

ENQUIRIES TO: Remajee Narroo (08 9273 6025)  
Planning Services

YOUR REF:

OUR REF: PRO1047 5.2013.534.1



**CITY OF VINCENT**

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30 June 2014

Dear Sir/Madam

**NO. 448 (LOT 1 STR: 10630) FITZGERALD STREET, CORNER WASLEY STREET, PERTH – PROPOSED CHANGE OF USE TO GROUND FLOOR OFFICE TO RECREATIONAL FACILITY (GYM) TO EXISTING FOUR (4) STOREY MIXED USE DEVELOPMENT INCLUDING OFFICES AND EATING HOUSE – RECONSIDERATION UNDER S31 OF THE STATE ADMINISTRATIVE TRIBUNAL ACT 2004 (DR 133 OF 2014)**

Thank you for your Planning Application received on 14 November 2013 for the above proposal.

I wish to advise that the Council at its Ordinary Meeting held on 24 June 2014 resolved to **grant conditional approval** subject to the terms and conditions shown on the attached form. The proposal was assessed and found to be in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and associated policies.

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Remajee Narroo on 9273 6025.

Yours sincerely

**SEAN DOHERTY  
A/MANAGER  
PLANNING AND BUILDING SERVICES**

(Att.)

THIS IS NOT A BUILDING LICENCE

Fifth Schedule Clause 42  
For Office Use Only  
Serial No. 5.2013.534.1

**CITY OF VINCENT TOWN PLANNING SCHEME  
APPROVAL TO COMMENCE DEVELOPMENT**

LOT: 50 D/P: 53964

STRATA LOT: N/A

PROPERTY ADDRESS: No. 448 Fitzgerald Street, NORTH PERTH

OWNER:

That the Council;

1. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Home 4 Me on the behalf of the owner Tizzano Innocento for Proposed Change of Use to Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development Including Offices and Eating House, at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 23 August 2013, subject to the following conditions:
  - 1.1 Doors, windows and adjacent floor areas facing Fitzgerald Street and Wasley Street shall maintain an active and interactive relationship with these streets;
  - 1.2 The maximum gross floor area of the new Recreational Facility (Gym) shall be limited to 249.54 square metres. Any increase in floor space or change of use of the Recreational Facility (Gym) shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 7.7.1 relating to Parking and Access;
  - 1.3 The maximum number of patrons for the recreational facility at any one time shall be limited to what the applicant applied for which was and fifteen (15) customers and three (3) staff members;
  - 1.4 The window will retain active frontage to the street and remain clearly visible to the activity of the gym;
  - 1.5 This approval for Recreational Facility (Gym) is for a period of thirty six (36) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;

- 1.6 Operating Time
- 1.6.1 The proposed use of the Recreation Facility (Gym) is permitted to operate 24 hours, seven days a week;
- 1.7(a) The Management Plan submitted as part of this application shall be implemented from the date of the commencement of the use (Gym) to the satisfaction of the City;
- 1.7(b) that the Management Plan be amended to include an exclusion for any free weight activity within two (2) metres of the southern wall.
- 1.8 The gym shall comply with the Noise Regulations; and
- 1.9 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

- A. In relation to Condition 1.3 above, under the Health (Public Buildings) Regulations 1992, as the premises has only one exit, the maximum number of patrons permitted to occupy the building at any one time is 50.
- B. In relation to Conditions 1.5 and 1.6 above, the applicant is required to comply with the Management Plan to minimise antisocial behaviour and impacts on surrounding properties during the hours of operation.
- C. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
- D. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street and Wasley Street;
- E. Any new street/front wall, fence and gate within the Fitzgerald Street and Wasley Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
- F. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

NOTES:

**THE RELEVANT ENVIRONMENTAL HEALTH, ENGINEERING AND BUILDING REQUIREMENTS APPLICABLE TO THIS DEVELOPMENT IS CONTAINED IN THE ATTACHMENTS.**

- 4 -

PLEASE NOTE THAT ANY AMENDMENTS PROPOSED IN THE BUILDING LICENCE APPLICATION PLANS, WHICH DIFFER FROM THE PLANNING APPROVAL PLANS, MAY RESULT IN THE REQUIREMENT FOR A NEW PLANNING APPLICATION TO BE SUBMITTED FOR ASSESSMENT AND DETERMINATION. SHOULD THIS BE THE CASE, THE OWNER/BUILDER/DEVELOPER IS ADVISED TO FACTOR IN AN ADDITIONAL TIME PERIOD INTO THE DEVELOPMENT/BUILDING PROCESS.

PLEASE NOTE THAT ANY ADDITIONAL PROPERTY NUMBERING TO THE ABOVEMENTIONED ADDRESS, WHICH IS RESULTANT FROM THIS APPLICATION, IS TO BE ALLOCATED BY THE CITY OF VINCENT AND NO OTHER PARTIES. IT IS RECOMMENDED THAT YOU LIAISE WITH THE CITY'S PLANNING SECTION ON THE ABOVE MATTER, DURING THE BUILDING LICENCE STAGE.

PERSON(S), OWNER(S), BUILDER(S) AND DEVELOPER(S) UNDERTAKING DEVELOPMENT/CONSTRUCTION OF ANY KIND ARE HEREBY ADVISED OF A RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION ACT 1992. FOR FURTHER INFORMATION ON THIS ACT, ENQUIRIES SHOULD BE DIRECTED TO THE DISABILITY SERVICES COMMISSION ON TELEPHONE NUMBER (08) 9426 9200 OR TTY ON (08) 9426 2325.

SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION A RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE TOWN PLANNING SCHEME OR THE METROPOLITAN REGION SCHEME.

This approval is valid for a period of TWO years only. If the development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

DATE OF DECISION: 24 June 2014  
DATE OF ISSUE: 30 June 2014



A/MANAGER  
PLANNING AND BUILDING SERVICES

### ENGINEERING SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the actual planning conditions contained in the attached Approval to Commence Development Serial No. 5.2013.534.1:

- (1) The Right of Way shall remain open at all times and must not be used to store any building or other material or be obstructed in any way. The Right of Way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the Right of Way condition has deteriorated, or become impassable as a consequence of the works the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate.
- (2) No changes to the existing footpath levels permitted on Fitzgerald and Wasley Street adjacent 448 Fitzgerald Street.
- (3) The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc or if building materials is required to be stored within the road reserve once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.
- (4) All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City's Technical Services Directorate.
- (5) The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocating any services shall be borne by the applicant/owner.
- (6) No verge trees shall be REMOVED. The verge trees shall be RETAINED and PROTECTED from any damage including unauthorized pruning.

### ENVIRONMENTAL HEALTH SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the actual planning conditions contained in the attached Approval to Commence Development Serial No. 5.2013.534.1:

#### Conditions

- (1) The proposed development is satisfactory to the Health Services subject to compliance with the following legislation (as amended)-
- Health Act 1911 (as amended);
  - Local Government Act 1995;
  - Occupational Safety and Health Act/Regulations (dust control, safe work practices – governed by Worksafe WA);
  - City of Vincent Health Local Law 2004;
  - Metropolitan Water Supply, Sewerage & Drainage Board Local Laws 1981;
  - Food Act 2008;
  - FSANZ Food Standards Code;
  - Liquor Control Act 1988;
  - Tobacco Control Act (provision of break-out areas);
  - Health Act (Carbon Monoxide) Regulations;
  - Environmental Protection Act 1986 (Noise and Unauthorised Discharge Emissions);
  - Sewerage (Lighting, Ventilation and Construction) Regulations 1971;
  - Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974; and
  - Health (Temporary Sanitary Provisions) Regulations 1997.
- (2) The premises to be provided with a suitable enclosure for the storage and cleaning of Commercial and Council provided refuse receptacles. The enclosure to be provided with;
- (a) A tap connected to an adequate supply of water;
  - (b) A floor area able to accommodate all containers used on the premises (to the satisfaction of the Health Services);
  - (c) Smooth and impervious walls constructed of approved material not less than 1.5 metres in height;
  - (d) An access way not less than 1 metre in width fitted with a self-closing gate;
  - (e) Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to a 100mm floor waste;
  - (f) Easy access to allow for the removal of containers;
  - (g) Location of bin area to be to the satisfaction of the Manager, Health Services and Manager, Engineering Services;
  - (h) Where applicable, commercial and residential bin enclosures are to be physically separated by provision of a dividing wall, alternate location and to have separate entry points/doorways.

- (3) Health Services to be advised upon alterations during construction being proposed and upon completion of construction so that a preliminary and final inspection can be arranged accordingly.
- (4) Any building work involving the removal or alternations to asbestos products must be carried out with extreme caution in accordance with accepted practices and statutory requirements. The disposal of asbestos products to be in accordance with the *Health (Asbestos) Regulations 1992* and WorkSafe procedures. It is also requested that you notify neighbours/surrounding residents of asbestos removal works. Prior to the off-site removal, transportation and disposal of any asbestos from the site the applicant must first obtain a permit to do so under the *Environmental Protection (Controlled Waste) Regulations 2001* – contact the Controlled Waste Branch on 6467 5000. Permits can be obtained by phoning the Department of Environment and Conservation's Controlled Waste Section.
- If 10m<sup>2</sup> or more of asbestos containing material (such as asbestos cement sheeting) is to be removed, a WorkSafe asbestos removal licence is required. If you are unsure if the property contains asbestos, contact the City's Environmental Health Officers for advice.
- In accordance with the requirements of the *Health (Asbestos) Regulations 1992*, a person shall take the following reasonable measures when dealing with asbestos by-
- Not using any tools other than non-powered hand tools or portable power tools that incorporate dust suppression or dust extraction attachments designed to collect asbestos fibres;
  - Using water or other practical measures to keep airborne material containing asbestos to a minimum;
  - Using vacuum cleaning equipment designed to collect asbestos fibres or wetting the area before sweeping the material containing asbestos;
  - Not using compressed air, or a high pressure water jet, when working with material containing asbestos;
  - Handling asbestos cement sheet in such a manner as to minimise its breakage or abrasions; and
  - Ensuring that waste material containing asbestos is disposed of in accordance with these regulations as soon as practicable.

NOTE – A person who stores, breaks, damages, maintains, repairs, removes, moves or disposes of, or uses any asbestos cement sheet without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence.

It is also recommended that reasonable care be taken in relation to the removal of surfaces containing lead paint. Ensure that all flaking lead paint is bagged, sealed and disposed of separately or in combination with sealed asbestos cement products. Products containing lead may result in soil and air contamination if not disposed of appropriately.'

- (5) Temporary toilet facilities to be provided on site for the duration of the project and to be available before any work commences, including the pouring of footings and slab, as required by the Health (Temporary Sanitary Conveniences) Regulations 1997. Temporary toilets must be located a minimum of 2 metres from property boundaries and are not permitted to be located on the street/road reserves. In addition, toilet doors are not to open onto driveways or footpaths.

- (6) Floors in wet areas (W.C's, urinals, bathroom, laundries and cleaners rooms) to be properly surfaced and have an even fall to an approved to floor waste outlet.
- (7) Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. All construction work must be carried out in accordance with control of noise practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites"
- The equipment used for the construction work must be the quietest reasonably available;
  - Construction work is not to commence before 7.00am, or carry on after 7.00pm on Monday to Saturdays;
  - No construction work is permitted on Sundays or Public Holidays.
- Should work need to be undertaken out-of-hours, the builder/developer is to submit a Regulation 13 application to the City's Health Services, seeking approval for an exemption – the application is to be accompanied by a Noise Management Plan – exemptions will only be considered where a demonstrated need and justification exists (safety concerns with Main Roads etc).
- (8) All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the *Environmental Protection Act 1986* places onus on the installer to ensure that noisy equipment is installed so as no to create unreasonable noise. It is important that you inform mechanical equipment installers of this requirement.
- (9) If it is intended to use the premises as a "public building" as defined in Section 173 of the *Health Act 1911* (as amended) it is necessary to make application for a Certificate of Approval - Maximum Accommodation Notice from the City's Health Services before commencing use of the building as a "public building". A completed **Form 1** application is to be submitted, along with the designated fee – contact the City's Health Services on 9273 6000 for further details.
- (10) An authorised licensed electrical contractor is to certify that all electrical work of the public building conforms to the relevant provisions of the *Health (Public Buildings) Regulations 1992* (as amended), and the *Electricity (Licensing) Regulations 1991*. Certification is to be submitted in the form of a **Form 5** application/certificate of approval – contact the City's Health Services on 9273 6533 for further details.
- (11) A copy of the City of Vincent Health Services publication entitled- "Public Buildings - Guidelines for Owners, Architects & Builders" can be obtained from the City's Health Services on 9273 6533 or via email- [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au).



- (12) All public building exits shall be marked with a sign that conforms to AS/NZS 2293.  
Exit signs shall be provided as follows:
- (a) Every doorway used as an exit and every passage leading to an exit to be provided with an approved illuminated exit sign placed conspicuously over the doorway or passage;
  - (b) An exit sign that obtains its illumination from a battery charge, battery source or an electrical supply is to be illuminated while the premises are open to or occupied by the public.
  - (c) An illuminated exit sign shall be visible from all floor locations within a public building; and
  - (d) Approved illuminated directional exit signs to be provided in those portions of the public building where the emergency exits are not clearly visible to the public.
- (13) Every classroom, lecture theatre, drawing room, laboratory, manual training room, assembly hall or any other teaching area shall be provided with an artificial lighting system capable of providing the illumination recommended in relation to such an area under Australian Standard 1680 -"Code of Practice for Interior Lighting and the Visual Environment". Luminaries in gymnasiums, recreation facilities shall be so designed and placed to provide protection against damage from normal activities in such an area.
- (14) All exit doors, barriers and gates in a public building are to open outwards, in the direction of egress, except where automatic sliding doors are provided. Sliding doors shall only be provided where the building can accommodate no more than 50 persons. Sliding doors shall be provided with a manual override button in case of electronic failure. A building with only 1 designated exit shall accommodate no more than 50 persons.
- (15) Exhaust air systems which serve different types of enclosures to be kept separate except where otherwise approved. Similar types of enclosures that may be served by common exhaust systems are listed in groups below-

#### Types of Exhaust Systems-

- Sanitary compartments, e.g. toilets, washrooms; changerooms, laundries, battery rooms.
- Areas where food and beverages are prepared and/or consumed, e.g. kitchen, food preparation, dishwashing, dining rooms, reception areas, hotel bars.
- Plant rooms, e.g. boiler room, refrigerator room, and machinery room.
- Process rooms, e.g. document copying, plan printing, photographic processing, battery rooms.
- Automotive vehicle parking, service, repair, pick-up and delivery areas.
- Garbage rooms, grease trap enclosures, sewerage ejector enclosures.

The premises to be ventilated in accordance with AS 1668 Part 2 1991 "Mechanical ventilation for Acceptable Indoor Air Quality".

*W.C Ventilation Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

**Advisory Notes**

- (1) Site signage is to be provided with wording of no less than 80mm height that reads as follows:
- "CONSTRUCTION WORK TIMES FOR THIS SITE ARE 7.00AM - 7.00PM MONDAY TO SATURDAY ONLY". PLEASE CONTACT THE *(responsible person to be inserted eg site supervisor)* ON TELEPHONE NUMBER *(relevant number to be inserted)* SHOULD PROBLEMS IN RELATION TO BUILDING NOISE OCCUR OUTSIDE THE ABOVE PERMITTED HOURS; or
  - In circumstances where approval to work outside of these hours has been granted by the City's CEO, the wording shall remain as above, however with the approved hours to be specified in place of 7.00AM - 7.00PM MONDAY TO SATURDAY.
- (2) Detailed plans and specifications of the public building to be submitted to the City's Health Services for approval prior to any construction or alterations. The plans to include details of –
- (a) Location of approved exit signs in the Building over all designated exits, directional exit signs where necessary and emergency lighting in accordance with the Building Code of Australia and Australian/New Zealand Standard 2293 – Emergency Evacuation Lighting in Buildings.
  - (b) Areas where normal lighting is dimmed or extinguished shall be provided with permanent effective safety lighting for –
    - Foyers and passages;
    - Floors that are ramped at an inclination steeper than 1 in 12;
    - Main aisles between blocks of fixed seats; and
    - The tread of each step;
  - (c) Provision of approved exit door locks/fittings and the directions in which doors swing (to be in the direction of egress).
  - (d) Provision of hand rails to steps, stairways and any other changes in floor level, which may present a hazard to the public
  - (e) Decorative treatments in the building that are not referred to in the BCA shall be made of non-toxic, fire retardant materials
  - (f) Public Building application incur a fee to vary, alter, construct or amend a Public Building. Contact the City's Health Services to obtain and complete a **Form 1** application, along with payment of the designated fee. Public Building applications will not be progressed until a Form 1 application has been received.

### BUILDING SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the planning conditions contained in the attached Approval to Commence Development Serial No. 5.2013.534.1:

A Person must not do building work unless a Building Permit is in effect for the building work or in accordance with the Building Act 2011 Part 2, Division 1, s9.

The Applicant shall ensure that all works necessary or reasonable to, or resulting from those proposed building works, are carried out in accordance with the valid Building Permit and attached conditions of both the Planning Approval and the Building Permit.

#### **Change of Use:**

Before making or occupying any change of use to an existing building the person proposing to make the change shall submit plans, specification and an independent compliance report to cover all associated items in accordance with the Building Code of Australia (Volume One) to include;  
as defined under Part 4 of the Building Act 2011 and Part 5 of the Building Regulations 2012,

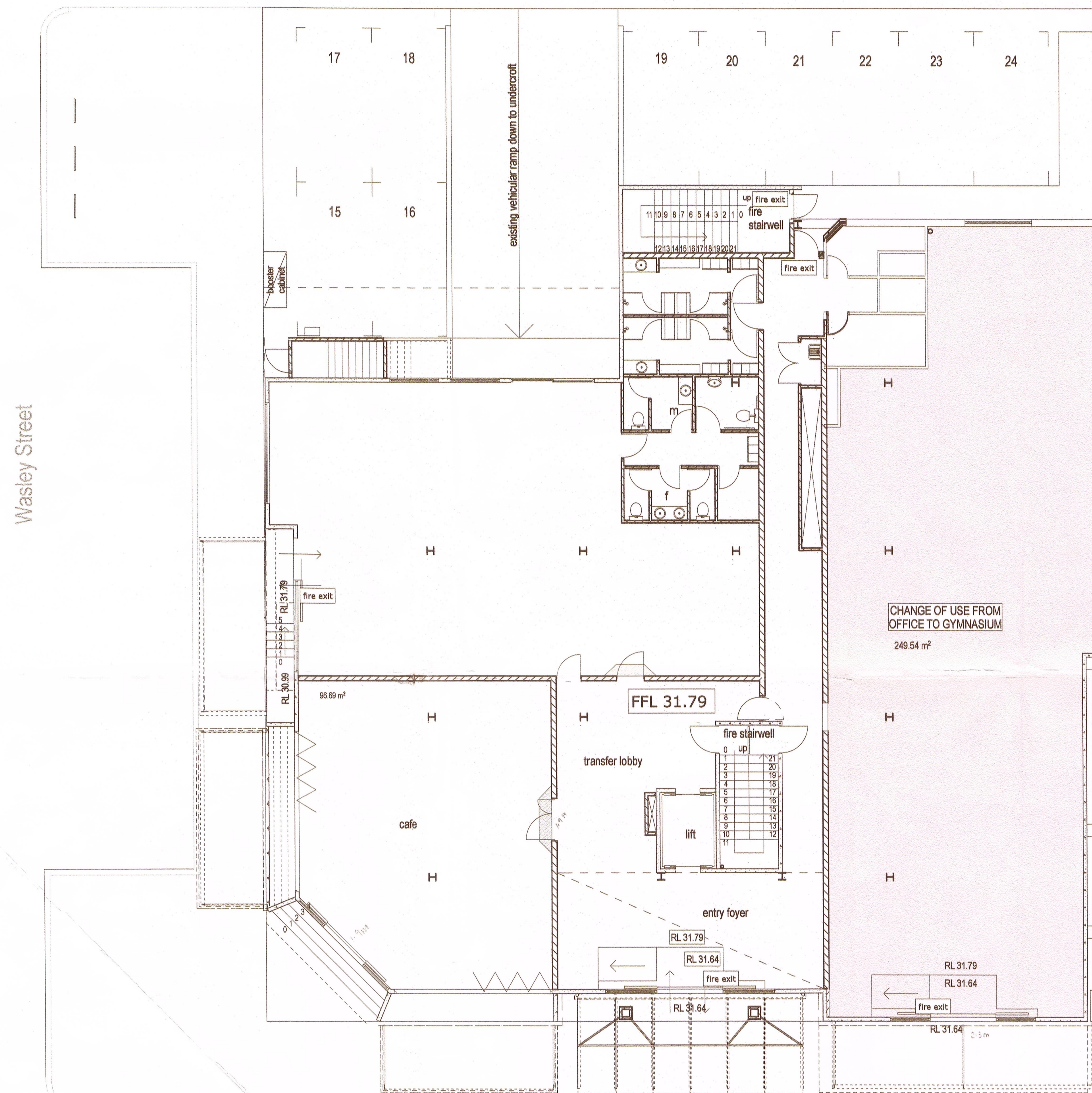
- general provisions;
- structure;
- fire resistance;
- access and egress;
- services and equipment;
- health and amenity;
- ancillary provisions;
- special use of buildings;
- maintenance; and
- energy efficiency.

#### **Occupancy Requirements:**

It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit. This will confirm that the building has been built in accordance with the approved plans and, the Certificate of Compliance, and it complies with the relevant building standards.

**The building cannot be occupied until an Occupancy Permit is approved.**

The building must comply with the regulations applicable to the new class. For more information regarding a Change of Use please contact the City's Building Services on 9273 6000.



Existing Use:	Office
New Use:	Gymnasium
Hours of use:	24hours 7 days Peak times 7am-9am & 6pm-8pm
Max number of employees:	3
Max number clients:	unto 50 per day
Equipment:	general gym equipment i.e. weights, bikes treadmills etc.

RECEIVED  
24 JUL 2014  
CITY OF VINCENT  
PLANNING & BUILDING SERVICES

CITY OF VINCENT  
PLANNING & BUILDING SERVICES  
IN ACCORDANCE WITH  
FORM M R S 2 ISSUED  
AND MEMORANDUM  
24 JUL 2014  
CITY OF VINCENT  
PLANNING & BUILDING SERVICES

RECEIVED  
23 AUG 2014  
CITY OF VINCENT

Plan

Date: _____ No. _____ Revision _____ DRAWING ISSUE _____	<b>Construction</b>	DESIGN & DEVELOPMENT Designers & builders 28 Norfolk Street Mount Lofty Western Australia 5000 P/F (08) 9338 9425 design@cuborosso.com.au © CUBOROSSO DESIGN & DEVELOPMENT 2014. ALL RIGHTS RESERVED.	CLIENT <b>Tizzano Group</b>	PROJECT <b>Fitzgerald Arcade 448 Fitzgerald &amp; Wasley Sts</b>	DRAWN: ANB CHECKED: IT DATE: 20/04/12 PLOT DATE: 20/09/13 SCALE: 1:100 DRAWING NO. A1.9 REV _____
			PROJECT NO. 1426	DRAWING Change of Use Office	