



**CITY OF VINCENT**

# **LATE AGENDA**

## **Council Briefing**

### **5 December 2017**

**Time: 6pm**  
**Location: Administration and Civic Centre**  
**244 Vincent Street, Leederville**

**Len Kosova**  
**Chief Executive Officer**



## Order Of Business

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**5 DEVELOPMENT SERVICES****5.1 LATE REPORT: NO. 392 (LOT: 152; D/P: 50596) FITZGERALD STREET, NORTH PERTH - CHANGE OF USE FROM EATING HOUSE TO NON-MEDICAL CONSULTING ROOMS (UNLISTED USE)**

**TRIM Ref:** D17/152557

**Authors:** Andrea Terni, Urban Planner  
Rana Murad, Senior Urban Planner

**Authoriser:** John Corbellini, Director Development Services

**Ward:** South

**Precinct:** 9 – North Perth Centre

**Attachments:**

1. Attachment 1 - Location and Consultation Map
2. Attachment 2 - Development Plans
3. Attachment 3 - Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the development application for Change of Use from Eating House to Non-Medical Consulting rooms (Unlisted Use) at No. 392 (Lot: 152; D/P: 50596) Fitzgerald Street, North Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. This approval is for Non-Medical Consulting Rooms (Unlisted Use) and associated development as shown on the plans dated received 30 October 2017. No other development is subject of this approval;
2. Use of Premises
  - 2.1. The use shall be carried out in accordance with the definition 'Non-Medical Consulting Rooms' as set out in the City's Policy No. 7.5.22 – Consulting Rooms;
  - 2.2. The use shall be limited to a maximum of one consultant operating at any one time; and
  - 2.3. The hours of operation shall be limited to the following times 7:00am to 9:00pm Monday to Sunday;
3. Interactive Front

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Fitzgerald Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the internal area from Fitzgerald Street are not permitted to be used during the hours of the developments operation;
4. Cash-in-Lieu of Car Parking

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 0.8728 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$4,713;

## 5. Bicycle Bays

- 5.1. Prior to occupation or use of the development a minimum of one (1) additional Class 1 or Class 2 bicycle parking facilities shall be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and
- 5.2. Prior to occupancy or use of the development a minimum of two (2) additional Class 3 bicycle parking facilities shall be provided in the Fitzgerald Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction; and

## 6. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

### PURPOSE OF REPORT:

To consider an application for development approval for a change of use from Eating House to Non-Medical Consulting Rooms (Unlisted Use) at No. 392 Fitzgerald Street, North Perth

### BACKGROUND:

<b>Landowner:</b>	North Perth Investments PTY LTD
<b>Applicant:</b>	Xiao Yang Yang and Yonglin Zhang
<b>Date of Application:</b>	30 October 2017
<b>Zoning:</b>	MRS: Urban TPS1: Zone: District Centre TPS2: Zone: District Centre
<b>Built Form Area:</b>	Town Centre
<b>Existing Land Use:</b>	Eating House
<b>Proposed Use Class:</b>	Non-Medical Consulting Rooms – Unlisted Use
<b>Lot Area:</b>	191m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes
<b>Heritage List:</b>	No

The subject site is bound by Fitzgerald Street to the east, a Right of Way (ROW) to the west and commercial developments to the south and north. A location plan is included as **Attachment 1**. The locality has been developed to incorporate a range of commercial uses with some residential properties. The subject site is located within the North Perth Town Centre.

Pursuant to the provisions of the City of Vincent's Town Planning Scheme No. 1 (TPS 1), the subject site and surrounding area is zoned District Centre. The properties to the rear of the subject site, opposite the rear right of way, are zoned Residential with an R40 density code. The City's Draft Local Planning Scheme No. 2 (LPS 2) proposes to retain the zoning of the site and surrounding area as District Centre.

On 13 July 2017, a development application was submitted to the City for a change of use from Shop to Eating House and Consulting Room (foot spa and massage area). The proposal incorporated a maximum of six customers for the eating house at any one time and one consultant for the Consulting Room, with both uses proposed to operate between the hours of 7:00am to 9:00pm, Monday to Sunday. Community consultation on the proposal was undertaken in September 2017, with letter sent to all adjoining and adjacent owners and occupiers. No submissions were received. Following advertising, the applicant modified their proposal to remove the foot spa and massage area from their application so that the Eating House could be considered by the City on its own, with the intent that the foot spa and massage area component would be submitted and considered under a separate application. The Eating House was granted conditional approval under Delegated Authority on 31 October 2017.

The applicant is now seeking development approval for a foot spa and massage area at the rear of the eating house. Though there is proposed to be a strong interrelationship between the eating house and proposed Non-Medical Consulting Room, the applicant has applied for the ability for the two uses to operate independently from one another. The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-Medical Consulting Rooms' as:

*“any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like”.*

The proposed foot spa and massage area is considered to fall within this definition, which is an 'Unlisted Use' in TPS1 and requires an absolute majority decision by Council.

The proposed Non-Medical Consulting Room includes the following:

- Six chairs for foot spa massage;
- two rooms containing three massage tables for the massage component;
- One consultant; and
- Hours of operation are Monday – Sunday, 7:00am – 9:00pm (identical to the eating house hours of operation).

No physical changes are proposed to the building as part of this application.

The development plans are included as **Attachment 2**.

#### DETAILS:

##### Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the TPS1 and City of Vincent Policy No. 7.7.1 – Parking and Access and Policy No. 7.5.22 – Consulting Rooms. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Hours of Operation		✓
Parking & Access		✓
Bicycle Facilities		✓

##### Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
<b>Town Planning Scheme No. 1</b>	
“P” uses	Non-Medical Consulting Rooms - Unlisted Use
Hours of Operation	
Deemed-to-Comply Standard	Proposal
<b>Consulting Room Policy 7.5.22</b>	
The hours of operation for a Consulting Room shall be limited to the following: <ul style="list-style-type: none"> <li>• 8:00am – 9:00pm, Monday – Friday</li> <li>• 8:00am – 5:00pm, Saturday</li> <li>• 11:00am – 5:00pm, Sunday and Public Holidays</li> <li>• CLOSED Christmas Day, Good Friday and Anzac Day.</li> </ul>	Monday – Sunday, 7:00am – 9:00pm

Parking and Access	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.7.1 – Parking and Access Clause 1 Car Parking Requirements</b>	
2.8728 or 3 parking bays provided on site	2 car parking bays provided on site
Eating House 1 per 5 persons 6 persons proposed = 1.2 bays	Shortfall of 0.8728 or 1 car parking bay
Non-Medical Consulting Rooms 3 spaces per consultant 1 consultant proposed = 3 bays	
Total = 4.2 bays	
Multiplied by reduction factors (2,3D&4) = x 0.684	
Total bays required after reduction factors= <b>2.8728</b>	
Bicycle Facilities	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.7.1 – Parking and Access Clause 5 Bicycle Parking Requirements</b>	
2 Class 1 or Class 2 bicycle bays and 3 Class 3 bicycle bays	1 Class 1 or 2 bicycle bays and 1 Class 3 bicycle bays
	Shortfall of 1 Class 1 or 2 bicycle bay and 2 Class 3 bicycle bays

The above elements of the proposal do not meet the specified Deemed-to-Comply standards and are discussed in the Comments section below.

#### CONSULTATION/ADVERTISING:

The application received 13 July 2017 for Change of Use from Shop to Eating House and Consulting Rooms (foot spa and massage area) was assessed as a 'Consulting Room' under the City's Town Planning Scheme No. 1 (TPS 1) which is as an "AA" use within the District Centre zone. Community consultation was undertaken in conjunction with the Eating House proposal in accordance with the *Planning and Development (Local Planning Scheme) Regulation 2015*, for a period of 14 days commencing 6 September 2017 and concluding on 19 September 2017 by means of written notification sent to landowners in close proximity to the subject site as shown in **Attachment 1** and a notice on the City's website. No submissions were received during the advertising period.

Upon further assessment of the proposal it was identified that the foot spa and massage use could not reasonably fall within the definition of 'Consulting Rooms' in TPS 1 because the use incorporates elements that fall within the definition of Non-Medical Consulting Rooms provided in Policy No. 7.5.22.

In accordance with the City's Community Consultation Policy, consultation for an 'Unlisted Use' shall be for a period of 21 days undertaken by means of a sign being erected on site, notice in the local newspaper written notice sent to landowners of the subject site and a notice on the City's website. Given that the 'Non-Medical Consulting Room' use presents no additional requirements compared to a 'Consulting Room' and that the proposal released for community consultation as part of the previous application is identical to that of the current proposal and received no submissions it is considered that re-advertising the proposal is not necessary. The elements of the application as advertised remain unchanged whilst the classification of the land use has been refined following further assessment the intent remains consistent with what was advertised.

**Design Advisory Committee (DAC):**

Referred to DAC: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Draft City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

**Delegation to Determine Applications:**

In accordance with City's Delegated Authority Register approved at OMC 28 June 2016 applications for Unlisted Uses require the determination of Council. In accordance with Clause 39(2)(b) of the City's TPS1 applications for 'Unlisted Uses' on zoned land require the determination of Council by absolute majority.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

1. *Natural and Built Environment*
  - 1.1 *Improve and maintain the natural and built environment and infrastructure.*
2. *Economic Development*
  - 2.1.2 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The application has been assessed against the provisions of TPS 1, Draft LPS 2, the City's Policy No. 7.7.1 – Parking and Access and the City's Policy No. 7.5.22 – Consulting Rooms. The key issues identified in the assessment of the application are discussed in detail below.

### Land Use

The use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS1. Policy No. 7.5.22 – Consulting Rooms provides guidance for the assessment of proposals that do not reasonably fall within the Scheme definition of 'consulting room' but offer services of a similar nature. In accordance with the City's policy the proposal falls within the definition of 'Non-Medical Consulting Rooms' offering beauty type services and natural massage. The use is therefore classified as an 'Unlisted Use' and is required to be considered against the requirements of Clause 15 of TPS1.

The subject site is currently zoned District Centre however, TPS 1 does not include any objectives for the District Centre zone. Although the City's proposed LPS 2 is in draft form, it has been adopted by Council and due regard to the provisions of LPS 2 has been given. The subject lot will continue to be zoned District Centre under LPS 2 if adopted and the proposal has been assessed against the objectives of the District Centre zone provided in draft LPS 2.

The proposed use is considered to meet the objectives of the District Centre zone under LPS2 for the following reasons:

- The proposal provides diversity in land uses within the locality as it will operate in conjunction with the Eating House in the same tenancy;
- The proposed use is considered to be complimentary to the surrounding land uses within the Town Centre. The tenancy is located directly adjacent to a Shop (Hairdresser) which is considered to complement the nature of uses within the immediate vicinity;
- The proposed uses within the tenancy will provide a range of employment opportunities to encourage diversity and self-sufficiency within the centre;
- The proposal has been designed to use the existing windows in the façade to have a direct outlook onto Fitzgerald Street. This is considered to increase the ability for surveillance onto Fitzgerald Street and the adjoining footpath; and
- The proposal is relatively small in scale with only one consultant working. With the previously approved Eating House limited to six people and no works proposed as part of the development, it is not considered that the development adversely impact on adjoining residential areas.

### Hours of Operation

The City's Policy No. 7.5.22 – Consulting Rooms states that the hours of operation for a Consulting Room should be limited to the following:

- 8:00am – 9:00pm, Monday – Friday
- 8:00am – 5:00pm, Saturday
- 11:00am – 5:00pm, Sunday and Public Holidays
- CLOSED Christmas Day, Good Friday and Anzac Day.

The hours of operation proposed for the Non-Medical Consulting Rooms is 7:00am – 9.00pm, Monday – Sunday. These are the same hours of operation of the approved eating house on the site. The proposed hours of operation are considered acceptable given the subject site is located within the District Centre zone and in the North Perth Town Centre. Given the combination of uses proposed on the site incorporating the Eating House, the hours of operation are considered to appropriately reflect the intent for the two uses to operate in conjunction. The Non-Medical Consulting Rooms is small in scale and intensity, proposing only one consultant at any time and is not considered to pose an undue impact on the adjoining residential area.

### Time limited approval

The City's Policy No. 7.5.22 – Consulting Rooms states that the non-residential consulting rooms should be limited to a period of 12 months. In this instance it is not recommended that the approval be time limited given its small scale, association with a permanently approval eating house and its location within the North Perth Town Centre surrounded by the consistent land uses of the adjoining properties. The proposed use is considered to appropriately comply with the intent of the City's Policy No. 7.5.22 and is considered to satisfy the requirements for Unlisted Uses as outlined in Clause 15 of TPS1 and is therefore considered permissible.

### Car Parking

The application has been assessed in accordance with the City's Policy No. 7.7.1 – Parking and Access (Parking and Access Policy). Table 1 and 2 of the Parking and Access Policy requires the existing Eating House and proposed Non-Medical Consulting Rooms to provide 2.8728 car parking bays. Two car parking bays are provided on-site, which results in an overall shortfall for the development of 0.8728 parking bays.

The development is unable to easily accommodate any additional parking on site due to the sites constraints. The two onsite parking bays proposed as part of the development will accommodate the two staff employed across the two uses. There is on-street car parking available on Fitzgerald Street adjacent to the subject site and in surrounding streets that may be capable of use for the development. However, being located in the North Perth Town Centre, these parking bays are in high demand, with the City recently implementing changes to the management of the public parking in the North Perth Town Centre to address the high parking occupancy and lack of parking availability in the Town Centre.

The City's Parking and Access Policy states that Council may, at its discretion, waive the car parking requirements for change of use applications to provide additional on-site car parking, including waiving cash-in-lieu requirements in the following instance:

- a) *where the application does not involve the reduction of existing on-site car parking bays as part of the application; and*
- b) *where the application does not involve any building works that contribute to additional floor area that would be subject to parking requirements.*

The proposed development is repurposing the existing premises with the existing car parking area. The application does not propose any building works which contribute to additional floor area that would be subject to a parking requirement. However, the development relies completely on public parking for its customers and with the North Perth Town Centre already experiencing high parking demands that have warranted changes to the City's management of public car parking it is considered that the lack of parking provided by this development will directly add to the parking issues in the area. Given the context of the site, the waiving of cash-in-lieu is not supported and it is instead recommended that a condition be included on any approval requiring a cash-in-lieu payment of \$4,713 for the 0.8728 car bay shortfall, which will be used to provide improved parking options and management in the North Perth Town Centre.

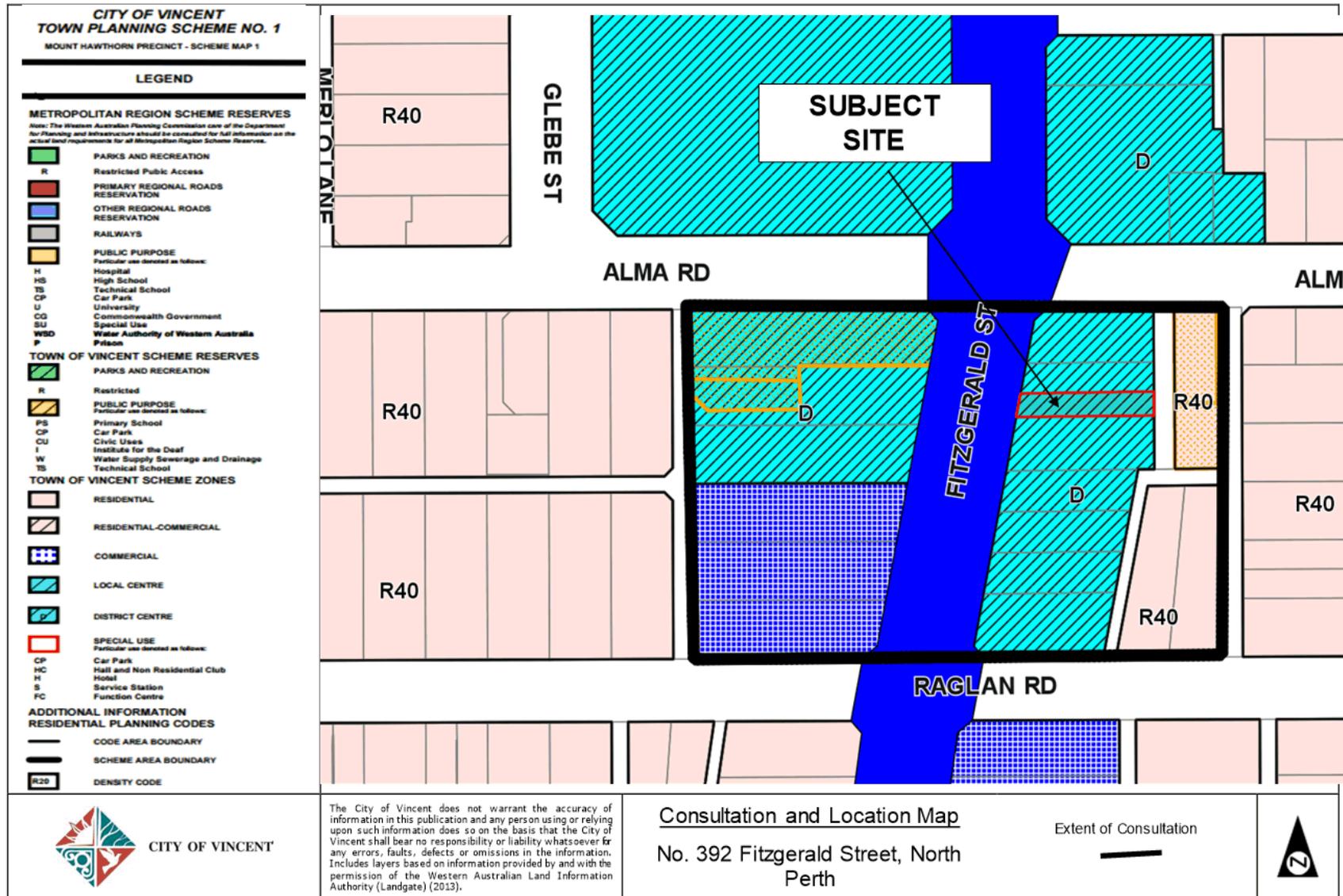
### Bicycle Parking

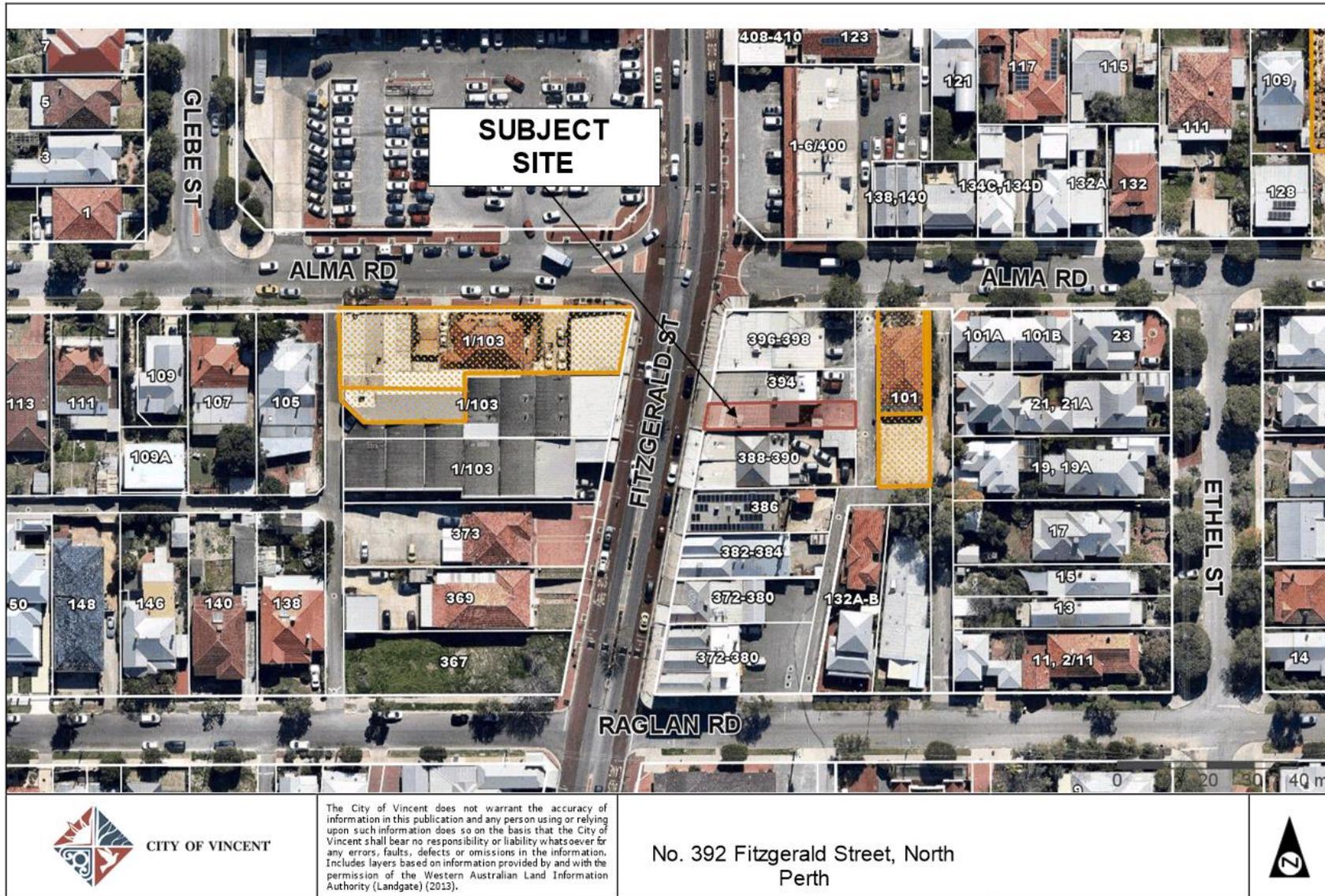
An assessment was undertaken with regard to bicycle parking in accordance with the City's Policy No. 7.7.1 – Parking and Access. The existing Eating House and proposed Non-Medical Consulting Rooms will require two Class 1 or 2 facilities and three Class 3 facilities. A condition of the previous approval under delegated authority dated 31 October 2017 required one Class 1 or 2 and one Class 3 bicycle bay facilities to be provided. Additional short term bike parking can be provided in front of the development in the road reserve and space for additional long term bike parking exists to the rear of the building in the 'Back Yard' area. As a result a condition requiring the provision of this additional bike parking is recommended.

### Conclusion

The proposed land use is considered to be appropriate and consistent with the immediate locality and will contribute to the North Perth Town Centre. The application results in a small car parking shortfall and given the lack of public parking availability in the area, it is recommended that a cash-in-lieu contribution for this shortfall be required. Whilst the period of approval and the hours of operation fall outside those contained within Policy No. 7.5.22, it is considered that the proposed operating hours are appropriate given the development will operate in conjunction with an approved Eating House and is located within a Town Centre.

In light of the above, it is recommended that the development be approved subject to conditions.



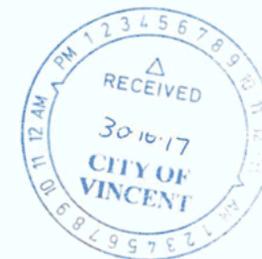


PLAN FOR		
(Lot 152) 392 Fitzgerald Street. North Perth 6006 WA		
PURPOSE		
Change of Use		
From Retail to Cafe & Spa		
NAME OF THE BUSINESS		
 The Little Gem Cafe, Spa & Massage		
DATE   12/ 07 / 2017	DESIGNER   Xiaoyang Yang	CONTACT   0425036656 / elevdesign@gmail.com

PROPOSED [ The Little Gem Cafe, Spa & Massage]  
TENANCY AT 392 FITZGERALD STREET,  
NORTH PERTH 6006

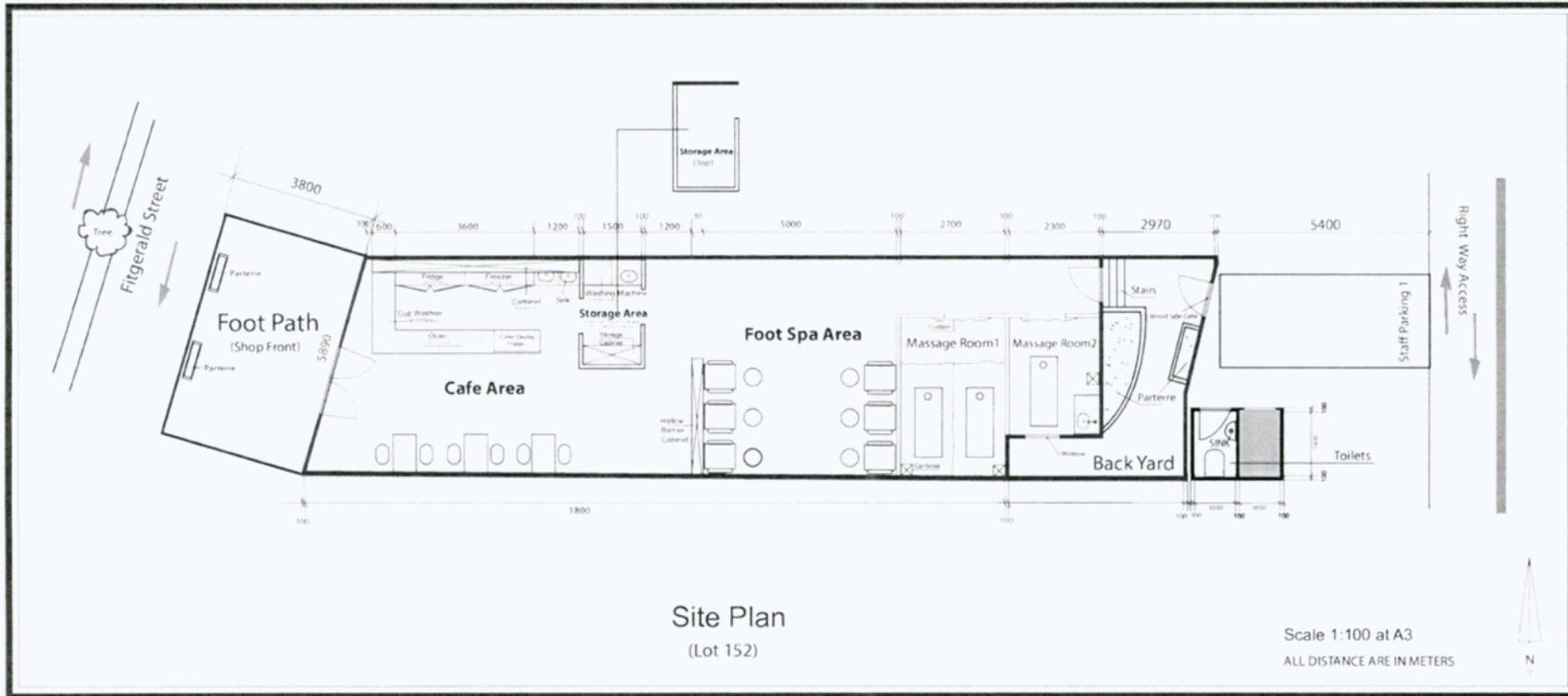


Location Plan

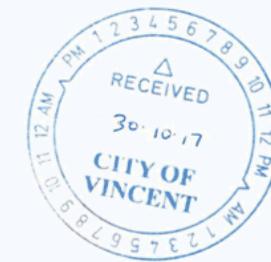


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PLAN FOR			
(Lot 152) 392 Fitzgerald Street. North Perth 6006 WA			
PURPOSE		Change of Use	
		From Retail to Cafe & Spa	
NAME OF THE BUSINESS			
The Little Gem Cafe, Spa & Massage			
DATE   12/ 07 / 2017	DESIGNER   Xiaoyang Yang	CONTACT   0425036656 / elevdesign@gmail.com	



SHEET 3 of 5

**Determination Advice Notes:**

1. Use and activity at the site shall comply with the Non-Medical Consulting Rooms definition under the City's Policy 7.5.22 as follows:

*any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like but does not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.*

*Beauty therapists should have completed a beauty therapy course certified by the 'Training Accreditation Council'.*

*Where an Act or Regulation does not exist in relation to the type of consultancy to be carried on in the proposed non-medical consulting rooms, proof of current accreditation from a relevant legitimate and reputable association or organisation is to be submitted at the time of application.*

*Uses that do not meet the abovementioned criteria will not be classified as non-medical consulting rooms;*

2. A separate application for approval will be required for any proposed change or addition of a different category of consulting rooms under the City's Policy No. 7.5.22 to that approved under this approval;
3. Any new signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Development Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage; and
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

**5.6 LATE REPORT: NO. 304 (LOT: 6; D/P: 2411) FITZGERALD STREET, PERTH - PROPOSED EXTENSION OF THE TERM OF APPROVAL: FOUR STOREY OFFICE BUILDING AND ASSOCIATED CAR PARKING**

**TRIM Ref:** D17/153402  
**Author:** Heidi Miragliotta, Urban Planner  
**Authoriser:** John Corbellini, Director Development Services  
**Ward:** South  
**Precinct:** 12 – Hyde Park  
**Attachments:**

1. Attachment 1 - Consultation and Location Map
2. Attachment 2 - Previous Approval and Plans
3. Attachment 3 - Applicant's Justification
4. Attachment 4 - Applicant's Response to Submission
5. Attachment 5 - Summary of Submissions

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to extend the period within which the development must be substantially commenced for planning approval (5.2013.520.1) granted by Council on 27 May 2014 for Proposed Four Storey Office Building and Associated Car Parking at No. 304 (Lot: 6 D/P: 2411) Fitzgerald Street, Perth, in accordance with the plans included as Attachment 2, subject to the following conditions:

1. All conditions and advice notes detailed on planning approval 5.2013.520.1 granted on 27 May 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
  - a) Condition 5.1 of the planning approval is deleted and replaced with the following condition:

**“5.1 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

5.1.1 The location and type of existing and proposed trees and plants;

5.1.3 The provision of additional deep soil zone within the road widening area of a minimum of 6 per cent of the site area to the satisfaction of the City;

5.1.2 The provision of additional mature tree planting within the road widening area with a minimum canopy cover at maturity of 80 per cent of the road widening area shown on the approved plans to the satisfaction of the City; and

5.1.4 Areas to be irrigated or reticulated.

All works shown in the approved landscape and reticulation plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;” and

## b) An additional Condition 5.9 is added as follows:

**“5.9 Environmentally Sustainable Design**

**Prior to the commencement of development that the applicant demonstrate, to the satisfaction of the City, that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 1.8 of the City’s Policy No. 7.1.1 – Built Form;”.**

**PURPOSE OF REPORT:**

To consider an application for an extension of the term of approval for a proposed four storey office building and associated car parking at No.304 Fitzgerald Street, Perth.

**BACKGROUND:**

<b>Landowner:</b>	Starclone Pty Ltd
<b>Applicant:</b>	Emco Building
<b>Date of Application:</b>	5 May 2017
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: Commercial
<b>Built Form Area:</b>	Activity Corridor
<b>Existing Land Use:</b>	Vacant
<b>Proposed Use Class:</b>	Office – “P”
<b>Lot Area:</b>	496.554m <sup>2</sup>
<b>Right of Way (ROW):</b>	South eastern side, sealed, 5.0m in width, City owned
<b>Heritage List:</b>	No

The subject site lies between Fitzgerald Street and Cielo Lane which is a City owned right-of-way (ROW). The site is located within the portion of Fitzgerald Street which lies between Vincent Street and Bulwer Street. The site is zoned ‘Commercial’ and its location is shown at **Attachment 1**. The area to the north east, south west and north west, on the opposite side of Fitzgerald Street, is also zoned ‘Commercial’. The area to the rear of the subject lot and on the opposite side of Cielo Lane is zoned ‘Residential’ with an R-Code of ‘R50’. Fitzgerald Street is classified as an Other Regional Road (ORR) under the Metropolitan Region Scheme (MRS) and is reserved as a Category 2 Road. The subject lot is affected by the proposed future widening of the Fitzgerald Street Road Reserve.

Council at its Ordinary Meeting held on 27 May 2014 granted approval for a four storey office building and associated car parking on the subject site. One of the conditions of approval was that a cash-in-lieu contribution of \$6400 be made for the car parking shortfall of 1.28 bay associated with the development. The cash-in-lieu payment was received in full on 8 July 2014. The previous approval, including the conditions and approved plans are included as **Attachment 2**.

The above planning approval expired on 27 May 2016. The current application was lodged on 5 May 2017 and proposes to amend this approval by extending the term of the approval. This application accords with the provisions of Clause 77 of the Planning and Development (Local Planning Scheme) Regulations 2015, which allows a previous planning approval to be amended to extend the timeframe within which the development must be substantially commenced.

The City referred the application to the Department of Planning, Lands and Heritage in early June 2017 as the property abuts an Other Regional Road. A response was received from the Department on 30 June 2017. Following this the City undertook an initial assessment and additional information was requested from the applicant to justify departures from the deemed-to-comply requirements of the Local Planning Policy No 7.1.1 – Built Form (Built Form Policy). Following receipt of additional information from the applicant, the application was advertised at the end of October 2017, details of which are provided below.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.7.1 – parking and Access and the Built Form Policy. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Deemed-to-Comply	Discretion Previously Approved	Discretion Required under Built Form Policy
Street Setback		✓	
Building Setbacks/Boundary Wall			✓
Building Height/Storeys	✓		
Landscaping			✓
Parking & Access		✓	
Bicycle Facilities		✓	
Service Areas and External Fixtures	✓		
Ground Floor Design	✓		
Ground Floor Frontage		✓	
Awnings, Verandahs and Colonnades	✓		
Building Design	✓		
Pedestrian Access	✓		

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows and is discussed further in the comment section below:

Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
<b>Built Form Policy - Clause 2.2</b> The third and fourth storeys are to be setback 3.0m to the north east and south west side boundaries.	A minimum nil setback is proposed.
<b>Built Form Policy - Clause 2.7</b> 15% Deep Soil Zone	4% Deep Soil Zone.

**CONSULTATION/ADVERTISING:**

Consultation on the proposal was undertaken for a period of 14 days in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015, from 10 October 2017 until 23 October 2017. A total of 63 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. The City wrote to the same owners and/or residents that were consulted when the original development application was initially advertised in April 2014.

At the end of the consultation period only one submission, which neither supported nor objected to the proposal, was received. The main points raised in the submission are summarised as follows:

- Access to the rear car park of the adjoining lot shall be maintained at all times unless written permission is received from the landowner.
- A full structural and conditional dilapidation report be conducted prior to any works commencing on the site. The dilapidation report should be submitted to the owners of 300 Fitzgerald Street for comment and agreement.
- Construction noise levels are to be monitored to ensure that they do not exceed the permitted noise levels.

The applicant has provided a justification for the proposal and a response to the submissions which are included as **Attachments 3** and **4** respectively.

A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 5**.

The application, given that Fitzgerald is classified as an Other Regional Road, was also referred to the Department of Planning, Lands and Heritage for comment. The Department have noted that the awning of the proposed building is located within the future road widening reserve. The awning may remain on the proviso that the landowner agrees to remove it upon the land being ceded for road widening. The removal is to be at the expense of the owner. A condition to this effect is already included in the approval and it is recommended this be retained in any approval to extend the term of approval of this development.

#### **Design Advisory Committee (DAC):**

Referred to DAC: No

#### **LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.7.1 – Parking and Access.

Clause 71(a)(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that if development approval is granted, the development must be substantially commenced within the period of 2 years commencing on the date on which the determination is made if no period is specified in the approval.

Clause 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the term of a development approval to be amended so as to extend the period within which any development approved must be substantially commenced. However, no guidance is provided as to how discretion can be exercised in this regard. The State Administrative Tribunal (SAT) has published several decisions that relate to the extension of time and provide relevant considerations in the exercise of discretion in this application. Notably in the decision of Claymont Westcapital Pty Ltd and East Perth Redevelopment Authority WASAT 77 – 2008, SAT identified three key considerations, namely:

- whether the planning framework has changed substantially since the development approval was granted;
- whether the development would likely receive approval now; and
- whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

Each relevant matter is to be considered and balanced in the exercise of discretion. The applicant has addressed the above matters in their justification for the proposal, which is included as **Attachment 3**.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

#### **Delegation to Determine Applications:**

This matter is being referred to Council as the Council approved the previous application and the development is more than three storeys.

#### **RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

1.1 *Improve and maintain the natural and built environment and infrastructure."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

Lot Boundary Setbacks

The proposed development has a nil side boundary setback for all four storeys. These lot boundary setbacks are identical to those included in the previous approval, which met the deemed-to-comply standards set under the previous Hyde Park Precinct Policy No. 3.1.12 and Development Guidelines for Commercial and Mixed Use Developments Policy No 3.1.12, which was the applicable policy at the time. However, in January 2017, the Hyde Park Precinct Policy No. 3.1.12 was rescinded and the Built Form Policy became the applicable policy for the purposes of lot boundary setbacks. The Built Form Policy sets a deemed-to-comply side setback of nil for the first two storeys and three metres for the third and fourth storeys. Given this, the proposal has been assessed against the relevant design principles of the Built Form Policy.

In order to satisfy the design principles of the Built Form Policy, the proposed development is required to incorporate design elements that reduce the impact of building bulk and maximise natural light access, natural ventilation and, internal and external privacy. The applicant in their submission, which is included as **Attachment 3**, have provided justification for the side setback departure from the deemed-to-comply criteria by demonstrating the manner in which the design principles have been addressed through the building design. In summary the applicants have stated that the proposed development is consistent with the existing nil side setbacks of the non-residential adjoining lots at 300 and 308 Fitzgerald Street.

The adjoining lots are not considered to be adversely impacted by the building bulk of the proposed development. The commercial developments on either side of the subject site both include three storey boundary walls which will screen the third and fourth storey boundary walls from the street and ensure there is no impact on the adjoining property. The front façade is characterised by a mix of materials such as an aluminium awning at ground level, perforated shade awnings on the second, third and fourth stories, aluminium framed windows and metal louvres. The rear (east) elevation contains shade awnings which reduces the visual impact of building bulk. The development contains skylights and a light well which allows for natural light access to the development. The proposed office development's setbacks and landscaping are consistent with surrounding non-residential developments. The proposed rear (east) elevation, which adjoins Cielo Lane, contains window openings and visually permeable screens/gates (on the ground floor) which allows for passive surveillance of the rights of way.

Given the above, it is considered that the proposal does meet the relevant design principles and the side boundary setbacks of the third and fourth floor are considered appropriate.

Landscaping

The approved development includes approximately 20 square metres or 4 percent of the site area as deep soil zone, which is well below the 15 percent set as a deemed-to-comply standard in the Built Form Policy. These deep soil zones are provided within the road widening area, given the development footprint covers the entire site area and no roof terrace or balconies are proposed. The future road reserve is likely to incorporate landscaping in the location of the deep soil zones proposed, and so these landscaped areas are considered appropriate. However, there is opportunity for the area of deep soil zone in the road widening area to be increased and more significantly, there is also opportunity for additional tree planting in this area which would deliver significant canopy coverage of both the front setback area and the road reserve.

In order to address the design principles of the Built Form Policy, it is recommended that the landscaping condition on the existing approval be amended as part of any extension to the term of this approval to require a minimum of 30 square metres of deep soil zone and 80 percent of the road widening area to be provided with canopy coverage.

#### Environmentally Sustainable Design

The previous planning approval has not addressed the environmentally sustainable design requirements of the Clause 1.8 of the Built Form Policy. As such it is recommended that a condition be included on any extension of time requiring the applicant to demonstrate that the development is capable of achieving one of the environmental performance ratings in accordance with Clause 1.8 of the Built Form Policy, prior to the proposed development being commenced. This will ensure that environmentally sustainable design is considered as part of the detailed building design of the development and that the intent of this element of the Built Form Policy is satisfied.

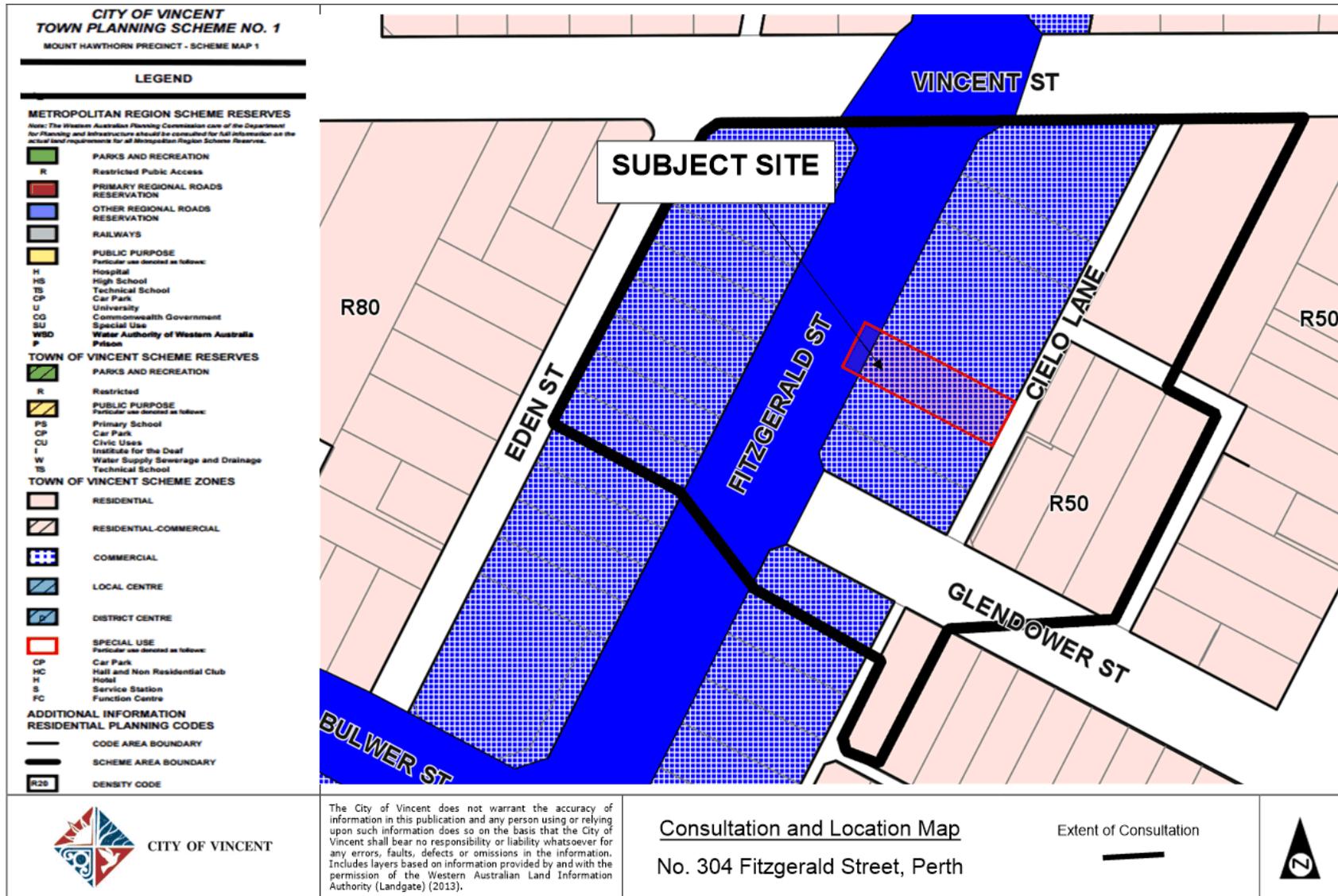
#### Time Extension

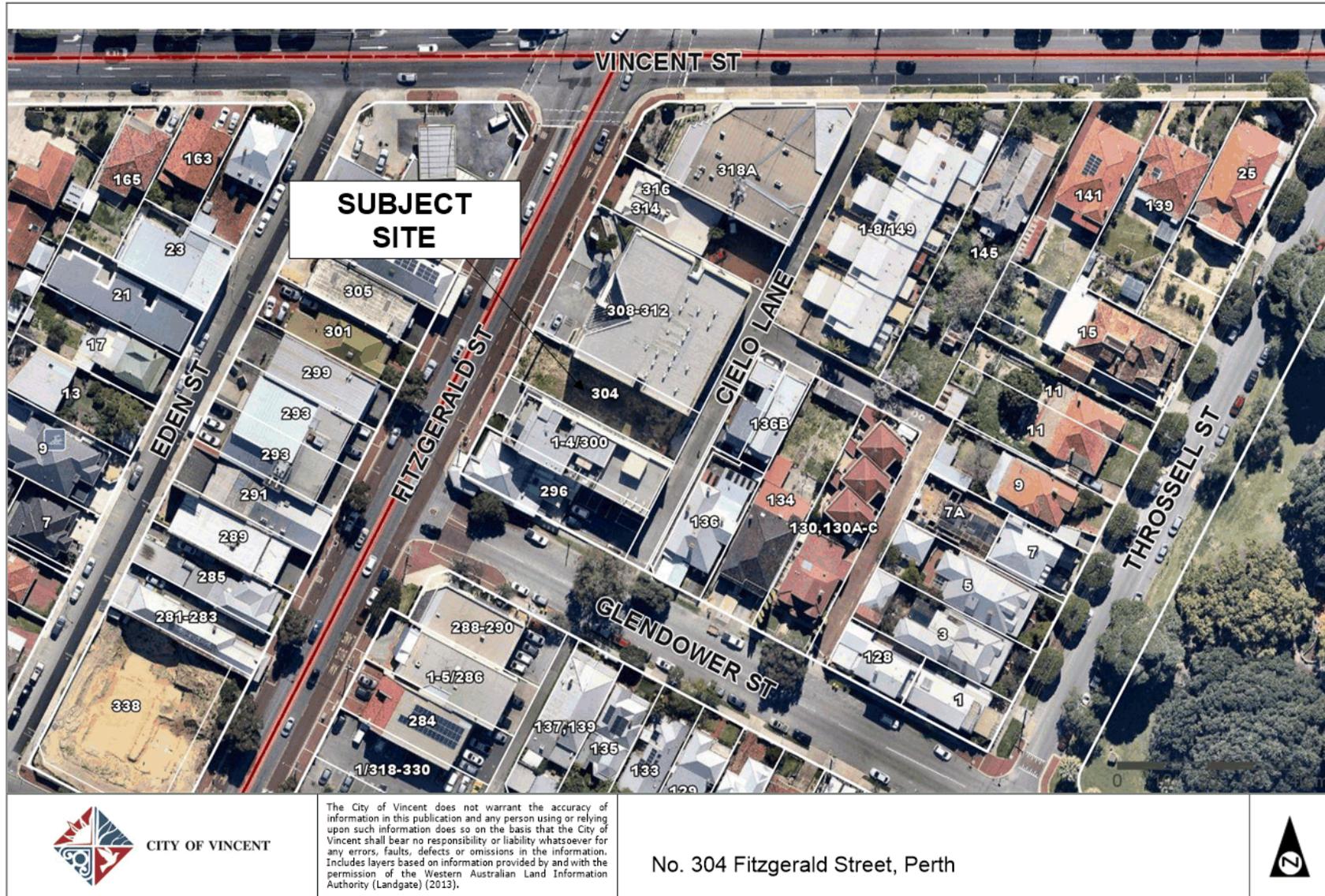
The applicants have demonstrated that the developer, as holder of the development approval, has actively and relatively conscientiously pursued the implementation of the development approval issued 27 May 2014. The applicants in their justification have raised the following points:

- Payment of the cash-in-lieu contribution of \$6,400, as required by Condition 6.3, was paid by the landowner on 8 July 2014.
- An application for building permit received a Certificate of Design Compliance by a private building certifier on 10 November 2014 and building permit issued by the City on 3 February 2015.
- Marketing of the proposed office development for expressions of interest has commenced via methods including advertising signage on-site and online website. Due to current economic conditions sale of the development has stagnated and construction has not been a viable option to pursue.

The proponent remains committed to delivering the development and seeks an additional two years to progress the development.

Although the previous Hyde Park Precinct Policy No. 3.1.12 and Development Guidelines for Commercial and Mixed Use Developments Policy No 3.1.12, which were applicable at the time the planning approval was issued, have been rescinded, the planning framework has not changed substantially. The site is still zoned Commercial and the changes in the provisions of the Built Form Policy relating to setbacks, environmentally sustainable design and landscaping can be appropriately addressed by the development or through conditions of approval. The development is considered to generally accord with the Built Form Policy, subject to conditions being imposed regarding landscaping, and as such the request for the extension of time is recommended for approval, subject to previous conditions and advice notes detailed on planning approval 5.2013.520.1.





ORDINARY MEETING OF COUNCIL  
27 MAY 2014

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CITY OF VINCENT  
MINUTES**9.1.10 No. 304 (Lot 6; D/P 2411) Fitzgerald Street, North Perth – Proposed Four Storey Office Building and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	16 May 2014
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO4076; 5.2013.520.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Justification <a href="#">003</a> – Comment from Department of Planning		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J. Ripp on behalf of the owners, Starclone Pty Ltd, for Proposed Construction of Four Storey Commercial Building and Associated Car Parking at No. 304 (Lot 6; D/P 2411) Fitzgerald Street, North Perth and as shown on amended plans stamp-dated 19 February 2014 and amended plans dated 28 April 2014, subject to the following conditions:

**1. Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 300 & 308-310 Fitzgerald Street, North Perth in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

**2. Street Interaction**

Windows, doors and adjacent areas fronting Fitzgerald Street, North Perth shall maintain an active and interactive relationship with the street;

**3. On-Site Parking Provision – Commercial**

A minimum of thirteen (13) car bays are to be provided for the commercial component of the development;

**4. Car Parking and Accessways**

4.1 The car park shall be used only by tenants and visitors directly associated with the development;

4.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1; and

4.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way; and

**5. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;****5.1 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Commercial and Mixed Use Policy for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.1.1 The location and type of existing and proposed trees and plants.
- 5.1.2 All vegetation including lawns.
- 5.1.3 Areas to be irrigated or reticulated.
- 5.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 5.1.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation; and

All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

5.2 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

5.3 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

5.4 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

5.5 Waste Management Plan/Stormwater Management Plan

Waste Management and Storm Management Plans to be submitted and approved by the City's Technical Services; and

5.6 Awnings

Continuous and complementary awnings being provided over the Fitzgerald Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Fitzgerald Street;

5.7 Car Stackers

Car stackers to be provided in accordance with the requirements of the City's Parking and access Policy No. 7.7.1 to the satisfaction of the Director of Technical Services;

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**5.8 Section 70A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

5.8.1 The proposed development proposes an aisle width of less than 7.0 metres. It is advised that multiple manoeuvres may be required to enter and exit the car stacker bay; and

**6. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

**6.1 Percent for Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers, including:

6.1.1 Elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$25,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$2,500,000; and

**6.2 in conjunction with the above chosen option;**

**6.2.1 Option 1**

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and  
prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work;  
OR

**6.2.2 Option 2**

Prior to the submission of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount; and

**6.3 Cash-in-Lieu**

Pay a cash-in-lieu contribution of \$6,400 for the equivalent value of 1.28 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$6,400 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

6.3.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

ORDINARY MEETING OF COUNCIL  
27 MAY 2014

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6.3.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

6.3.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

7. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;

7.1 Car Parking

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

7.2 Commercial Bicycle Bays

A minimum of four (4) Class 1 or 2 bicycle bays, and seven (7) Class 3 bicycle bays be provided on-site. Class 3 Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8. Department of Planning

8.1 The landowner agrees to remove the temporary structure at the time when the reserved land is required for the upgrading of Fitzgerald Street at their own expense; and

8.2 The land owner agrees that any improvements made to or loss of amenity will not be taken into consideration is determining any land acquisition cost or compensation which may be payable by the Council or the WAPC at such time as the land is required; and

9. The development is to comply with all Building, Health and Engineering Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. 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;

2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;

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4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage;
7. The City is not responsible for the relocation of any services that may be required as a result of the development;
8. It is recommended the applicant conduct a dilapidation report of the adjoining properties;
9. In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Fitzgerald Street frontages of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

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**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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## PROPOSED OFFICE DEVELOPMENT

Starclone ATF The Fitzgerald Trust

Lot 6 (#304) FITZGERALD STREET, PERTH WA 6000

MKD PROJECT NUMBER: 0256

REVISION: SK11

### DRAWING LIST

Sheet 1	Development Summary
Sheet 2	Site & Ground Floor Plan
Sheet 3	Enlarged Site Plan
Sheet 4	First & Second Floor Plans
Sheet 5	Third Floor Plan
Sheet 6	Elevations
Sheet 7	Section
Sheet 8	Perspective Views & Streetscape
Sheet 9	Overshadowing Diagram
Sheet 10	Parking Clearances
Sheet 11	Landscaping Plan



**DEVELOPMENT SUMMARY**

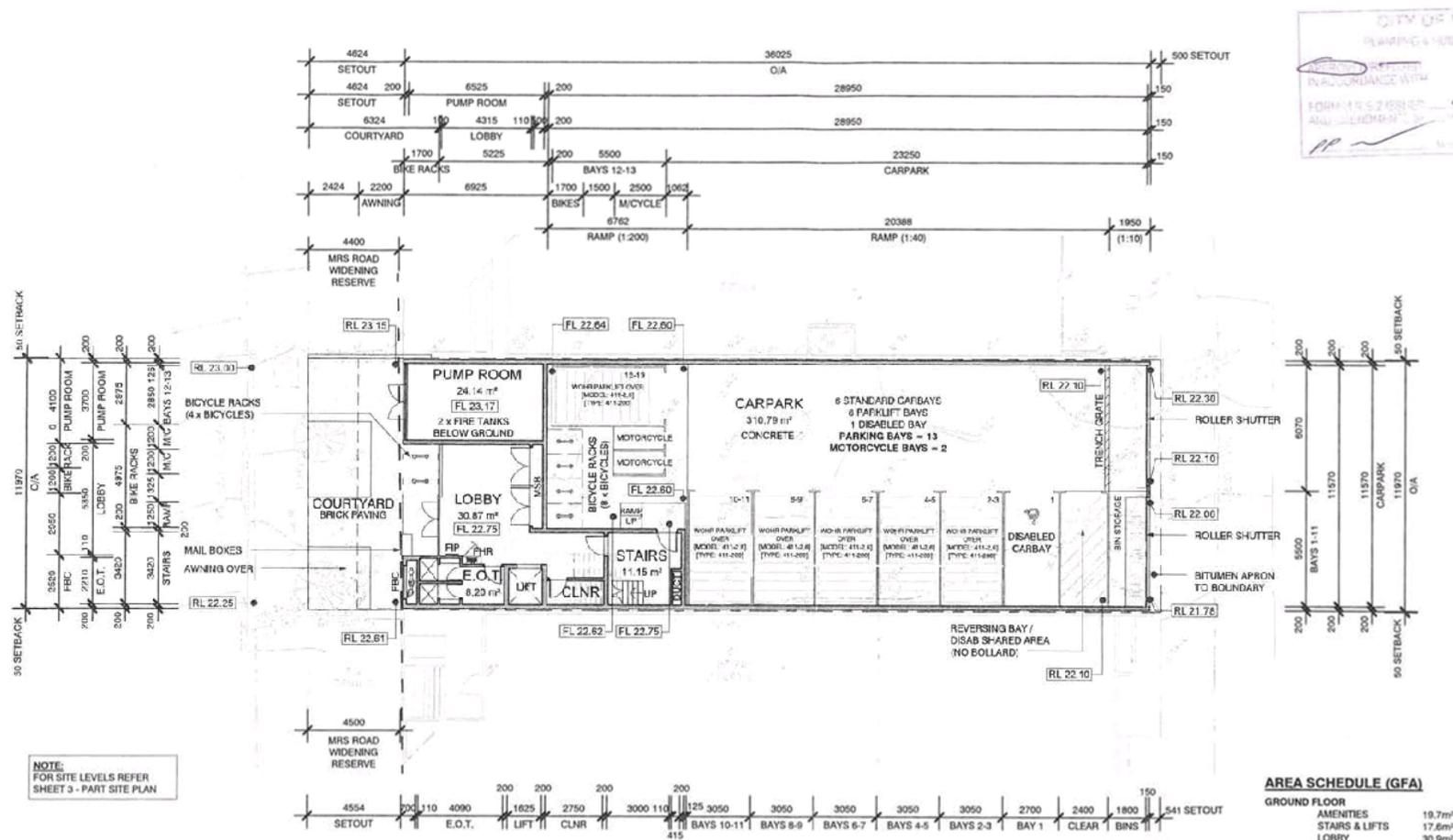
<b>1. SITE AREA</b>		497m <sup>2</sup>
<b>2. BUILDING AREAS</b>		
	<b>GFA</b>	<b>NLA</b>
GROUND FLOOR	68.2m <sup>2</sup>	N/A
FIRST FLOOR	427.4m <sup>2</sup>	348.3m <sup>2</sup>
SECOND FLOOR	427.4m <sup>2</sup>	340.6m <sup>2</sup>
THIRD FLOOR	427.4m <sup>2</sup>	340.6m <sup>2</sup>
<b>TOTAL</b>	<b>1350.4m<sup>2</sup></b>	<b>1029.5m<sup>2</sup></b>
<b>3. PLOT RATIO</b>		275%
<b>4. CARPARKING</b>		
CARPARKING REQD (OFFICE) =	1 BAY / 50m <sup>2</sup> NLA	20.59 BAYS (21 BAYS)
ADJUSTMENT FACTORS:	WITHIN 400m OF BUS ROUTE	0.80
	WITHIN 400m OF PUBLIC CARPARK > 75 BAYS	0.85
	TOTAL ADJUSTMENT FACTOR	0.68
CAR BAYS (W/ ADJUST. FACTOR) =	20.59 x 0.68	14.00 BAYS
MOTORCYCLE / SCOOTER PARKING =	MINUS 1 CAR BAY, PLUS 2 MOTORCYCLE BAYS	13.00 CAR BAYS, 2 MOTORCYCLE / SCOOTER BAYS
CARPARKING BAYS PROVIDED =		13 BAYS
MOTORCYCLE / SCOOTER BAYS PROVIDED =		2 BAYS
<b>5. BIN STORAGE</b>		
BINS REQUIRED (COMMERCIAL) =	0 - 220m <sup>2</sup> NLA FLOOR SPACE (240L BIN)	4.68 BINS
BINS PROVIDED		6 BINS (SPACE TO SUIT 240L OR 360L)
<b>6. BICYCLE STORAGE</b>		
BICYCLE PARKING REQUIRED =	1 SPACE / 100m <sup>2</sup> NLA	10.29 SPACES (3.60 CLASS 2, 6.69 CLASS 3)
BICYCLE PARKING PROVIDED =		12 SPACES
CLASS 2 FACILITIES		4 SPACES
CLASS 3 FACILITIES		8 SPACES (INCL. 1x SURPLUS)
<b>7. ENERGY EFFICIENCY</b>		
SOLAR PANELS (FOR 5kW PV SYSTEM) WILL BE INSTALLED ON ROOFTOP WITHIN PARAPET.		

**PROPOSED OFFICE DEVELOPMENT**  
 Starstone ATF The Fitzgerald Trust  
 Lot 6 (#504) FITZGERALD STREET, PERTH WA 6000

**MULDER KAMPMAN DESIGN**

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 115 Stirling Highway, Perth WA 6000  
 www.mulderkampman.com.au  
 Suite 101, 117 Bolder Drive, Ecclestone Equipment, Perth, WA 6114

DATE: Feb 2014  
 SCALE: 1:200 @ A3  
 PROJECT NO: 0256  
 DRAWN: M. Stum  
 CHECKED: SK11



**SITE & GROUND FLOOR PLAN**

Scale 1:200

CITY OF PERTH  
PLANNING & BUILDING SERVICES  
APPROVED REFLECTED IN ACCORDANCE WITH  
12 JUL 2014  
FORM 118 (27 SEP 07) OAC 27.5.14  
AND SCHEDULE 3  
11

**PROPOSED OFFICE DEVELOPMENT**  
Stratford ATF The Fitzgerald Trust  
Lot 6 (E004) FITZGERALD STREET, PERTH WA 6000

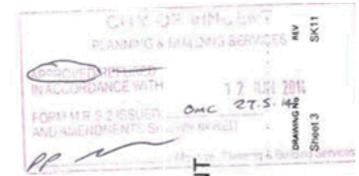
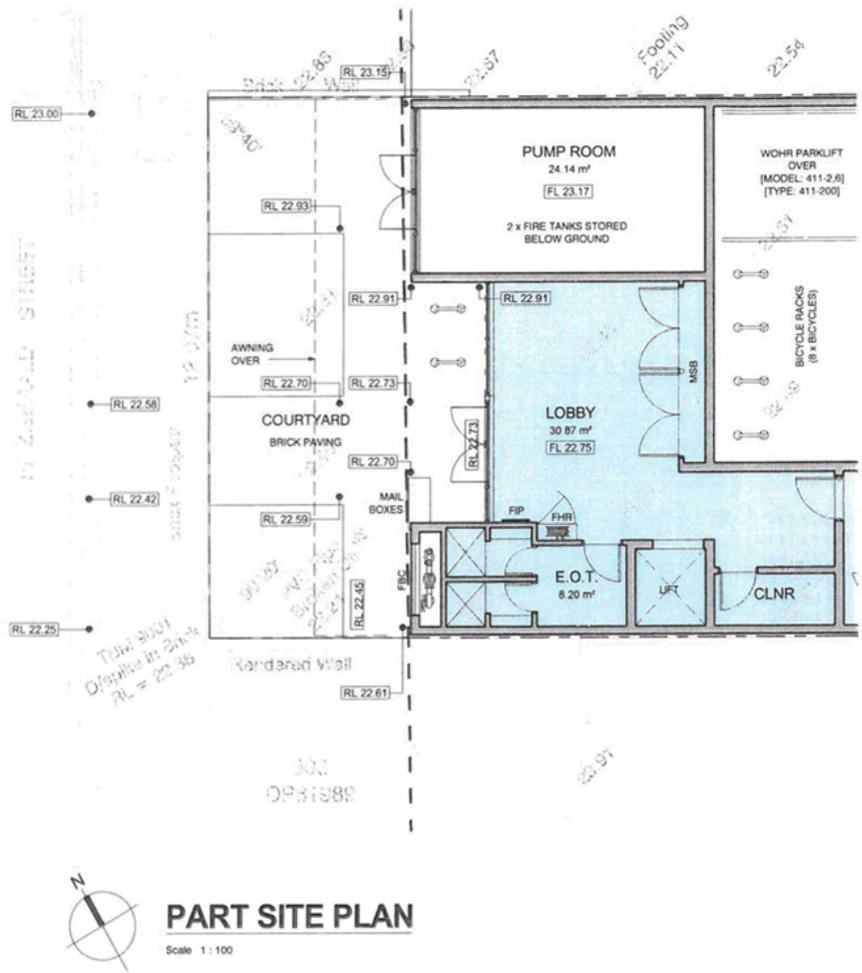
DATE: Apr 2014  
SCALE: 1:200 @ A3  
PROJECT NO: 0256  
DRAWN: M. Sibum  
DRAUGHTSMAN: SK12  
SHEET 2

**AREA SCHEDULE (GFA)**

FLOOR	ROOM	AREA (m²)
GROUND FLOOR	AMENITIES	19.7m²
	STAIRS & LIFTS	17.6m²
	LOBBY	30.8m²
	<b>TOTAL</b>	<b>68.2m²</b>
FIRST FLOOR	OFFICE	361.1m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
	<b>TOTAL</b>	<b>427.4m²</b>
SECOND FLOOR	OFFICE	355.8m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
	LIGHT WELL	5.3m²
<b>TOTAL</b>	<b>427.4m²</b>	
THIRD FLOOR	OFFICE	355.8m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
	LIGHT WELL	5.3m²
<b>TOTAL</b>	<b>427.4m²</b>	

**MULDER KAMPMAN**  
DESIGN

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info@mulderkampman.com.au  
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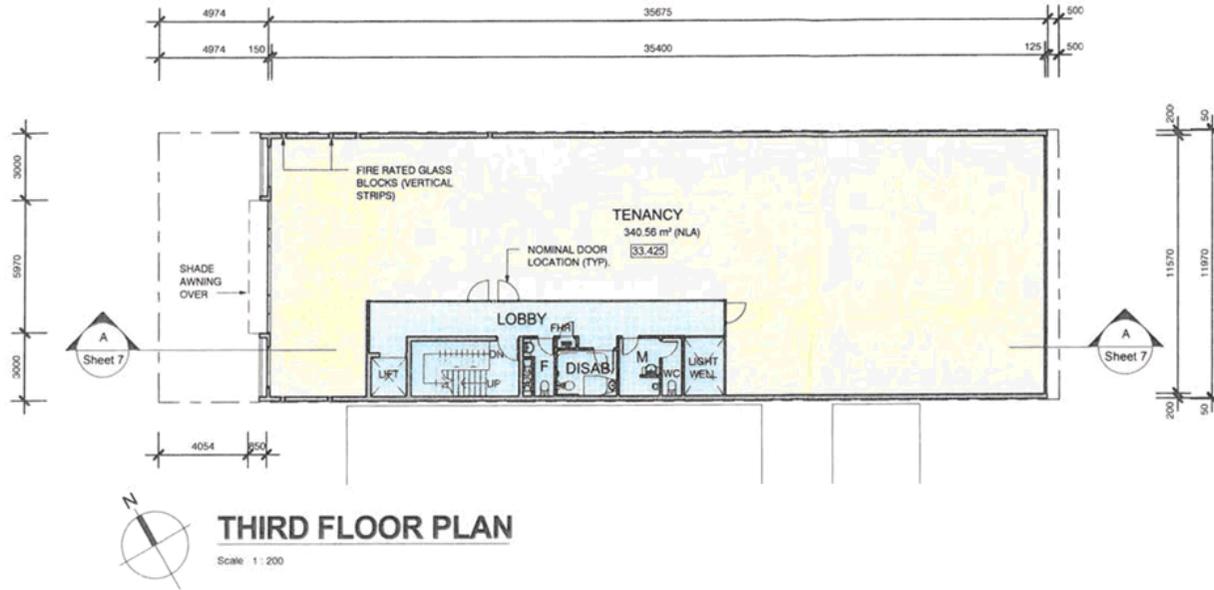


**PROPOSED OFFICE DEVELOPMENT**  
Sardone ATF The Fitzgerald Trust  
Lot 6 (#304) FITZGERALD STREET, PERTH WA 6000

**MULDER KAMPMAN DESIGN**

DATE: Feb 2014  
SCALE: 1:100 @ A3  
PROJECT NO: 0256  
DRAWN: M.S. Burn

# 075017973  
www.mulderkampmandesign.com.au  
www.mulderkampmandesign.com.au  
2/11-11/2, 317 Wyalapa Drive, COORULLA, VIC 3213



**AREA SCHEDULE (GFA)**

FLOOR	OFFICE	AMENITIES	STAIRS & LIFTS	LOBBY	TOTAL
<b>GROUND FLOOR</b>					
		19.7m <sup>2</sup>	17.6m <sup>2</sup>	30.9m <sup>2</sup>	<b>68.2m<sup>2</sup></b>
<b>FIRST FLOOR</b>	361.1m <sup>2</sup>	19.8m <sup>2</sup>	17.7m <sup>2</sup>	28.8m <sup>2</sup>	<b>427.4m<sup>2</sup></b>
<b>SECOND FLOOR</b>	355.8m <sup>2</sup>	19.8m <sup>2</sup>	17.7m <sup>2</sup>	28.8m <sup>2</sup>	<b>427.4m<sup>2</sup></b>
<b>THIRD FLOOR</b>	355.8m <sup>2</sup>	19.8m <sup>2</sup>	17.7m <sup>2</sup>	28.8m <sup>2</sup>	<b>427.4m<sup>2</sup></b>

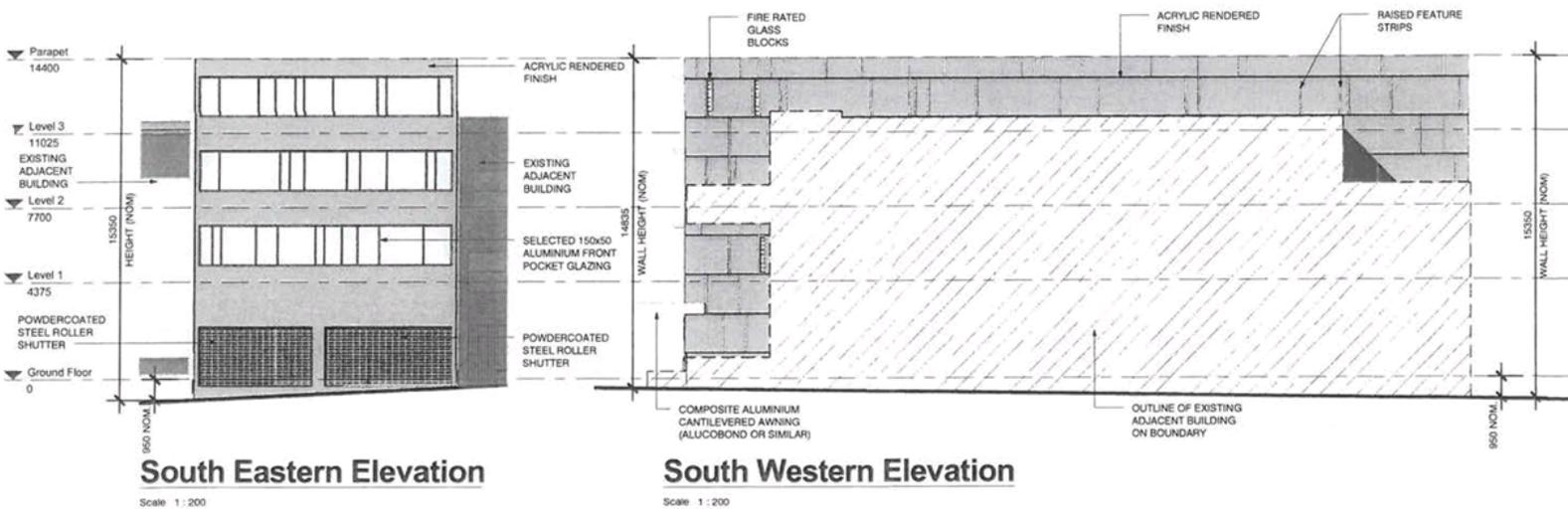
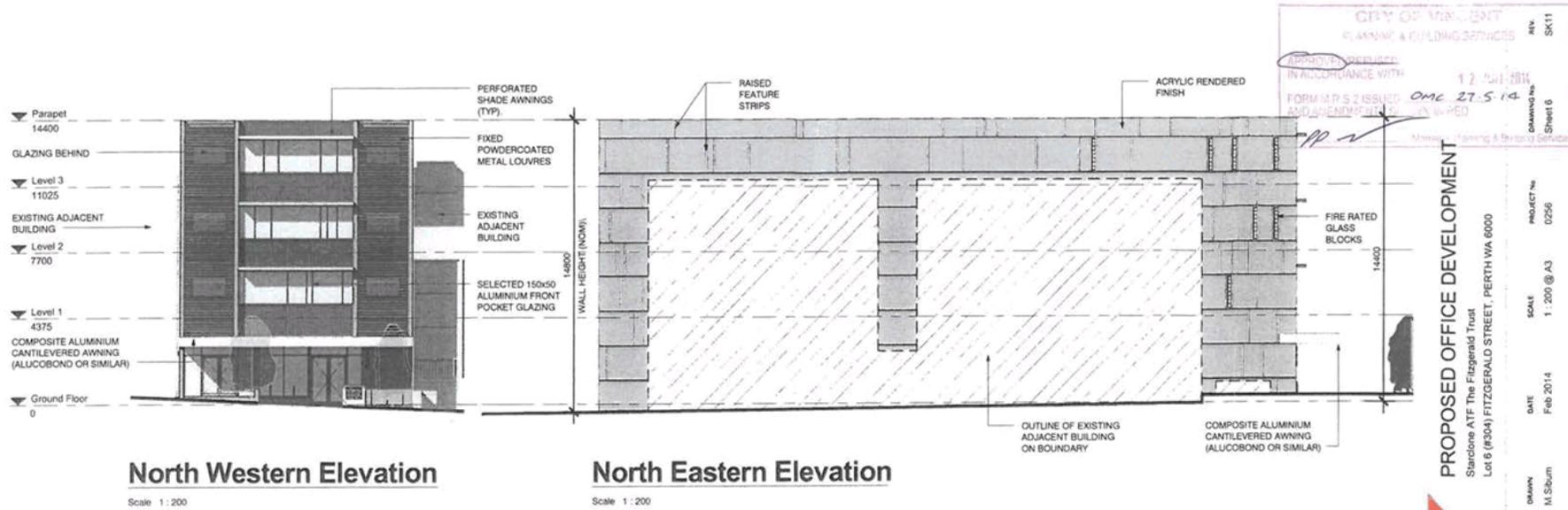
**TOTAL** 1390.4m<sup>2</sup>

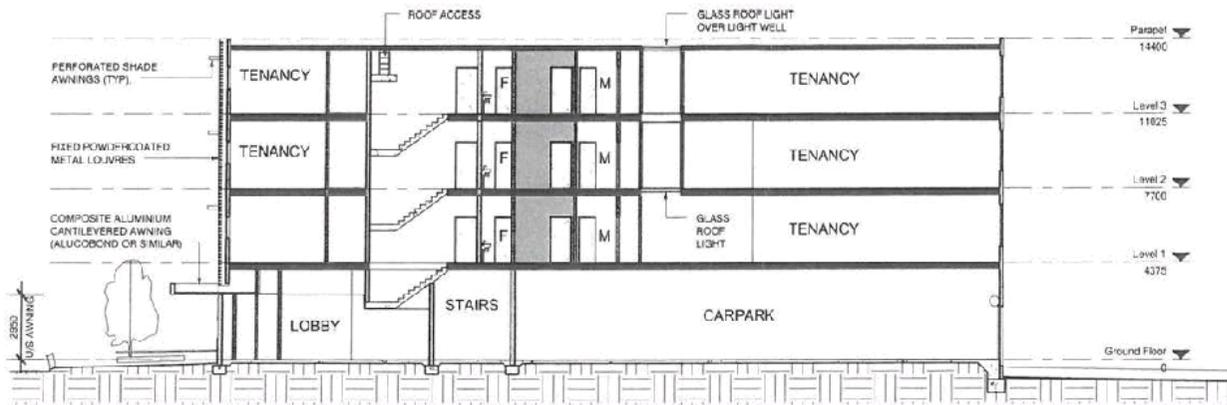
1390.4m<sup>2</sup> GFA  
 PLANNING BUILDING  
 IN ACCORDANCE WITH  
 FORM 119 S.2 ISSUED 01/01/2014  
 AND ALL ENFORCEMENTS IN FORCE  
 DATE: Feb 2014  
 DRAWN: M. Solum

**PROPOSED OFFICE DEVELOPMENT**  
 Starobee ATF The Fitzgerald Trust  
 Lot 6 (R904) FITZGERALD STREET, PERTH WA 6000

**MULDER KAMPMAN**  
 DESIGN

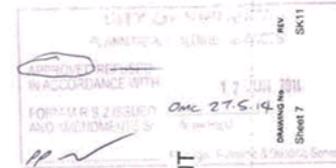
(08) 9472260  
 www.mulderkampman.com.au  
 5/5 The Esplanade, Cockburn Central WA 6174





**Section A-A**

Scale 1:200



**PROPOSED OFFICE DEVELOPMENT**

Starstone ATF The Fitzgerald Trust  
 Lot 6 (#304) FITZGERALD STREET, PERTH WA 6000

DRAWN: M. Saum  
 DATE: Feb 2014  
 SCALE: 1:200 @ A3  
 PROJECT No: 0256



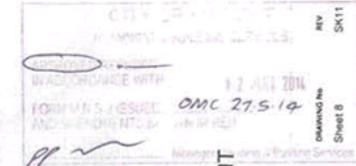
**Perspective View 01**



**Perspective View 02**



**Streetscape**



**PROPOSED OFFICE DEVELOPMENT**  
Starstone ATF The Fitzgerald Trust  
Lot 6 (R304) FITZGERALD STREET, PERTH WA 6000

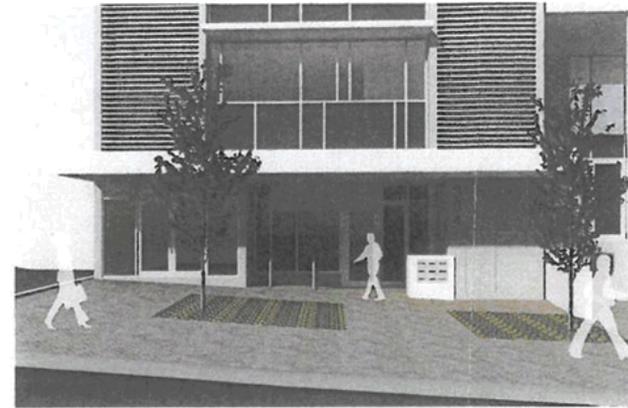
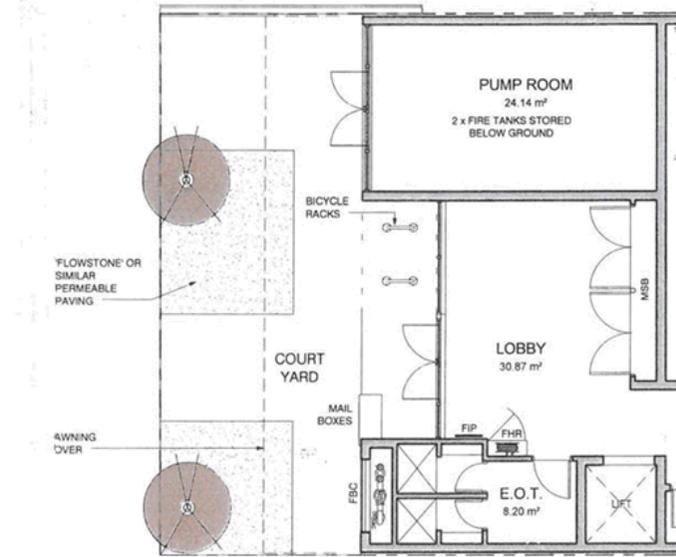
DATE Feb 2014  
SCALE @ A3  
PROJECT No 0256  
DRAWN M. Sabun

**MULDER KAMPMAN**  
DESIGN

08 9417 2512  
www.mulderkampman.com.au  
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**LANDSCAPING NOTES**

**LANDSCAPING INSTALLATION REQUIREMENTS:**

POT SIZES AS FOLLOWS: 25-45L

TREES: 25-45L

ALL TREES TO BE STAKED AND TIED

WHERE FERTILISER IS REQUIRED - SLOW RELEASE FERTILISER SHOULD BE APPLIED

ALL SHRUBS & TREES TO HAVE AN AUTOMATIC TRICKLE SYSTEM

**LANDSCAPING LEGEND**

SYMBOL	TYPE	NAME	IMAGE
	TREE	PRUNUS CERASIFERA (FLOWERING PLUM)	
	PERMEABLE PAVING	FLOWSTONE (AUTUMN)	
	BRICK PAVING		

**LANDSCAPING PLAN**  
Scale 1:100

**LANDSCAPING AREA**

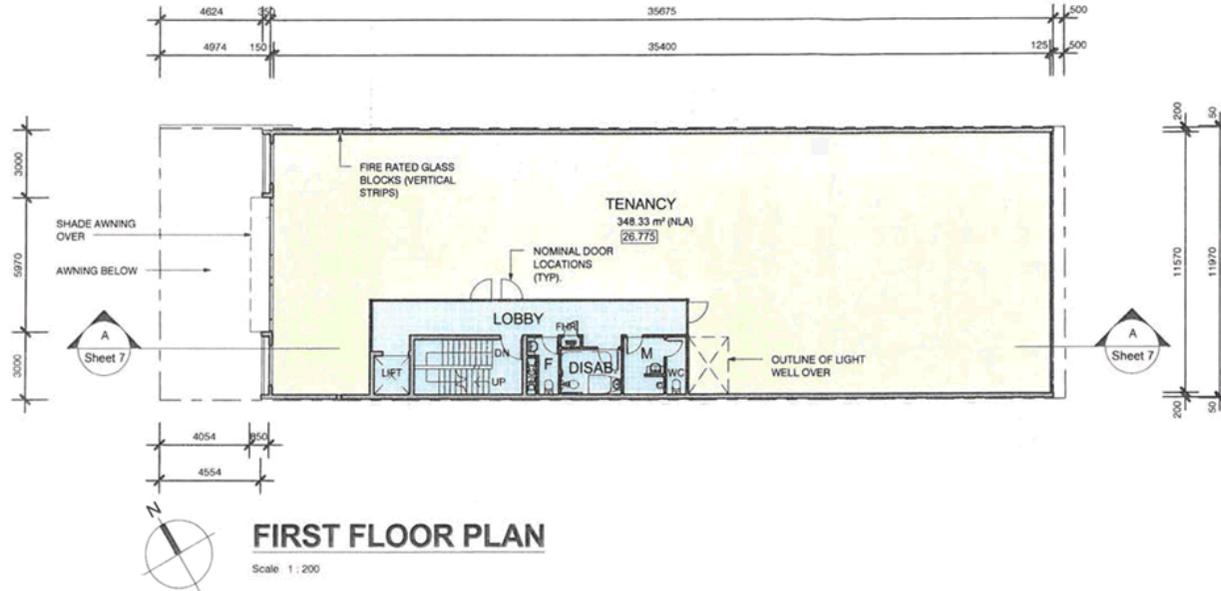
TOTAL SITE AREA	497m <sup>2</sup>
FRONT SETBACK LANDSCAPING AREA	64.5m <sup>2</sup> (13.0% OF SITE AREA)
HARD LANDSCAPING	44.4m <sup>2</sup> (68.8% OF LANDSCAPING AREA)
SOFT LANDSCAPING	20.1m <sup>2</sup> (31.2% OF LANDSCAPING AREA)

**PROPOSED OFFICE DEVELOPMENT**  
Starstone ATF The Fitzgerald Trust  
Lot 6 (R304) FITZGERALD STREET, PERTH WA 6000

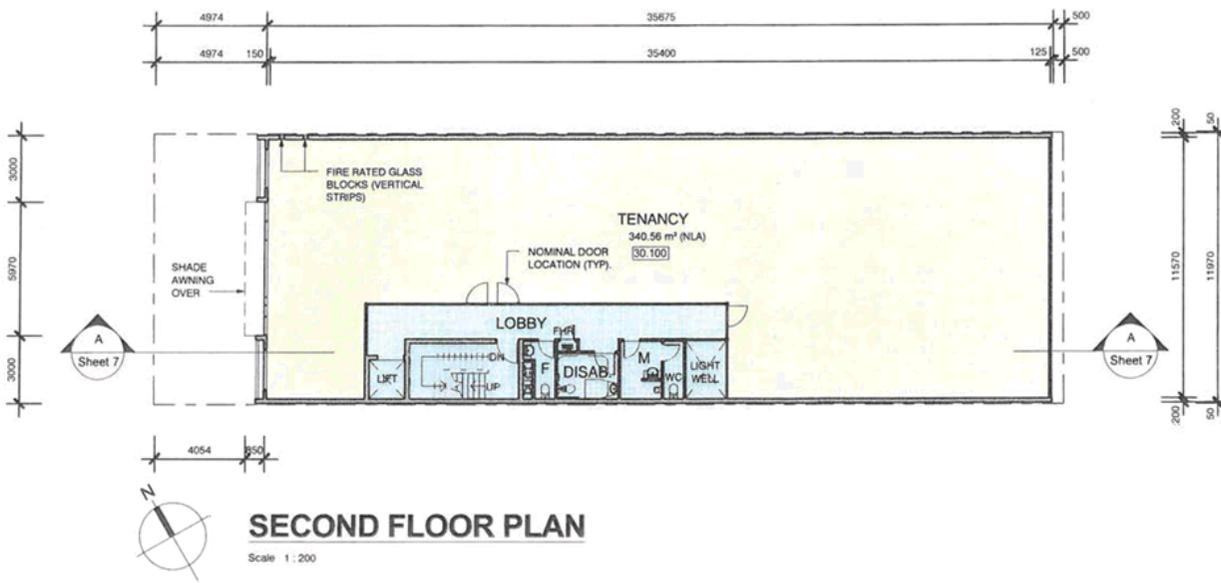
DATE	Feb 2014	REV	SK11
SCALE	As indicated @ A3	DRAWING No	Sheet 11
PROJECT No	0256		

**MULDER KAMPMAN DESIGN**

177 3117 5700  
www.mulderkampmandesign.com.au  
Suite 117, 517 Beaufort Drive, COCKLEBAY CENTRAL, WA 6154



**FIRST FLOOR PLAN**  
Scale 1:200



**SECOND FLOOR PLAN**  
Scale 1:200

**AREA SCHEDULE (GFA)**

FLOOR	Room	Area (m²)
GROUND FLOOR	AMENITIES	19.7m²
	STAIRS & LIFTS	17.6m²
	LOBBY	30.9m²
	<b>TOTAL</b>	<b>68.2m²</b>
FIRST FLOOR	OFFICE	361.1m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
<b>TOTAL</b>	<b>427.4m²</b>	
SECOND FLOOR	OFFICE	355.8m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
	LIGHT WELL	5.3m²
<b>TOTAL</b>	<b>427.4m²</b>	
THIRD FLOOR	OFFICE	355.8m²
	AMENITIES	19.8m²
	STAIRS & LIFTS	17.7m²
	LOBBY	28.8m²
	LIGHT WELL	5.3m²
<b>TOTAL</b>	<b>427.4m²</b>	
<b>TOTAL</b>	<b>1350.4m²</b>	

PROPOSED OFFICE DEVELOPMENT  
 Stabrone ATF The Fitzgerald Trust  
 Lot 1004 FITZGERALD STREET, PERTH WA 6000

DATE: Feb 2014  
 DRAWN: M.S.Burn  
 PROJECT No: 0256  
 SCALE: 1:200 @ A3  
 DRAWING No: Sheet 4  
 REV: SK11

**MULDER KAMPMAN DESIGN**

# 029412 2500  
 e. a.mulder@mulderkampman.com.au  
 w. www.mulderkampman.com.au  
 Cnr. The 437 Boscawen Drive, Coorup WA 6164

PSA Ref: 5438

8 November 2017

Chief Executive Officer  
City of Vincent  
PO Box 82  
LEEDERVILLE WA 6902

Attention: Heidi Miragliotta, Planning Officer

Dear Sir/Madam,

**LOT 6 (304) FITZGERALD STREET, PERTH  
APPLICANT'S RESPONSE TO REQUEST FOR FURTHER INFORMATION**

Planning Solutions acts on behalf of Starclone Pty Ltd in support of a development application for a four-storey office development at Lot 6 (304) Fitzgerald Street, Perth (**subject site**).

The City of Vincent (**City**) issued conditional development approval for a four-storey office development on 12 June 2014 (refer to **Appendix 1**). The development application was valid for two (2) years and has since lapsed.

The purpose of this current application for development approval is to renew the previous development approval. The proposed development plans are as approved in 2014, with no changes or modifications proposed.

Further to our recent correspondence and the City's email dated 14 September 2017, we provide the following response to the following time-extension considerations:

**1. Whether the planning framework has changed substantially since the development approval was granted?**

Since the development approval was granted in 2014, the subject site has remained zoned as Commercial pursuant to the City of Vincent Town Planning Scheme No.1. The current planning framework applicable to the subject site is generally consistent with the 2014 planning approval.

Local Planning Policy 7.1.1 Built Form Policy (LPP 7.1.1) came into effect in early 2017. As a result, the City has assessed the proposed development under the current planning framework with the following three (3) departures from deemed-to-comply policy provisions (including LPP 7.1.1) identified:

i. **Setbacks**

The City has identified variations from the LPP 7.1.1 deemed-to-comply setback provisions.

At the time of the 2014 development approval, the minimum setback requirements were in accordance with Local Planning Policy 3.1.12 Hyde Park Precinct (**LPP 3.1.12**). The minimum setback requirements were outlined at LPP 3.1.12, provision 3.2.2 and did not require minimum setbacks for development abutting other non-residential development.

**Table 1: Assessment of side and rear building setbacks**

Elevation	Previous setback standard	Current setback standard	Proposed
Side (Ground & 1 <sup>st</sup> floor)	Nil	Nil	Nil
Side (2 <sup>nd</sup> & 3 <sup>rd</sup> floor)	Nil	4m	Nil
Rear (Ground – 2 <sup>nd</sup> floor)	Nil	6.5m	3m* (as per C1.2.6, concession for ROW)
Rear (3 <sup>rd</sup> floor)	Nil	12.5m	3m* (as per C1.2.6, concession for ROW)

The subject site abuts non-residential development to the north and south and abuts Cielo Lane, a right-of-way to the rear.

The proposed development is consistent with the existing nil side and rear setbacks, and overall built form of the adjoining non-residential buildings at 300 & 308 Fitzgerald Street and the nearby non-residential development at 318 Fitzgerald Street (corner Vincent Street).

As the development seeks a departure from the deemed-to-comply setback standards, the following justification is provided in response to the relevant development principles:

**Table 2: Justification against LPP 7.1.1, Part 1.2 Setback - design principles**

#	Design principle	Applicant's Response
P1.2.1	<i>Development which incorporates design elements that reduce the impact of building bulk.</i>	<p>The development abuts existing blank boundary walls with nil setback to the subject site's north and south side boundaries. Therefore, these existing non-residential developments will not be adversely impacted by the building bulk of the proposed development.</p> <p>The proposed rear (east) elevation contains a façade with a variety of colours and mixed materials, with shade awnings which reduces the visual impact of building bulk. Notwithstanding this the development is separated from existing residential development by Cielo Lane. Due to the orientation of the lots, the existing residential development will maintain access to natural sunlight and ventilation.</p>

P1.2.2	<i>Development which maximises natural light access, natural ventilation and, internal and external privacy.</i>	The development contains skylights and a lightwell which allows for natural light access to the development. Refer to roof plan and floor plans.
P1.2.3	<i>Setbacks that facilitate the provision of landscaping.</i>	The proposed office development's setbacks and landscaping consistent with surrounding non-residential developments.
P1.2.4	<i>Development which activates and addresses the rights of way.</i>	The proposed rear (east) elevation, which adjoins Cielo Lane, contains window openings and visually permeable security grilles / gates (on the ground floor) which allows for passive surveillance of the rights of way.  The rear (east) elevation also proposes a variety of colours and mixed materials, with shade awnings which provides an appropriate façade to the rights of way.
P1.2.5	<i>Street setbacks that facilitate the provision of useable open space, alfresco dining opportunities and landscaping which contributes of canopy coverage.</i>	N/A - the street setback to Fitzgerald St is compliant with LPP 7.1.1.

Having regard to **Table 2** above, the proposed development is consistent with the relevant design principles relating to setbacks of LPP 7.1.1.

**ii. Car parking**

The City has identified in accordance with Local Planning Policy 7.7.1 Parking and Access Policy (**LPP 7.7.1**) that the deemed-to-comply requirement for car parking is 14.28 car bays. The development plans propose 13 car bays which results in a 1.28 car bay shortfall.

This 1.28 car bay shortfall was also identified in the 2014 conditional planning approval, with Condition 6.3 stating:

Cash-in-Lieu

*Pay a cash-in-lieu contribution of \$6,400 for the equivalent value of 1.28 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget.*

As a result of this condition, the landowner paid the cash-in-lieu contribution of \$6,400 on 8 July 2014. Please refer to the payment receipt at **Appendix 2**.

The current LPP 7.7.1 at provision 2.2 also allows for cash-in-lieu of parking to be considered where development has a shortfall of parking according to the total parking requirement.

As the car parking shortfall has been identified as 1.28 car bays in both the 2014 and current car parking requirements, and a cash-in-lieu contribution for 1.28 bays has already been paid, this parking shortfall has already been approved and addressed.

Notwithstanding this, the development plans proposes two motorcycle parking spaces (marked as M/C) on the ground floor, and the subject site is with 400m of public carparking.

**iii. Bicycle parking**

The City has identified in accordance with Local Planning Policy 7.7.1 Parking and Access Policy (LPP 7.7.1) that the deemed-to-comply requirement for car parking is 4 bicycle bays (Class 1 & 2) and 7 bicycle bays (Class 3). The development plans propose 7 bicycle spaces within the ground floor secured car parking area and 4 bicycle spaces at the front of the building accessible from Fitzgerald Street (i.e. a total of 11 bicycle bays).

The current bicycle bay standard also applied in the 2014 conditional planning approval, with Condition 7.2 stating:

Commercial Bicycle Bays

*A minimum of four (4) Class 1 or 2 bicycle bays, and seven (7) Class 3 bicycle bays be provided on-site. Class 3 bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.*

The development plans propose 11 bicycle bays in total, as per the LPP 7.7.1 bicycle parking requirement. The 4 bicycle bays at the front of the building would be classified as Class 3 facilities and the 7 bicycle bays within the secured car parking area are equivalent to a locked compound, as required by a Class 2 facility.

As demonstrated above, the proposed development is generally complies with the current planning framework, with no substantial changes from the 2014 planning approval identified.

The identified departures in the current planning assessment in relation to car parking and bicycle spaces were also identified and subsequently approved with the 2014 planning approval. The policy provisions between the 2014 and 2017 versions of Local Planning Policy Parking and Access Policy are generally consistent.

**2. Would the development likely receive approval now?**

Yes, the proposed development is generally compliant with the current planning framework.

From the City's current planning assessment only three departures were identified, of which two departures were also identified and subsequently approved with the 2014 planning approval. The proposed setbacks are consistent with the existing setbacks and overall built form of the adjoining non-residential developments and the proposal meets the relevant design principles of LPP 7.1.1.

**3. Has the holder of the development approval actively and relatively conscientiously pursued the implementation of the development approval?**

The landowner, Starclone Pty Ltd has advised the following:

*The vacant land was originally purchased on 22nd March 2013, based on the financial feasibility of the proposed project at that time. Prior to the purchase, the proposed building was reviewed with the City's Planning Department. DA documents were lodged in May 2013 with the City. The DA was finally approved on the 12 June 2014 and Building Licence documents were lodged on the 18 December 2014 and the Building Licence was issued on the 3 February 2015.*

*Due to the significant change in the state's economic circumstances over the 23-month period from purchase to issue of the Building Licence, the financial viability of the project at the beginning of 2015 was not sustainable and it was determined that the project would have to be held until the financial viability improved. Periodical reviewed of the project's viability showed improvement in the latter half of 2016 and the owners determined that the project should commence only to learn that due to the DA, issued on the 12 June 2014, being over two years, the Building Licence issued on the 3 February 2015 was no longer valid.*

*We are now in the position of having to request the DA be revalidated so that the project can now commence.*

In addition, since the development approval was issued on 12 June 2014, the landowner has sought to implement the development approval by completing the following actions:

1. Payment of the cash-in-lieu contribution of \$6,400, as required by Condition 6.3, was paid by the landowner on 8 July 2014. Please refer to the payment receipt at **Appendix 2**.
2. An application for building permit received a Certificate of Design Compliance by a private building certifier on 10 November 2014 and building permit issued by the City on 3 February 2015. Please refer to a copy of the building permit at **Appendix 3**.
3. Marketing of the proposed office development for expressions of interest had commenced via methods including advertising signage on-site and online website.

We respectfully request that the processing of this amended development application is prioritised as it is currently beyond the ninety (90) day maximum determination timeframe.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the undersigned.

Yours faithfully



---

**LAURA SABITZER**  
**SENIOR PLANNER**

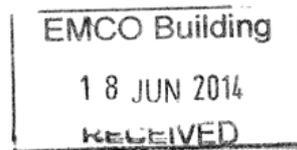
171108 5438 RFI letter to City v2

APPENDIX 1  
DEVELOPMENT APPROVAL ISSUED 12.06.14

ENQUIRIES TO: Adam Dyson (08 9273 6568)  
Planning Services

YOUR REF:

OUR REF: PRO4676 5.2013.520.1



12 June 2014

J Ripp  
PO Box 258  
OSBORNE PARK WA 6917



**CITY OF VINCENT**

Administration & Civic Centre  
244 Vincent Street (Cnr Loftus)  
Leederville, Western Australia 6007  
PO Box 82, Leederville WA 6902

**Telephone (08) 9273 6000**

Facsimile (08) 9273 6099

Email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)

Web: [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)

Dear Sir/Madam

**NO. 304 (LOT 6; D/P 2411) FITZGERALD STREET, NORTH PERTH – PROPOSED  
FOUR STOREY OFFICE BUILDING AND ASSOCIATED CAR PARKING**

Thank you for your Planning Application received on 11 November 2013 for the above proposal.

I wish to advise that the Council at its Ordinary Meeting held on 27 May 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 Adam Dyson on 9273 6568.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Doherty".

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

Cc. *Starclone Pty Ltd*  
*58-60 Edward Street*  
*OSBORNE PARK WA 6017*

(Att.)

*“Enhancing and celebrating our diverse community”*

- 2 -

THIS IS NOT A BUILDING LICENCE

Fifth Schedule Clause 42  
For Office Use Only  
Serial No. 5.2013.520.1**CITY OF VINCENT TOWN PLANNING SCHEME  
APPROVAL TO COMMENCE DEVELOPMENT**

LOT: 6 D/P: 2411

STRATA LOT: N/A

PROPERTY ADDRESS: No. 304 Fitzgerald Street, PERTH

OWNER: Starclone Pty Ltd  
58-60 Edward Street  
OSBORNE PARK WA 6017

Approval to commence development in accordance with the application for City Planning Approval dated 5 November 2013 for Construction of Four Storey Office Building and Associated Carparking and the attached plans dated 19 February 2014 and 28 April 2014 was GRANTED in accordance with the provisions of the City of Vincent Town Planning Scheme and the Metropolitan Region Scheme subject to the following conditions:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 300 & 308-310 Fitzgerald Street, North Perth in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. Street Interaction

Windows, doors and adjacent areas fronting Fitzgerald Street, North Perth shall maintain an active and interactive relationship with the street;

3. On-Site Parking Provision – Commercial

A minimum of thirteen (13) car bays are to be provided for the commercial component of the development;

4. Car Parking and Accessways

- 4.1 The car park shall be used only by tenants and visitors directly associated with the development;
- 4.2 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890.1; and
- 4.3 Visual Truncations to comply with the City's Visual Truncation requirements at the exit of parking area onto the right-of-way; and

- 3 -

5. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;

5.1 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the Commercial and Mixed Use Policy for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.1.1 The location and type of existing and proposed trees and plants.
- 5.1.2 All vegetation including lawns.
- 5.1.3 Areas to be irrigated or reticulated.
- 5.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months.
- 5.1.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation; and

All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

5.2 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

5.3 Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

5.4 Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details);

- 4 -

5.5 Waste Management Plan/Stormwater Management Plan

Waste Management and Storm Management Plans to be submitted and approved by the City's Technical Services; and

5.6 Awnings

Continuous and complementary awnings being provided over the Fitzgerald Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Fitzgerald Street;

5.7 Car Stackers

Car stackers to be provided in accordance with the requirements of the City's Parking and access Policy No. 7.7.1 to the satisfaction of the Director of Technical Services;

5.8 Section 70A Notification under the Transfer of Land Act

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

5.8.1 The proposed development proposes an aisle width of less than 7.0 metres. It is advised that multiple manoeuvres may be required to enter and exit the car stacker bay; and

6. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

6.1 Percent for Public Art

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers, including:

6.1.1 Elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$25,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$2,500,000; and

6.2 in conjunction with the above chosen option;

- 5 -

6.2.1 Option 1

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and  
prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work; OR

6.2.2 Option 2

Prior to the submission of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount; and

6.3 Cash-in-Lieu

Pay a cash-in-lieu contribution of \$6,400 for the equivalent value of 1.28 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$6,400 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- 6.3.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 6.3.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 6.3.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

7. PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;

7.1 Car Parking

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

- 6 -

7.2 Commercial Bicycle Bays

A minimum of four (4) Class 1 or 2 bicycle bays, and seven (7) Class 3 bicycle bays be provided on-site. Class 3 Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8. Department of Planning

8.1 The landowner agrees to remove the temporary structure at the time when the reserved land is required for the upgrading of Fitzgerald Street at their own expense; and

8.2 The land owner agrees that any improvements made to or loss of amenity will not be taken into consideration in determining any land acquisition cost or compensation which may be payable by the Council or the WAPC at such time as the land is required; and

9. The development is to comply with all Building, Health and Engineering Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. 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;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
5. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage;
7. The City is not responsible for the relocation of any services that may be required as a result of the development;

- 7 -

8. It is recommended the applicant conduct a dilapidation report of the adjoining properties;
9. In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Fitzgerald Street frontages of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements.

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies.

**NOTES:**

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

**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:** 27 May 2014  
**DATE OF ISSUE:** 12 June 2014

  
**A/MANAGER  
PLANNING AND BUILDING SERVICES**

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**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. 5.2013.520.1:

- (1) The car parking area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.
- (2) All car parking bays shall be dimensioned on the Building Permit application working drawings and all car parking facilities shall meet or exceed the minimum specifications of AS2890.
- (3) A Traffic Impact Statement is required to be submitted and deemed acceptable by the City's Technical Services Directorate prior to the issue of a Building Permit.
- (4) The applicant is required prior to the Building Permit application to comply with all the City's Parking and Access Policy No. 7.7.1 section 7.6 Mechanical Parking Devices (Car Stackers) requirements and the Building Permit Plans are to show compliancy with Technical Services Directorate specifications.

Note:

*Where car stacker proposes an aisle width less than 7metres, a section 70A notification under the Transfer of land Act will be required to advise future owner(s) that multiple manoeuvres maybe required to enter and exit the car stacker bay.*

- (5) 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.
- (6) A Road, ROW and Verge security bond for the sum of \$3000, shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
- (7) All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and Right of Way levels to the satisfaction of the City's Technical Services Directorate.

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- (8) 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.
- (9) 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. Drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
- (10) The City's Technical Services Directorate shall be notified at least 48 hours prior to any works being carried out in the Fitzgerald Street reservation or the rear ROW.
- (11) 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.
- (12) As a condition of development approval, the developer is required to underground the existing overhead power across the frontage of the development at the developer's expense.
- (13) A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.
- (14) Prior to the first occupation of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City's Technical Services Directorate, at the applicant/owner's full expense.
- (15) Standard 'Visual Truncations', in accordance with the City's Policy 2.2.6 and/or to the satisfaction of the City's Technical Services Directorate are to be provided at the intersection of the road reserve or Right of Way boundary, and all internal vehicle access points to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on the building permit application working drawings.
- (16) The Fitzgerald Street widening, paving area and the ROW widening to be graded to match existing levels.

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### 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. 5.2013.520.1:

#### 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) *Should an Applicant be dissatisfied with a particular health services condition/s, a written submission detailing reason/s or alternative proposal can be made to the Manager Health Services as soon as practicable but within 14 days of the date of the Building Licence. Such a submission shall not operate as a stay of the condition/s but the submission will be considered and a written decision will be provided within a reasonable period of time - normally within 14 days after receipt.*
  
- (3) 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;

- 11 -

- (g) Location of bin area to be to the satisfaction of the Manger, Health Services and Manger, 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.
- (4) 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.
- (5) 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.
- (6) In accordance with the City of Vincent Health Local Law 2004 and requirements of the Local Government Act 1995 (s.3.25) all **stormwater** shall discharge clear of the building(s) and disposal must not cause erosion, corrosion, or other defects as a result of the method of disposal. If these are likely to occur, then disposal must be into sealed impervious drains, which shall empty into a soakwell (to be located a minimum of 1.8m from footings and boundary fences), or other suitable stormwater scheme. If discharge of water is to surface, it shall not be allowed to flow to adjoining property (publicly or privately owned).
- (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*

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*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) 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*

- (10) W.C exhaust fans to be provided and fitted with a bell mouth connection and flumed through the roof or via glazing to the external air. Fans to provide a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour OR for toilet windows to be fitted with permanent fixed ventilation within 230 mm of the ceiling, having a clear area at any point of not less than 0.015 m<sup>2</sup> per closet pan provided with an airlock flumed to discharge to the external air. The area of the vent to be not less than 0.015 m<sup>2</sup> for every 10 m<sup>2</sup> of floor area. Airlocks to have a minimum of 1.85 m<sup>2</sup> of floor area.

*\*\* Ensuites Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

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Advisory Notes

- (1) Obtain approval from the Water Corporation (WA) for the discharge of liquid trade wastes into the Minister's sewer.
  
- (2) 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.

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### **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. 5.2013.520.1:

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.

APPENDIX 2  
RECEIPT FOR PAYMENT OF CASH-IN-LIEU PARKING  
(AS PER CONDITION 6.3)

ENQUIRIES TO: Christine Devenish (9273 6060)  
Planning Services  
YOUR REF:  
OUR REF: PRO4676 5.2013.520.1



**CITY OF VINCENT**

Administration & Civic Centre  
244 Vincent Street (Cnr Loftus)  
Leederville, Western Australia 6007  
PO Box 82, Leederville WA 6902  
Telephone (08) 9273 6000  
Facsimile (08) 9273 6099  
Email: mail@vincent.wa.gov.au  
Web: www.vincent.wa.gov.au

3 July 2014

Starclone Pty Ltd  
C/- J Ripp  
PO Box 258  
OSBORNE PARK WA 6917

Dear Sir/Madam

**NO. 304 (LOT 6; D/P 2411) FITZGERALD STREET, NORTH PERTH – PROPOSED  
FOUR STOREY OFFICE BUILDING AND ASSOCIATED CAR PARKING**

I refer to the Approval to Commence Development (Serial No. 5.2013.520.1) issued on 12 June 2014 for the above proposal.

In order to enable you to comply with the Cash in Lieu for Car Parking Spaces condition (condition 6.3) of your Planning Approval issued on 12 June 2014 we have raised an Invoice (Invoice No. 30835 - \$6,400) for payment which is enclosed.

Payment can be made via cheque or money order made out to the City of Vincent or in person using EFTPOS, credit card, cheque or cash with the Cashier located at the City's Administration and Civic Centre, 244 Vincent Street (cnr Loftus), Leederville. Please ensure that the remittance slip is provided with your payment.

If you have any enquiries regarding the above matter, please do not hesitate to contact Christine Devenish, Administration Officer, Planning Services on 9273 6060.

We look forward to receiving your payment and thank you in advance for your cooperation.

Yours sincerely,

**PETAR MRDJA**  
MANAGER  
PLANNING AND BUILDING SERVICES  
for  
CHIEF EXECUTIVE OFFICER

“ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY”



# CITY OF VINCENT

ABN: 62191132542

*Administration & Civic Centre  
244 Vincent Street (Cnr Loftus)  
Leederville WA 6007  
PO Box 82  
Leederville WA 6902*

**Telephone: (08) 9273 6000**  
**Facsimile: (08) 9273 6099**

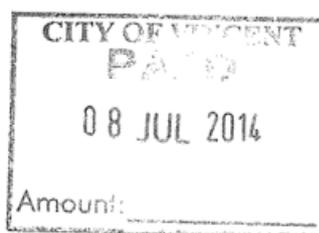
## TAX INVOICE

Page 1 of 1

Starclone Pty Ltd  
/- J Ripp  
PO Box 258  
OSBORNE PARK WA 6917

Debtor Acc: 4273.03  
Invoice Date: 02/07/2014  
**Due Date: 30/07/2014**

INVOICE No.	DESCRIPTION	AMOUNT
30835	Cash in Lieu for Car Parking Spaces LOT: 6 D/P: 2411 304 Fitzgerald Street PERTH PRO4676 5.2013.520.1 (Condition 6.3) OMC on 27.05.2014	6,400.00
Invoice Total (including GST if applicable)		6,400.00



*Total Value non-taxable supply(s)* 6,400.00  
*Total Value taxable supply(s) excluding GST* 0.00  
*Total GST Payable* 0.00

**TOTAL 6,400.00**

ABN #:62191  
City of Vincent  
PO Box 82  
LEEDERVILLE WA 6902  
Ph 9273 6000 Fax 9273 6099  
Email:  
Website:

Date 08/07/2014 14:40  
Receipt 00770288:0001 Terminal 1:1794  
Starclone Pty Ltd  
c/- J Ripp  
PO Box 258  
OSBORNE PARK WA 6917

Details	Amount
Accounts Receivable	6400.00
4273.03	
Balance:	0.00
Total Value:	6400.00
Tendered	
EFT	6400.00
Ch	0.00

APPENDIX 3  
BUILDING PERMIT ISSUED 03.02.15

BUILDER'S COPY

PERMIT

FORM BA4



Building Permit

6.2014.825.1

CITY OF VINCENT

Western Australian Building Act 2011, section 25  
Building Regulations 2012, regulation 4, 21

**Building contractor details**

Builder name	<b>Emco Building</b>	
Address	<b>58-60 Edward Street OSBORNE PARK WA 6018</b>	
Registration number or owner-builder approval number	<b>10050</b>	<i>If applicable</i>

**Details of building work**

Property street address (unit no, level, street no, lot no, street name, suburb, postcode)	<b>304 Fitzgerald Street PERTH 6000</b>	
Nature of the building work	<b>Four Storey Office Building and Associated Car Parking</b>	
Stage(s) of work	Details <b>N/A</b>	
BCA class of the building	Main BCA class <b>5</b>	Secondary BCA class (for multi-purpose buildings)
Use(s) of the building	<b>Office</b>	Each restriction on use (if applicable)
Estimated value of building work (as determined by permit authority)	<b>\$ 2,200,000</b>	
<b>Applicable certificate of design compliance</b>		
Building surveying contractor/public authority's name	<b>CADDS Group Pty</b>	Contact number <b>(08) 9418 7725</b>
Email address	<b>Simon.taylor@cadds.com.au</b>	Date <b>10 November 2014</b>

PERMIT

FORM BA4



## Building Permit

6.2014.825.1

CITY OF VINCENT

*Western Australian Building Act 2011, section 25*

*Building Regulations 2012, regulation 4, 21*

### Permit Details

#### All building work permitted by this permit –

1. Must be carried out in accordance with the plans and specifications specified in the applicable certificate of design compliance for this building permit;
2. Must be carried out in accordance with any conditions set out below;

#### BUILDING CONDITIONS

This licence is approved subject to compliance with the Building Act 2011, Building Code of Australia (BCA), Building Regulations 2012, and Council Local Laws, unless Council agrees in writing to waive or vary those conditions.

- (1) The builder is responsible to give prior notice to all relevant authorities including:
  - (a) The Water Corporation for Technical Service enquiries phone 131395.
  - (b) Fire Services of W.A. phone 93013900.
  - (c) Worksafe W.A. phone 93278777.
  - (d) Western Power Corporation, phone 131353 & 131354.
  - (e) Racing, Gaming & Liquor Licensing Office, phone 94251888.
- (2) Materials shall not be stored on the street reserve unless a permit with fee payable approving such, has been obtained from the City's Ranger and Community Safety Services. The condition of the street verge adjacent to the development site shall be reinstated to the satisfaction of the Manager Engineering Design Services, prior to completion of the development.
- (3) Occupancy Permit – An Occupancy Permit will be required for change of use to comply with the Building Act 2011 Part 4 Division 1 & the Building Regulations 2012 Part 5. Prior to Occupying the Building.

PERMIT

FORM BA4



## Building Permit

6.2014.825.1

CITY OF VINCENT

Western Australian Building Act 2011, section 25  
Building Regulations 2012, regulation 4, 21

### ENGINEERING CONDITIONS

- (1) No verge trees shall be **REMOVED**. The verge trees shall be **RETAINED** and **PROTECTED** from any damage including unauthorized pruning.
- (2) The car parking area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans and AS2890, prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.
- (3) This permit is issued subject to the payment of a Road, Verge and ROW security bond for the sum of **\$3,000**, which shall be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond must be made in writing. This bond is non-transferable.
- (4) All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and ROW levels. A grade of +2% must be maintained from the exiting footpath level, for the extent of the MRS widening area.
- (5) 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 users path 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.
- (6) 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 Service Directorate.
- (7) The City accepts no liability for the relocation of any services that may be required as a consequence of this development. The cost of relocating any services shall be borne by the applicant/owner.
- (8) Prior to the first occupation of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City's Technical Services Directorate, at the applicant/owner's full expense.
- (9) Standard Visual truncations, in accordance with the City's Policy 2.2.6 and/or to the satisfaction of the City's Technical Services Directorate are to be provided at the intersection of the road reserve or Right of Way boundary, and all internal vehicle access points to ensure that the safety of pedestrians and other road users is not compromised.

Building Commissioner Approved 12 February 2013

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PERMIT

FORM BA4



## Building Permit

6.2014.825.1

CITY OF VINCENT

Western Australian Building Act 2011, section 25

Building Regulations 2012, regulation 4, 21

### HEALTH 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) *Should an Applicant be dissatisfied with a particular health services condition/s, a written submission detailing reason/s or alternative proposal can be made to the Manager Health Services as soon as practicable but within 14 days of the date of the Building Licence. Such a submission shall not operate as a stay of the condition/s but the submission will be considered and a written decision will be provided within a reasonable period of time - normally within 14 days after receipt.*
- (3) 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.

PERMIT

FORM BA4



## Building Permit

6.2014.825.1

CITY OF VINCENT

*Western Australian Building Act 2011, section 25*

*Building Regulations 2012, regulation 4, 21*

- (4) 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.
- (5) 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.
- (6) In accordance with the City of Vincent Health Local Law 2004 and requirements of the Local Government Act 1995 (s.3.25) all **stormwater** shall discharge clear of the building(s) and disposal must not cause erosion, corrosion, or other defects as a result of the method of disposal. If these are likely to occur, then disposal must be into sealed impervious drains, which shall empty into a soakwell (to be located a minimum of 1.8m from footings and boundary fences), or other suitable stormwater scheme. If discharge of water is to surface, it shall not be allowed to flow to adjoining property (publicly or privately owned).
- (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) 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

PERMIT

FORM

BA4



## Building Permit

6.2014.825.1

CITY OF VINCENT

Western Australian Building Act 2011, section 25

Building Regulations 2012, regulation 4, 21

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

- (10) W.C exhaust fans to be provided and fitted with a bell mouth connection and flumed through the roof or via glazing to the external air. Fans to provide a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour OR for toilet windows to be fitted with permanent fixed ventilation within 230 mm of the ceiling, having a clear area at any point of not less than 0.015 m<sup>2</sup> per closet pan provided with an airlock flumed to discharge to the external air. The area of the vent to be not less than 0.015 m<sup>2</sup> for every 10 m<sup>2</sup> of floor area. Airlocks to have a minimum of 1.85 m<sup>2</sup> of floor area.

### \*\* Ensuites Sewerage (Lighting, Ventilation and Construction) Regulations 1971

- (11) All recommendations detailed in the 'Acoustic Report' by Gabriels Environmental Design dated 29 January 2015 (their reference 15-006) must be implemented with the developer to confirm in writing prior to the issuing of an Occupancy Permit that the building has been constructed in accordance with the requirements of the Report.
- (12) All future alterations, additions, installations or improvements to the building layout, fit-out and design are to be governed/guided by the 'Acoustic Report' by Gabriels Environmental Design dated 29 January 2015 (their reference 15-006)

PERMIT FORM BA4



Building Permit

6.2014.825.1

CITY OF VINCENT

Western Australian Building Act 2011, section 25

Building Regulations 2012, regulation 4, 21

Advisory Notes

- (1) Obtain approval from the Water Corporation (WA) for the discharge of liquid trade wastes into the Minister's sewer.
- (2) 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.

3. Must be tested and inspected specified as set out below;

Inspections and tests

A permit granted to do one or more stages of building work does not automatically entitle a person to be granted a further building permit for any other stage of the building work.

This permit is valid for two years from the date of this permit.

Name: (print)	Sean Doherty	Signature:		Date:	3/02/2015
Issuing officer					
Title	Coordinator Building Services				
Permit authority	City of Vincent – Local Government Authority				

PSA Ref: 5438

10 November 2017

Chief Executive Officer  
City of Vincent  
PO Box 82  
LEEDERVILLE WA 6902

Attention: Heidi Miragliotta, Planning Officer

Dear Sir/Madam,

**LOT 6 (304) FITZGERALD STREET, PERTH  
APPLICANT'S RESPONSE TO SUBMISSION RECEIVED**

Planning Solutions acts on behalf of Starclone Pty Ltd in support of a development application for a four-storey office development at Lot 6 (304) Fitzgerald Street, Perth (**subject site**).

The City has advised that the application for development approval was advertised for two weeks during which time only one (1) submission was received.

The submission received neither supported or objected to the proposal, however raised the following comments:

- 1. Access to the rear car park at 300 Fitzgerald Street shall be maintained at all times unless written approval has been obtained from the relevant title owners of 300 Fitzgerald Street.*
- 2. A full structural and conditional dilapidation report be conducted prior to commencing any construction works on the site. The dilapidation report should be submitted to all owners of 300 Fitzgerald Street for comment and agreement prior to the commencement of works on site.*
- 3. Construction noise should be monitored to ensure that code requirements are not exceeded.*

We provide the following response in relation abovementioned comments:

1. Any impediment to access along the rear ROW would only be after consultation with adjoining neighbours and in particular the two properties either side of our lot.
2. Prior to commencing construction works the landowner will carry out a Dilapidation Report on the properties either side of the lot for our own information and future use.

Page | 1



(08) 9227 7970  
GPO Box 2709  
Cloisters Square PO 6850

www.planningsolutions.com.au  
ACN 143 573 184 ABN 23 143 573 184  
Planning Solutions (Aust) Pty Ltd

3. The concerns regarding construction times and noise can be suitably addressed by adherence with existing legislation in respect to construction times and noise levels. It is understood that in accordance with the *Environmental Protection (Noise) Regulations 1997* that construction work may only be undertaken between 7.00am – 7.00pm Monday to Saturday.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the undersigned or Gareth Glanville

Yours faithfully,



---

**LAURA SABITZER**  
**SENIOR PLANNER**

171110 5438 letter response to submission

**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Access to Adjoining Lots During Construction</u></p> <p>Access to the No. 300 Fitzgerald Street rear car park shall be maintained to the tenants and visitors of the subject property at all times unless written approval has been obtained from the relevant title owners of No. 300 Fitzgerald Street.</p>	<p>The subject application provides thirteen car parking bays to the rear of the property. It is considered this provision of car parking is adequate to accommodate the users of the premises. In regard to access to No. 300 Fitzgerald Street, the rear right-of-way cannot be blocked without prior approval from the City. Consultation will be undertaken with all affected adjoining landowners prior to any temporary right-of-way closures occurring.</p>
<p><u>Construction of Building</u></p> <p>A full structural and condition dilapidation report be conducted prior to commencing any construction works onsite. The dilapidation report should be submitted to the title owners of 300 Fitzgerald Street for comment and agreement prior to commencement of works on site. Noted. The applicant is not obligated to conduct a dilapidation report, however it is recommended by the Council and in the best interests of all parties that one is carried out. • Construction noise should be monitored to ensure that code requirements are not exceeded.</p>	<p>The applicant is not obligated to conduct a dilapidation report, however it is recommended by the Council and in the best interests of all parties that one is carried out.</p>
<p><u>Construction Noise</u></p> <p>Construction noise should be monitored to ensure that code requirements are not exceeded.</p>	<p>In accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>, construction work may only be undertaken between 7:00am – 7:00pm Monday to Saturday. The equipment used by the builders on-site, must be the quietest reasonably available and all work must be carried out in accordance with the noise control practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction Maintenance and Demolition Sites".</p>

**5.7 LATE REPORT: NOS. 388-396 (LOTS: 64-65; D/P: 613) WILLIAM STREET, PERTH - PROPOSED AMENDMENT TO CONDITION OF APPROVAL: PROPOSED PERIODIC THEATRE AND ASSOCIATED ACTIVITIES ON EXISTING CAR PARK**

TRIM Ref: D17/158165  
 Author: Emily Andrews, Urban Planner  
 Authoriser: John Corbellini, Director Development Services  
 Ward: South  
 Precinct: 13 – Beaufort  
 Attachments: 1. Attachment 1 - Location and Consultation Map  
 2. Attachment 2 - Previous Determination  
 3. Attachment 3 - Summary of Submissions

**RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend Condition 1 and extend the period within which the development must be substantially commenced for development approval 5.2015.482.1 granted on 8 December 2015 for a Periodic Theatre and Associated Activities on Existing Car Park at Nos 388 and 396 (Lots: 64 & 65; D/P: 613) William Street, Perth, subject to the following condition:

1. All conditions, requirements and advice notes detailed on the development approval 5.2015.482.1 granted on 8 December 2015 continue to apply to this approval, with exception of Condition 1 which is amended to read as follows:

“1. Approval period

*This approval is only valid until 30 April 2020, between the months of December to April inclusive, and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply and obtain approval from Council prior to continuation of the use.”*

**PURPOSE OF REPORT:**

To consider an application to amend a time limited condition of the development approval for a change of use to theatre at Nos. 388 and 396 William Street, Perth.

**BACKGROUND:**

<b>Landowner:</b>	Shing I – Chen
<b>Applicant:</b>	Strut and Fret Production House Pty Ltd
<b>Date of Application:</b>	10 October 2017
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: District Centre
<b>Built Form Area:</b>	Town Centre
<b>Existing Land Use:</b>	Car Park
<b>Proposed Use Class:</b>	Theatre
<b>Lot Area:</b>	495m <sup>2</sup>
<b>Right of Way (ROW):</b>	None
<b>Heritage List:</b>	No

The subject site is located on the eastern side of William Street and on the corner of William and Monger Street. The location of the subject site is included as **Attachment 1**. The subject site abuts a vacant lot to the south and an Eating House to the east. The locality has been developed with a range of commercial uses including eating houses and shops. The subject site has previously been granted development approval for a private car park.

The subject site and those immediately adjoining along William Street and Money Street are zoned Commercial. Properties fronting Monger Street are zoned Residential with a density coding of R80. The City's Draft Local Planning Scheme No. 2 (LPS 2) contemplates a change in zoning to the immediate area to District Centre.

At its Ordinary Council meeting on 8 December 2015, Council granted a conditional and time-limited development approval for the subject site to operate as a temporary Theatre use. A copy of this approval, including the approved development plans, is provided in **Attachment 2**. Condition 1 of the development approval set out that the approval was valid until 31 July 2017. The applicant has advised that no events were held/undertaken and a search of the City's records also indicated that no other relevant approvals were obtained. As a result the approval was not acted upon and has lapsed.

On 27 October 2017, the City received an application to amend a condition on the existing development approval. The application was assessed as a "Theatre" as it is considered to fall within this use under TPS 1. A "Theatre" land use is a permitted use within the Commercial zone.

The Theatre is a temporary venue, with theatrical productions that range in styles and genres to appeal to children, families, seniors and theatre audiences. The development proposes to seat 630 persons inside the venue. The entrance to the site for patrons at the corner of William and Monger Streets, and portable amenities such as power generators, toilets, refrigeration, video camera surveillance and external site lighting are provided on site.

#### **DETAILS:**

The application seeks to amend the previous development approval issued by Council by extending the time within which the development must be substantially commenced and amending Condition 1 which relates to the time limited nature of the proposed theatre use. The current condition was valid to 31 July 2017 and did not allow for the continuation of the use beyond this date without further approval. All remaining conditions as provided in **Attachment 2** are not proposed to be amended as part of this application.

The application proposes the temporary theatre use to be able to operate for three years from December 2017 to April 2020, with events only taking place during the months of December through to April. The construction and dismantling of the structure associated with the use is proposed to occur within the specified timeframe. When the theatre use is not in operation, the subject site will revert back to the approved use of a "Private Car Park".

During each event period the site will be open daily with operational hours being determined by the event program. In accordance with Condition 4 of the approval issued by Council, the operating hours are restricted to:

- Sunday to Thursday: 12noon – 10pm; and
- Friday & Saturday: 12noon – midnight.

As previously approved, the theatre and associated event space will utilise the entirety of the site and as such, no car parking is provided onsite.

#### **CONSULTATION/ADVERTISING:**

Community consultation on the proposal occurred for a period of 14 days, from 17 November 2017 to 30 November 2017. The method of consultation involved 29 letters being mailed out to all owners and occupiers adjacent to the site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of one (1) submission was received, which was in objection. The comments raised related to noise issues from machinery and patrons leaving the site, increased traffic in the area and parking concerns. A summary of submissions received during the consultation period and Administration's response to each is contained within **Attachment 3**.

**Design Advisory Committee (DAC):**

Referred to DAC: Not applicable

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.5.7 – Licenced Premises; and
- Policy No. 7.7.1 – Parking and Access.

The application to amend the aforementioned condition of development approval is made in accordance with Clause 77(1) (a) and (b) of *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting a local government to amend the approval so as to extend the period in which any development approved must be substantially commenced and to amend or delete any condition to which a development approval is subject to.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with *Part 14 of the Planning and Development Act 2005*.

Since the previous decision by Council in December 2015, the City's Policy No. 7.7.1- Parking and Access has been amended (on 8 December 2015) and Policy No. 7.1.1- Built Form has been implemented. However, the parking requirement for the subject site has not altered from the previous approval, with the number of bays required and relevant adjustment factors remaining relevant.

**Delegation to Determine Applications:**

This matter is being referred to Council as the application proposes to amend an application previously determined by Council.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

1.1 *Improve and maintain the natural and built environment and infrastructure."*

*"Economic Development*

2.1 *Progress economic development with adequate financial resources."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed theatre is a unique activity that is considered to make a positive contribution to the area as it will entice a variety of visitors and add to the local economy.

The theatre is a temporary structure that is consistent with the Town Centre Provisions of the Built Form Policy in terms of building height and setbacks. Whilst provisions of the Town Centre have not been applied to the subject application given the temporary nature of the structure, is considered to address the intent of the policy as it will readily stimulate what is currently an inactive space and draw activity to the area.

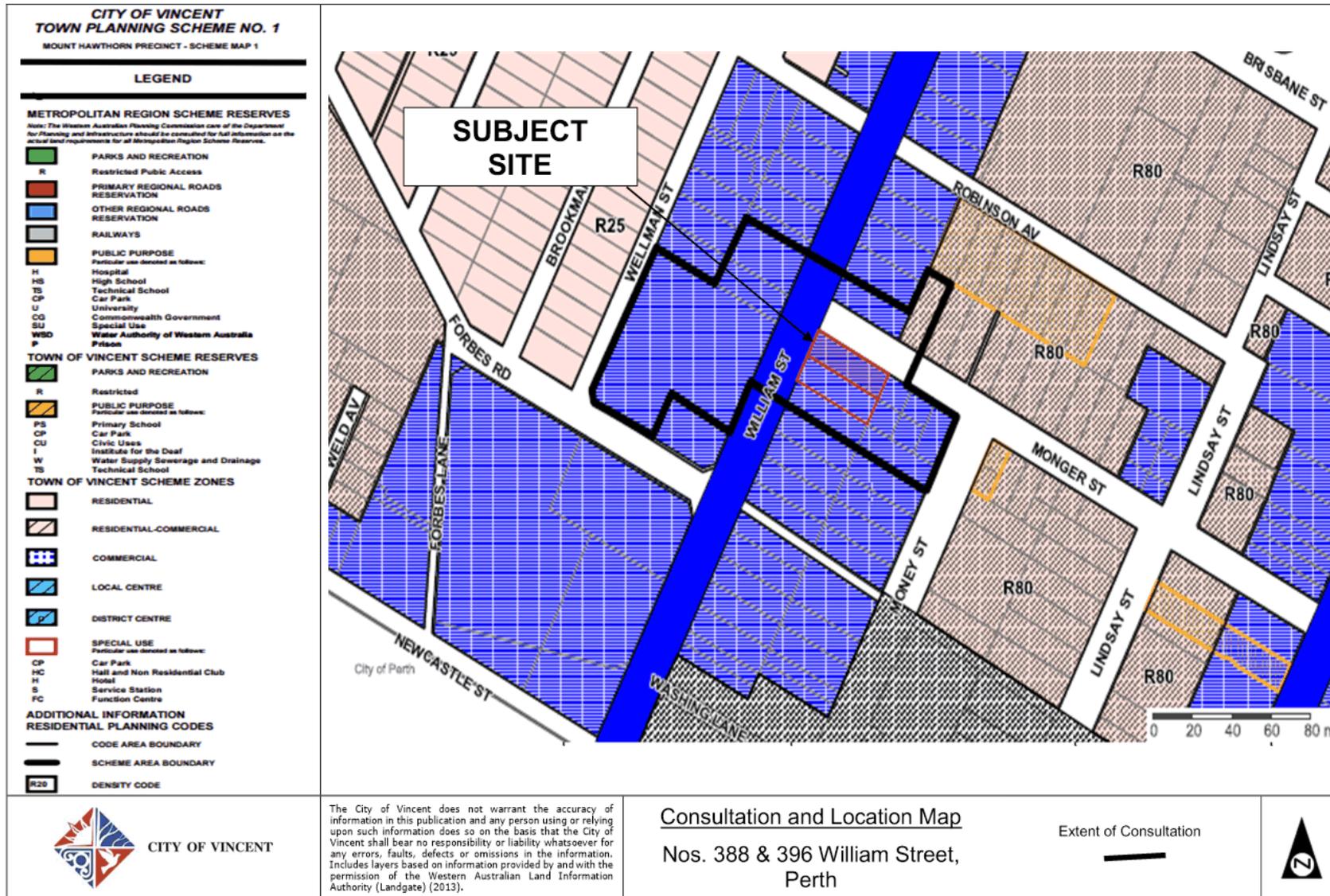
The proposal is considered to be appropriately located within the William Street Town Centre. Given the seasonal use of the site as a theatre, a cash-in-lieu contribution for the car parking shortfall was not previously required. In order to mitigate the lack of onsite parking, a condition was imposed requiring all ticket sales to include free public transport and this aspect remains part of this application.

Although Noise has been raised as a concern during the community consultation period, the use will be required to comply with the *Environmental Protection (Noise) Regulations 1997*. The proposed operation hours are consistent with the City's Policy No. 7.5.7 – Licensed Premises within a 'Commercial' Zone. Given the theatre use, the majority of loud noise will be contained within the tent structure and will be subject to the submission of an acoustic report to the City, which is required by Condition 10.1 to be provided in conjunction with an Event Management Plan.

As all of the conditions of the approval remain valid, the applicant will be required to demonstrate compliance with each condition, including providing the above mentioned Event Management Plan as well as a Waste Management Plan. These two plans will cover the attenuation and management of noise, the provision of sufficient site facilities, the management and collection of waste and the notification of surrounding neighbour prior to use of the site as a theatre. The existing approval also restricts the operating hours to 12:00pm to 10:00pm Sunday to Thursday and 12:00pm to midnight Friday and Saturday. It is considered that these conditions are capable of addressing the concerns raised during the consultation period.

The proposed three year extension to the approved time is considered appropriate to allow the operator to action their approval. The management plan requirements and the short term nature of the use will enable its impact on the local community to be re-evaluated should the operator seek to operate beyond this period.

Accordingly, it is recommended that the condition relating to the term of approval, issued by Council on 8 December 2015, be amended to extend the approval to 30 April 2020 between the months of December to April only.





The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).

Nos. 388 & 396 William Street,  
Perth



ORDINARY MEETING OF COUNCIL  
8 DECEMBER 2015

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CITY OF VINCENT  
MINUTES

#### **COUNCIL DECISION ITEM 9.1.8**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by N Ligerwood of Strut and Fret Production House Pty Ltd on behalf of the owner S-I Chen, for the proposed periodic Theatre and associated activities on an existing Car Park at Nos. 388 & 396 (Lot: 64 & 65; D/P: 613) William Street, Perth as shown on plans date stamped 28 October 2015, included as Attachment 2, subject to the following conditions:

1. **Approval Period**

This approval is only valid until 31 July 2017 and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply and obtain approval from Council prior to continuation of the use;

2. **Maximum Number of Persons**

The maximum number of people permitted in the event space shall not exceed 630 persons.

3. **Minimum Site Facilities**

The following minimum facilities shall be provided for each event on site to the satisfaction of the City:

- 3.1 Enclosed event space;
- 3.2 Ablution facilities;
- 3.3 Fencing of the perimeter of the site;
- 3.4 Signage;
- 3.5 Lighting;
- 3.6 Office;
- 3.7 Waste Storage; and
- 3.8 32 temporary Class 3 bicycle bays;

4. **Days and Hours of Operation**

The hours of operation of any event shall be restricted to:

Sunday to Thursday: 12noon - 10pm; and  
Friday & Saturday: 12noon – midnight.

5. **Notification of Residents/Businesses**

The applicant shall notify the all residents and operating businesses within a 100 metre radius of the site via letter drop no later than 7 calendar days prior to the start of an event. The letter shall provide details of the event and a contact telephone number to notify the event organisers of any problems arising;

6. **Ticket Pricing**

This development is approved with a shortfall of 63 parking bays on the proviso that performances may only be conducted if all tickets are sold in a package which includes free public transport within the Perth Metropolitan Area, given the area is well serviced by convenient public transport;

7. **Condition of Site**

The event area and all associated facilities shall at all times be maintained in a clean and tidy condition at the operator's cost to a standard that is to the satisfaction of the City;

ORDINARY MEETING OF COUNCIL  
8 DECEMBER 2015

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CITY OF VINCENT  
MINUTES

8. **External Finishes**

All external finishes shall not contain material of an offensive nature, or be a colour, style or form detrimental to the amenity of the immediate surrounds;
9. Prior to the submission of a Building Permit the following shall be submitted to and approved by the City:
  - 9.1 **Revised plans:**

A bin storage area of adequate size to accommodate the City's bin requirements;
10. 14 days prior to the commencement of each event the following shall be submitted to and approved by the City:
  - 10.1 **Event Management Plan**

An Event Management Plan in accordance with the City's Policy No. 7.5.7 – Licensed Premises to the satisfaction of the City;
  - 10.2 **Waste Management Plan**
    - 10.2.1 A Waste management Plan prepared to the satisfaction of the City; and
    - 10.2.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;
11. At all times during the event periods the following is required:
  - 11.1 **Event Management Plan**

Compliance with the Event Management Plan approved by the City;
  - 11.2 **Responsible Representative**

A responsible representative of Strut & Fret Production House shall be present on-site for the full duration of the event to respond to any complaints or concerns;
  - 11.3 **Complaints**

A complaints "Hot-Line" phone number shall be made available to the public throughout the duration of the events to members of the public to seek information or lodge any complaints; and
  - 11.4 **Light**

There shall be no light spillage beyond the boundaries of the event site; and
12. With reference to Condition 6 arrangements for free public transport ticketing must be made with the Public Transport Authority (WA).

ORDINARY MEETING OF COUNCIL  
8 DECEMBER 2015

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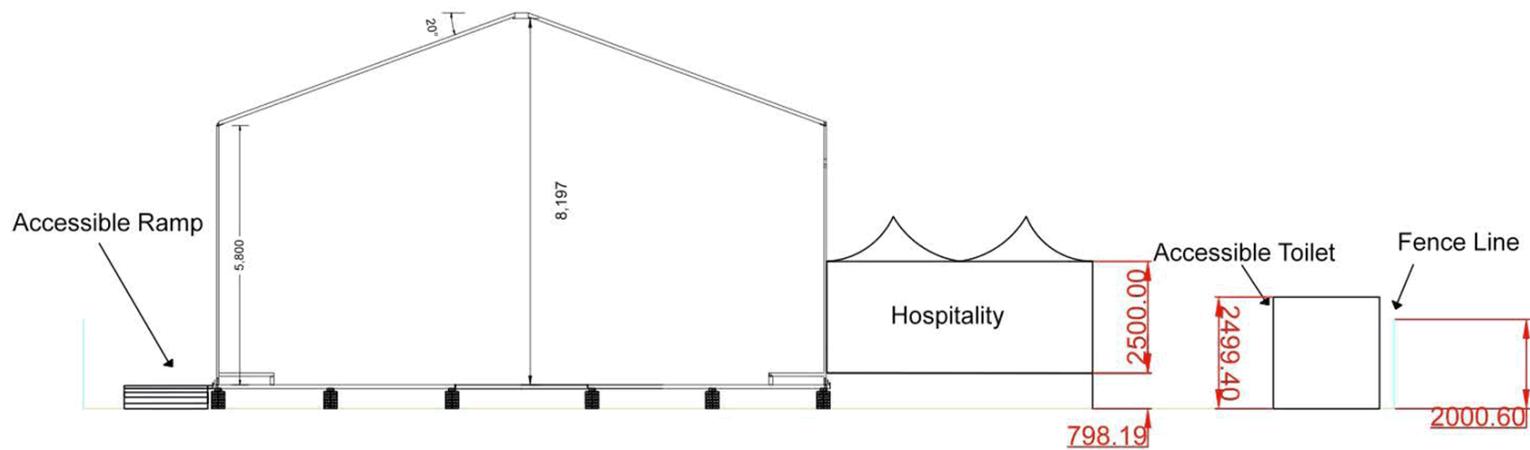
CITY OF VINCENT  
MINUTES

**ADVICE NOTES:**

1. All Noise Management requirements are undertaken in line with the Noise Management Plan, and Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
  2. The venue is required to comply with the *Health (Public Buildings) Regulations 1992*;
  3. All temporary food stalls and vans shall obtain a Special Events Permit from the City. Application forms together with the relevant fee. The Applicant shall ensure that temporary food stall application forms are submitted to the City at least seven days prior to the event; and
  4. With reference to Condition 2, the maximum patronage capacity shall be subject to an assessment in accordance with *the Health (Public Buildings) Regulations 1992*.
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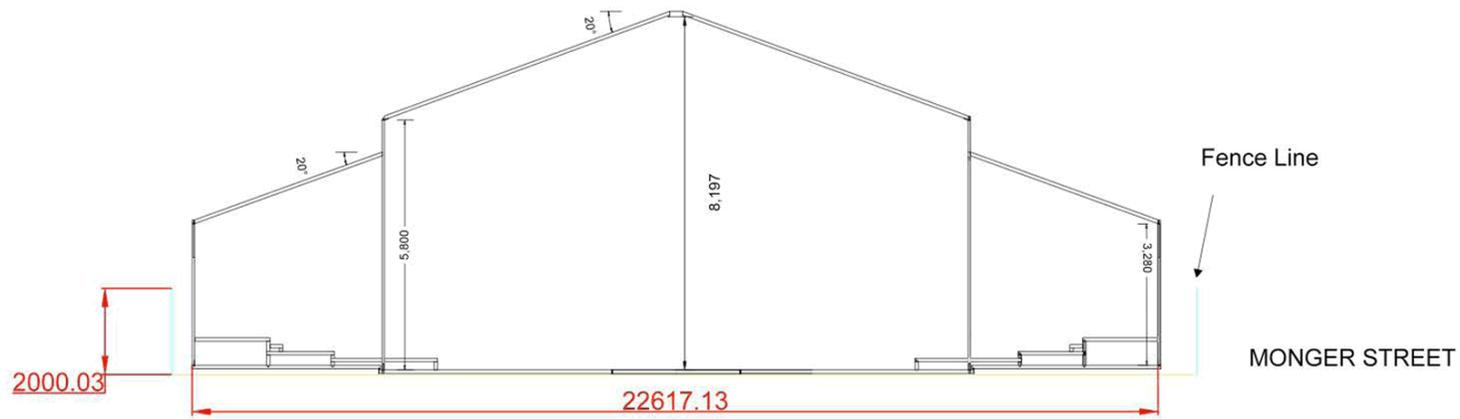


Front of tent Elevation

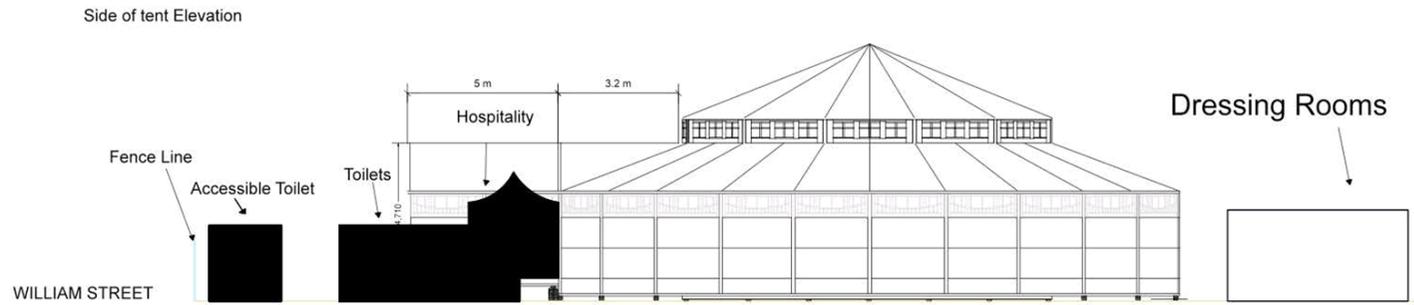


PROPOSED TEMPORARY THEATRE SITE Lot 64, 65 William St (Cnr Monger St) NORTHBRIDGE	 STRUT & FRET PRODUCTION HOUSE Mobile: 0421 030 490 Email: natalie@strutnfret.com	SITE PLAN	JOB NO: SF211015	REV:	DWG: A3
			DATE: 21 October 2015	-	
			DRAWN BY: MC		

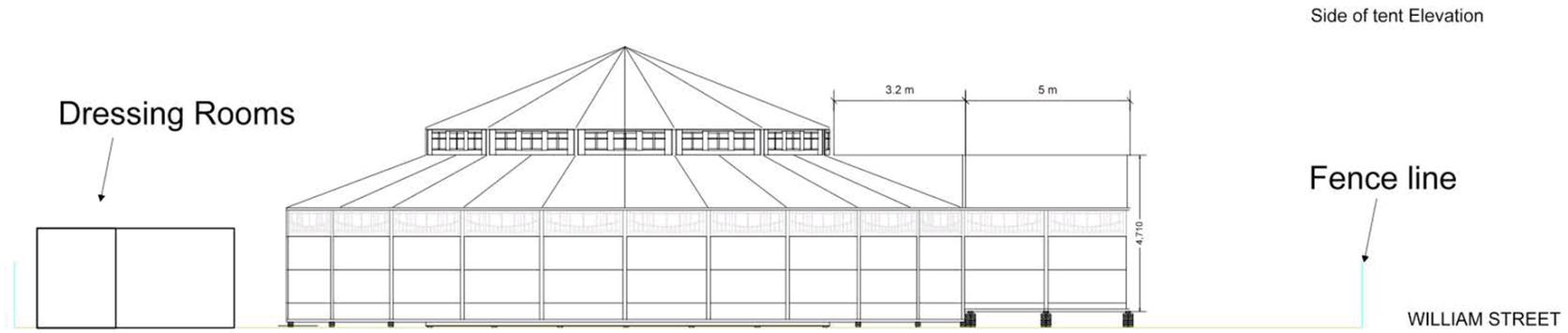
Rear of tent Elevation



PROPOSED TEMPORARY THEATRE SITE Lot 64, 65 William St (Cnr Monger St) NORTHBRIDGE	 STRUT & FRET PRODUCTION HOUSE Mobile: 0421 030 490 Email: natalie@strutnfret.com	SITE PLAN	JOB NO: SF211015	REV:	DWG: A3
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			DATE: 21 October 2015	-	
			DRAWN BY: MC		

**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Number of patrons to the site.</u></p> <ul style="list-style-type: none"> <li>• The site is too small to accommodate in excess of 630 people.</li> <li>• Concerns in regards to where patrons will congregate before entry to the event.</li> </ul>	<p>The theatre structure seats up to 630 patrons and as such it is considered the subject site is able to accommodate this number of people at any given time. There is sufficient space within the site for patrons to wait prior to an event commencing and it is also unlikely that all attendees will arrive at the site at the same time.</p>
<p><u>Increased traffic congestion and parking concerns</u></p> <ul style="list-style-type: none"> <li>• Parking within the area is already limited in particularly on weekends at week nights.</li> <li>• There is already a high number of vehicles that utilise Monger Street, which is a one way street, to avoid traffic lights in the area.</li> </ul>	<p>The proposal is for a temporary and periodic use, which is well serviced by public transport and is in close proximity to public car parks.</p> <p>In order to mitigate the number of patrons attending the site by car, and as a result increasing traffic congestion and parking concerns, a condition is in place to include public transport within the ticket price to encourage alternative means of transport to the venue.</p>
<p><u>Hours of Operation</u></p> <ul style="list-style-type: none"> <li>• The noise levels generated from patrons leaving the site at 1am and from machinery operation.</li> <li>• The proposal is for three years and will create ongoing noise and disturbance.</li> </ul>	<p>A condition is in place to restrict the hours of operation of the venue, with the condition allowing the operation of the venue to midnight on Friday and Saturday's and until 10pm Sunday to Thursday. Additionally, an Event Management Plan will be required to include noise management and control of patron behaviour. The events will also be required to be in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> and as such can be monitor by the City and can be investigated over the three year period should any issues and/or complaints arise.</p>

<b>5.8</b>	<b>LATE ITEM: NOS. 452-460 (LOT: 1; D/P: 613) WILLIAM STREET, PERTH - PROPOSED AMENDMENT TO CONDITION OF PREVIOUS APPROVAL: CHANGE OF USE FROM SHOP TO TAVERN</b>
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**TRIM Ref:** D17/166900  
**Author:** Joslin Colli, Coordinator Planning Services  
**Authoriser:** John Corbellini, Director Development Services  
**Ward:** South  
**Precinct:** 13 – Beaufort  
**Attachments:** 1. Attachment 1- Location Map  
 2. Attachment 2 - Previous Conditions of Approval

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application to amend planning approval 5.2017.212.1 granted 17 October 2017 for a change of use from Shop to 'Tavern' at Nos. 452-460 (Lot: 1; D/P: 613) William Street, Perth subject to the following conditions:

1. All conditions, requirements and advice notes detailed on development approval 5.2017.212.1 granted 17 October 2017 continue to apply to this approval, with the exception of Conditions 1.1 and 1.2 which are deleted and replaced as follows:

- 1.1. A maximum of 50 customers shall be permitted at the premises at any given time.

**PURPOSE OF REPORT:**

To consider a request to amend a conditions 1.1 and 1.2 of development approval issued by Council at its meeting 17 October 2017.

**BACKGROUND:**

<b>Landowner:</b>	A Yozzi & F A Yozzi
<b>Applicant:</b>	S J Winfield
<b>Date of Application:</b>	16 June 2017
<b>Zoning:</b>	MRS: Urban, Other Regional Road Reservation TPS1: Zone: Commercial TPS2: Zone: District Centre
<b>Built Form Area:</b>	Town Centre
<b>Existing Land Use:</b>	Shop – "P"
<b>Proposed Use Class:</b>	Tavern – "SA"
<b>Lot Area:</b>	531m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not Applicable
<b>Heritage List:</b>	Management Category A, State Registered Place

The subject site was granted development approval (subject to conditions) for a Change of Use from Shop to Tavern by Council at the Ordinary Meeting 17 October 2017. Council resolved to approve a Tavern which proposes to operate a small retail wine store and bar that is focused on natural and minimal intervention wine and showcases Western Australian produce. The applicant expects the retail component will account for 70 percent of the sales with the dine-in/bar component equating for 30 percent of sales. The dine-in/bar component will offer meals and will incorporate an indoor area of 20 square metres and use 24 square metres of the area within the footpath reserve directly in front of the subject premises for alfresco seating. The indoor area will include a communal table and bar area.

The application proposed a maximum number of persons on-site at any one time of 50 customers and 4 staff. The proposed maximum number of customers in the indoor area at any time with 22 customers and the maximum number of customers in the alfresco area at any time of 28 customers.

The previous approval issued by Council included the following conditions:

“1. Use of Premises

*The use shall be limited to:*

1.1 *A maximum of 22 customers shall be permitted within the indoor area at any given time;*

1.2 *A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time;”.*

A full copy of the approval is provided in **Attachment 2**.

On the 20 November 2017 the applicant contacted the City to query the process for amending conditions 1.1 and 1.2 outlined above which limit the number of patrons permitted inside the proposed Tavern and within the alfresco area.

The applicant seeks to amend the condition to remove the specification for a maximum number of patrons permitted indoors with the following modification proposed:

“1. Use of Premises

*The use shall be limited to:*

1.1 *A maximum of 50 customers shall be permitted within the indoor area at any given time;*

1.2 *A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time;”.*

**DETAILS:**

The application seeks to amend the previous development approval issued by Council modifying condition 1.1 and 1.2 of the approval which limits the number of patrons permitted inside and within the proposed alfresco area. The current conditions permit a maximum of 50 patrons across the site with a maximum of 22 permitted indoor at any one time and a maximum of 28 permitted within the outdoor alfresco area.

At the time of seeking development approval the applicant sought approval for a maximum of 50 patrons with a maximum of 22 proposed indoor and 28 proposed within the outdoor alfresco. These numbers were specified based on the advice received that the building would be classified as a Class 9B under the building code and this would require limitations on the patron numbers in the different area proposed to be used. Since obtaining development approval the applicant has engaged a private building surveyor who has advised that the use is capable of classification as a Class 6 which does not require patron numbers to be specified in areas proposed for use but rather just a maximum occupancy.

**CONSULTATION/ADVERTISING:**

The application has not been advertised as the proposed modification is not considered to alter the intent of the approval or increase the scale of development from that which was previously advertised and approved.

**Design Advisory Committee (DAC):**

Referred to DAC: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;* and
- *City of Vincent Town Planning Scheme No. 1.*

The application to delete the aforementioned condition of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes)*

*Regulations 2015*, which enables an application to be made requesting the local government to amend or delete any condition to which a development approval is subject to.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

**Delegation to Determine Applications:**

This matter is being referred to Council as the application proposes to amend a decision previously determined by Council.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

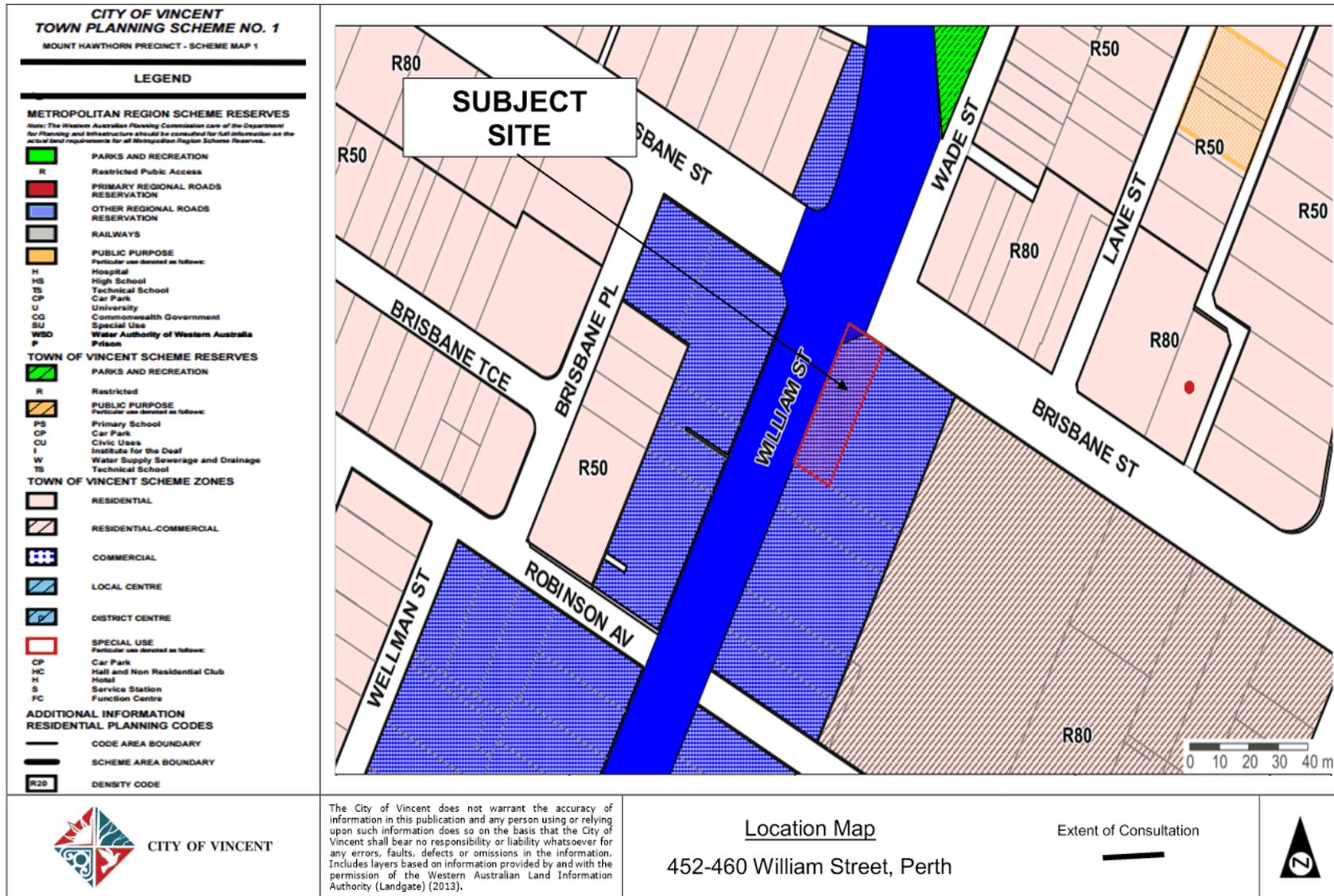
Nil.

**COMMENTS:**

The application proposes to modify conditions of approval relating to the maximum number of patrons permitted indoors, where the current approval restricts the maximum number permitted indoors to 22 and a maximum of 28 permitted in the alfresco area with a total of 50 permitted across the site. Review of the Building Code requirements by the proponent indicates that the identified Building Classification and permit that will be sought will not require maximum patron numbers to be specified for the building. As such the applicant seeks to amend the condition so as to remove reference to a maximum of 22 permitted indoors and instead specify a total of 50 patrons permitted at the site and retain the condition specifying a maximum of 28 permitted within the alfresco.

At the time of preparing the approval and conditions Administration limited the patron numbers based on the information provided in the application and on the advice that the Public Building requirements would require limitations on the maximum number of patrons permitted indoors. City staff have discussed the application and confirmed that the building classification would not impact the maximum number of patrons permitted based on the classification this use is likely to fall within. However, as the premises is proposed to be operated as a bar in addition to the retail component, this use is required to comply with the *Health (Public Building) Regulations 1992*, due to the premises only having one exit the premises would only be permitted to have a maximum of 50 persons inside at any one time.

On the basis that the Public Building requirements will only permit a maximum of 50 patrons inside the premises at any one time the proposed amendment to the condition to remove the indoor limitation of 22 and instead amend the approval to specify a maximum of 50 patrons at any one time is acceptable. This is considered consistent with the Public Building requirements and is no greater than the number of patrons previously considered by Council for the premises. The proposal still seeks to limit the total number of patrons to 50 and retain the condition limiting patrons in the outdoor area however, the removal of the prescribed number of persons indoor will allow the applicant to provide increased capacity indoors during weather changes where outdoor seating is not appealing.





CITY OF VINCENT

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Nos. 452-460 William Street, Perth

■ Subject tenancy



9.3 NOS. 452 - 460 (LOT: 1; D/P: 613) WILLIAM STREET, PERTH - CHANGE OF USE FROM SHOP TO TAVERN

TRIM Ref: D17/104022

Author: Steve Laming, Urban Planner

Authoriser: Paola Di Perna, Manager Approval Services

Ward: South

Precinct: 13 – Beaufort

- Attachments:
1. Attachment 1 - Consultation and Location Map 
  2. Attachment 2 - Development Plans 
  3. Attachment 3 - Summary of Submissions 
  4. Attachment 4 - Applicant's Response to Submissions 
  5. Attachment 5 - Management Plan 
  6. Attachment 6 - Car Parking Assessment 
  7. Attachment 7 - Determination Advice Notes 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for a change of use from Shop to Tavern at Nos. 452-460 (Lot: 1; D/P: 613) William Street, Perth, in accordance with the plans provided as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Use of Premises

The use shall be limited to:

- 1.1. A maximum of 22 customers shall be permitted within the indoor area at any given time;
- 1.2. A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time; and
- 1.3. The area shown as 'WINE STORE & BAR' on the approved ground floor plan shall only be used for the purpose of the proposed Tavern. The area shown as 'STORAGE AREA' on the approved first floor plan shall only be used for storage of goods associated with the Tavern on the ground floor;

2. Active Frontage

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and William Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the 'WINE STORE & BAR', as shown on the approved ground floor plan, from William Street are not permitted to be used during the hours of the development's operation;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

## ORDINARY COUNCIL MEETING MINUTES

17 OCTOBER 2017

**4. Hours of Operation**

The hours of operation shall be limited to the hours of:

- Tuesday to Saturday and Sundays prior to public holidays: 7:00am to midnight;
- Ordinary Sundays and Public Holidays: 7:00am to 10:00pm; and
- Monday: CLOSED;

**5. Acoustic Report**

5.1. An Acoustic Report, in accordance with the City's Policy No. 7.5.21 - Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development; and

5.2. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**6. Management Plan**

6.1. An updated Management Plan in accordance with the City's Policy No. 7.5.7 – Licenced Premises shall be submitted to, and approved by the City prior to the development commencing. The updated Management Plan shall address the following matters and shall be in accordance with all conditions of this approval:

- Any recommendations detailed in the Acoustic Report (as per Condition 5 above);
- Floor plans of the premises;
- The maximum number of patrons;
- Hours of operation;
- Noise Management Plan;
- Patron and anti-social behaviour;
- Entertainment and Music; and
- Time and frequency of waste collection and deliveries at the premises;

6.2. Use of the premises shall be carried out in accordance with the approved Management Plan or any Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City; and

6.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

**7. Cash-in-Lieu**

A cash-in-lieu contribution shall be paid to the City for the shortfall of 3.72 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$20,088 prior to the commencement of development or by entering into a written agreement to the City to pay the cash-in-lieu over an agreed period up to five years; and

**8. Heritage**

8.1. The existing front double doors shall be retained in place; and

8.2. The original fabric to the bay windows shall be retained where it is extant.

ORDINARY COUNCIL MEETING MINUTES

17 OCTOBER 2017

COUNCIL DECISION ITEM 9.3

Moved: Cr Loden, Seconded: Cr Hallett

That the recommendation be adopted.

At 7.03pm, Cr Roslyn Harley returned to the meeting.

At 7:12 pm, Cr Dan Loden left the meeting.

At 7:14 pm, Cr Dan Loden returned to the meeting.

At 7:26 pm, Cr Joshua Topelberg left the meeting.

At 7:28 pm, Cr Joshua Topelberg returned to the meeting.

**CARRIED UNANIMOUSLY (6-1)**

**For:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Cr Harley

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

# Wines of While



PROPOSED STREET ELEVATION  
NOT TO SCALE

PROPOSED CHANGE OF USE  
OF 458 WILLIAM ST FROM  
'RETAIL' TO 'TAVERN' USE TYPE

As per City of Vincent Town Planning  
Scheme No.1

Date:  
1/6/2017

Client:  
NU WINES PTY LTD

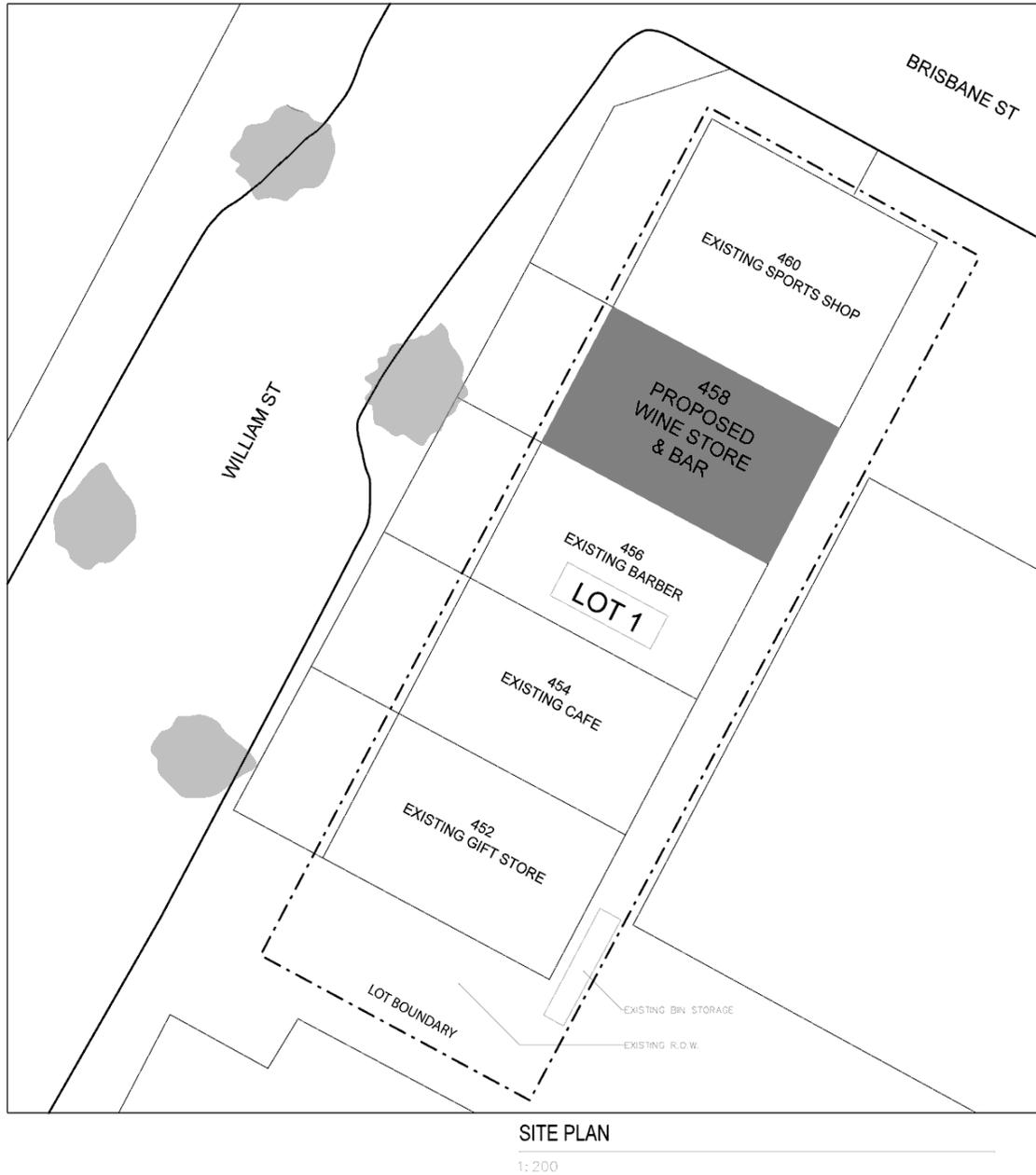
DRAWINGS Tel. +61 400 182 389  
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Contents

02	Site Plan
03	Existing Conditions & Demolition Plan
04	Proposed Development
05	Alfresco Seating Area Detail
06	Facade Alteration & Restoration
07	Wines of While

Development Application

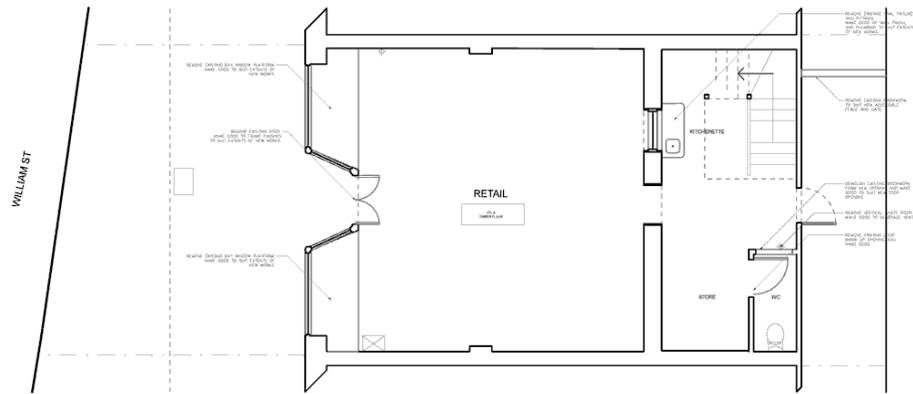


DISTRICT LOCATION MAP

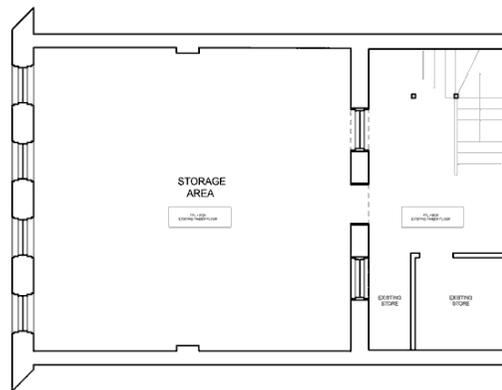
All works shall be in accordance with City of Vincent Approval to Commence Development and shall comply with requirements set by NCC BCA, Australian Standards (AS 1428, AS 4672, AS 1686-2), Health (Public Buildings) Regulations 1997, Health, Health Act 1971, LIQUOR CONTROL ACT 1988 & all relevant planning, building, heritage, fire & health authorities.

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Project Stage: <b>ISSUED FOR DEVELOPMENT APPLICATION</b>	Job No.: <b>170116</b> Drawn By: <b>JT</b> Date: <b>31/ 05 / 17</b> Checked: Date: <b>JT 31/ 05 / 17</b>
	Scale @ A3: <b>1:200</b> DWG Type: <b>PLAN</b> Sheet ID: <b>A1.01</b> Sheet No.: <b>1 of 5</b>



GROUND FLOOR - Existing Conditions & Demolition Plan  
1:100



FIRST FLOOR - Existing Conditions & Demolition Plan  
1:100



EXISTING STREET ELEVATION  
NOT TO SCALE

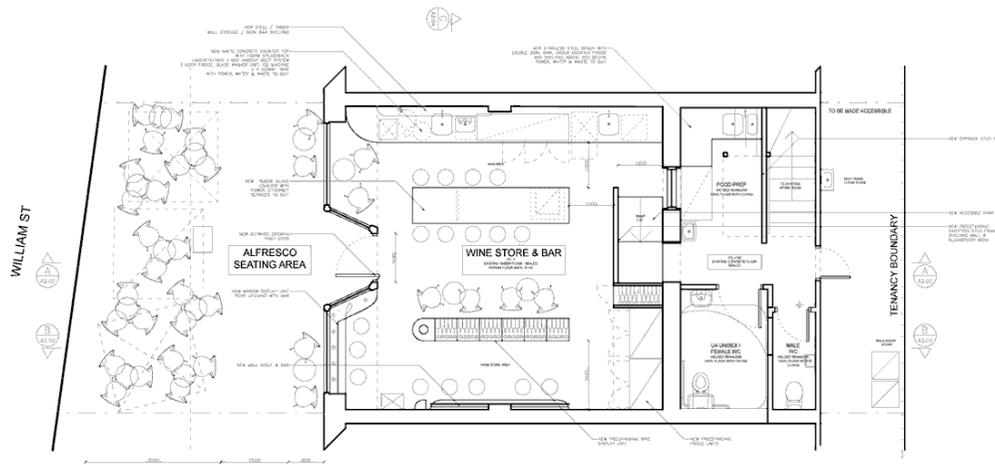
GENERAL DEMOLITION NOTES

IN ALL ROOMS,  
DEMOLISH ALL EXISTING FIXTURES AND FITTINGS WHERE NECESSARY TO  
SUIT EXTENTS OF NEW WORKS, INCLUDING ASSOCIATED COMPONENTS,  
FLOOR AND WALL FINISHES, MAKE GOOD TO ALL  
SURFACES & PREPARE TO TAKE NEW FINISHES.  
REMOVE ALL AFFIXED CEILING INCLUDING LIGHT FITTINGS.

All works shall be in accordance with City of Vincent Approval to Commence Development and shall comply with requirements set by NCC, BCA, Australian Standards (AS 1418.3.3, AS 1905.2), Health (Public Buildings) Regulations 1992, Health, Health Act 1971, DUST/NOISE CONTROL ACT 1986 & all relevant planning, building, heritage, fire & health authorities.

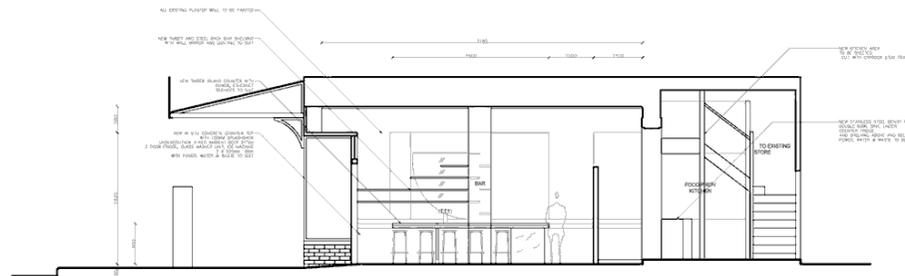
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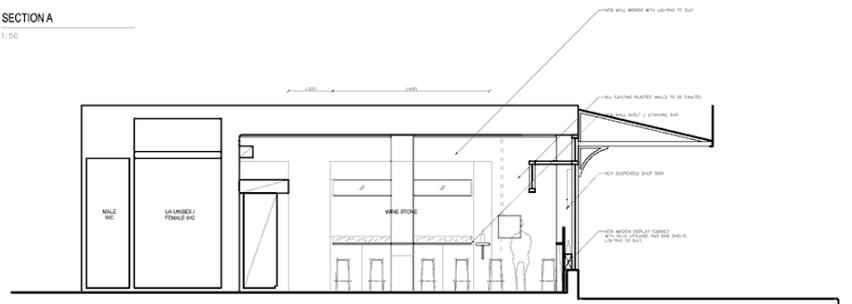
PROPOSED GROUND FLOOR PLAN

1:100



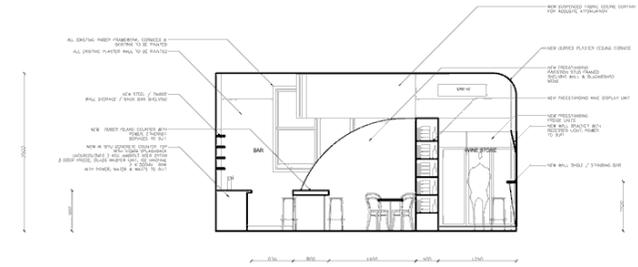
SECTION A

1:250



SECTION B

1:50



SECTION C

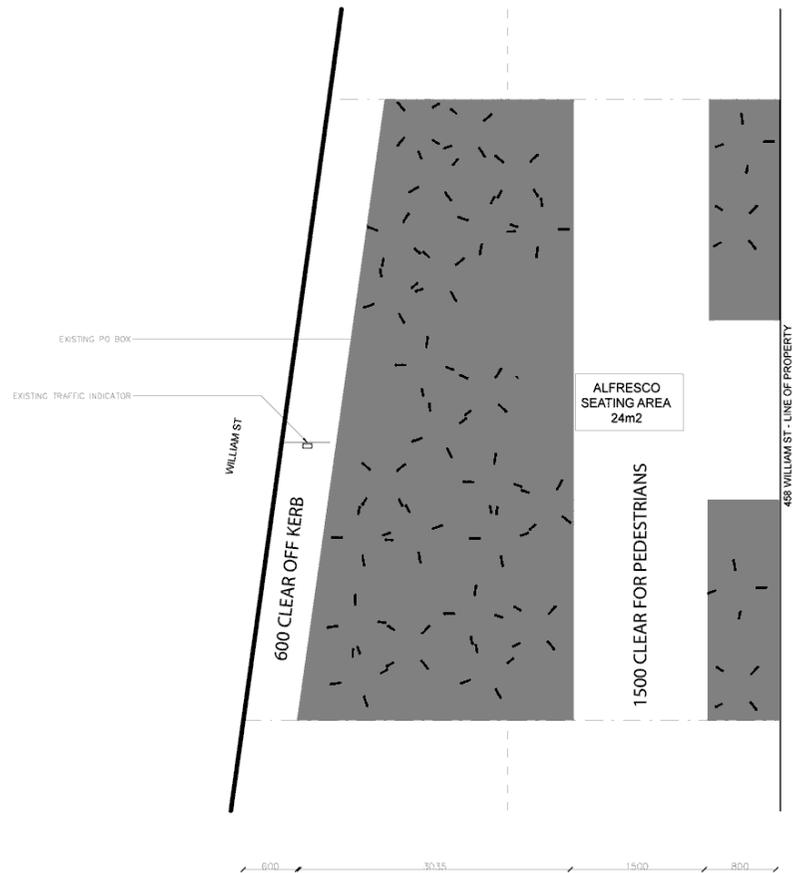
1:50

MAXIMUM ACCOMMODATION	
(HEALTH (PUBLIC BUILDINGS REG. 1992))	
LIMITING FACTOR	
FLOOR	GROUND FLOOR TOTAL AREA = 69 M <sup>2</sup>
	DEDUCTION - TOILETS + BAR + FIXTURES = 49M <sup>2</sup>
	NET FLOOR AREA AVAILABLE FOR PATRONS = 20M <sup>2</sup>
	From regulation 77 Table the applicable ratio is 0.05
	Maximum number
	Area divided by ratio at the Regulation 77 table is = 22 PERSONS
TOILETS	FEMALES & UNSEX - 1 LA WC, 1 HAND BASIN
	MALES - 1 WC, 1 HAND BASIN
	BCA TABN #2.3 - facilities are adequate for 50 patrons
EXIT WIDTH	1 SINGLE DOOR AT 1000MM EXIT WIDTH
	BCA D1.6 - adequate for up to 50 PERSONS
VENTILATION	BCA F4.6 NATURAL VENTILATION REQUIRES an aggregate opening to operate such that not less than 5% of the floor area of the room required to be ventilated
	SUITABLE FOR NATURAL VENTILATION

All works shall be in accordance with City of Vincent Approval to Commence Development and shall comply with requirements set by NCC BCA Australian Standards AS 1530, AS 4954, AS 1688.2, Health (Public Buildings) Regulations 1992, Health, Health Act 1911, LICUOR CONTROL ACT 1988 & all relevant planning, building, heritage, fire & health authorities.

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Scale @ A3: <b>1:100</b> DWG Type: <b>PLAN</b> Sheet No.: <b>2 of 5</b>	Sheet ID: <b>A3.01</b>



**PROPOSED ALFRESCO AREA**

1:50

TOTAL PATRONS: 28

TYPICAL FURNITURE ARRANGEMENT  
TEMPORARY AND REMOVABLE IN ACCORDANCE WITH CITY OF VINCENT  
POLICY 3.8.1

BISTRO TABLES & CHAIRS, UMBRELLAS

All works shall be in accordance with City of Vincent Approval to Commerce Development and shall comply with requirements set by MCC, SCA, Australian Standards (AS 1588, AS 4074, AS 1596.2), Health (Public Buildings) Regulations 1990, Health, Health Act 1991, LIQUOR CONTROL ACT 1998 & all relevant planning, building, heritage, fire & health authorities.

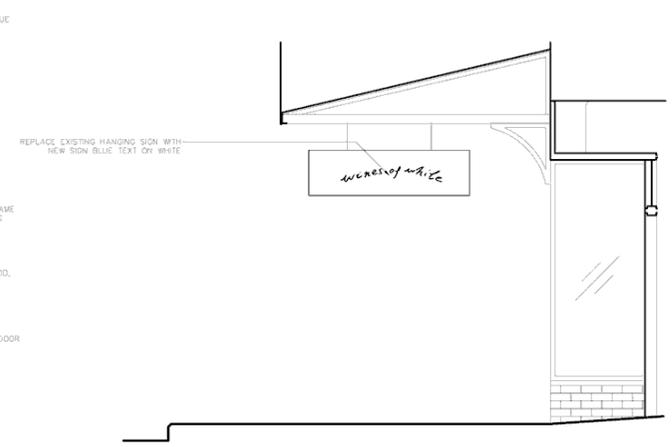
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	Scale @ A3: <b>1:50</b> DWG Type: <b>PLAN</b> Sheet No.: <b>4 of 5</b>
	Sheet ID: <b>A4.01</b>



STREET ELEVATION

1:50



FACADE SECTION

1:50

All works shall be in accordance with City of Vincent Approval to Commence Development and shall comply with requirements set by NCC BCA, Australian Standards (AS 1530.3, AS 4672, AS 1988.2), Health (Public Buildings) Regulations 1995, Health, Health Act 1991, LOCAL GOVERNMENT ACT 1995 & all relevant planning, building, heritage, fire & health authorities.

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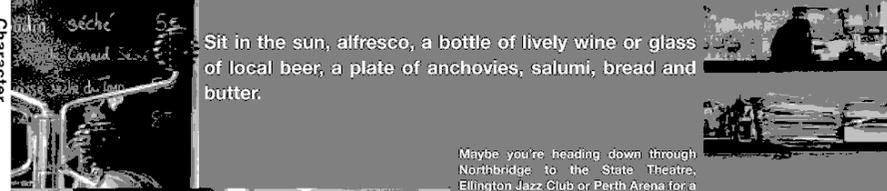
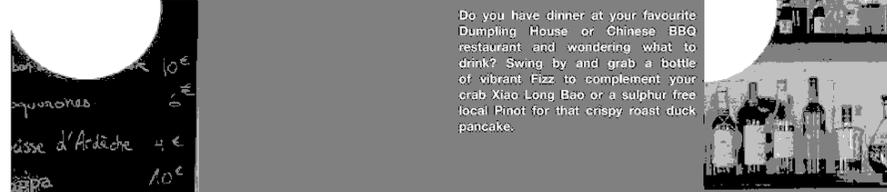
PROPOSED SIGNAGE, FACADE ALTERATIONS & RESTORATION

Project: <b>WINES OF WHILE</b> 458 William St Perth Client: <b>Nu Wines Pty Ltd.</b>	© 2017 <b>JOHN GROUP OFFICE</b> TEL: (+61) 400 182 389 (AU)
Project Stage: <b>ISSUED FOR DEVELOPMENT APPLICATION</b>	Job No.: <b>170116</b> Drawn By: <b>JT</b> Date: <b>31/ 05 / 17</b> Checked: <b>JT</b> Date: <b>31/ 05 / 17</b>
Scale @ A3: <b>1:50</b> DWG Type: <b>ELEVATION</b> Sheet No.: <b>5 of 5</b>	Sheet ID: <b>A5.01</b>

# Wines of While

**Wines of While, at 458 William St, will be the first venue in Perth to be focused on natural and minimal intervention wine. With the option to dine-in, enjoy a glass or share a bottle between friends and to browse through a unique collection of wines and purchase to takeaway, the store will bring an unprecedented experience north of Newcastle.**

Context



Do you have dinner at your favourite Dumpling House or Chinese BBQ restaurant and wondering what to drink? Swing by and grab a bottle of vibrant Fizz to complement your crab Xiao Long Bao or a sulphur free local Pinot for that crispy roast duck pancake.

Sit in the sun, alfresco, a bottle of lively wine or glass of local beer, a plate of anchovies, salumi, bread and butter.

Maybe you're heading down through Northbridge to the State Theatre, Ellington Jazz Club or Perth Arena for a show, stop in for a glass of Loire Valley Chenin and a plate of country terrine. Or maybe there's a gig at The Bird or Connections you're on the way to, drop by and share a bottle of local growers eccentric orange or kick it off with an Italian magnum.

Wines of While will be housed in the State Heritage listed building on the corner of William and Brisbane Street, designed by architect Jack Ochiltree and built in 1914. As a gateway to the Northbridge entertainment precinct, the building, with its Federation styling, strikes an impressive figure to welcome visitors to the area. The building also carries a vinous history, with the Savoy Wine Saloon a tenant from 1925 to 1949, we seek to reinstate some historical relevance.

Heritage



When you hear the word tavern, a person reliably recalls a large scale venue with sports screens, TAB facilities, hundreds of square metres of space, vast numbers of patrons and an emphasis of high volume draught beer sales. Increasingly this type of venue is being dominated by multinational or large-scale commercial ownership, looking to monopolise an industry that was once a small scale, family operated and with an emphasis on local community. Wines of While will seek to refocus this tavern idea and provide the neighbourhood with a community-focused, owner-operated, wine store and bar.



This neighbourhood is a no-brainer when deciding on where to open our store and bar. We live around the corner. We see the people who live here to be, like us, open-minded, community focused and having a sincere love for food and wine. When it comes to having a casual drink, a catch-up with friends, picking up an interesting bottle for a picnic or lounging through a long Sunday lunch, we're your local.



We are creating a small, intimate and unique wine store and bar that is focused on natural and minimal intervention wine, showcasing Western Australian produce and engaging the community in wine in a casual and interesting way.