle Local Planning Scheme 4. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- iv. The approval of the vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either:
 - a) submit amended plans to the City of Fremantle for consideration, or
 - b) submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

- v. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting Policy (SG28) for further information.
- vi. In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation.



AMENDING MOTION

Moved by: Mr Clayton Higham

Seconded by: Mr Sasha Ivanovich

Approve DAP Application reference DP/14/00167 (City of Fremantle reference DAP80001/14) dated 8 April 2014 (City of Fremantle date) and accompanying plans A0.00; A0.02; A0.03; A0.04; A0.05; A1.01; A1.02; A1.03; A1.04; A1.05; A1.06; A1.07; A1.08; A1.09; A1.10; A2.01; A2.02; A2.03; A2.04; A2.05; A2.06; and A2.07 in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4 & Metropolitan Regional Scheme subject to the following conditions:

REASON: The determination of the application is required to be taken under both the Local Scheme and the MRS.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Clayton Higham

Seconded by: Cr Andrew Sullivan

Change the plan date in condition 1 from the 7 March 2014 to the 8 April 2014.

REASON: This was a typo in the report.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Clayton Higham

Seconded by: Mr Sasha Ivanovich

Remove advice note vi

REASON: While only an advice note it could be construed as fettering the approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DP/14/00167 (City of Fremantle reference DAP80001/14) dated 8 April 2014 (City of Fremantle date) and accompanying plans A0.00; A0.02; A0.03; A0.04; A0.05; A1.01; A1.02; A1.03; A1.04; A1.05; A1.06; A1.07; A1.08; A1.09; A1.10; A2.01; A2.02; A2.03; A2.04; A2.05; A2.06; and A2.07 in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4 & Metropolitan Regional Scheme, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 8 April 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy L.P.P2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs



associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:

- c) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
 - d) A copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
3. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer, City of Fremantle.
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 7. Prior to occupation, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle, at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
 8. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
 9. Prior to occupation, the boundary fence located between units 125.2 and 125.3 and the northern elevations of the Store rooms associated with units 125.2 and 125.4 shall be truncated or reduced to no greater than 0.75m height within 1.5m of vehicle access points and street corners that comply with Clause 5.2.5 C5 of the Residential Design Codes or otherwise provide adequate sightlines through the provision of convex mirrors to the satisfaction of the Chief Executive Officer, City of Fremantle.
 10. Prior to occupation, all walls/fences within 1.5m of the vehicle access associated with lot 128 shall be truncated or reduced to 0.75m in height within 1.5m of Kymbra Lane that comply with Clause 5.2.5 C5 of the Residential Design Codes or otherwise provide adequate sightlines through the provision of convex mirrors to the satisfaction of the Chief Executive Officer, City of Fremantle.



11. Prior to occupation, the unit 128.13 balcony on the northern elevation shall be either:

- a. fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
- b. fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
- c. a minimum sill height of 1.60 metres as determined from the internal floor level, or
- d. screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,

in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

12. Prior to the submission of a Building Permit application, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle.

13. Prior to the issue of a Building Permit, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.

14. All storm water discharge shall be contained and disposed of on-site.

15. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer, City of Fremantle, having regard to advice from the Design Advisory Committee:

- a. Introduction of skylights to stairwells to improve access to natural light;
- b. Larger openings being provided for bedroom windows located at the front of dwellings to improve cross ventilation;
- c. Openings are to be included in bathrooms and ensuites that are within external walls to improve natural ventilation and access to daylight; and
- d. Further consideration is to be given to the issue of acoustic privacy between units arising from adjoining contained courtyards and the closeness of some balconies to bedrooms of other units.

Advice Notes:

- i. The applicant is advised that all noise levels from equipment (including air conditioner units) installed on the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- ii. The applicant is advised that all noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing.



Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

- iii. This planning decision is confined to the authority of the Planning and Development Act 2005 and the City of Fremantle Local Planning Scheme 4. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- iv. The approval of the vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either:
 - a. submit amended plans to the City of Fremantle for consideration, or
 - b. submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

- v. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting Policy (SG28) for further information.

The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.

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

9.1 Property Location:	14 (Lot 462) Shoalwater Street, North Coogee
Application Details:	Modification to DAP12/002 – extension of planning approval.
Applicant:	Donaldson & Warn Architects
Owner:	South Beach Management Pty Ltd
Responsible authority:	City of Cockburn
Report date:	04/03/2014
DoP File No:	DP/12/00369

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Carol Reeve-Fowkes

Seconded by: Cr Bart Houwen

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP application reference DP/12/00369 as detailed on the DAP Form 2 dated 4 March 2014 is appropriate for consideration in accordance with



regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **Approve** the DAP Application reference DP/12/00369 as detailed on the DAP Form 2 dated 4 March 2014 and accompanying plans DA01-DA14, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3 and the Metropolitan Region Scheme, for the proposed extension of planning approval to the approved Multiple Dwellings at 14 (Lot 462) Shoalwater Street, North Coogee, subject to:

Amended Conditions

1. Delete Condition 1 of DP/12/00369 (from approval letter dated 5/6/2012)
2. Delete Condition 4 of DP/12/00369 (from approval letter dated 5/6/2012)
3. Delete Condition 8 of DP/12/00369 (from approval letter dated 5/6/2012)
4. Add, "A detailed Dust Management Plan must be submitted to the City's Health Services and approval obtained, prior to any works commencing on-site."

AMENDING MOTION

To restate Conditions and Advice from the JDAP resolutions on 16 May 2012 and 5 September 2013, to delete Condition 8 from the JDAP resolution on 16 May 2012, to add a new Condition as recommended in the RAR to this meeting, and to renumber all Conditions and Advice accordingly:

Moved by: Mr Clayton Higham

Seconded by: Mr Sasha Ivanovich

1. The submission of a detailed landscape plan for assessment and approval by the City, prior to lodgement for a Building Permit. The Landscape Plan shall include the following:
 - a. the location, number and type of proposed planting;
 - b. the size of selected species at planting and maturity;
 - c. those areas to be reticulated or irrigated;
 - d. details of any common area lighting.
2. Landscaping is to be undertaken and reticulated/irrigated prior to the occupation of the development and thereafter maintained to the satisfaction of the City.
3. The submission of a revised ground floor plan and relevant elevations to address the Building Code of Australia requirements in respect to Access and Mobility (AS1428.1 2009) for assessment and approval by the City prior to lodgement for a Building Permit.
4. The installation of outdoor lighting in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
5. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened.
6. All car and bicycle parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking).



7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
8. The submission of a revised ground floor plan for assessment and approval by the City which shows a different surfacing treatment for the footpath which crosses the vehicle crossover prior to the lodgement of a Building Permit.
9. 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 otherwise be limited in height to 0.75 metres.
10. A minimum of eight (8) on-street car parking bays must be provided along the Shoalwater Street verges immediately adjacent to the site prior to the occupation of the development.
11. Any re-located or modified on-street car parking spaces are to be located, designed and constructed to the satisfaction of the City.
12. Crossovers are to be located and constructed to the City's specifications.
13. All stormwater being contained and disposed of on-site to the satisfaction of the City.
14. The development site must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.
15. The submission of a construction management plan for assessment and approval by the City prior to lodgement for a Building Permit detailing how it is proposed to manage:
 - a. access to and from the site;
 - b. the delivery of materials and equipment to the site;
 - c. the storage of materials and equipment on the site;
 - d. the parking arrangements for contractors and subcontractors; and
 - e. other matters likely to impact on surrounding properties.
16. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
17. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sunday or Public Holidays.
18. Arrangements being made to the satisfaction of the Chief Executive Officer for the provision of the pro-rata subdivider contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.



19. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any works commencing on-site

ADVICE

- i. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
- ii. Nothing in the approval or the above conditions shall excuse non-compliance with all other relevant written laws and/or legislation in the commencement and carrying out of the development.
- iii. 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.
- iv. The development is to comply with the requirements of the Building Code of Australia and AS3000.500 Stormwater Drainage 3.1 and 3.2 cited in the BCA.
- v. With respect to Condition 1, further detail is required in respect to the size of selected species at planting and maturity as well as proposed lighting to communal areas. Low level planting rather than paving should be incorporated around the external face of the ground floor units and the use of a non-fruiting variety of Olive trees is encouraged to minimise maintenance issues.
- vi. In respect to Condition 3, detail of the main pedestrian entry with changes to meet the requirements of AS1428.1 2009 (Access and Mobility) is required to ensure that the entry statement is suitably defined.
- vii. With respect to Condition 8, a different surfacing treatment is required to highlight pedestrian priority to motorists accessing the site.
- viii. With respect to Conditions 15 and 16, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners, and the local community generally.
- ix. 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.
- x. Where an approval has so lapsed, no development shall be carried out without the further approval of the JDAP and/or City having first been sought and obtained.

REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

Accept that the DAP application reference DP/12/00369 as detailed on the DAP Form 2 dated 4 March 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



Approve the DAP Application reference DP/12/00369 as detailed on the DAP Form 2 dated 4 March 2014 and accompanying plans DA01-DA14, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3 and the Metropolitan Region Scheme, for the proposed extension of planning approval to the approved Multiple Dwellings at 14 (Lot 462) Shoalwater Street, North Coogee, subject to:

Conditions:

1. The submission of a detailed landscape plan for assessment and approval by the City, prior to lodgement for a Building Permit. The Landscape Plan shall include the following:
 - a. the location, number and type of proposed planting;
 - b. the size of selected species at planting and maturity;
 - c. those areas to be reticulated or irrigated;
 - d. details of any common area lighting.
2. Landscaping is to be undertaken and reticulated/irrigated prior to the occupation of the development and thereafter maintained to the satisfaction of the City.
3. The submission of a revised ground floor plan and relevant elevations to address the Building Code of Australia requirements in respect to Access and Mobility (AS1428.1 2009) for assessment and approval by the City prior to lodgement for a Building Permit.
4. The installation of outdoor lighting in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
5. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened.
6. All car and bicycle parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking).
7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
8. The submission of a revised ground floor plan for assessment and approval by the City which shows a different surfacing treatment for the footpath which crosses the vehicle crossover prior to the lodgement of a Building Permit.
9. 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 otherwise be limited in height to 0.75 metres.
10. A minimum of eight (8) on-street car parking bays must be provided along the Shoalwater Street verges immediately adjacent to the site prior to the occupation of the development.



11. Any re-located or modified on-street car parking spaces are to be located, designed and constructed to the satisfaction of the City.
12. Crossovers are to be located and constructed to the City's specifications.
13. All stormwater being contained and disposed of on-site to the satisfaction of the City.
14. The development site must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.
15. The submission of a construction management plan for assessment and approval by the City prior to lodgement for a Building Permit detailing how it is proposed to manage:
 - a. access to and from the site;
 - b. the delivery of materials and equipment to the site;
 - c. the storage of materials and equipment on the site;
 - d. the parking arrangements for contractors and subcontractors; and
 - e. other matters likely to impact on surrounding properties.
16. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
17. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sunday or Public Holidays.
18. Arrangements being made to the satisfaction of the Chief Executive Officer for the provision of the pro-rata subdivider contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 – Community Infrastructure.
19. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any works commencing on-site

ADVICE

- i. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
- ii. Nothing in the approval or the above conditions shall excuse non-compliance with all other relevant written laws and/or legislation in the commencement and carrying out of the development.
- iii. 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.
- iv. The development is to comply with the requirements of the Building Code of Australia and AS3000.500 Stormwater Drainage 3.1 and 3.2 cited in the BCA.



- v. With respect to Condition 1, further detail is required in respect to the size of selected species at planting and maturity as well as proposed lighting to communal areas. Low level planting rather than paving should be incorporated around the external face of the ground floor units and the use of a non-fruiting variety of Olive trees is encouraged to minimise maintenance issues.
- vi. In respect to Condition 3, detail of the main pedestrian entry with changes to meet the requirements of AS1428.1 2009 (Access and Mobility) is required to ensure that the entry statement is suitably defined.
- vii. With respect to Condition 8, a different surfacing treatment is required to highlight pedestrian priority to motorists accessing the site.
- viii. With respect to Conditions 15 and 16, the City's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners, and the local community generally.
- ix. 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.
- x. Where an approval has so lapsed, no development shall be carried out without the further approval of the JDAP and/or City having first been sought and obtained.

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.

10. Appeals to the State Administrative Tribunal

Metro South-West JDAP – DAP Application DP/13/00900 Lots 67 and 4 Johnson Road and Lot 20 Holden Close, Bertram.

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 2.27pm.



Form 1 - Responsible Authority Report

(Regulation 12)

Property Location:	Lot 7 (No.31) & Lot 8 (No.33) McNicholl Street & Lot 14 (No.3) Market Street, Rockingham
Application Details:	Mixed Use Development (54 Room Hotel, Restaurant, Function Rooms & Associated Facilities, 24 Residential Apartments and Commercial Offices)
DAP Name:	Metro South-West JDAP
Applicant:	Sampson Project Management Pty Ltd
Owner:	McGill Property Pty Ltd
LG Reference:	DD020.2014.00000080.1 (D14/30227)
Responsible Authority:	City of Rockingham
Authorising Officer:	Mr Bob Jeans, Director Planning & Development Services
Department of Planning File No:	DAP/14/00504
Report Date:	14 April 2014
Application Receipt Date:	12 March 2014
Application Process Days:	60 Days
Attachment(s):	1. DA01 Site/Ground Floor Plan 2. DA02 First Floor Plan 3. DA03 Second Floor Plan 4. DA04 Third Floor Plan 5. DA05 Roof Plan 6. DA06 Elevations 7. Urban Design Advice

Recommendation:

That the Metro South-West JDAP resolve to:

Approve DAP Application reference DAP/14/00504 and accompanying plans DA01 to DA06 dated 1st March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.
4. Prior to the commencement of the development, written evidence being supplied to the City of Rockingham that the parties have agreed to surrender the easement that encumbers Lots 7 and 8 McNicholl Street, and that the surrender documents have been lodged for registration.
5. The internal access road on Lot 14 connecting to Market Street must be widened to 6 metres for its entire length in accordance with the easement that encumbers Lot 14. The proposed parking spaces on Lot 14 adjacent to Lots 9 and 10 in the location of the existing easements are to be removed. Amended plans reflecting these changes must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
6. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
8. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
9. The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study. The works must be designed and approved by the City prior to any works commencing. All works must be completed prior to the occupation of the development and maintained for the duration of the development to the satisfaction of the City.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated.The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
11. The carpark must:-
 - (i) provide a minimum of 125 parking spaces;
 - (ii) 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;

- (iii) include seven car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) have lighting installed, prior to the occupation of the development; and
- (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

The car park must comply with the above requirements for the duration of the development.

12. On-street car parking spaces must be provided for short term parking along McNicholl and Market Streets. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development.
13. Eight short-term bicycle parking spaces and four long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
14. One secure hot-water shower, change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.
15. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Market and McNicholl Streets.
16. A Waste Management Plan must 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 and maintained at all times.

17. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City's Manager, Health Services prior to applying for a Building Permit.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

18. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) 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;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

19. A Sign Strategy must be prepared and include the information required by *Planning Policy 3.3.1, Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
20. In accordance with the requirements of *Planning Policy 3.2.1 – Development Policy Plan - City Centre Sector*, entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Market and McNicholl Streets, at all times.
21. All doors of the commercial tenancies facing the McNicholl and Market Street frontages of the building must be accessible to customers and not locked during all hours when the subject premises are trading.
22. Street awnings must be provided to Market and McNicholl Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.
23. Public or customer access must be from the Market or McNicholl Streets.
24. Above-ground meter boxes must not be located in a street setback area at any time.
25. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provide to the City of Rockingham's satisfaction prior to applying for a Building Permit.
26. A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the *Planning Policy 3.3.19, Licensed Premises*, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.
27. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

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. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
3. A separate approval from the City of Rockingham's Health Services is required under the *Health (Public Building) Regulations 1992*. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham's Health Services in this regard.
4. The development (awnings) must comply with the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve. The applicant and owner should liaise with the City of Rockingham's Building Services in this regard.
5. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
6. A Sign Permit 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.
7. With respect to Conditions 9 and 10, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
8. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
9. The applicant is advised that exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—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.

BACKGROUND:

Site Details

Insert Property Address:	Lot 7 (No.31) & Lot 8 (No.33) McNicholl Street & Lot 14 (No.3) Market Street, Rockingham
Insert Zoning MRS:	Central City Area
TPS:	Primary Centre City Centre
Insert Use Class:	Motel, Serviced Apartments, Multiple Dwellings, Restaurant, Offices, Use Not Listed (conference rooms)
Insert Strategy Policy:	Rockingham Strategic Regional Centre: Centre Plan Planning Policy 3.2.1 – Development Policy Plan City Centre Sector Planning Policy 3.3.14 – Bicycle Parking and End of Trip Facilities Planning Policy 3.3.19 – Licensed Premises
Insert Development Scheme:	City of Rockingham Town Planning Scheme No.2
Insert Lot Size:	Lot 7 = 1,243.6m ² Lot 8 = 1,179.4m ² Lot 14 = 2,483.7m ² Total = 4,906.7m ²
Insert Existing Land Use:	Vacant
Value of Development:	\$10,000,000.00

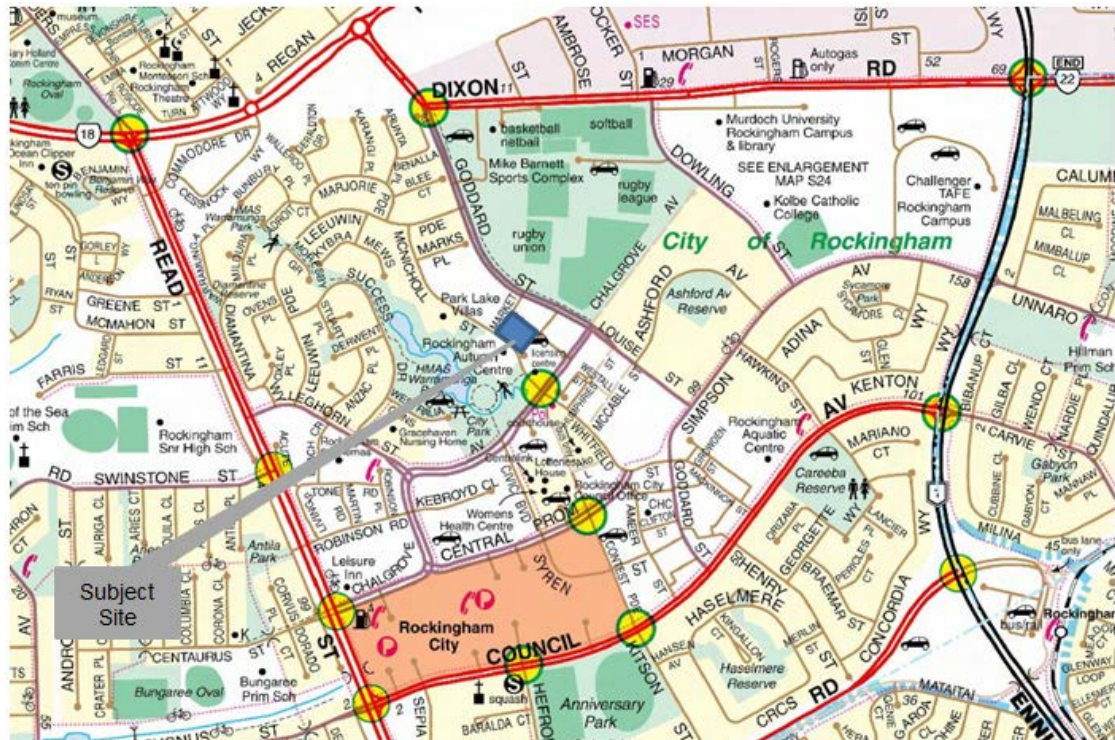


Figure 1 – Location Plan



Figure 2 – Aerial Photo

History

In September 1993, an Integrated Development Guide Plan (IDGP) was approved over the subject land.

Public access easements have been registered over the block bounded by Goddard, Market, McNicholl and Chalgrove to facilitate access and parking arrangements in accordance with the approved IDGP. Specifically the site is burdened by two access easements connecting to Market Street.

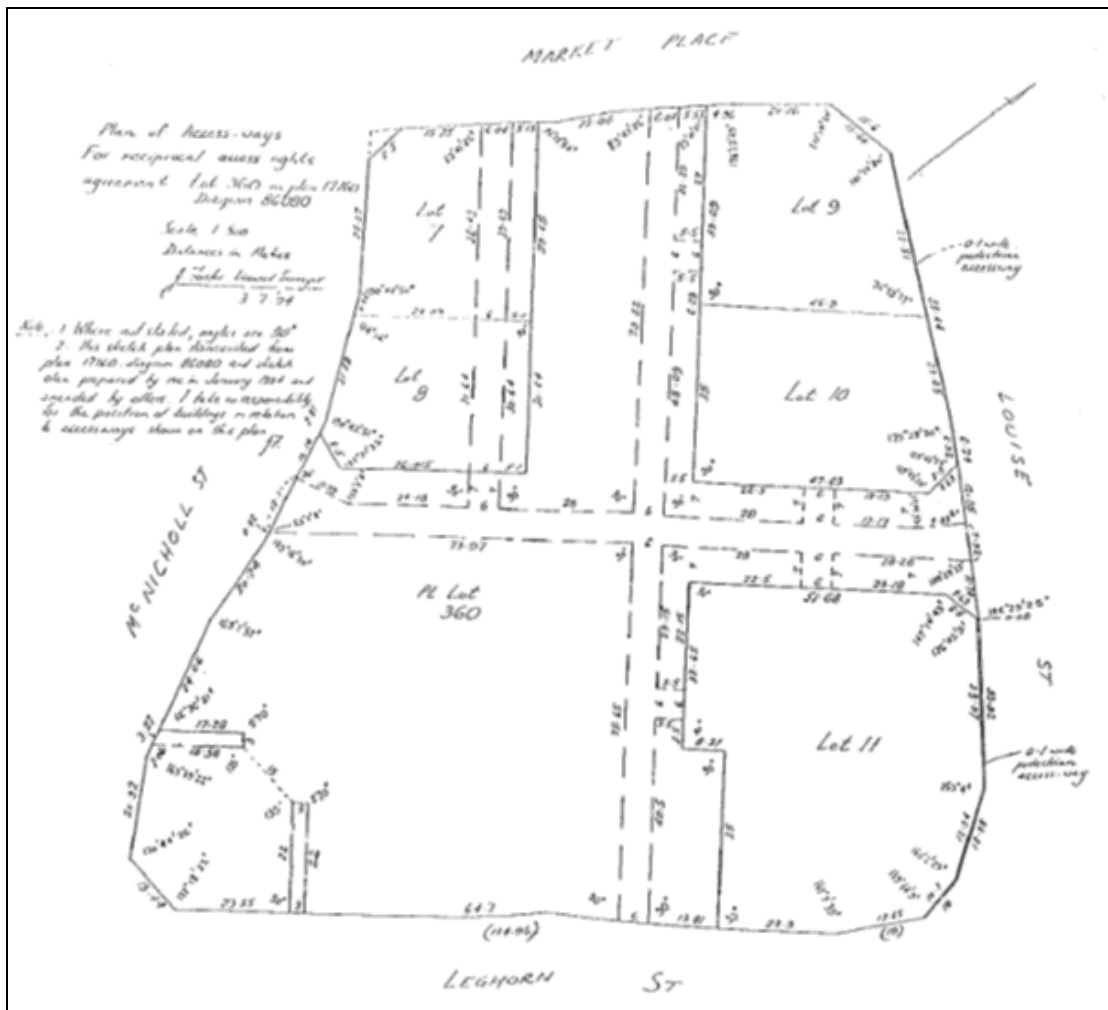


Figure 3 – Access Easements

Market Street is the subject of an upgrading and realignment to facilitate the relocation of the transit corridor from Chalgrove Avenue. These works will not have a direct impact on the subject site, however will provide a greater verge area on Market Street abutting the site. Concept plans were approved as part of the IDGP and subdivision for the adjacent Lot 359 Goddard Street.

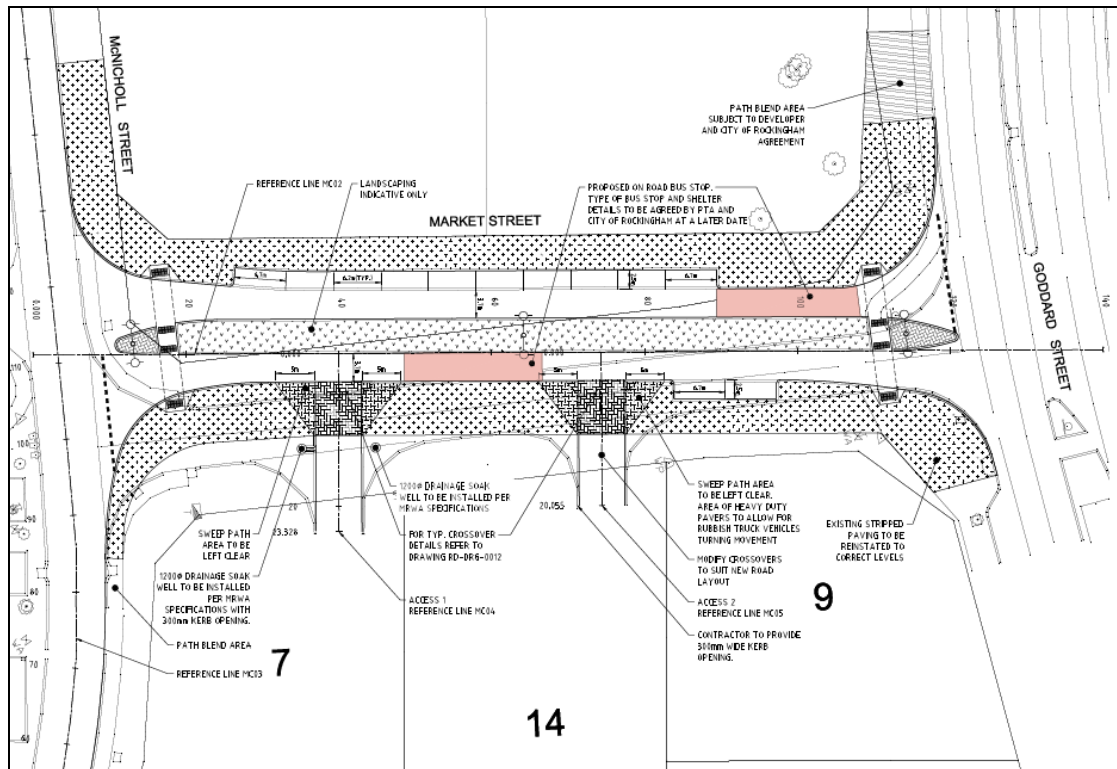


Figure 4 – Proposed Market Street Realignment

DETAILS: OUTLINE OF DEVELOPMENT APPLICATION

The applicant seeks approval for a four storey mixed use development comprising the following:

- A hotel containing:
 - 54 hotel rooms (levels 1-3);
 - 24 (1br) self-contained apartments/multiple dwellings (levels 1-3);
 - associated reception/foyer (ground floor);
 - two function rooms (ground floor); and
 - a restaurant (ground floor);
- Two offices (255m²) (ground floor); and
- 135 car parking spaces over two levels.



Figure 5 – Site/Ground Floor Plan



Figure 6 – First Floor Plan



Figure 7 – Second Floor Plan

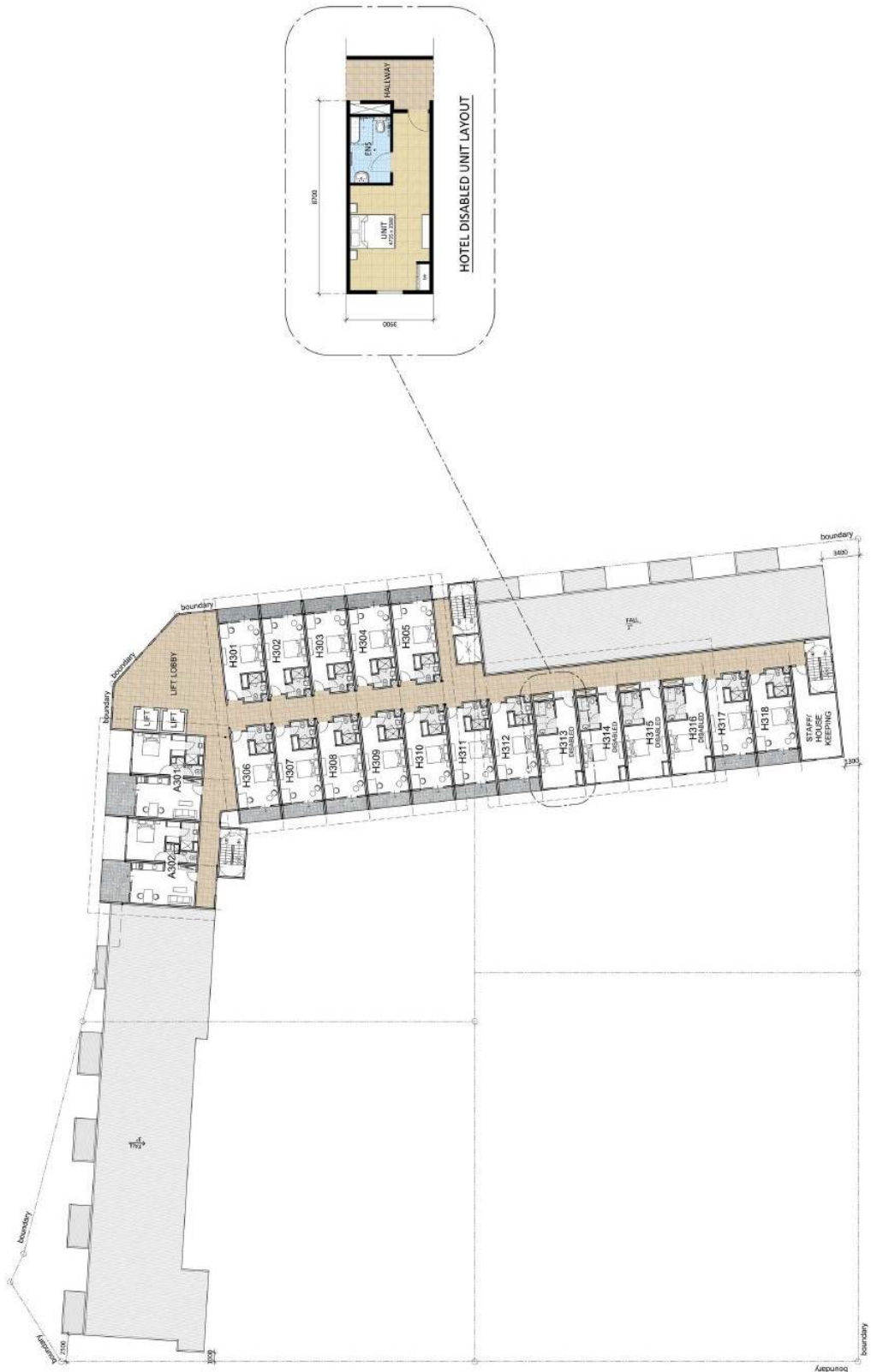


Figure 8 – Third Floor Plan

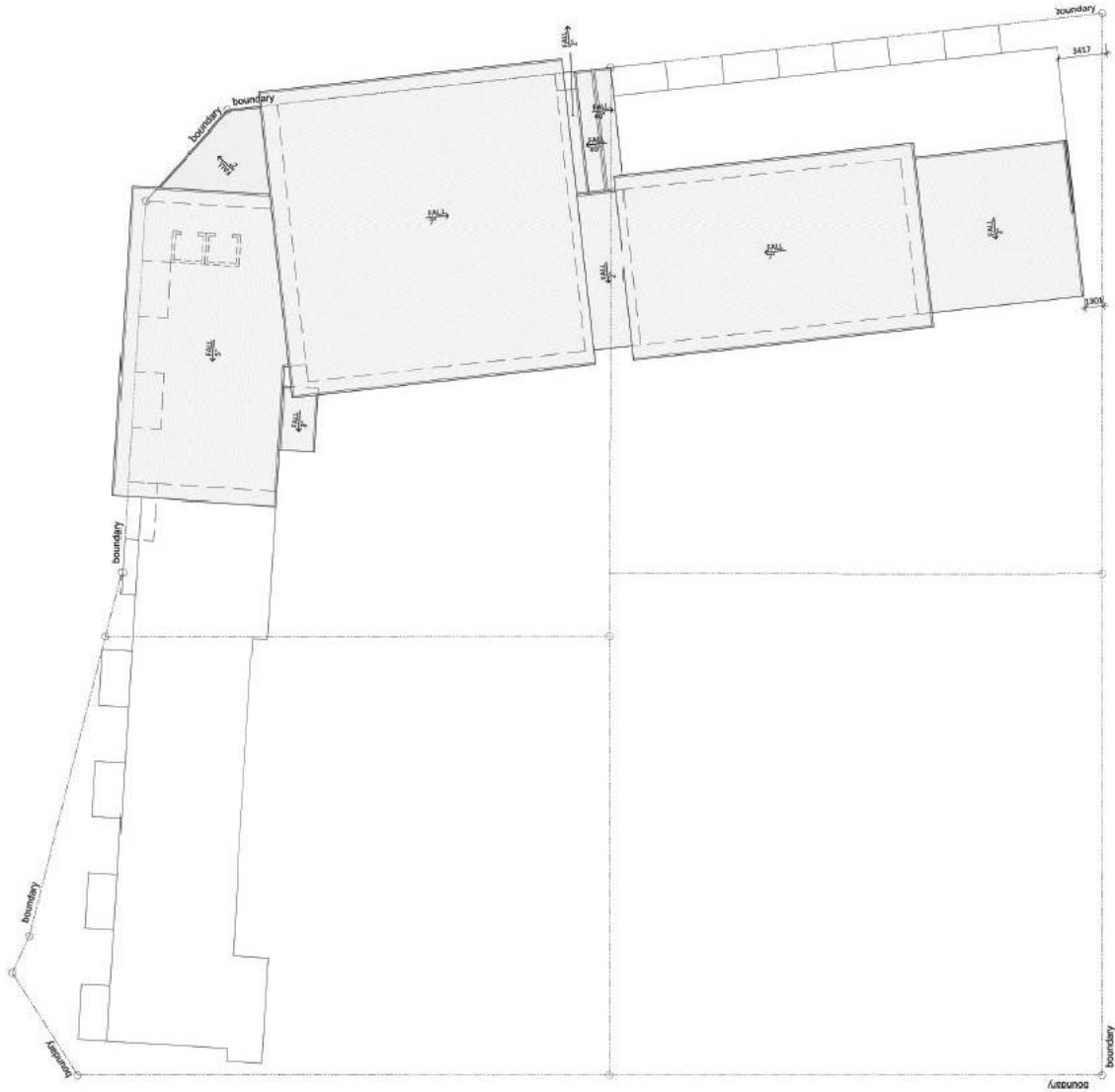


Figure 9 – Roof Plan





Figure 10 - Elevations

LEGISLATION & POLICY:

Legislation

Rockingham Town Planning Scheme No. 2 (TPS2)

Clause 4.3A.1 – Objectives of the Zone

The subject site is zoned 'Primary Centre City Centre' under TPS2. The proposed development is considered to be consistent with the objectives of the Primary Centre City Centre Zone which include *inter alia*:

- “(b) to contribute to the development of integrated retail, office, commercial, residential, civic and community facilities generally in accordance with the requirements of the Development Policy Plan for the City Centre Sector;*
- (c) to achieve high intensity land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;*
- (e) to locate car parking areas behind street front buildings;*
- (f) to provide contiguous, activated street front development;*
- (g) to promote active day and night time retail and social environments;*
- (h) to encourage vibrant and diverse uses which promote the Primary Centre City Centre Zone as a destination;*
- (j) to encourage development that will provide a high calibre model of sustainable, transit oriented development;”*

Clause 4.3A.2 – Residential Design Codes Not to Apply

The Residential Design Codes (R-Codes) do not apply to development within the Primary Centre City Centre Zone.

Clause 4.3A.3 – Minimum Residential Density

A minimum density of 1 dwelling per 125m² of land area is required in the Primary Centre City Centre Zone. Based on a site area of 4,906.7m², a minimum of 40 dwellings is required. The development provides for a total of 54 hotel units and 24 apartment style dwellings. This is considered to meet the minimum density requirements.

Clause 4.15 – Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table 3 of TPS2.

Use	Minimum Required		Provided
	Rate	Number	
Hotel			
Bedrooms (54)	1/bedroom +	54	
Other (157m ²)	1/every 5m ² (4m ²) of bar/public areas	32(40)	
Short Stay Accommodation/Multiple Dwellings			
Dwelling (24)	0.75/dwelling*	18	
Visitor	0.25/dwelling*	6	
Restaurant (175m ² /(1.5m ² /person) = 117 persons)	1/8(6) persons	15(20)	
Office 1 (137m ²)	1/60m ² (40m ²)	3(4)	
Office 2 (119m ²)	1/60m ² (40m ²)	2(3)	
Total		130(145)	135[^]
Notes:			
- Maximum in brackets			
* As per the R-codes, Location A.			
[^] Includes seven AS3959.6 spaces.			

Further discussion on parking requirements and provision is provided in the Planning Assessment section of this report.

Clause 4.22 – Licensed Premises

It is likely that the restaurant will be licensed. At this point in time, however, there is no liquor license. In this regard, it is recommended that the City's standard condition for subsequent use approval be applied to ensure this provision of the Scheme is appropriately considered once the licensing requirements are known.

Clause 5.3 – Control of Advertisements

Clause 5.3.1 of TPS2 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2. There is no signage currently proposed as part of this development application.

Subsequent approval from the City would be required for any signage on the building.

Clause 6.6 – Matters to be Considered by the Council

Clause 6.6 outlines the matters to which Council is to have due regard when considered relevant to an application. Where relevant, these are discussed in the Planning Assessment section of this report.

Street Verandah Local Law 2000

Portions of the awnings of the proposed development extend into the road reserve. As such, approval must be obtained from the City, pursuant to the City of

Rockingham *Street Verandah Local Law 2000*. An Advice Note advising of this requirement has been included in the Report's recommendation.

State Government Policies

State Planning Policy 3.1 – Residential Design Codes

Clause 4.3A.2 of TPS2 states that the Residential Design Codes (R-Codes) are not to apply to the development of land in the Primary Centre City Centre Zone for any of the residential purposes dealt with by the R-Codes. Notwithstanding this, the R-Codes are used in the assessment of the carparking and end-of-trip facilities which have been discussed in this report.

Local Policies

Rockingham Strategic Regional Centre: Centre Plan

The City Centre Sector forms part of the Rockingham Strategic Metropolitan Centre. In accordance with State Planning Policy 4.2 - Metropolitan Centres Policy, the City is required to prepare and maintain an endorsed Centre Plan to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

In September 2009, the Council adopted the Centre Plan for the Rockingham Strategic Metropolitan Centre (Centre Plan); it was endorsed by the Western Australian Planning Commission in November 2009 as an appropriate Centre Plan to guide future planning and development. The scope of the Centre Plan covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the subject site. The Centre Plan is guided by the following vision:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

The Centre Plan makes the local transit system the focus of an intensified corridor of mixed use development between the City Centre, education campuses and the beachfront, and it identifies a Central Transit Route, from which a 600m wide transit-oriented catchment area is applied. The Centre Plan could triple the population within the Rockingham Metropolitan Centre to 36,000 people; this scenario could achieve the light rail transit threshold density of 50 persons per hectare.

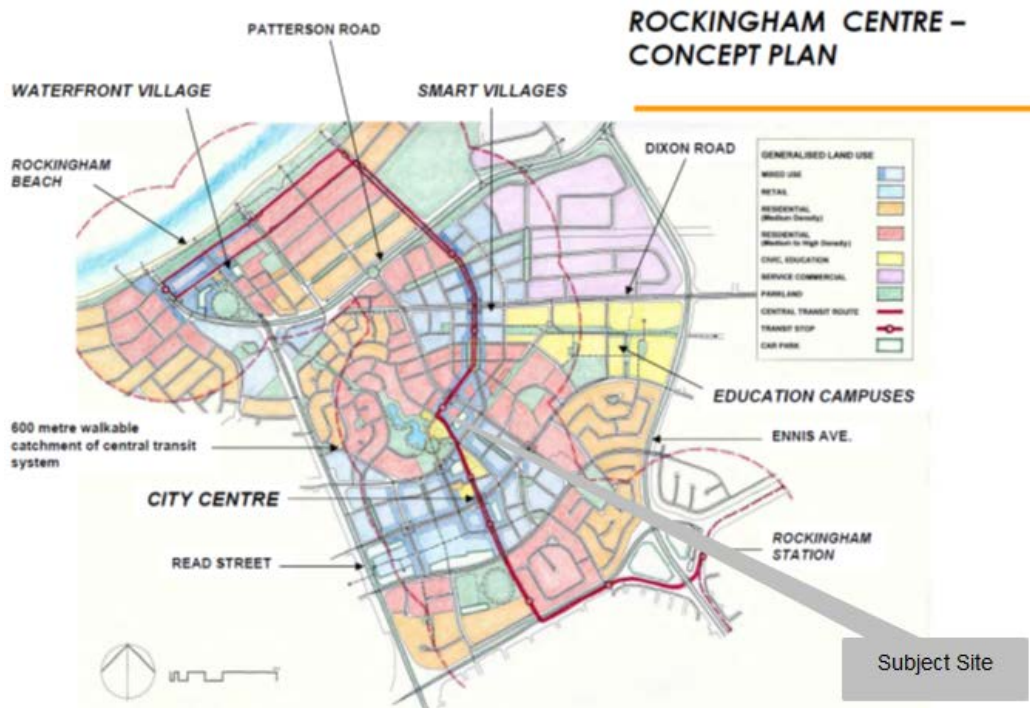


Figure 12 – Rockingham Centre Concept Plan

Planning Policy 3.2.1 – Development Policy Plan City Centre Sector (PP3.2.1)

The overall Centre Plan is divided into 11 Sectors. The City Centre Sector is one of these and PP3.2.1 has been established to guide development within the sector.

Goddard Precinct

Within the City Centre Sector there are seven precincts. Each of the precincts has a detailed explanation of desired future character, preferred uses and required elements. The subject site is located within the Goddard Precinct.

GODDARD PRECINCT CONCEPT PLAN



Figure 13 – Goddard Precinct Concept Plan

The proposed development is consistent with the desired future character for this precinct, having a higher density mixed use development fronting the re-aligned Market Street. It is consistent with the preferred land uses, including offices, residential, serviced accommodation, and eating and drinking places.

The following provides an assessment of the development against the required elements of the Goddard Precinct.

Policy Requirements	Planning Comments	Compliance
The Precinct is to be developed as a mixed use area conforming to an urban townscape discipline.	The proposed development provides for a mix of residential and commercial land uses.	Yes
Buildings are to be located, configured and activated to frame and address street frontages and laneways in a way that is consistent with the Precinct Concept Plan, relevant 'Frontage Types' of the Policy. <u>Frontage 2 – Medium Level of Activation, Nil Setback</u> A medium level of frontage activation with secondary retail, customer oriented offices, inner-city commercial tenancies and residential lobbies at ground level and a 2 to 3 storey façade positioned at the streetfront boundary. At the ground level, buildings should address the	The development provides for a three to four storey building that provides for appropriate activation through commercial ground floor uses and transparent facades. The buildings are located at the streetfront boundary with the exception of the south western corner of the building. This is considered acceptable given the irregular lot shape.	Yes

Policy Requirements	Planning Comments	Compliance
street with a primary business entrance and a commercial façade that is transparent over at least 60% of the area of the facade.		
Setback buildings from the existing southern boundary of Market Street to a building line that suitably parallels the street re-alignment referred to in Clause (b) above, as illustrated on the Precinct Concept Plan.	Given Market Street is not yet realigned, the location of the building is considered to be appropriate. Furthermore, the ground floor uses of the development fronting Market Street lend themselves to alfresco areas, which the wider verge would be suitable for.	Yes
Side and rear building setbacks are to be determined by reference to the example of the Goddard Precinct Concept Plan, subject to review by Council of individual land use and siting proposals and compliance with relevant health, building and safety regulations.	The site setbacks are considered appropriate for the site and are consistent with the Concept Plan.	Yes
Consistent with Figure 4.2 'Density and Height' in Section 4.2, residential development within the Precinct is to be designed to accommodate a balanced mix of dwelling types and sizes at preferred densities ranging between 80 and 200 dwellings per hectare with a minimum density of 80 dwellings per hectare in any development which includes a residential component.	The development provides for the equivalent density of 159 dwellings per hectare.	Yes
Consistent with Section 4.3, buildings are to present a minimum 2 storey or equivalent parapet height to the street or relevant public space subject to the maintenance of a 10.5 metre height limit along street frontages, with any additional height to be setback a minimum of 3 metres. The scale and massing of buildings is to be designed to minimise any overshadowing of adjoining properties and public spaces to the satisfaction of the City.	Section 4.3 requires a height range of 2 to 9+ storeys. The development proposes three to four storeys. The fourth storey component (15.6m height) is only provided with nil setback adjacent to the street corner element. The remainder of the building achieves a 10.5m height limit at the front boundary. The development provides for appropriate massing and scale given its location and provides for suitable stepping of the building to avoid any adverse overshadowing.	Yes

Policy Requirements	Planning Comments	Compliance
<p>Car parking is to be provided in accordance with Table 3 of Town Planning Scheme No.2. A copy of which is set out in Appendix 1.</p>	<p>The proposed development provides for sufficient parking as outlined in the Planning Assessment Section of this report.</p>	<p>Yes</p>
<p>Car parking is not permitted between the road reserve boundary and building frontages.</p>	<p>No car parking is proposed between the road reserve and the building frontages. On-street parking will be provided on Market and McNicholl Streets adjacent to the development.</p>	<p>Yes</p>
<p>Off-street car parking is to be located behind, under or over ground floor, streetfront buildings or alternatively, no closer than 20 metres to the streetfront boundary in the case of land identified in the IDP for future building development.</p>	<p>Off-street parking is provided at grade and on a first floor level behind the buildings.</p>	<p>Yes</p>
<p>In lieu of the normal landscaping requirements of the Scheme, developers are required to contribute to the cost of streetscape and landscape works within the public domain in the vicinity of their development site. The particular streetscape treatment applicable to any site is to be determined by reference to the recommendations of the relevant City Centre Streetscape Study.</p>	<p>Market Street is being upgraded and realigned as part of another project being undertaken by Landcorp and the subject of Federal funding. Depending on the timing of the development, the Market Street streetscape works may need to be modified by the applicant. The streetscape works on McNicholl Street would need to be provided as part of the development. Appropriate conditions should be included on any approval requiring such.</p>	<p>Yes</p>
<p>Any landscaping of ancillary areas is to be undertaken in accordance with an approved landscape plan and in a manner consistent with the desired urban character of the Precinct and any townscape improvement plans which Council may adopt from time to time.</p>	<p>It is recommended that a Landscaping Plan be submitted to the City for approval as a condition of the Planning Approval.</p>	<p>Yes</p>

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

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

Bicycling Parking

Land Use	Required			
	Short Term		Long Term	
	Rate	Amount	Rate	Amount
Office = 256m ²	1/200m ² NLA	2	1/500m ² NLA	1
Short Stay Accommodation & Hotel Accommodation = 78 bedrooms	1/40 guest bedrooms	2	Nil	0
Hotel (excluding accommodation) = 332m ² (function rooms and restaurant)	1/100m ² bars and public areas	4	1/150m ² bars and public areas	3
Total		8		4

No provision for bicycling parking has been made, however sufficient area exists on site for the accommodation of 12 parking spaces. Should the application be approved, it is recommended that a condition be imposed requiring the construction of eight short term and four long term spaces.

End-of-Trip Facilities

With the provision of four long term parking spaces, one shower is required to be provided in accordance with PP3.3.14. The shower is required to be provided in a change room in accordance with the policy. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

Planning Policy 3.3.19 – Licensed Premises (PP3.3.19)

Council is required to have regard to PP3.3.19 when considering an application for Planning Approval for development that may involve a liquor license. The following assessment criteria apply to such developments.

Criteria	Comment	Compliance
Location		
Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes circumstances in which if the application were granted:- (i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship,	The application is for a restaurant, which would be operated in association with the motel. The City centre is considered to be an appropriate location for such a development, as outlined in PP3.2.1 through the preferred uses.	Yes

Criteria	Comment	Compliance
<p>hospital, child care premises or school, would be likely to occur; or</p> <p>(ii) the amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.</p> <p>Licensed premises should generally have an active street front.</p>		
Number of Patrons		
<p>Premises are restricted to maximum patron numbers under the <i>Health (Public Building) Regulations 1992</i>, and those numbers are to be complied with at all times.</p>	<p>It is recommended this is included as an advice note.</p>	<p>Yes</p>
Previous History		
<p>The City will generally review the history of complaints regarding an existing licensed premises when considering an Application for Planning Approval for a "Change of Use" or an Extended Trading Permit. In this regard, the City is interested in past complaints regarding noise, vandalism, anti-social behaviour or traffic/parking issues.</p> <p>The City may request the applicant to supply full and complete details of any complaints regarding an existing licensed premises including details of any complaints or prosecutions commenced by the Police, the Liquor Licensing Division, the Health Department or FESA.</p>	<p>Not applicable to this application</p>	<p>N/A</p>
Noise		
<p>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely</p>	<p>It is recommended this be a condition of Planning Approval.</p>	<p>Yes</p>

Criteria	Comment	Compliance
<p>noise nuisance and what sound attenuation measures are needed.</p> <p>On receipt of the report, the Council may require measures to be undertaken via construction, management or other means where necessary to ensure noise is managed in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>		
Harm Minimisation		
<p>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Director of Liquor Licensing Guidelines.</p>	<p>It is recommended this be a condition of Planning Approval.</p>	<p>Yes</p>
Consultation		
<p>Where the Manager, Statutory Planning considers that an Application for Planning Approval for a 'Licensed Premises' is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 6.3.3 of TPS2 and Planning Procedure No. 1.3 - Community Consultation.</p>	<p>Given that this area is identified as being suitable for such developments within PP3.2.1, it is not considered that the development would have a significant potential impact upon the amenity of the area or neighbouring properties. PP3.2.1 was publicly advertised and as such it is considered that the preferred uses have been publicly made available for consideration and comment.</p>	<p>Yes</p>

CONSULTATION:

Public Consultation

The proposal is generally consistent with the Indicative Development Plan as contained in the approved Rockingham City Centre - Activity Centre Plan (2009) and thus advertising of the proposal is not required.

Consultation with other Agencies or Consultants

Consultation with other agencies is not required pursuant to Town Planning Scheme No.2.

PLANNING ASSESSMENT:

Design

The application was referred to the City's Urban Design Consultant for review and comment. The Consultant's advice is included at Attachment 7; it concludes that the development responds appropriately to the planning framework and site.

Whilst it is not a Policy requirement, it is recommended that the awnings on the streetfront buildings be extended to a minimum depth of 2.5m to encourage greater activation of the street frontages, as well as improved energy efficiency through shading of the northern and western elevations.

Car Parking

Under TPS2, the proposed development requires the provision of a minimum 130 parking spaces and 145 maximum parking spaces. The proposed development has provided for a total of 135 parking spaces, of which seven are designed in accordance with AS2890.6 (parking for people with a disability).

Parking provision for people with disability is based on the Building Code of Australia Requirements.

Building Class	Requirement		
	Rate	Calculations	Spaces
Class 3 Residential -	Total car spaces multiplied by percentage of accessible rooms	54 spaces x 9.26%	5
Class 5 – Office & Conference Rooms	1 space/100 carparking spaces	37 spaces	1
Class 6 Restaurant -	1 space/50 carparking spaces	15 spaces	1
Total			7

As outlined in the Background Section of this Report, this city block is encumbered by several easements that provide for internal vehicular access and shared carparking. The City is a party to the easements.

The development proposes to locate ten (10) carparking bays over two of the easements which provide vehicular access to Lot 10 Goddard Street and Lot 9 Market Street. It is recommended that a condition be imposed to delete the proposed carparking spaces located over these two easements, as they are required to service proposed developments on Lots 9 and 10.

There is opportunity for the provision of on-street parking on both Market and McNicholl Street adjacent to the subject site. It is estimated that six on-street parking spaces could be provided, subject to design.

Given the above, the development would provide for a total of 125 parking spaces on site and potentially six spaces off-site. It is therefore considered to comply with TPS2 parking requirements.

Access

The proposed development intends to narrow the existing easement on Lot 14, near the intersection with Market Street. Given this will restrict vehicular access to the site to a 'one way' arrangement (rather than the existing two way) and the access entitlements for the adjacent Lots 9 and 10 in accordance with the IDGP, it is recommended that this driveway be retained at its full 6m width to provide two-way access. It is recommended a condition be imposed to require modification to the development plans to reflect to existing legal easement arrangement.

It is not clear how heavy vehicles required to service the development, including waste and delivery vehicles, will be able to negotiate the internal road network (geometry and height clearance). It is recommended that a condition be imposed to require further information be provided to the City to demonstrate how service vehicles will be able to manoeuvre around the site.

Lot Amalgamation and Easements

Given the development is proposed over three lots, they will need to be amalgamated. Furthermore the easement which traverses Lots 7 and 8 will require extinguishment. In this regard, it is recommended that a condition be imposed addressing these matters.

Waste Disposal

A bin store has been provided for the proposed development, however, no further details as to the storage and disposal of waste have been provided.

Should the application be approved, it is recommended a condition be imposed requiring the preparation and implementation of a Waste Management Plan.

CONCLUSION:

The proposed mixed-use development is compliant with TPS2 and Policy requirements.

The proposed development complies with the intent and objectives of the Goddard Street Precinct and the Rockingham City Centre Sector and is considered to be suitable for its site and the locality.

It is recommended that the application for the mixed-use development be conditionally approved.



PROPOSED HOTEL/MIXED-USE DEVELOPMENT
 LOTS 7, 8 AND 14 MARKET STREET
 ROCKINGHAM CITY CENTRE

SITE/GROUND FLOOR PLAN
 0m 2m 5m 10m
 SAMSON PROJECT MANAGEMENT PTY. LTD.®

DA 01

01.03.2014



PROPOSED HOTEL/MIXED-USE DEVELOPMENT
 LOTS 7, 8 AND 14 MARKET STREET
 ROCKINGHAM CITY CENTRE

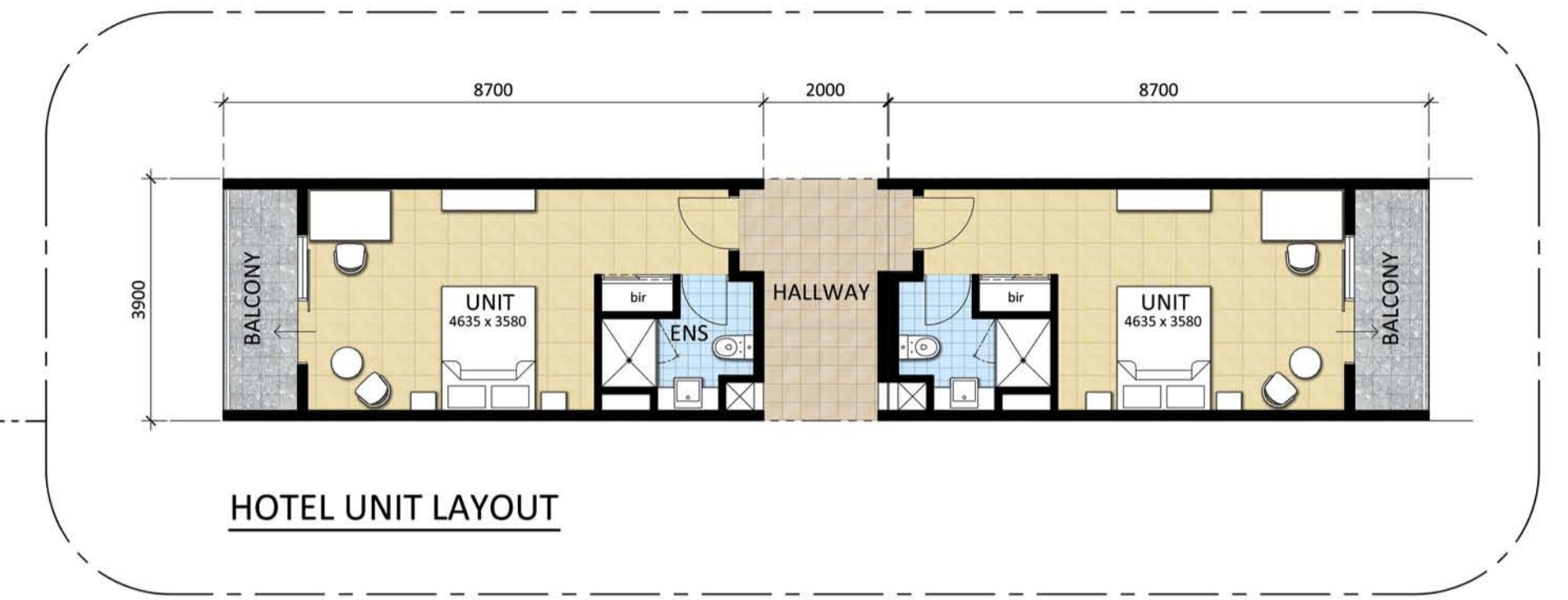
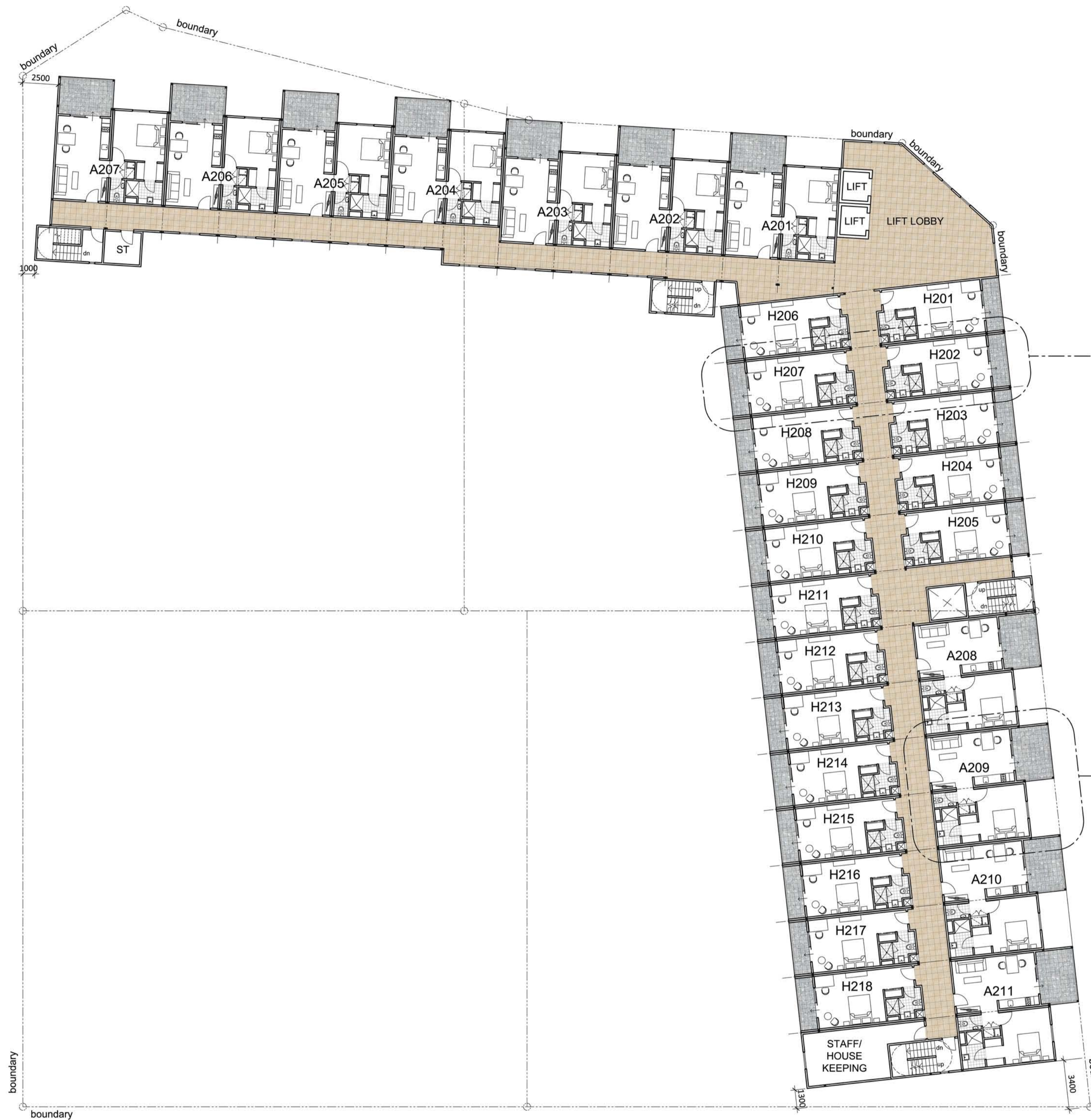
FIRST FLOOR PLAN

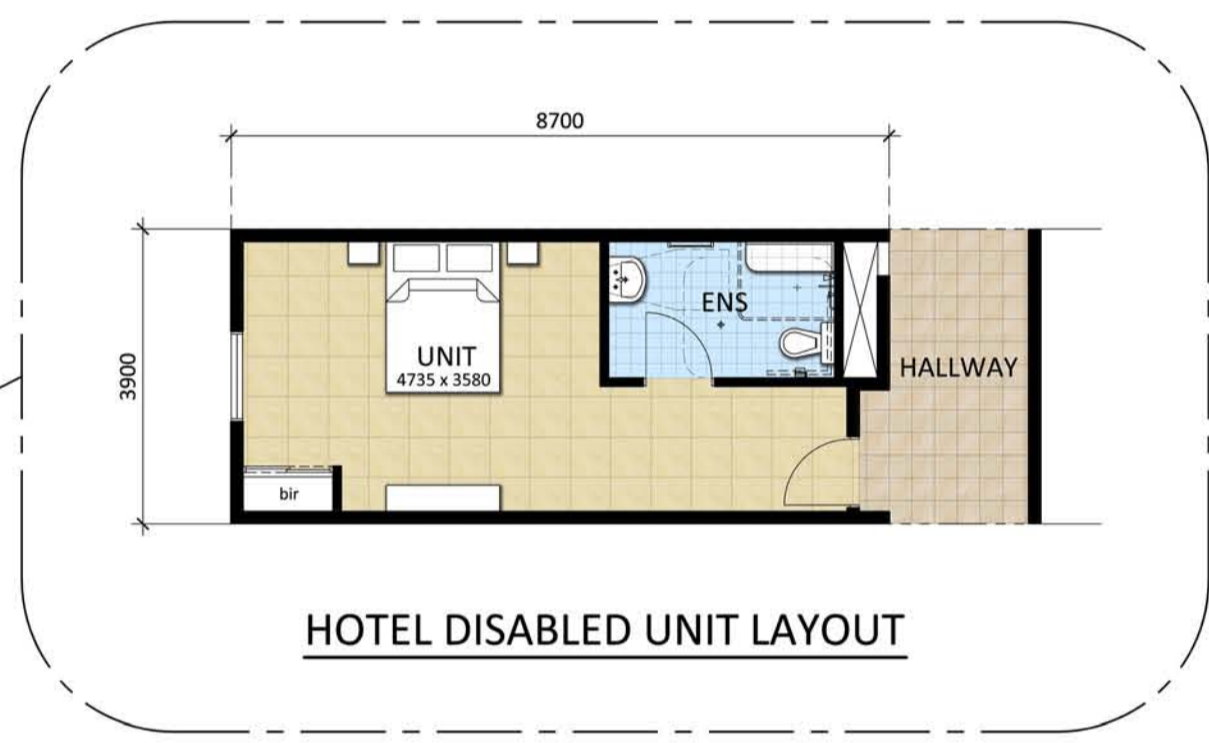


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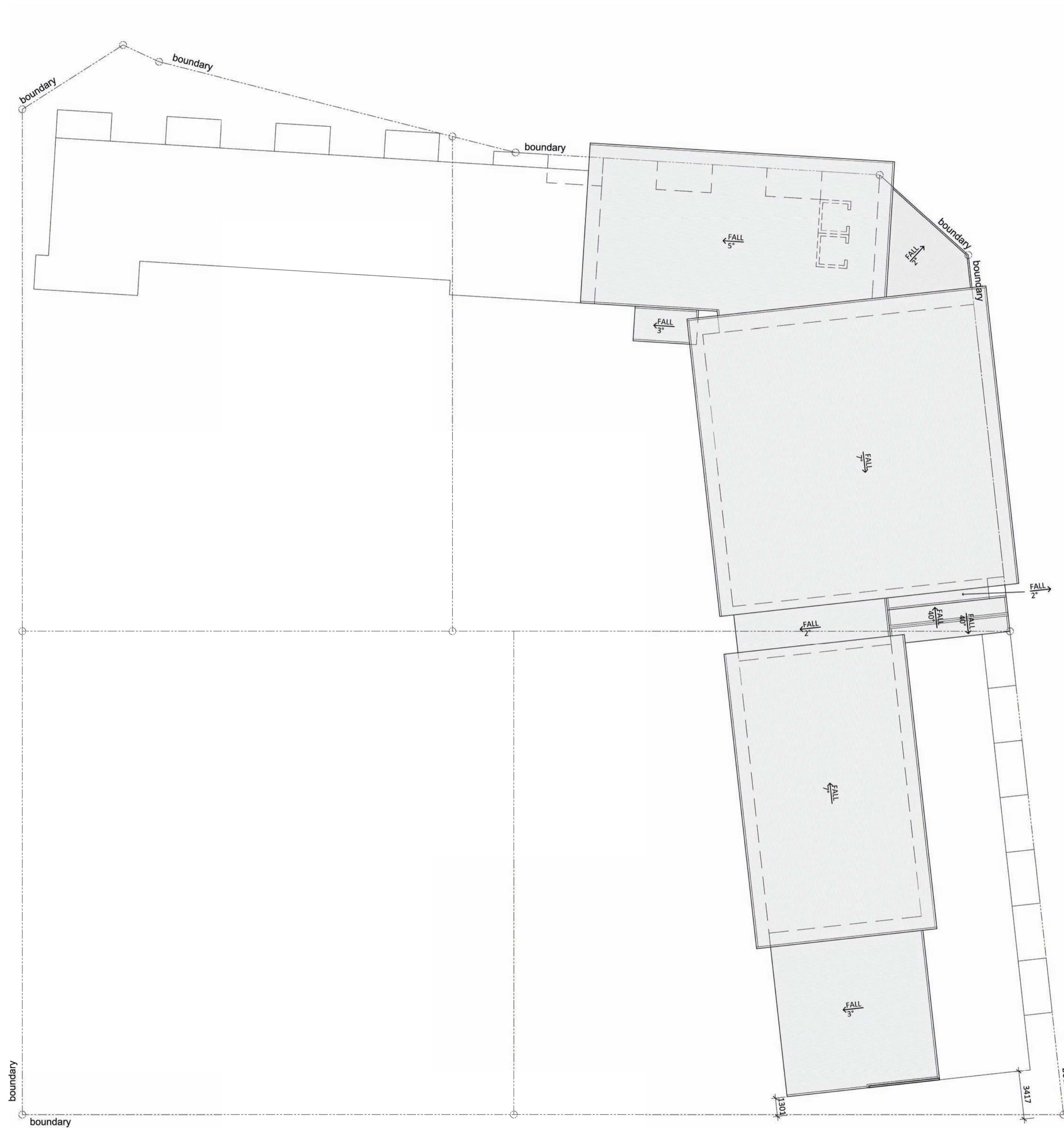
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HOTEL DISABLED UNIT LAYOUT





MARKET STREET ELEVATION



McNICHOLL STREET ELEVATION



NORTH WEST INTERNAL ELEVATION



SOUTH WEST INTERNAL ELEVATION

**PROPOSED HOTEL / MIXED USE DEVELOPMENT
SAMSON PROJECT MANAGEMENT
LOTS 7, 8 & 14 MARKET STREET ROCKINGHAM
MARCH 2014**

**Review of Compliance with Planning Policy 3.2.1- Development Policy
Plan, City Centre Sector**

Background

The City of Rockingham has sought comments from Max Margetts and Associates (MMA) on a major development proposal planned for a strategic corner site in the northern half of the City Centre. MMA was the lead consultant in the preparation of the WAPC endorsed Centre Plan and the related City Centre Development Policy Plan.

Site Context

This prominent site, which comprises Lots 7, 8 and 14 at the corner of Market Street and McNicholl Street in the Rockingham City Centre covers an area of 4907 m², or nearly half a hectare. The site has two prominent street frontages, adjoins an existing decked car park to the south east and is located alongside the planned route of the central transit system (RCCTS). It has an unobstructed north-easterly aspect over the City Park and would have potentially expansive views over Cockburn Sound, Garden Island and beyond from elevated floor levels.

The updated and detailed review of the City Centre DPP in February 2009 recognized the strategic potential of land in this location and the Policy allows for significantly increased densities and building height within walking distance of central facilities and stops along of the route of the central transit system.

The Proposal

The proposed four storey development would incorporate ground floor commercial tenancies with activated frontages to Market Street and McNicholl Street with a decked car park at the rear.

The Market Street footprint of the building follows the existing Market Street alignment, while the McNicholl Street footprint deviates from the McNicholl Street boundary with a setback of approximately 6 metres at the southern end.

The rear car park would be serviced by separate, one-way vehicle access driveways from Market and McNicholl Streets. The car park has been designed to retain the existing vehicle connection between Chalgrove Avenue and Market Street and would be integrated with the ground level configuration of the existing decked car park on the adjoining property to the south.

Above the ground floor, there would be a mix of 54 hotel rooms and 24 serviced, 1 bedroom apartments over 2 and 3 floors with the higher 4 storey component of the building anchoring the prominent corner portion of the site

The forwarded plans and elevations illustrate a simple 'L' shaped building envelope for the mixed use accommodation and a separate decked parking structure. The upper levels of hotel and apartment units would be variously setback by approximately 1-2 metres in conjunction with external balconies to provide vertical relief to the street facades.

A combination of flat and pitched roof structures, projecting eaves, awnings and a disciplined arrangement of window apertures and contrasting materials and colours provides further articulation and interest to the elevations.

The corner component of the proposed development would be approximately 12.57 metres plus the height of the pitched roof above the adjoining pedestrian pavement.

Comments on the Proposal

Compliance with Development Policy Plan

The site is subject to the provisions of the Planning Policy No. 3.2.1 - Development Policy Plan (DPP), City Centre Sector, including the specific provisions of the Goddard Precinct Policy.

Under the DPP, relevant "Planning and Development Principles" are listed in Section 2.3. "Residential Density", "Building Height" and "Frontage Types" are referred to in Sections 4.2, 4.3 and 4.4. More specific requirements for development on the site are covered by the "Goddard Precinct Policy" in Section 5.4.

Reference is made to these provisions as necessary in the following commentary.

Section 2.3 Planning and Development Principles
Section 2.3.1 Built Form & Urban Design

Relevant principles include:

- *Develop in accordance with "Main Street" design principles*
- *Incorporate a diversity of activities and human scale in streetfront development*
- *Locate and configure buildings to address the street and progressively facilitate continuous and contained streetscapes which provide interest and interaction between buildings and pedestrians at street level*
- *Design buildings and public spaces that contribute to a comfortable pedestrian environment, providing opportunities for weather protection, including shelter from prevailing strong wind conditions.*

The design of the development meets the intent of the DPP principles. The street facades would have the necessary levels of relief and articulation that the Policy is seeking in a prominent mixed use frontage and the design incorporates a well integrated corner element that would provide an appropriate bookend to both street frontages.

Section 2.3.4 Land Uses

The proposed development would meet the mixed use intent of the Policy. The ground floor uses would be capable of generating a lively pedestrian environment, typically characterized by a varied array of retail and commercial tenancies.

Section 4.2 Residential Density

The combination of 54 hotel rooms and 24 serviced apartments equates to a residential density of just under 160 dwellings per hectare which is within the preferred range of residential density nominated for this part of the City Centre.

Section 4.4 Frontage Types

The DPP has assigned a Type 2 frontage to the subject site. The proposed uses, level of activation and degree of ground floor façade transparency would be generally consistent with the intent of the Policy.

Section 5.4 Goddard Precinct Policy

Section 5.4.2 Desired Future Character Statement

The proposed development would be consistent with desired future character of the Precinct.

Preferred Uses

The proposed mix and arrangement of uses would be consistent with the Policy.

Required Elements

The *Goddard Precinct Concept Plan* illustrates the general intent of the City for the mixed use development of the site.

Sections 5.4.4(a), (d), (e), (g), (h) and (i) of the Policy refer to the placement, configuration and frontage requirements for street front development.

The proposal generally meets the site planning requirements of the Policy.

It is noted that the footprint of the Market Street arm of the proposed development would follow the existing rather than future modified alignment of the street as required by Section 5.4.4(d). The City could reasonably exercise its discretion to approve this aspect of the plans with the understanding that in this instance it would not materially impact on the overall streetscape outcome.

Section 5.4.4(f) of the Policy sets a preferred residential density range of 80 to 200 dwellings per hectare. The notional residential function of the proposal would easily comply with the underlying Transit Oriented Development objectives of the Density Policy.

Section 5.4.4(g) of the Policy refers to the height, related setbacks and massing requirements of street front development.

The proposed development satisfies the minimum height requirement of the Policy.

While the prominent corner element of the proposed building would exceed the 10.5 metre height limit for streetfront development referred to in Section 5.4.4(f), it should be understood that the Policy elsewhere encourages developers to raise the height of corner elements for reasons of townscape enhancement and legibility.

In this instance, the 3-4 storey scale and horizontal massing of the proposed building does not warrant any setting back of the building above the 10.5 metre height as referred to in the Policy.

Conclusion

The proposal is for a high density, mixed use TOD development that would result in a building outcome that is strongly advocated in the City Centre DPP.

The proposal generally satisfies the major land use and structural requirements of the City's strategic and policy objectives for development on this site and adequately exploits the architectural potential of its prominent corner location in a high amenity "Main Street" context.

Max Margetts & Associates
21/3/14



Form 1 - Responsible Authority Report (Regulation 12)

Application Details:	32 Multiple Dwellings – Amended Plans
Property Location:	13 (Lot 115) O'Connor Close NORTH COOGEE
DAP Name:	Metro South-West JDAP
Applicant:	Aztec Architects
Owner:	South Metropolitan Youth Link
LG Reference:	2213444 & DAP13/015
Responsible Authority:	City of Cockburn
Authorising Officer:	Troy Cappellucci Acting Coordinator – Statutory Planning
Department of Planning File No:	DP/13/00978
Report Date:	28/04/2014
Application Receipt Date:	17/12/2013
Application Process Days:	125
Attachment(s):	1. Survey and Site Plans 2. Floor Plans 3. Elevations 4. Proposed Streetscapes 5. Cone of Vision Diagram

Recommendation:

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

Approve the Development Assessment Panel Application (DAP13/015) and accompanying amended plans (Plans 1 to 9 and Cone of Vision plan dated received 23 April 2014) for the development of 32 multiple dwellings on No. 13 O'Connor Close, North Coogee, 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. **Prior to the submission of a Building Permit application**, the submission of a revised detailed Landscape Plan for assessment and approval by the City is required. The Landscape Plan shall include the following:
 - a) The location, number and type of proposed planting;
 - b) The size of selected species at planting and maturity;
 - c) Those areas to be reticulated or irrigated;
 - d) Details of any common area lighting; and
 - e) Verge treatments.

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. **Prior to the submission of a Building Permit application**, details of the selected intercom system which will allow visiting vehicles behind the security gate to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
5. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the proximity of the site to the freight rail line. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
6. When submitting the Building Permit application, the applicant is to provide a report from a recognised acoustic consultant confirming that all recommendations made in the Lloyd George Acoustics Noise Report dated received 24 January 2014 demonstrating compliance with Australian Standard 2670.2-1990 "*Evaluation of human exposure to whole-body vibration; Part 2: Continuous and shock induced vibration in buildings*" and the requirements of the South Beach Village Noise Management Strategy (and attachments) have been incorporated into the proposed development.
7. A final assessment of the completed development must be conducted by the acoustic consultant to certify that recommendations made in the amended Lloyd George Acoustic Report dated received 24 January 2014 have been incorporated into the proposed development. A report confirming compliance with the requirements to the satisfaction of the Manager, Environmental Health must be provided prior to occupation of the development.
8. 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.
9. 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.
10. The 15m wide reserve identified as public open space adjacent to the railway reserve on the approved South Beach Village Structure Plan being shown on any future Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the City.
11. **Prior to the submission of a Building Permit application**, a public open space development plan for the 15m wide open space reservation adjacent to the railway being submitted to and approved in writing by the City.

12. The works required by the public open space development plan the subject of Condition 11 shall be implemented by the applicant/owner prior to the occupation of the development to the satisfaction of the City. The cost of these works shall be fully borne by the applicant/owner.
13. **Prior to the submission of a Building Permit application**, plans are to be provided detailing fencing between the rear of the lot and the public open space. Suitable screening treatment that serves to generally conceal views of the at-grade parking area from the adjacent public open space are to be provided to the satisfaction of the City.
14. The surface finish of the boundary wall abutting the adjoining lot is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
15. 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 14 bicycle bays (11 for residents, 3 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
16. A minimum of 8 visitor parking bays must be provided for the development in accordance with the visitor parking requirements of Parts 5.3.3 C3.2 and 6.3.3 C3.1 of the R-Codes.
17. **Prior to the submission of a Building Permit application**, a detailed Dust Management Plan must be submitted to and approved by the City. 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).
18. 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 to the satisfaction of the City.
19. The proposed crossovers must be located and constructed in accordance with the City's requirements.
20. Prior to the initial occupation of the dwellings hereby approved, the parking bays (including those in the road reserve), 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.
21. The allocation of car parking bays to specific dwellings is to be reflected on any strata plan for the subject property to the City's satisfaction.
22. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development,

and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.

23. 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.
24. All stormwater being contained and disposed of on-site to the satisfaction of the City.
25. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
26. The approved development must clearly display the street number/s.
27. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
28. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 6.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
29. Provisions identified in the Waste Management Plan dated and approved by the City, dated received 10 January 2014, which include recycling measures and management of residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
30. **Prior to the submission of a Building Permit application**, details are to be submitted and approved by the City showing the modified two (2) on-street bays complying with the City's requirements.
31. **Prior to the submission of a Building Permit application**, revised plans are to be submitted and approved by the City detailing that the one (1) visitor bay located behind the proposed remote activated sliding gate, be modified to be allocated for the use of residents.
32. 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.

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. The development is to comply with the requirements of the National Construction Code. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
5. With regards to Condition 5, the memorial should state as follows:

"This dwelling is within 50m of an operating freight rail line servicing the Port of Fremantle and industrial areas and operates 24 hours a day, 7 days a week. Residential amenity may be affected by noise and vibration and other impacts from freight rail traffic using the rail line."
6. In regards to condition 17, 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.
7. In regards to conditions 19 and 30, please liaise with the City's Engineering Department.
8. With regard to Condition 20, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street 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.
9. With regards to condition 24, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
10. 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'.
11. 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.

12. All bathrooms, laundry facilities and sanitary conveniences in the development are to be provided with an adequate lining of impervious material in accordance with the requirements of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
13. Appropriate separation must be provided between the laundry and kitchen facilities within the apartments, as required by the *Health Act (Laundries and Bathrooms) Regulations 1971* and the *City of Cockburn Health Local Laws 2000*.
14. 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:	13 (Lot 115) O'Connor Close NORTH COOGEE
Zoning	MRS: Urban
	TPS: Development – R60/R80
Use Class:	Multiple Dwellings
Strategy Policy:	-
Development Scheme:	City of Cockburn Town Planning Scheme No. 3
Lot Size:	2252m ² (total)
Existing Land Use:	Vacant
Value of Development:	\$9.2 million

The subject site is located on the western side of O'Connor Close in North Coogee. The site currently contains an industrial warehouse building. The site abuts a railway reserve to the west, grouped/multiple dwelling development to the south and two-storey single residential dwellings to the east across O'Connor Close. The site is located within an area of North Coogee referred to as the South Beach Village. A previous approval (DA08/0231, issued 6 June 2008) allowed the construction of 10 Multiple Dwellings on the site. This approval has since expired.

Details: outline of development application

The City initially received a planning application on 17 December 2013 for the construction of a thirty-two (32) multiple dwelling development. Given the modifications to the proposal now made as a result of the application being deferred at the JDAP meeting held on 7 March 2014, the proposal can now be described as follows:

- 32 Multiple Dwellings consisting of one seven-storey plus roof terrace building comprising a total of six (6) one bedroom units and twenty-six (26) two bedroom units;
- Two vehicle access points from O'Connor Close;

- At grade parking provided at the front and southern boundaries of the subject site for the residents of the dwellings in the form of thirty-six (36) car bays and six (6) small tandem bays for smaller vehicles;
- Eight (8) visitor parking bays provided on-site;
- External stores provided for all dwellings;
- Concrete construction and roofed in colorbond with stair and lift access;
- Rear 15m of the lot to be ceded and developed by the owner for public open space.

Previous JDAP Meeting – 7 March 2014

It is noted the item was previously considered at the Metro South-West JDAP meeting on 7 March 2014. The item was considered and a procedural motion was put and carried unanimously as detailed below:

“That the Metro West Joint Development Assessment Panel resolves to defer:

DAP Application reference DP/13/00978 to ensure that the following considerations are addressed –

1. *Height, bulk and locality of the proposed development;*
2. *Satisfying the requirements under the Residential Design Code; and*
3. *Environmental issues that may arise from the proposed development.”*

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 ‘South Beach Village’ Local Structure Plan (LSP) applicable to the land and location. The LSP details general planning considerations in the areas of: land use, density of development in the case of residential land use, and anticipated built forms. It is noted that the LSP requires that the rear 15m of the lots abutting the railway reserve be ceded to the Crown free of cost as public open space;
- The Residential Design Codes of Western Australia (R-Codes);
- State Planning Policy 5.4 (SPP5.4) ‘Road and Rail Transport Noise and Freight Considerations in Land Use Planning’. This policy addresses transport and freight impacts including noise and vibration on sensitive land uses.

Local Policies

Local Planning Policy APD70 ‘Waste Management in Multiple Unit Developments’ is applicable to this application. The policy provides guidance on how larger developments should plan for waste management and minimisation.

Consultation:

Public Consultation

The application was previously advertised to the adjoining and adjacent landowners for a period of fourteen (14) days due to the following elements of the R-Codes where discretion was sought:

- Plot ratio of 1.06 in lieu of the deemed to comply plot ratio of 1.0;
- Maximum wall and ridge heights of 24.7m and 25.2 respectively in lieu of the deemed to comply provision of 13m and 15m respectively for multiple dwellings zoned R80; and
- Boundary wall on southern boundary exceeds maximum deemed to comply provision of the R-Codes for buildings on boundary.

During the advertising period, five (5) objections were received. The objections mainly included concerns relating to the height and scale of the development and traffic impacts to the area. A summary of the details are stated below:

Comments Received	Officer Comment
<p><u>Plot Ratio</u></p> <p>Other multiple dwellings have adhered to the R-Codes for the area, which this proposal is disregarding.</p>	<p>Not Supported. The application has been assessed as per R80 requirements therefore a Plot Ratio of 1 is deemed to comply as per the R-Codes.</p> <p>The proposed additional dwellings created as a result are considered negligible, given the proposed building is offset to the eastern (front) boundary. See further comments on plot ratio under the heading of Development within the Planning Assessment section.</p>
<p>Exceeds R-Codes allowable therefore City of Cockburn should not approve the application.</p>	<p>Not Supported. See comments above.</p>
<p><u>Size and Scale</u></p> <p>The proposed development should abide by the current R-Codes for the area (13 metres or 4 storeys) as other developers in the area have complied with.</p>	<p>Not Supported. The proposed eight-storey development is considered to be consistent with the existing adjoining southern properties building height of six and eight storeys respectively.</p> <p>While the development does not comply with the current R80 deemed to comply height requirements for multiple dwellings, it is considered to satisfy the design principles of the R-Codes as well as meet sustainability requirements. It is therefore considered that the development can be supported with a height of eight storeys.</p> <p>In addition, the development incorporates vertical elements into the façade design to help reduce the appearance of bulk.</p>

<p>The plans have the building moving forward on the western side (ocean front side) which would interrupt views.</p>	<p>Not Supported. As detailed in the amended cone of vision plans, the worst case scenario in regards to loss of views of the southern property is a 25 degree restriction of view, with the best case being 11 degrees. Therefore, given the minimal impact of views from the adjoining property being restricted from the subject development taking place, the amenity of the adjoining property is not deemed to be reduced in any significant way.</p> <p>In addition it should be noted that views are not protected in planning legislation.</p>
<p><u>Vehicular Traffic</u></p> <p>Parking and congestion in the street will become problem for residents and visitors.</p>	<p>Noted. The number of dwellings proposed on-site is in compliance with the required car parking as per the Residential Design Codes 2013.</p> <p>The City's Engineering Department have no concerns in relation to the movement of vehicles in and out of the site and any potential vehicle holdups along O'Connor Close as a result of the amended one-way traffic loop now proposed for the development.</p>
<p>Visitor parking bays will detract from appealing design trends applied to South Beach.</p>	<p>Noted. See above comments relating to traffic.</p>
<p>The proposal allows for only 32 parking spaces for internal residents and 5 parking spaces for visitors and my understanding is that only one parking space will be provided per apartment. Parking is a major issue.</p>	<p>Not Supported. The applicant has now provided amended plans proposing 36 full length parking spaces for residents, along with 8 visitor bays and 6 new small car/vehicle tandem bays for residents.</p> <p>Therefore, the applicant has provided residential and visitor parking in excess of that required under the R-Codes to reduce the possibility of vehicles parked along O'Connor Close or the site causing traffic issues as a result of undersupply of car parking spaces.</p>
<p><u>Sustainability</u></p> <p>With the prospect of future apartment developments on the western side of O'Connor Close, we believe this will impact sustainability.</p>	<p>Not Supported. The proposed development will have a minimum average of 6 Stars under the BCA for all Units. An Energy Assessment Specialist has been engaged as part of the Design Team to ensure this minimum is met and to offer additional feedback and advice as the applicants progress into the Design Development and Working Drawing stages of the process.</p>

	<p>In Design terms, the proposal is working to achieve crossflow ventilation to as many units as possible and given the west and east facing aspect of the units proposed, the applicant has indicated that they will be using a high spec low-e glass to those facades.</p> <p>In addition, there is ample sun screening to the majority of windows given the extent of the balconies over and the privacy screening will provide an additional level of sun protection.</p>
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Consultation with other Agencies or Consultants

The application has been referred to the Public Transport Authority of Western Australia (PTA) for comment given the site's interface with a railway reserve at the rear of the lot. Discussion with the PTA has indicated that the application is acceptable subject to a standard condition regarding 1.8 metre high fence abutting the rail/rear lot boundary is to be provided. A condition has been recommended ensuring these details are provided prior to submission of a Building Permit. It is noted however that the requirement for the recommendations of the noise and vibration report to be implemented and a Section 70A notification on any future Titles (regarding the impacts of the freight line) should be imposed as a condition of any approval.

Meeting between Councillors, Objectors, Applicant and the City after application was deferred by the JDAP

After the application was deferred at the Metro South-West Meeting held on 7 March 2014, a meeting was held at the City's offices on 21 March 2014 between the applicant, adjoining objecting land owners, the two councillors sitting on the JDAP panel and the City's officers. The purpose of this meeting was to address the considerations noted at the JDAP Meeting which resulted in the application being deferred.

One of the main issues of the meeting was regarding the proposed height of the building which the neighbours commented on during the advertising period as well as the JDAP panel members at the 7 March 2014 JDAP Meeting. As a result of the meeting, it was agreed by all in attendance that the best outcome was for the development to remain at its proposed height of eight storeys, rather than having it reduced in height but having a two or three storey building at the front, facing O'Connor Close, like the adjoining southern property at No.9 O'Connor Close which would essentially reallocate the floor space closer to the street. As such, the upper level roof terrace has now been redesigned to delete the east facing terrace area and slightly moves the enclosed area back, therefore no longer overlooking into any of the adjoining properties.

Another main issue raised at the meeting of concern to the residents and councillors was that of vehicular traffic and the potential for a substantial increase in residents in the area resulting in increased traffic. As discussed at the meeting, the original proposal did comply with the minimum number of resident and visitor parking bays

required as per the R-Codes 2013. However, to allay fears that the neighbours and councillors have, the applicant has provided one (1) additional full-size car bay for the purposes of the residents on-site along with six (6) additional 'small' tandem vehicular bays for residents.

With regards to the six (6) small vehicular tandem bays proposed, while these are not the minimum length for a car bay of 5.4m, proposed 4.1m, they do allow, in conjunction with a normal sized car bay, the potential for either two (2) small cars to be parked one behind another. However, if this is not possible this concept allows for a smaller vehicle i.e. scooter to utilise the car space or even providing for additional storage area for jet ski's/trailers etc. for residents to utilise.

In summary, it was explained to the adjoining owners and councillors that any development in the area will result in an increase in vehicular traffic to the area. The City's Rangers Services can respond to vehicles not parked appropriately on the street, if notified or noticed when on patrol.

Also addressed at the meeting were the neighbours' concerns of potential environmental and sustainability impacts as a result of the proposed development in its current form. In regards to the environmental aspects of the development, the proposal is considered to meet sustainability requirements, as detailed in the above table. In addition, the following is a summary outlining other potential environmental issues which the development does address:

- Waste during construction will be disposed of as per requirements and according to best practices and after construction as per normal waste disposal practice. A condition has been recommended that a Construction Management Plan be provided prior to submission of a Building Permit application to ensure this does occur;
- There is little proposed excavation so the water table will not be affected;
- There is ample distance between buildings to allow for breeze paths, view corridors and sun access to adjacent and nearby properties; and
- Overshadowing proposed from the development to the southern property will not be an issue as the subject development abuts a large six storey blank wall of the southern property.

In summary, as a result of the meeting that took place the following changes to the plans have now been proposed:

- One way traffic in the form of the 'loop' proposed;
- One (1) additional full size car parking bay for residents plus an additional six (6) small 'tandem' bays to be used by residents for the purpose of smaller vehicles, i.e. scooters, small cars;
- Relocation of bike area to ensure the area is secured;
- Relocation of pool plantroom;
- Reconfiguration of the 1 bedroom units for improved layout;
- Reconfiguration of the 2 bedroom units for improved layout. This is through incorporating stores into floor plates and providing ocean views to minor bedrooms. As a result of the reconfiguration to the 1 and 2 bedroom units, the plot ratio for the subject development is still the same, no change;
- Additional roof terrace to the fifth level however it is screened from overlooking to adjoining properties; and

- Amended top roof terrace by deleting east facing terrace area and slightly moving the enclosed area back, so that it is no longer overlooking any of the adjoining properties.

At the meeting, it was agreed that once revised plans were drawn up by the applicant, they were going to be advertised to the adjoining owners for comments. Adjoining owners and councillors concerns have been addressed by the applicant in regards to specific issues on clarification of overlooking range, definition and usability of tandem car bays, earthquake design and confirmation of render finish throughout the development.

Planning assessment:

Zoning and Use

The site is located within the 'Development' zone and is affected by the Development Area 16 provisions of the TPS3 which require the adoption of an LSP to guide subdivision, land use and development. The South Beach Village LSP (revised and approved by Council 14 October 2010) identifies the site as a 'Grouped/Multiple Dwelling' lots with a density coding of R60 – R80. The R80 coding has been utilised for this application. Multiple Dwellings are a 'D' or discretionary use within the Residential Zone pursuant to TPS3.

Development

The proposed development seeks approval of several elements of the R-Codes under the design principles of the R-Codes which are discretionary. The relevant provisions of the R-Codes are addressed below.

Plot Ratio – Clause 6.1.1 'Building Size'

The proposed multiple dwelling development doesn't comply with the deemed to comply provisions for plot ratio as set out in Table 4 of the R-Codes for an R80 zoned site. The subject lot area is 2252m²; therefore the maximum plot ratio area under deemed to comply provisions is a rate of 1:1, (2252m²). However, the development proposed has a total plot ratio area of 2387m², therefore proposing a plot ratio of 1.06 (135m² variation). The site area includes the portion of land to be transferred as public open space. Given the development does not comply with the deemed to comply requirements of the R-Codes; the design needs to be assessed against the relevant design principles.

Design principal 6.1.1 P1 of the R-Codes for 'Building Size' is as follows:

'Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality'.

With regards to the subject proposal, there is no detailed area plan affecting the site and there are no plot ratio limitations in the South Beach Village Local Structure Plan. Therefore, the development needs to be assessed in conjunction with the existing and future developments within the area. To the south of the subject site, existing developments at No. 9 O'Connor Close (directly adjoining the subject site) and No. 52 Rollinson Road (on the corner of Rollinson Road and O'Connor Close) have been approved previously by the City. Both these existing developments are of 6 and 8

storeys respectively, and are both well-articulated through the provision of windows, varying setbacks, balconies and vertical detail. The subject proposal for a 7 storey development with roof terrace is deemed to be consistent with the existing built form surrounding the site.

The subject proposal is a high quality design with appealing streetscape features and a bulk and mass consistent with the existing medium-rise developments to the south of the site as well as a development recently approved JDAP application to the north of the site at Nos. 25 & 29 O'Connor Close, North Coogee for 10 grouped dwellings and 42 multiple dwellings.

The objections received regarding the plot ratio proposed, lack detail other than noting that the subject development should be made to comply with the deemed to comply plot ratio requirement of 1.0 from the R-Codes. It should be noted that deemed to comply is only one of the two methods of compliance with the R-Codes.

While the objections received on this issue are noted, as per the design principles requirement of Clause 6.1.1 'Building Size' of the R-Codes, the subject proposal is consistent with the existing and recently approved developments on the eastern side of O'Connor close. Given the zoning of the eastern properties on O'Connor Close vary from R60-R80/R100, large scale multiple dwelling developments of a scale and nature currently seen in the streetscape are permissible and therefore this proposal is considered to be consistent and clearly compliant with the relevant design principle of the R-Codes.

Building Height – Clause 6.1.2 'Building Height'

Under Table 4 of the R-Codes for multiple dwelling developments, the maximum wall and ridge heights for R80 zoned properties are 13m and 15m respectively. With regards to the subject proposal, the maximum wall height proposed is 24.7m while the maximum ridge height proposed is 25.2m for the proposed seven-storey plus roof terrace development.

Design principal 6.1.2 P2 of the R-Codes for 'Building Height' is as follows:

'Building Height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains;

- *adequate access to direct sun into buildings and appurtenant open spaces;*
- *adequate daylight to major openings into habitable rooms;*
- *access to views of significance;*
- *buildings present a human scale to pedestrians;*
- *building facades designed to reduce the perception of height through design measures; and*
- *podium style development is provided where appropriate.'*

The proposed development is near the prominent street corner of Rollinson Road and O'Connor Close and is close to one of the three entries to the South Beach estate. With regards to building height, the proposed building is consistent with the two adjoining developments to the south of the subject site as shown by the photo montage provided by the applicants as part of their submission (see Attachment 6). The height proposed is in context with the streetscape and the use of large setbacks

from O'Connor Close ensures that there will be no adverse impacts on surrounding lots or the streetscape.

As discussed above, there are no building height limitations in the South Beach Structure Plan adopted by Council. However, with regards to the two adjoining properties to the south of the subject site, at the time of determination by Council, Statement of Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6) was considered in relation to height requirements. Under the SPP 2.6 at the time both applications were determined, there was a height limit of five (5) storey and 21m height limit that needed to be addressed. However, as both applications on the two adjoining southern sites did not comply with this requirement, there were five (5) performance criteria which required addressing in order to undertake construction of a maximum height of eight (8) storeys provided an overall height of 32m was not exceeded. Of the five criteria relevant, four were considered relevant to both adjoining southern lots.

In both instances, the sites were considered to comply with the performance criteria of SPP 2.6 as No. 52 Rollinson Road (Lot 113), was approved at eight (8) storeys at the City's Ordinary Meeting of Council on 15 February 2005. No. 9 (Lot 114) O'Connor Close was approved with final amendments by Council, under delegation, on 13 September 2007 as a six (6) storey development.

Therefore, when considering the building height requirements against the design principles of the R-Codes for multiple dwelling developments, the subject development is consistent with the bulk and scale of adjoining properties and does not impact on adjoining dwellings, the streetscape or amenity of the area.

With regards to the objections received on the building height proposed, the main concerns raised are that the height proposed is not complying with the R-Code requirements of 13m and 15m respectively as well as potentially causing amenity impacts. When considering the adjoining southern buildings having a height of 8 storeys and 6 storeys respectively, both adjacent properties have significant bulk at the street boundary, which the subject proposal has avoided in an effort to better address the ocean whilst affording inland views from the generously proportioned and well set back street facing balconies. The amenity of residents on the eastern side of O'Connor Close is not considered to be negatively impacted.

The proposal provides a consistent and high quality elevation to both the street and the oceanfront. The development is seen as providing a suitable relationship between the building and the public open space, and is in keeping with the adjacent developments and provides a consistent façade to the beachfront.

Side and Rear Setbacks - Clause 6.1.4 'Lot Boundary Setbacks'

In the current design proposed, the boundary wall has been reduced to just a two-storey boundary wall on the southern boundary, as was originally six-storey. This is due to the consultation with adjoining objecting owners that has taken place as well as to provide relief between the subject development and adjoining properties. The modification to the boundary wall now being setback 4m from the southern boundary, in line with the remaining setbacks on the southern elevation, from the second floor upwards, is now deemed to create no undue adverse impacts on the neighbouring properties due to the wall providing relief to the southern property and the associated balconies being screened to comply with visual privacy requirements.

Therefore, given the above alteration to the southern setback proposed, Table 5 of the R-Codes needs to be addressed. Given the width of the lot is more than 16m, proposed 33.59m, a side setback of 4m is required. As such, the modified setback of 4m to the southern boundary is therefore compliant with the R-Codes requirements. So the modification resulting in the six-storey boundary wall being removed and the development being setback to comply with the R-Codes requirements results in a better design outcome than the originally proposed six-storey boundary wall abutting an adjoining boundary wall of comparable height.

Parking Provisions – Clause 6.3.3 ‘Parking’ Design Principle P3.1

The R-Codes deemed to comply provisions of car parking for multiple dwellings is at the following rates due to the site not being located within a high frequency bus or rail route:

Size	Requirement	No. Dwellings	Required	Provided
<75sqm	1 space	12	12	12
75-110sqm	1.25 spaces	20	25	24
Visitors	0.25/dwelling	32	8	8 + 2 on street =10
TOTAL			45	46

From the revised amended plans now provided for the development, it is noted that the development now provides 36 normal car parking bays for residents, 6 small car/vehicle tandem parking bays for residents, 8 visitor bays within the site as well as 2 visitor bays on-street on O’Connor Close directly in front of the subject site. The two (2) on-street parking bays are for the use of the subject site and therefore can be utilised as visitor bays. However, a condition will be imposed that the two (2) existing on-street car bays on O’Connor Close will need to be modified and retained.

Therefore, as a result of the amended plans providing additional car parking bays, the development will comply with the minimum requirement for total car bays necessary of 45. The newly proposed six (6) small 4.1m in length tandem car/vehicle bays proposed in tandem with car parking bays 22-27, while not included as car parking bays as part of the above calculation, are considered acceptable and provide the possibility for smaller cars or for other forms of vehicular access, i.e. scooters, to be accommodated. The result of this additional form of tandem parking being provided is an alternative mode of transport to perhaps cars and therefore reducing potentially the impact of vehicles causing traffic concerns as a result of the development.

In addition, given the multiple dwellings require 37 car bays and only 36 have now been allocated solely for the dwellings, a condition will also be imposed that one (1) of the two (2) visitor bays located behind the proposed remote activated sliding gate, is to be modified to be allocated for the use of the residents of the development.

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	11	11
Visitors	1 per 10 dwellings	3	3
TOTAL		14	14

While the plans have marked the location of the bicycle parking and have sufficient room to accommodate 14 bicycles, condition No. 15 has been recommended ensuring that 14 bicycle parking bays are provided.

While objections have been raised regarding the amount of car parking provided not being adequate for such a development, the now proposed 36 residential car bays and 10 visitor bays (including two on-street car bays) are in compliance with the R-Codes requirements for the total amount of car parking required for the development of 45 car bays.

SPP 5.4 – Road, Rail and Freight Impacts

SPP 5.4 generally aims to minimising conflicts between transport and sensitive uses by ensuring that noise and vibration issues are addressed by new development. The application has been referred to the PTA for comment and no objection to the proposed development was received. It is noted however that the noise and vibration impacts of the railway on future development were addressed as part of the structure planning process for South Beach Village and a detailed Noise Management Plan forms an addendum to the LSP.

A requirement of the Noise Management Plan is that all lots within 50m of the railway provide a noise and vibration report as part of any submission. A report was provided by Lloyd George Acoustics (who dealt with the original noise management plan for the LSP) with the application for the subject site. This report has been reviewed by the City's Environmental Health Services who have indicated that it is satisfactory subject to conditions requiring compliance with the recommendations and a post-construction assessment to ensure all of the recommendations have been incorporated prior to occupation. Should the proposal be approved, a condition requiring a Section 70A notification to be lodged on the title regarding the proximity and impact of the freight rail to ensure prospective purchasers are aware of this issue.

Metro South-West Joint Development Assessment Panels Meeting – 7 March 2014

The above application was deferred at the above mentioned meeting. The applicant has since addressed the following items which required further investigation from the applicant:

1. *Height, bulk and locality of the proposed development;*
2. *Satisfying the requirements under the Residential Design Code; and*
3. *Environmental issues that may arise from the proposed development.*

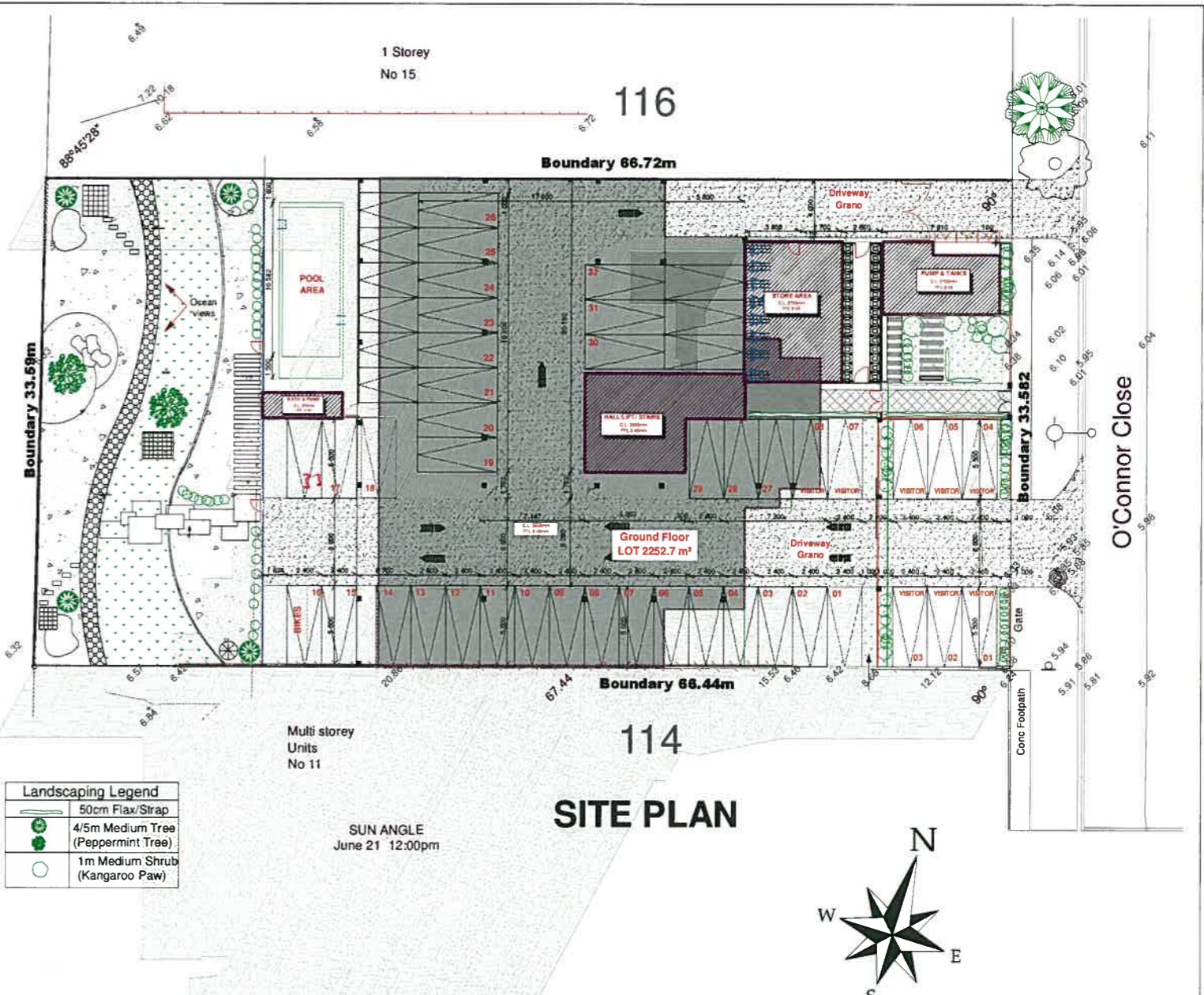
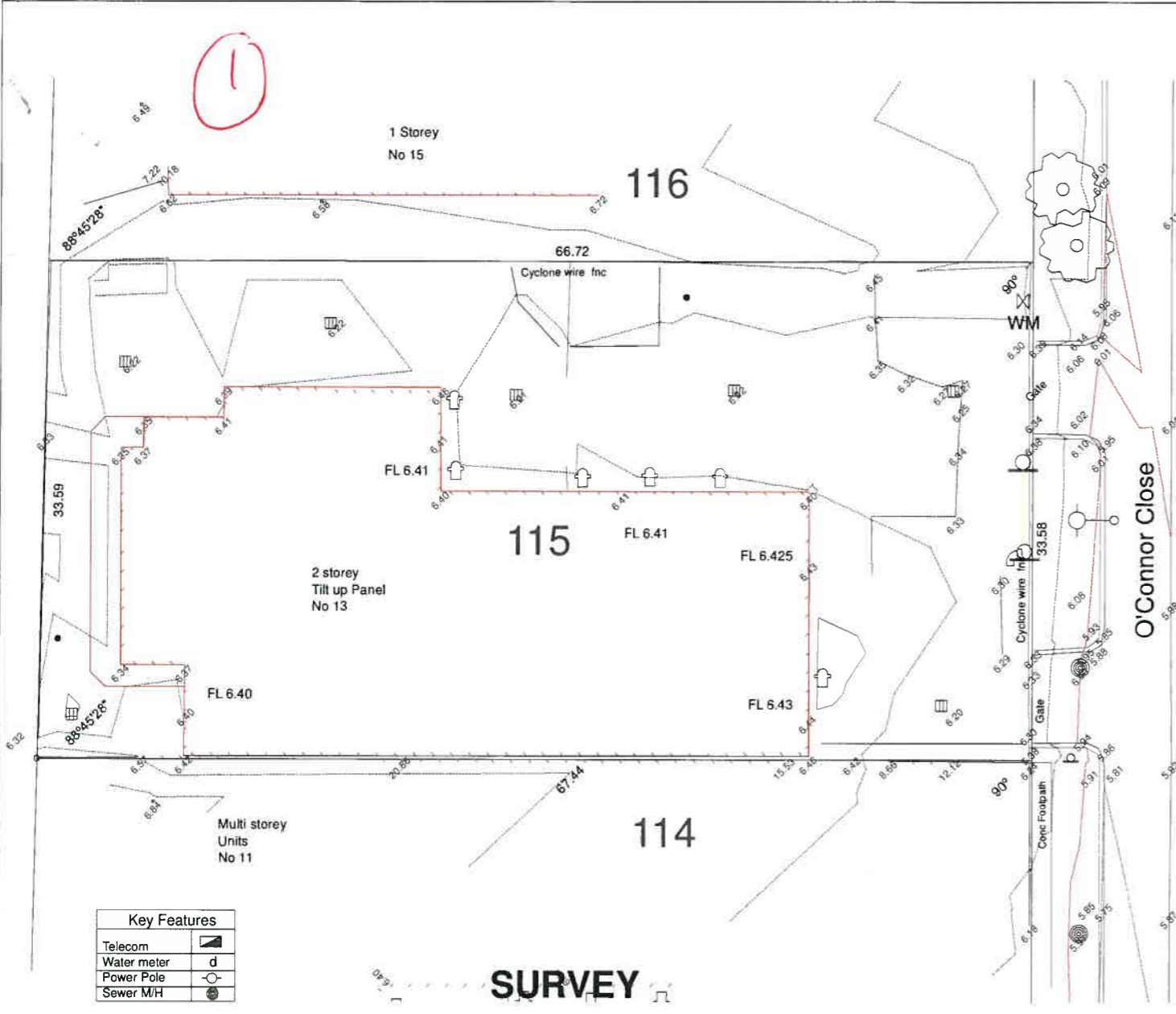
Based on the information above it is considered the amended proposal incorporates all the above three requirements.

Conclusion:

The proposed development is generally consistent with the provisions of the City's Town Planning Scheme No. 3 and the R-Codes. While the proposal seeks assessment under several design principal provisions of the R-Codes, it represents an acceptable outcome in respect of design and amenity. The proposal incorporates a strong urban edge and provides a high level of activation and interaction with the adjacent streets and the future public open space at the rear of the site.

The scale, design, sustainability features implemented in the development lends itself to the proposed additional height proposed being supported. This also aligns itself with the design of the building allowing for amenity of the adjoining properties to be retained with a stepping back of the building bulk from the current southern boundary and adjoining properties on the eastern boundary (eastern side of O'Connor Close).

It is therefore recommended the Metro South-West Joint Development Assessment Panel resolve to conditionally approve the development application in accordance with the Clause 10.3 of the City's Town Planning Scheme No.3.



Landscaping Legend

- 50cm Flax/Strap
- 4/5m Medium Tree (Peppermint Tree)
- 1m Medium Shrub (Kangaroo Paw)

Key Features

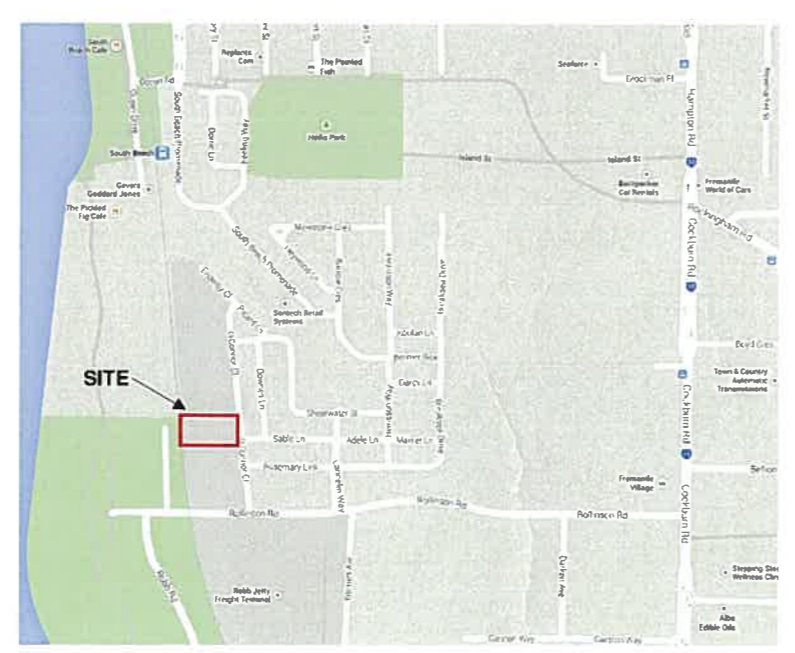
Telecom	⬤
Water meter	d
Power Pole	⊙
Sewer M/H	⊙

SURVEY

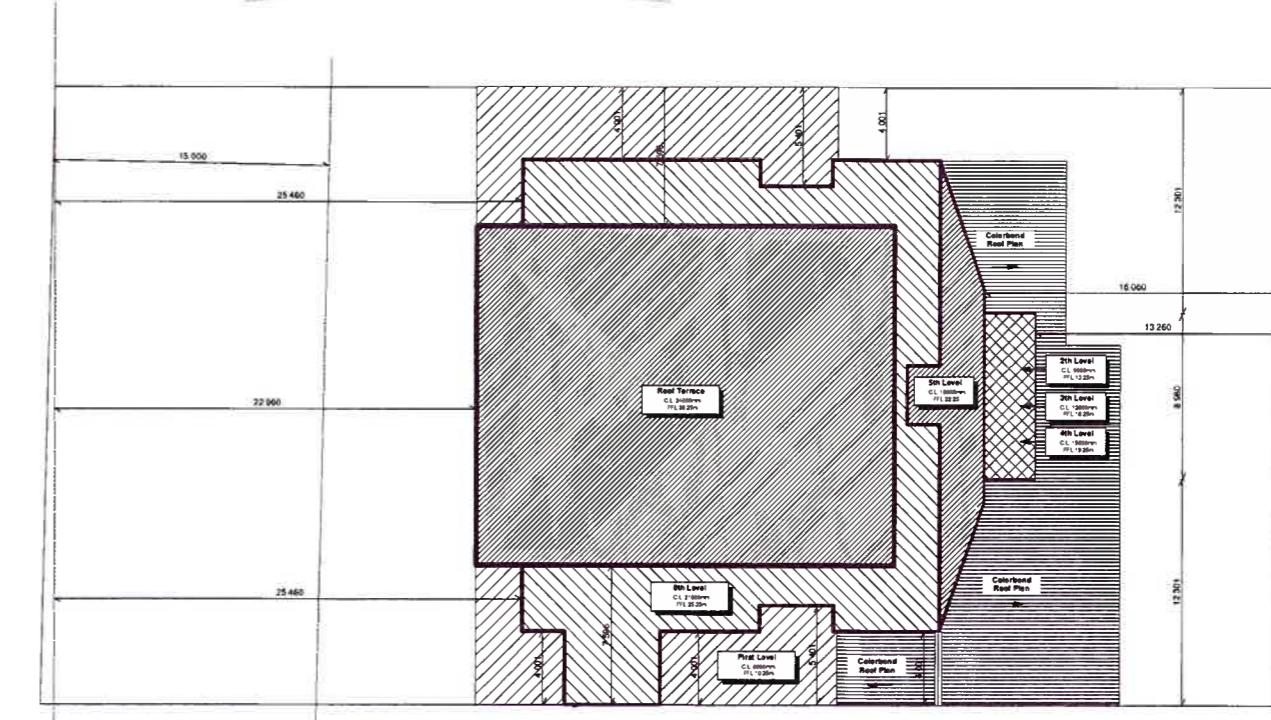
SITE PLAN



Level	ONE BEDROOM		TWO BEDROOM				UNITS
	A	B	A	B	C	D	
GROUND	56 58		73 08	81 09	76 01	83 37	
1st	6		1	2	0	0	9
2nd	0		1	0	2	2	5
3rd	0		1	0	2	2	5
4th	0		1	0	2	2	5
5th	0		0	0	2	2	4
6th	0		0	0	2	2	4
Total SQM	339.48 m²		292.32 m²	162.18 m²	760.10 m²	833.70 m²	32
LOT AREA	2,262.70 m²						
PROPOSED PLOT RATIO	2,387.78 m²						



LOCALITY PLAN



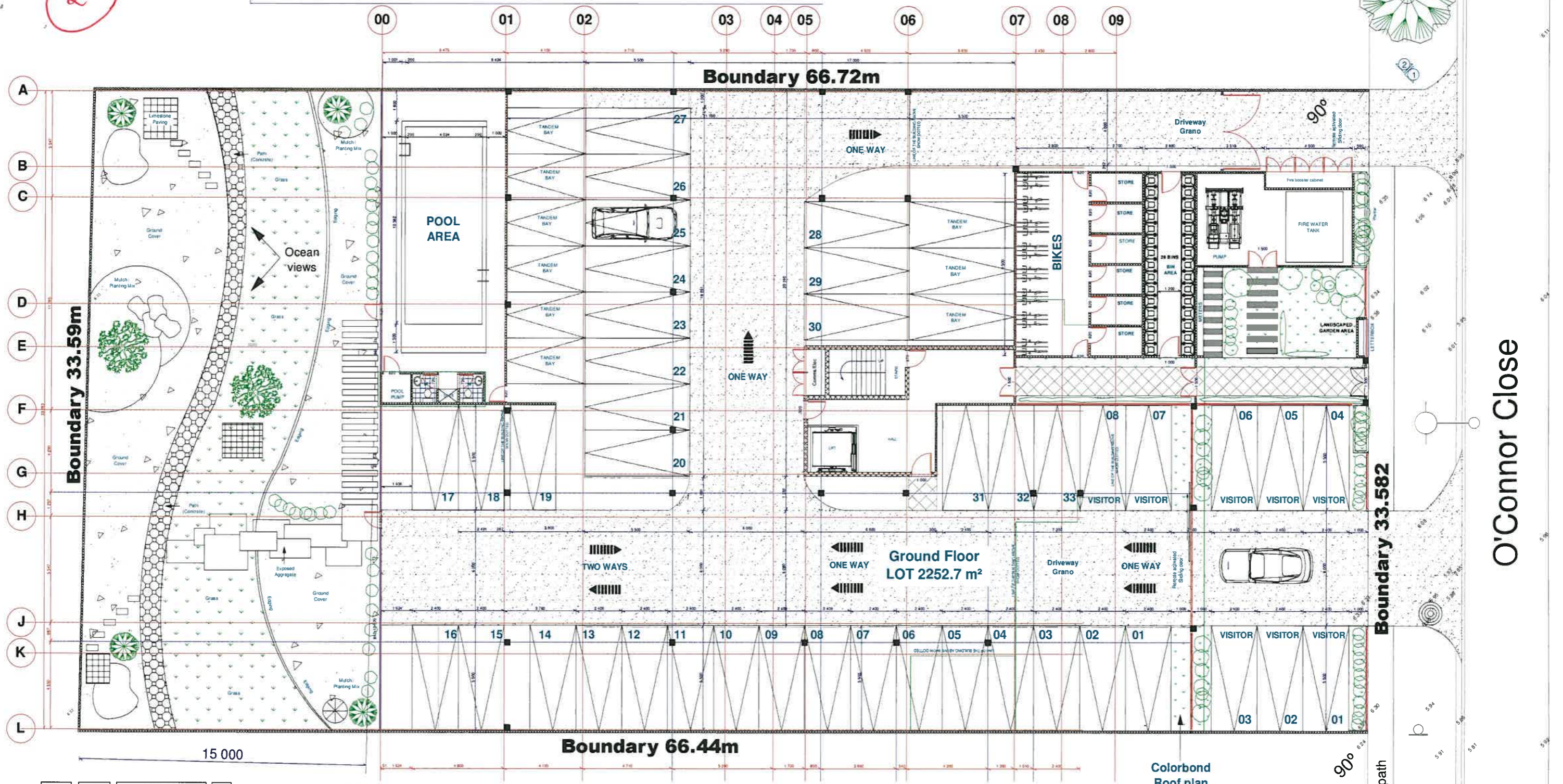
Survey & Site Plan

SCALE: 1:100	DATE: 28/03/2014	NAME: DB/TB	CLIENT: 13 O'Connor Close Pty Ltd
DESIGN: 28/03/2014	PLANNING DRAWINGS: 28/03/2014	NAME: TB	ADDRESS: 13 O'Connor Close, North Coogee

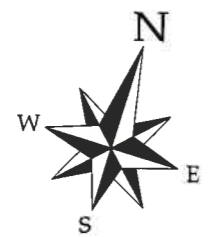
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2

No 15
1 Storey



Level	ONE BEDROOM				TWO BEDROOM				UNITS
	A	B	C	D	A	B	C	D	
GROUND	30.54	71.08	81.99	83.37					
1st	1	1	1	1	1	1	1	1	9
2nd	1	1	1	1	1	1	1	1	5
3rd	1	1	1	1	1	1	1	1	5
4th	1	1	1	1	1	1	1	1	5
5th	1	1	1	1	1	1	1	1	4
6th	1	1	1	1	1	1	1	1	4
Total BQM	230.18 m²	392.32 m²	442.11 m²	360.10 m²	432.32 m²	328.48 m²	2,045.28 m²		32
LOT AREA									2,262.78 m²
PROPOSED PLOT RATIO									2,387.78 m²



Landscaping Legend	
	50cm Flax/Strap
	4/5m Medium Tree (Peppermint Tree)
	1m Medium Shrub (Kangaroo Paw)

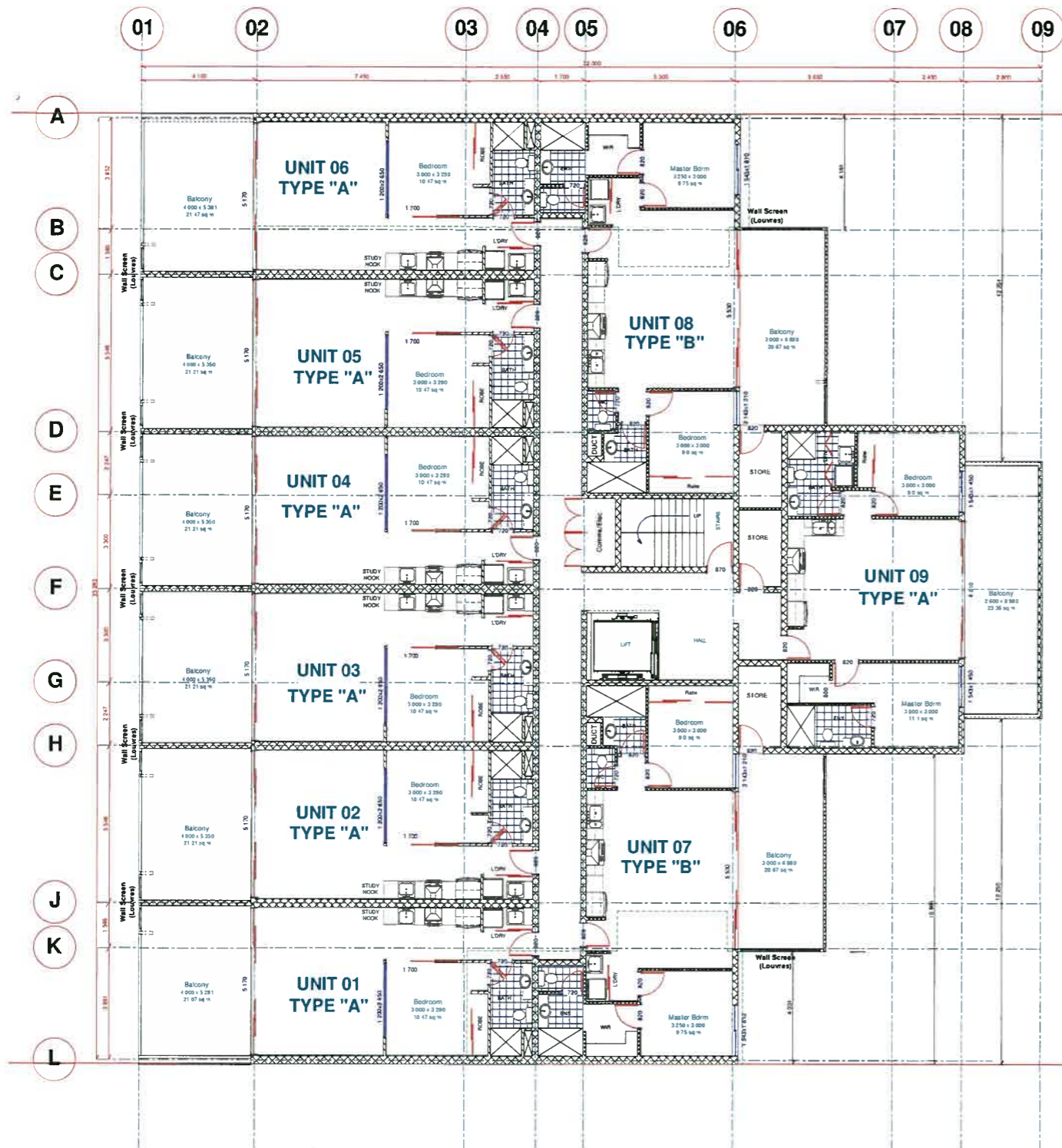
Key Features	
	Telecom
	Water meter
	Power Pole
	Sewer M/H

Multi storey
Units
No 11

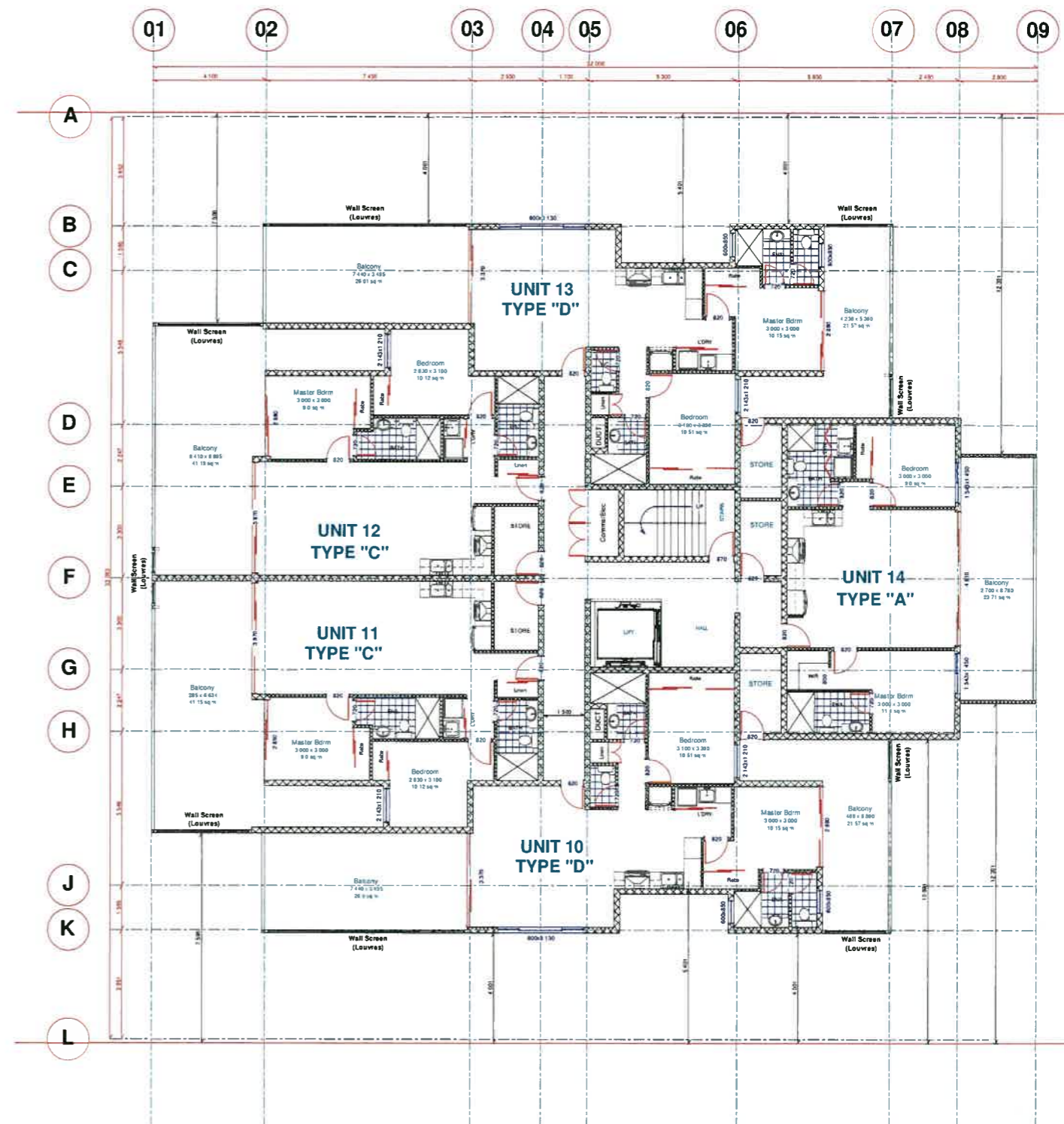
114

AZTEC ARCHITECTS				GROUND FLOOR			
SCALE: 1:100	DATE: 28/03/2014	NAME: DS/TB	CLIENT: 13 O'Connor Close Pty Ltd	1376			
DESIGN: 28/03/2014	DATE: 28/03/2014	NAME: TB	ADDRESS: 13 O'Connor Close, North Coogee	2 of 9			
PLANNING DRAWINGS				Unit 14, 10/20 Scarborough Beach Road, Scarborough P: 08 9401 2315 E: mail@aztecarchitects.com.au dar@aztecarchitects.com.au			

City of Cockburn date stamped 23 April 2014

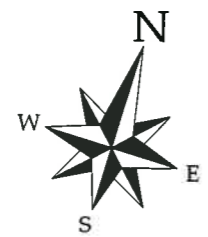


FIRST LEVEL



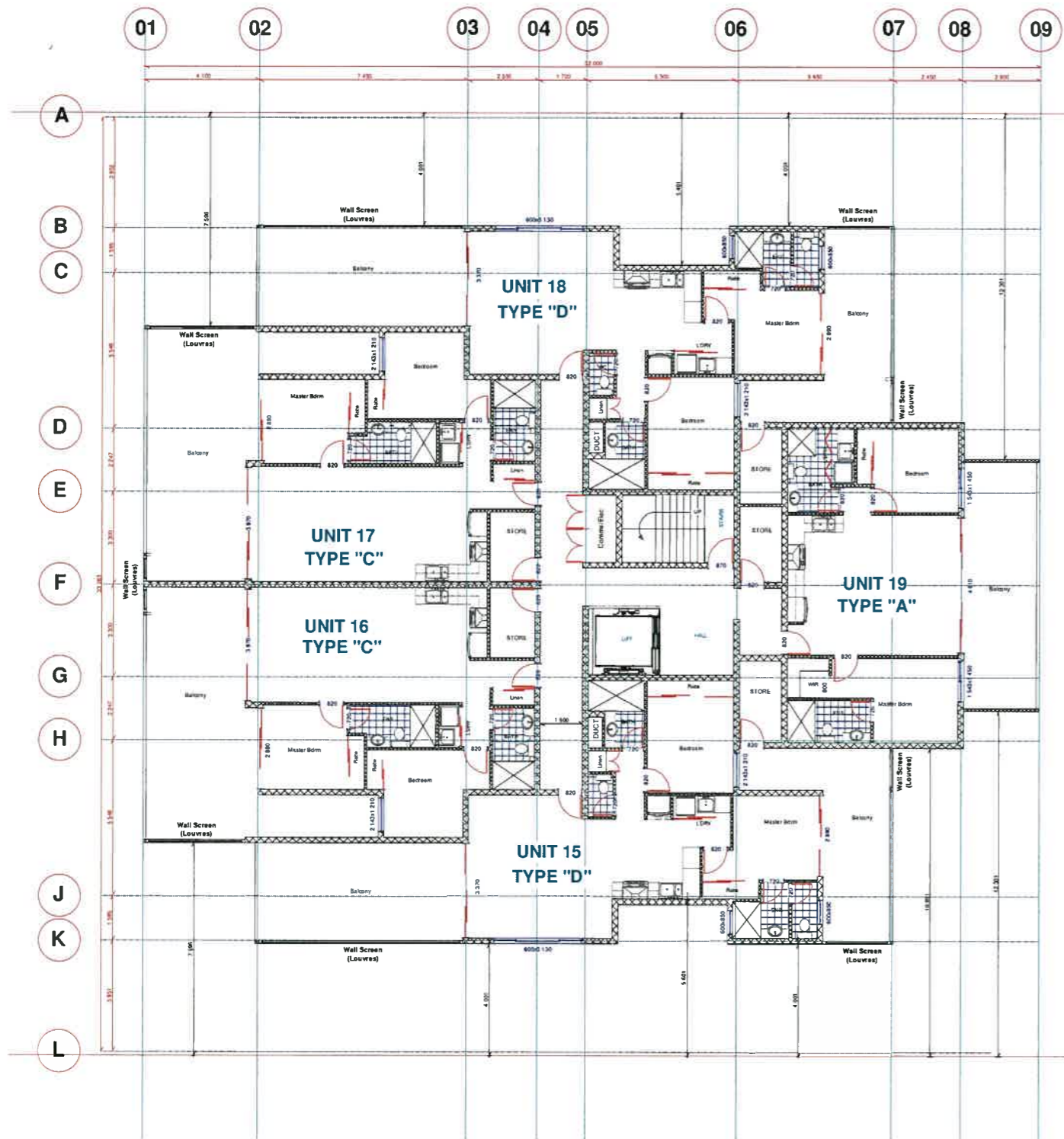
SECOND LEVEL

Level	ONE BEDROOM		TWO BEDROOM				UNITS
	A	B	A	B	C	D	
56.58			72.06	81.90	76.01	83.37	
GROUND	Car bays: 31 BIKEMOTORS + 3 TANDUM BAYS 08 VISITOR 25 BIKES						
1st	6	3	1	2	1	1	9
2nd	0	0	1	0	3	2	5
3rd	0	0	1	0	2	2	5
4th	0	0	1	0	2	2	5
5th	0	0	0	0	2	2	4
6th	0	0	0	0	2	2	4
Total SQM	130.18 m ²	102.32 m ²	162.18 m ²	162.18 m ²	162.18 m ²	162.18 m ²	833.72 m ²
	328.48 m ²		328.48 m ²				
LOT AREA	2282.78 m ²						
PROPOSED PLOT RATIO	2.187.78 m ²						



City of Cockburn date stamped 23 April 2014

	SCALE: 1:100			DATE: 28/03/2014			NAME: DS/TB			FIRST & SECOND LEVEL CLIENT: 13 O'Connor Close Pty Ltd ADDRESS: 13 O'Connor Close, North Coogee P: 08 9401 2215 E: mail@aztecarchitects.com.au dan@aztecarchitects.com.au	1376 3 of 9
	DESIGN			28/03/2014			DS/TB				
	PLANNING DRAWINGS			28/03/2014			TB				
	Unit 14, 10-20 Scarborough Beach Road, Scarborough P: 08 9401 2215 E: mail@aztecarchitects.com.au dan@aztecarchitects.com.au										

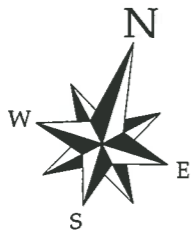


3rd LEVEL

Level	ONE BEDROOM		TWO BEDROOM		UNITS
	A	B	C	D	
3rd	56 06	73 08	61 06	83 37	

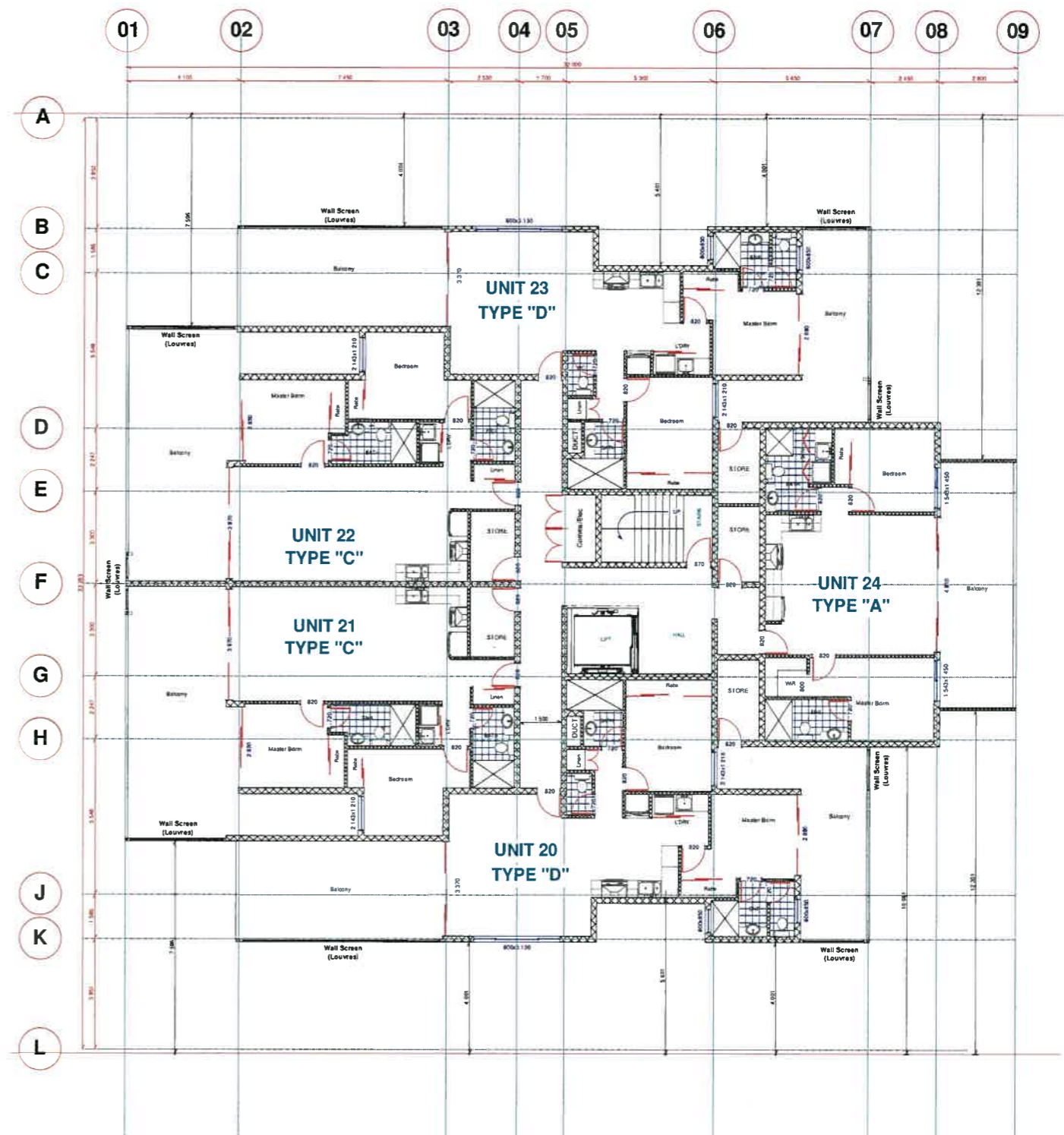
GROUND Car bays 32 TENANT BAYS + 3 TANGIBLE BAYS OR VISITOR 25 BIKES

Level	Car Bays	Tenant Bays	Visitor Bays	Bikes	Units
1st	6	1	2	0	9
2nd	0	1	0	2	2
3rd	0	1	0	2	2
4th	0	1	0	2	2
5th	0	0	0	2	2
6th	0	0	0	2	2
Total	6	3	2	8	35



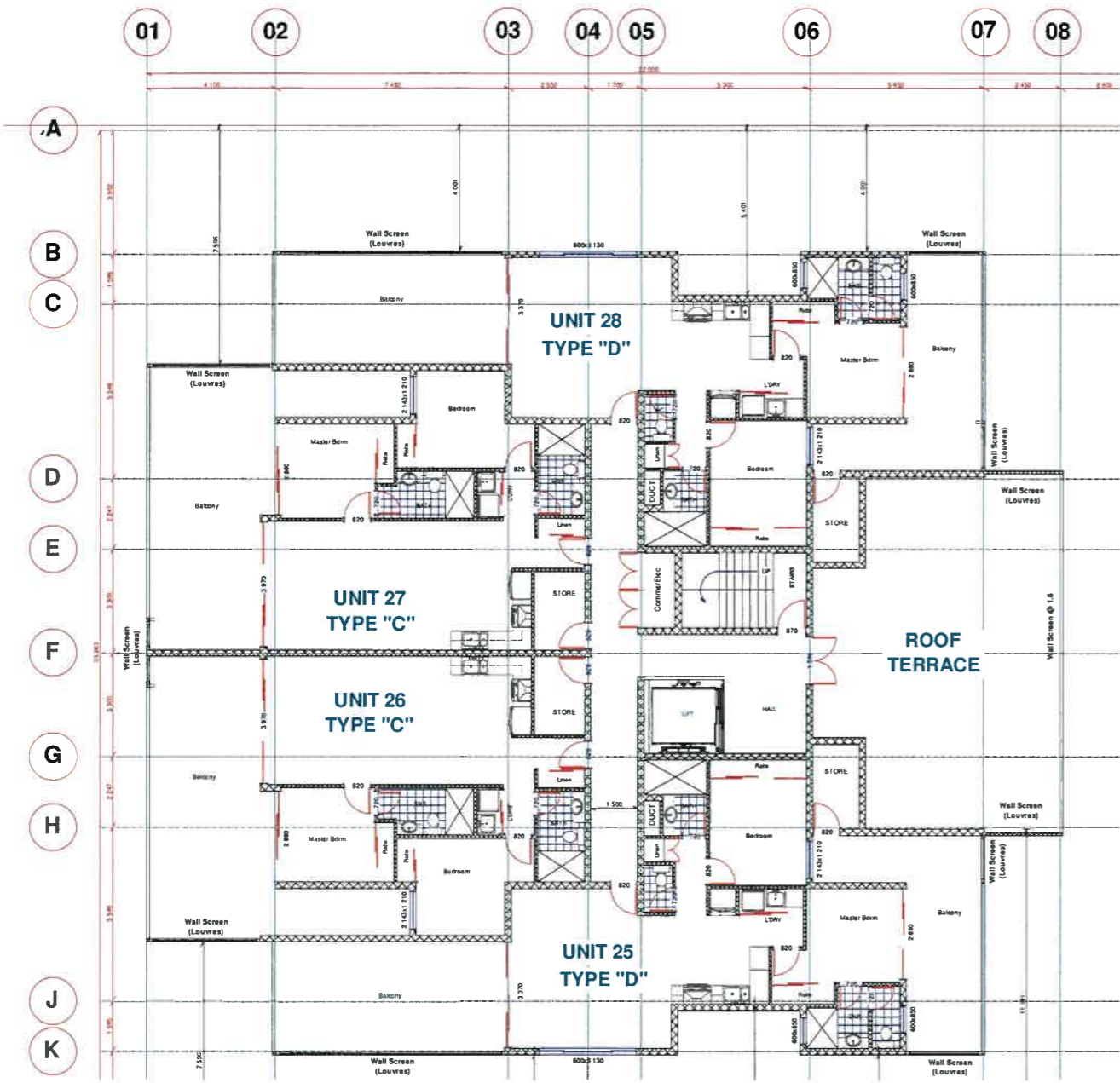
LOT AREA	2262.78 m ²
PROPOSED PLOT RATIO	2.38778

City of Cockburn date stamped 23 April 2014

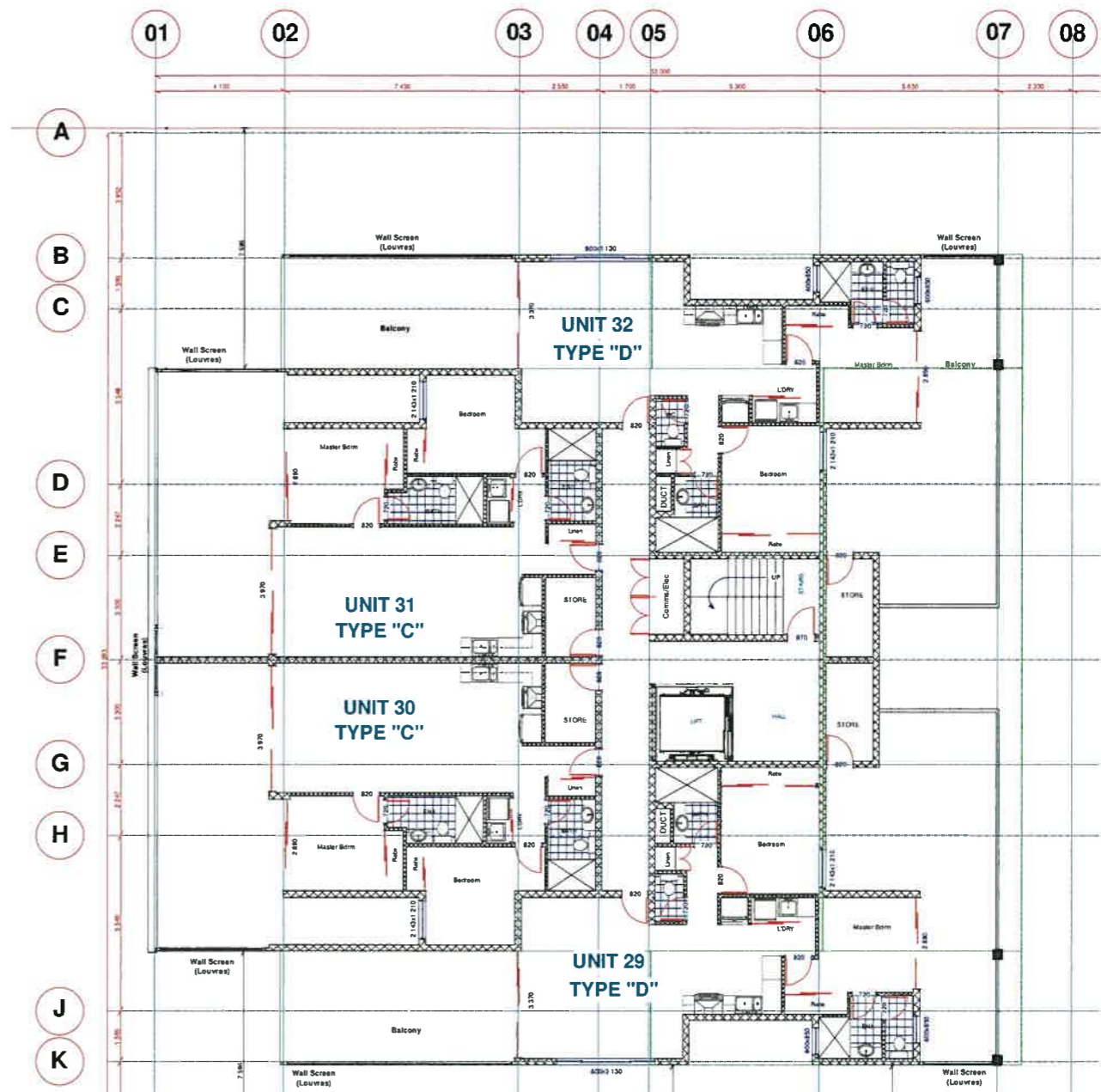


4th LEVEL

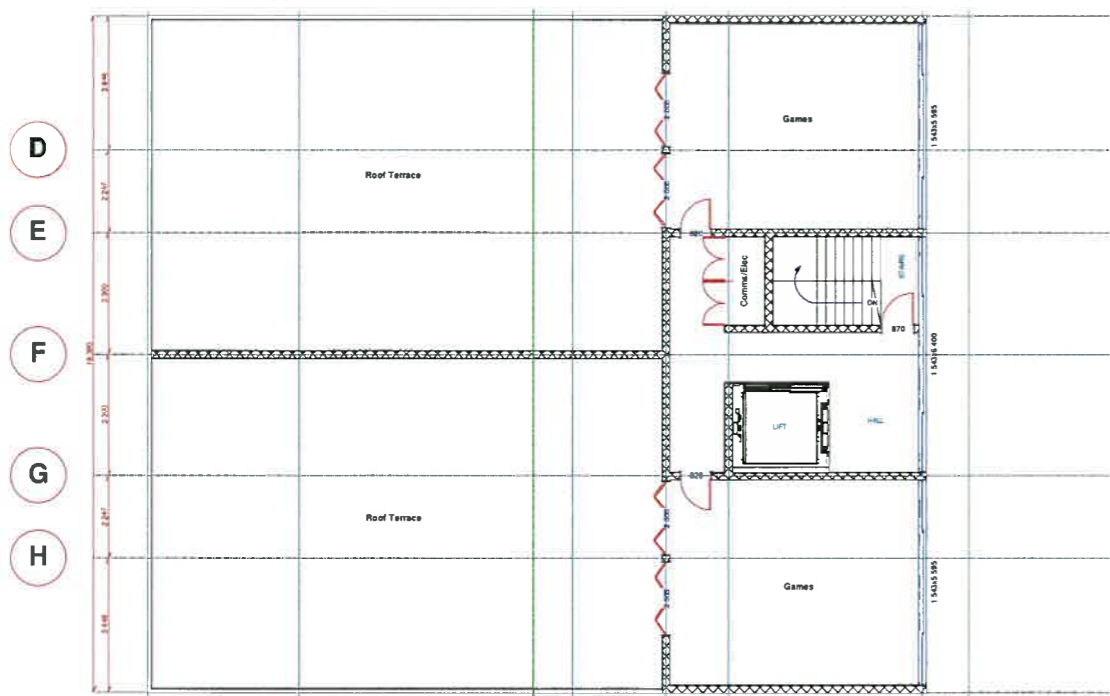
3rd & 4th LEVEL			
	SCALE: 1:100	DATE: 28/03/2014	NAME: DS/TB
	DESIGN: 28/03/2014	DATE: 28/03/2014	NAME: TB
CLIENT: 13 O'Connor Close Pty Ltd		ADDRESS: 13 O'Connor Close, North Coogee	
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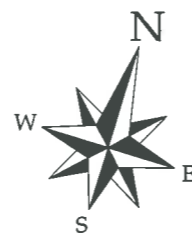
5th LEVEL



6th LEVEL



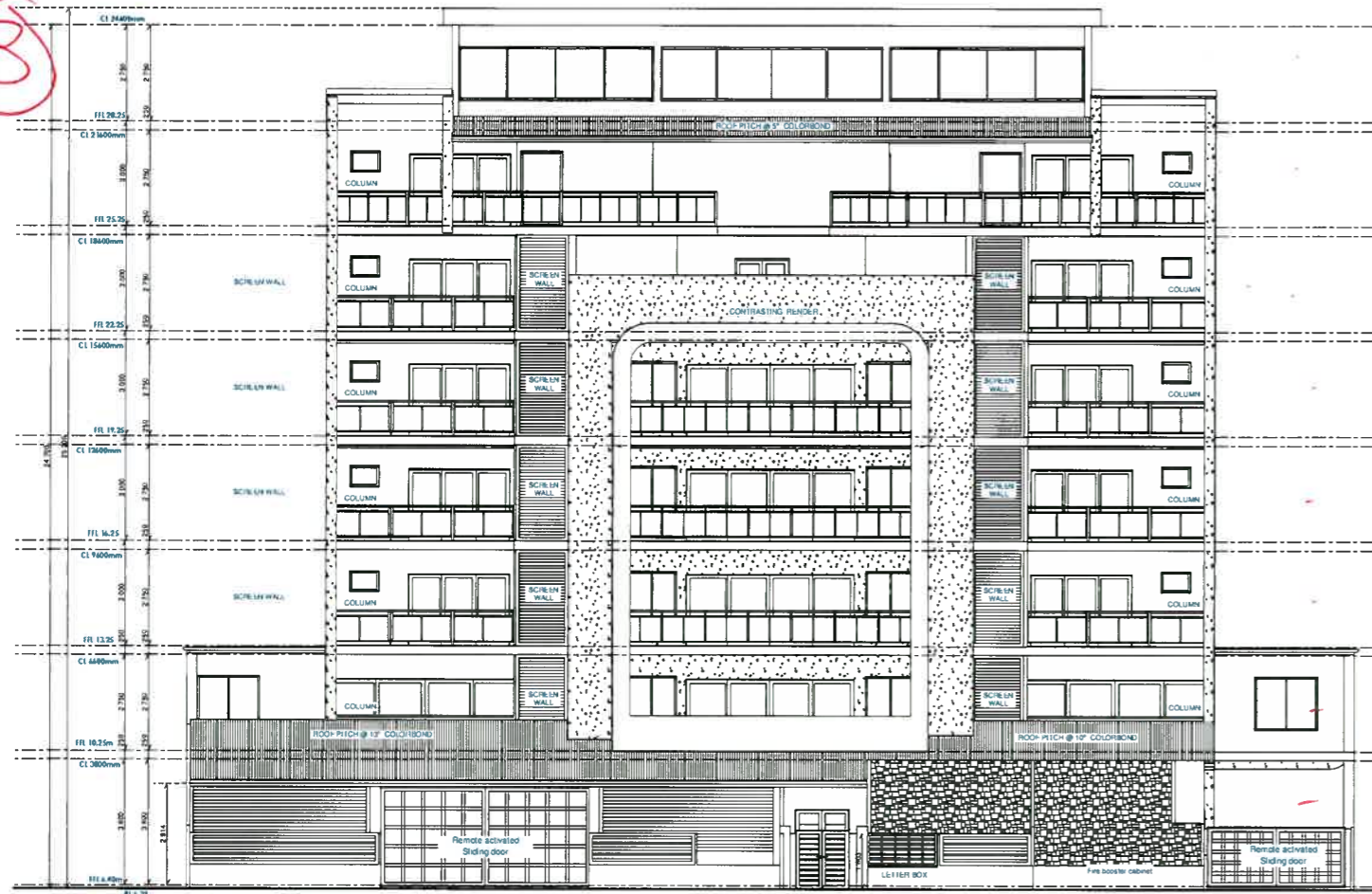
ROOF TERRACE



City of Cockburn date stamp 2013 April 2014

5th, 6th & ROOF TERRACE LEVEL				1376
	SCALE: 1:100	DATE: 28/03/2014	NAME: DS/TS	CLIENT: 13 O'Connor Close Pty Ltd ADDRESS: 13 O'Connor Close, North Coogee Unit 4, 10-20 Scarborough Beach Road, Scarborough P.O. 9401 2315 E-mail: tomas@aztecarchitects.com.au dan@aztecarchitects.com.au
	DESIGN	28/03/2014	TS	
	PLANNING DRAWINGS	28/03/2014	TS	

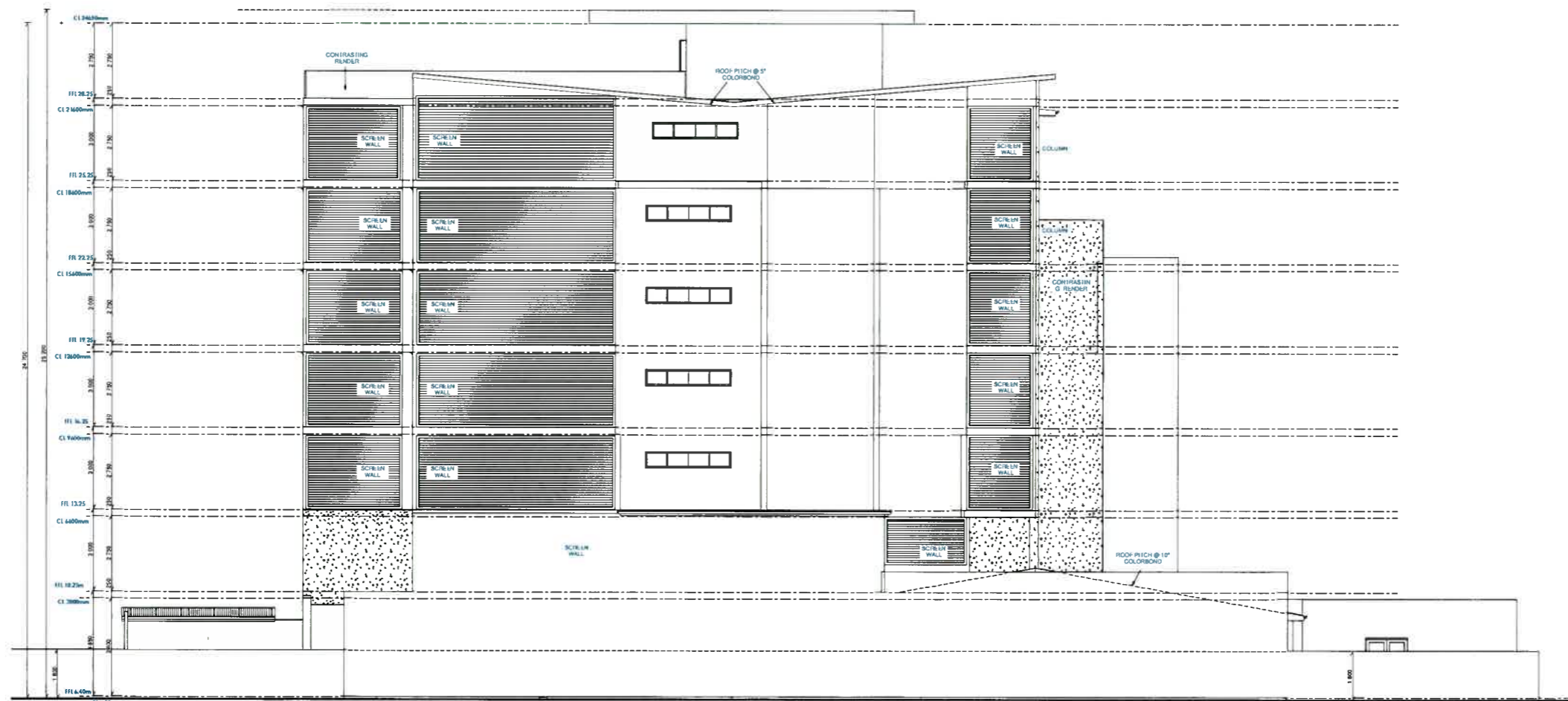
3



Elevation 01
(EAST)



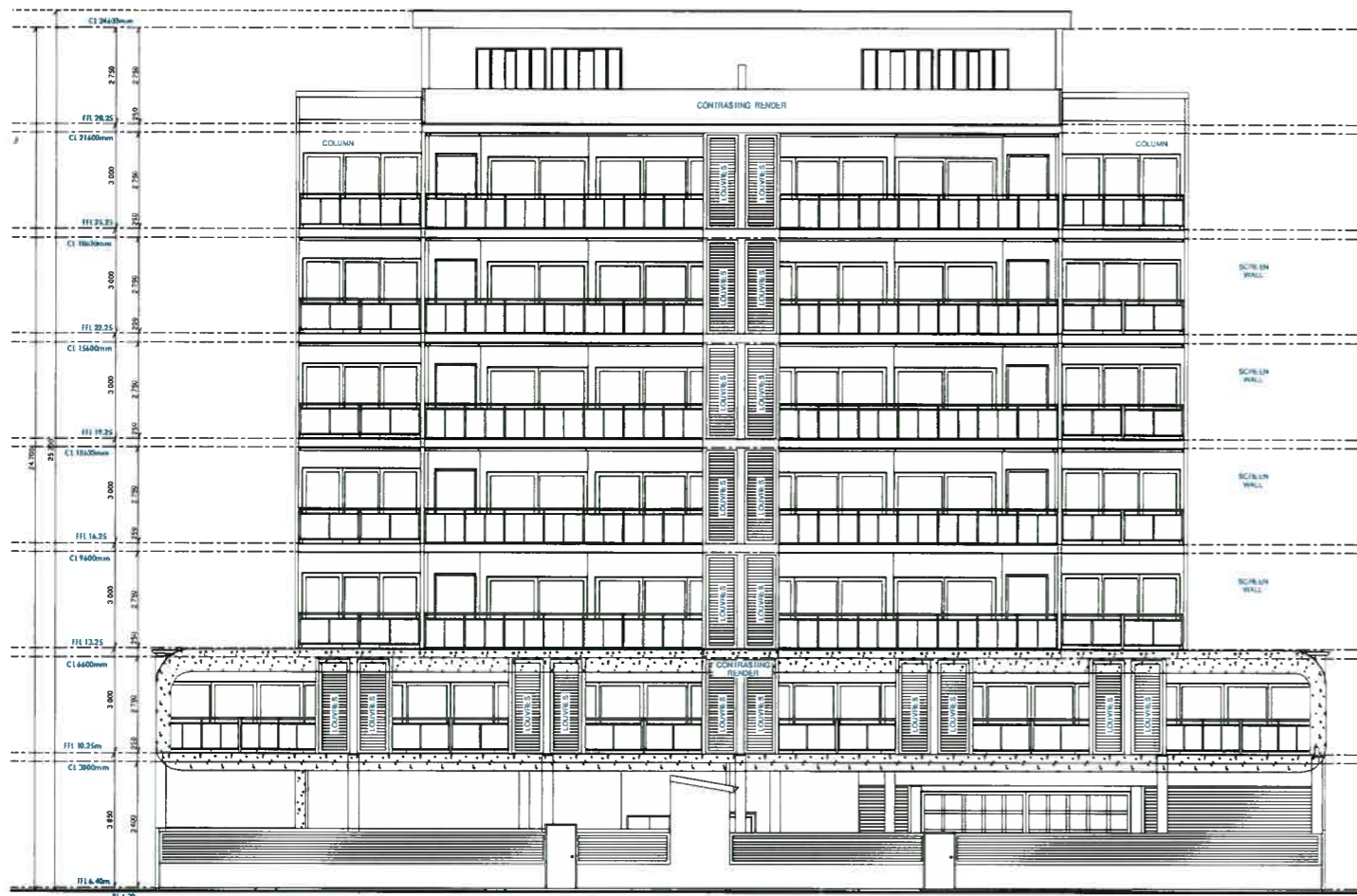
ARTIST'S IMPRESSION ONLY



Elevation 02
(SOUTH)

City of Cockburn date stamped 23 April 2014

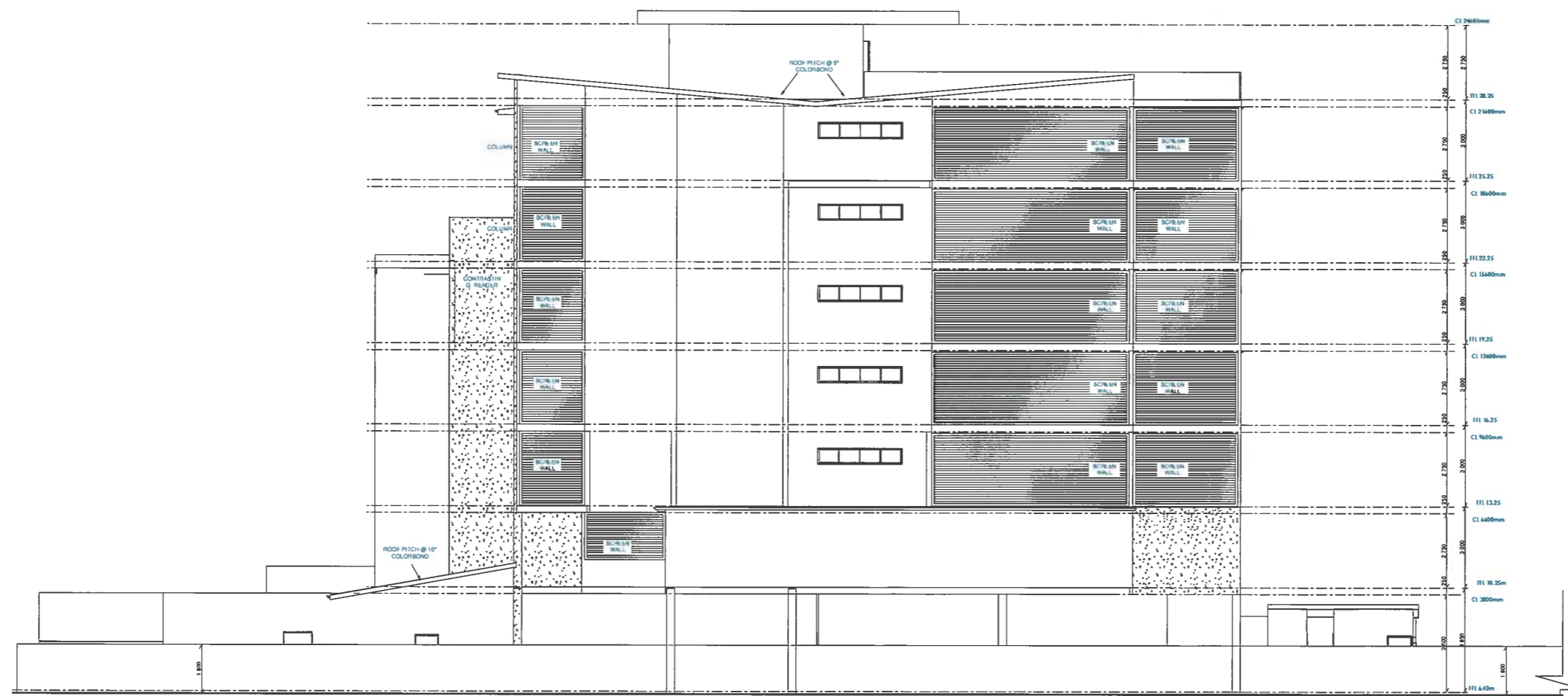
ELEVATIONS				CLIENT: 13 O'Connor Close Pty Ltd	1376
SCALE: 1:100	DATE: 28/03/2014	NAME: DS/TB	ADDRESS: 13 O'Connor Close, North Coogee	6	9
DESIGN	28/03/2014	TB			
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Elevation 03
(WEST)



ARTIST'S IMPRESSION ONLY

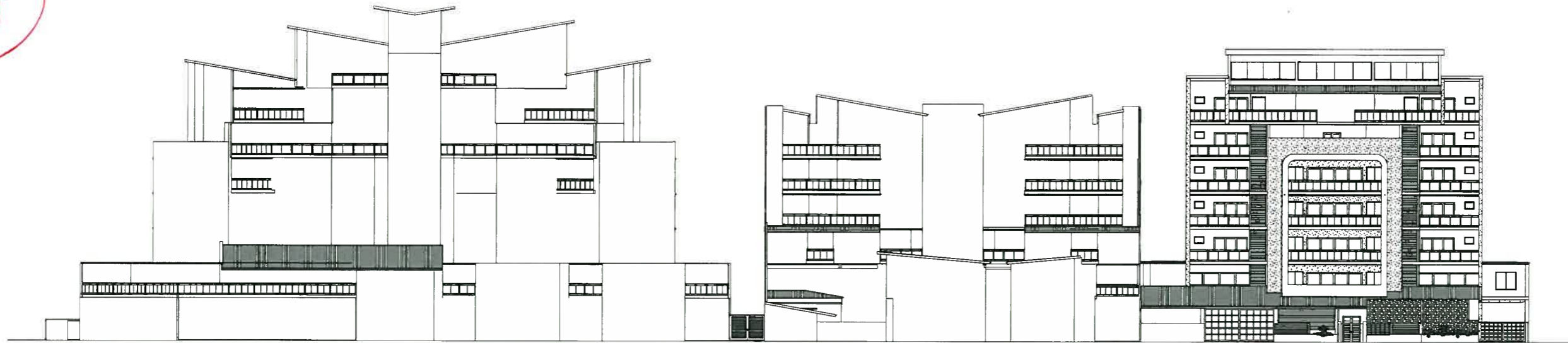


Elevation 04
(NORTH)

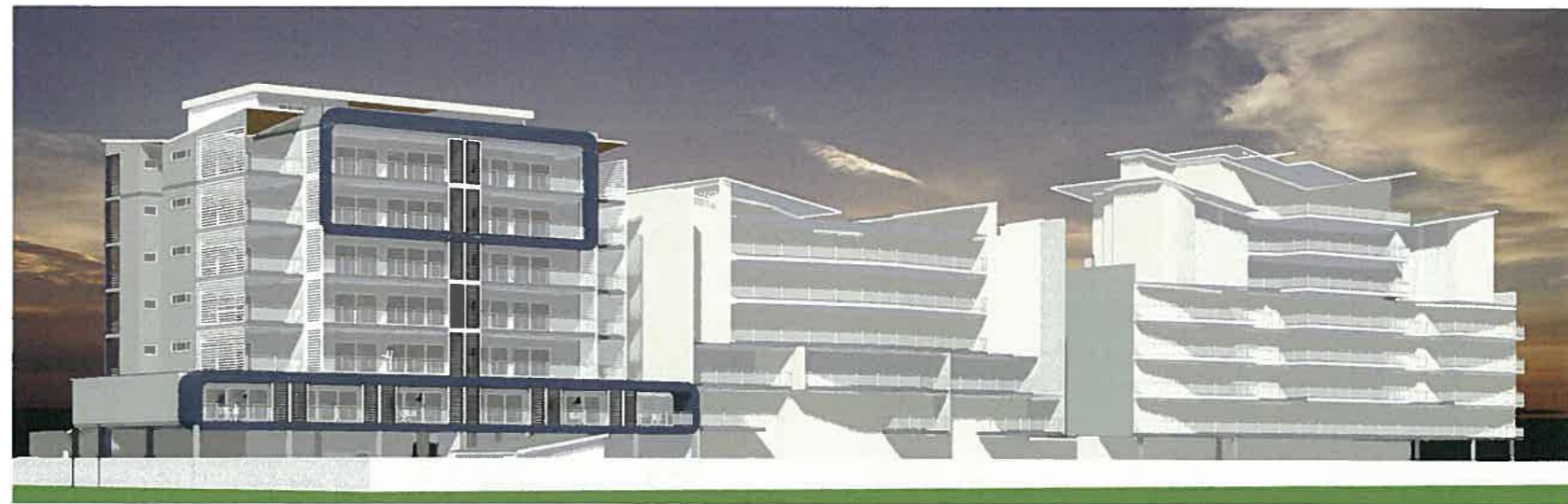
City of Cockburn date stamped 23 April 2014

ELEVATIONS			
	SCALE: 1:100	DATE: 28/03/2014	NAME: DS/TB
	DESIGN: 28/03/2014	DATE: 28/03/2014	NAME: TB
	PLANNING DRAWINGS: 28/03/2014	DATE: 28/03/2014	NAME: TB
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			1376 7 of 9


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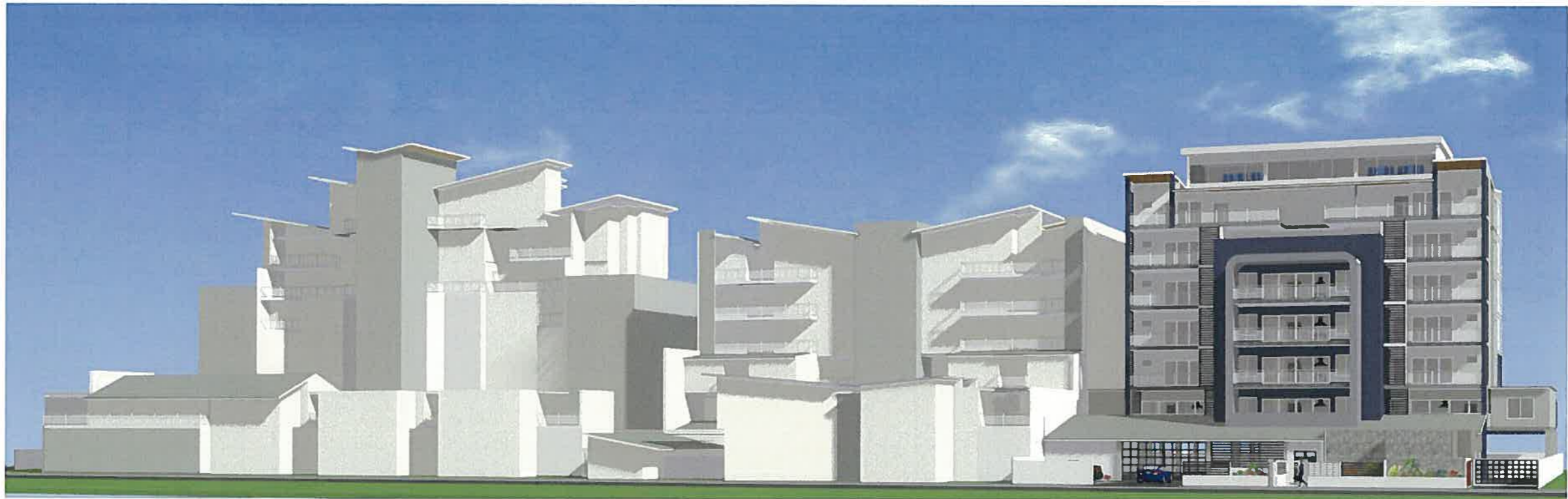


PROPOSED STREETScape 1:200 A1



City of Cockburn date stamped 23 April 2014

PROPOSED STREETScape				1376	
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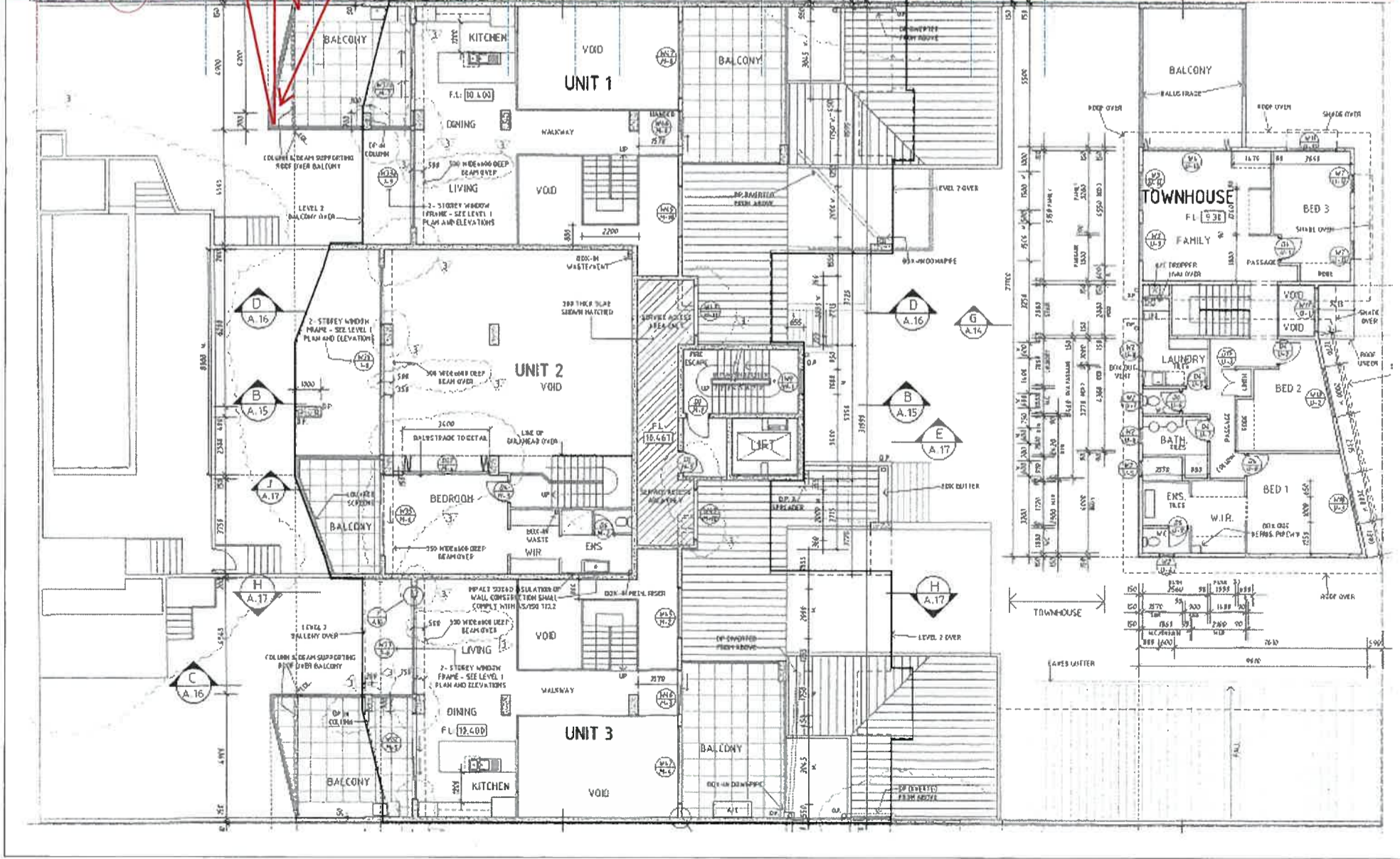
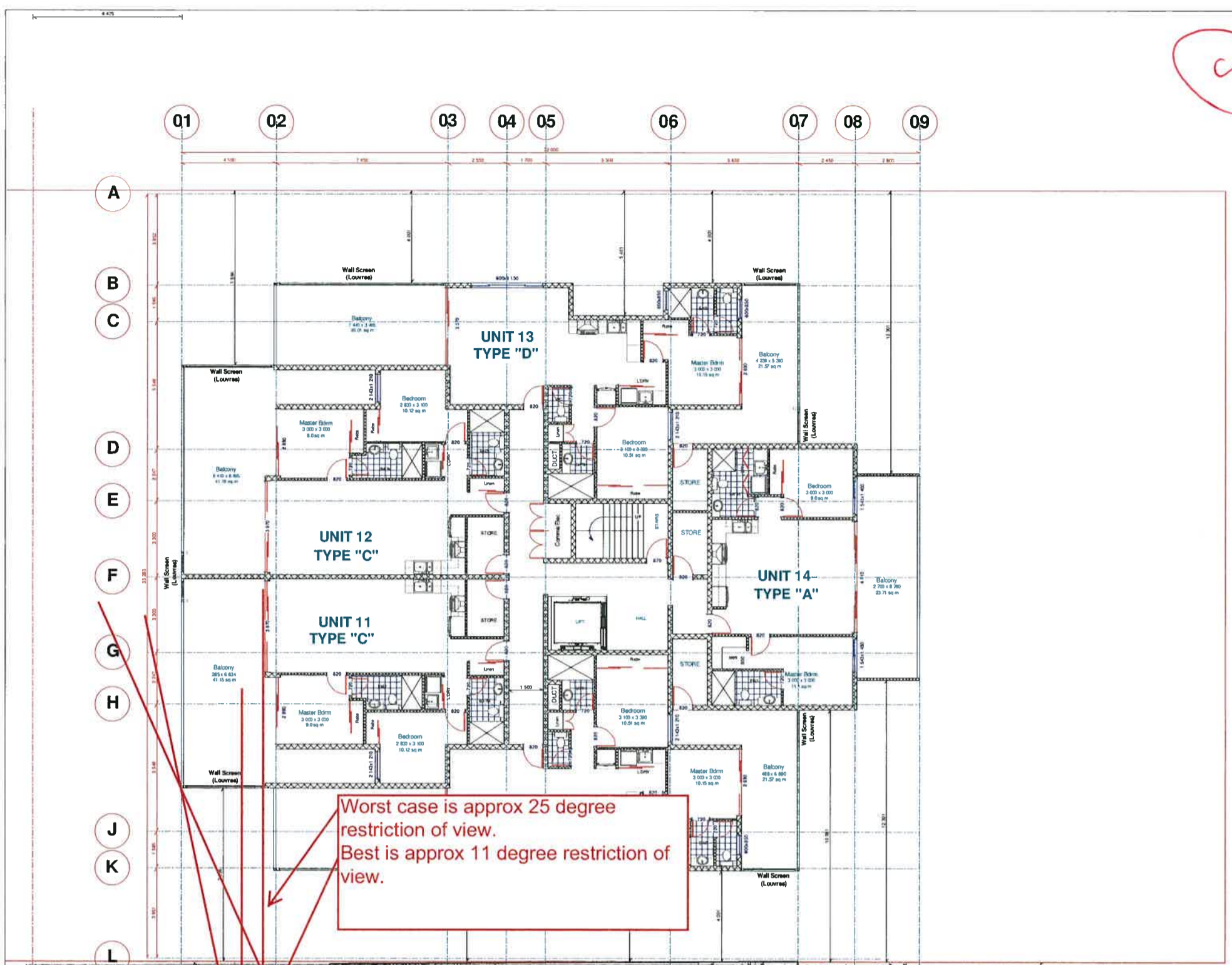
PROPOSED STREETSCAPE



EXISTING STREETSCAPE

AZTEC ARCHITECTS				PROPOSED STREETSCAPE	
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9



GROUND FLOOR

BUILDER MUST CHECK ALL DIMENSIONS ON THE SITE BEFORE COMMENCING ANY WORK

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WORKING DRAWINGS	28/03/2014	

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 ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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REVISED:	T. B.		