

9.2 NO. 276 (LOT: 63; D/P: 97776) NEWCASTLE STREET, PERTH - PROPOSED OFFICE AND SHOWROOM (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Existing Development Approval Notices and Approved Plans
4. Summary of Submissions - Administration Response
5. Summary of Submissions - Applicant Response

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for Office and Showroom (Amendment to Approved) (Unauthorised Existing Development) at No. 276 (Lot: 63; D/P: 97776) Newcastle Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2020.57.1 granted on 14 April 2020 and 5.2021.486.1 granted on 10 January 2022 continue to apply to this approval except as follows:
 - 1.1 Condition 10 is deleted and replaced as follows:
 10. All landscaping works shown in the approved plans dated 9 November 2023 shall be undertaken within 28 days of the date of this approval and maintained thereafter at the expense of the owners/occupiers, to the satisfaction of the City.
 - 1.2 Condition 11 is deleted and replaced as follows:
 - 11.1 The obscure glazing privacy screen to the north east elevation of the first floor, as indicated on the approved plans dated 9 November 2023, shall be durable and visually impermeable to a minimum height of 1.6 metres above the first-floor finished floor level, to the satisfaction of the City.
 - 11.2 The north-east elevation of the ground floor shall be screened by either:
 - (a) The provision of bamboo planting along the north east lot boundary, as shown on the approved plans dated 9 November 2023. The bamboo shall be maintained to a minimum height of 1.6 metres above the ground floor finished floor level to restrict views of the adjoining property; or
 - (b) The installation of privacy screening to the portion of the north-east elevation of the ground floor indicated in red on the approved plans dated 9 November 2023. The screening shall be fixed, durable and visually impermeable to restrict views of the adjoining property;

The privacy screening and/or bamboo planting are to be maintained at all times from the date of the issue of this decision, to the satisfaction of the City.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for amendments to an approved Office and Showroom development No. 276 Newcastle Street, Perth (subject site), including unauthorised existing development. The subject site is developed as a two storey commercial building with basement car parking and has been occupied by a development company since May 2022.

The application seeks approval for proposed landscaping works as well as works that have been undertaken at the subject site that are inconsistent with the previous approvals issued by the City. This means that some of the works undertaken are currently unauthorised.

The unauthorised existing development relates to changes to the privacy screening previously approved to the north-eastern elevation of the office building and changes to landscaping along the north-eastern lot boundary.

The new works relate to additional landscaping proposed within the open carpark at the front of the site.

There are no changes to the building layout or land use proposed as part of this application.

The proposal seeks an element objectives assessment against the visual privacy and landscaping planning elements. The proposal has been designed to provide for a landscaping outcome that is appropriate for the development site and that would increase the overall canopy coverage across the site of 17.3 square metres.

The landscaping provided to the north-eastern lot boundary provides screening of views from the office towards the adjoining residential property and minimises impact of overlooking to this property.

The additional landscaping provided to the Newcastle Street elevation would increase and make an effective contribution to urban canopy cover and would positively contribute to the Newcastle Street streetscape.

The proposal satisfies element objectives of the Built Form Policy, and the application is recommended for approval subject to updating existing conditions.

PROPOSAL:

The subject application seeks to amend the existing development approval relating to the two-storey office and showroom at No. 276 Newcastle Street, Perth. A location plan of the subject site included as **Attachment 1**.

The application seeks approval for works that already exist on-site which are not consistent with the previous approval, as well as new works that do not currently exist on-site. A summary of these works is provided below.

Existing Unauthorised Works

The application seeks approval to modify the previously approved development plans and conditions of approval to be consistent with the development undertaken on site.

The application seeks approval for the following works that are existing on site and are unauthorised development:

- Removal of privacy screening to the ground floor of the north-eastern elevation of the building. The approved privacy screen consisted of horizontal slats attached to the outside of the building and separated from the glazing by 0.5 metres.
- Provision of bamboo planting along the north-eastern planter bed which would provide privacy screening from the ground floor office. This would replace the eight magnolia trees shown in this garden bed on the previously approved plans.

Proposed New Works

In addition to the above unauthorised existing works, the application also proposes the provision of two additional trees within existing planting beds in the street setback area to Newcastle Street.

All works for which approval is being sought as part of this application are shown in **Attachment 2**. Copies of the development approval notices and approved plans are included as **Attachment 3**.

BACKGROUND:

Landowner:	Silviano Giorgi & Maria Teresa Giorgi
Applicant:	Building Corporation WA Pty Ltd
Client:	Giorgi Nominees Pty Ltd
Date of Application:	7 February 2023
Zoning:	MRS: Urban LPS2: Zone: Commercial R Code: N/A
Built Form Area:	Activity Corridor
Existing Land Use:	Office & Showroom
Proposed Use Class:	Office & Showroom
Lot Area:	881 square metres
Right of Way (ROW):	N/A
Heritage List:	N/A

Site Zoning and Context

The subject site accommodates a two-storey commercial building with a basement car park located at the rear of the site and accessed by a driveway along the south-eastern side of the building. The street setback area is used for car parking and the building is used as an office and showroom.

The subject site and adjoining properties are zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2) and are within the Activity Corridor Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The subject site is bounded by Newcastle Street to the south-west, a single storey warehouse and showroom to the south-east, a two-storey lodging house (backpackers) to the north-west and a two storey grouped dwelling complex known as the 'Boot Factory' at No. 117 Lake Street to the north-east. No. 117 Lake Street is included on the City's Heritage List as 'Category B – Conservation Recommended'.

On the southern side of Newcastle Street immediately opposite the subject site is a three-storey building accommodating a hotel and restaurant. Properties on the southern side of Newcastle Street are within the City of Perth.

A location plan is included as **Attachment 1**.

Approvals History

On 1 July 2019, Administration approved a development application for a two-storey office and showroom development with basement car parking. At the time of this approval, the subject site contained two two-storey character dwellings fronting Newcastle Street. The development incorporated the retention of the eastern dwelling to be integrated into the proposed office and showroom.

The approved plans included the provision of an external sun and privacy screen to a portion of the ground and first floor windows on the north-eastern elevation which face No. 117 Lake Street. A condition was included in the approval notice requiring that the screening be 75 percent visually impermeable in accordance with the deemed-to-comply standards of [Clause 5.4.1](#) of the R Codes Volume 1.

An amendment to this approval was granted on 25 October 2019. These plans flipped the proposed design, resulting in the retention of the western character dwelling.

Further amendments were approved on 14 April 2020 and 10 January 2022. These amendments resulted in the following key changes to the approved plans:

- Ground floor slab setback from north-eastern lot boundary reduced from 2.4 metres to 1.9 metres to ensure compliance with the National Construction Code.
- Provision of fencing, signage and a vehicle access gate to Newcastle Street.
- Reconfiguration of landscaping and deep soil area on site.

The amended approvals did not change the privacy screening proposed to the ground and first floor windows on the north-east elevation of the development, facing No. 117 Lake Street, Perth. Figure 1, below, shows the approved privacy screening to the north-east elevation of the subject site.

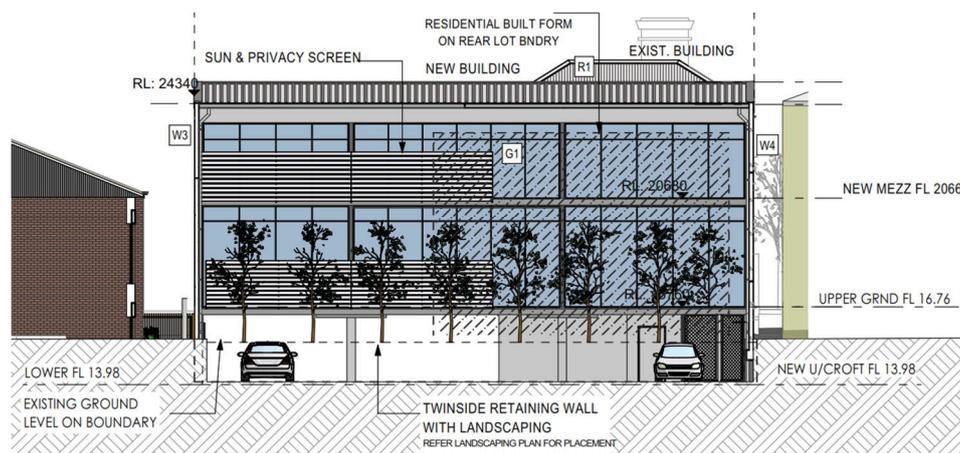


Figure 1: North-east elevation plan of No. 276 Newcastle Street, Perth, showing the previously approved privacy screening.

The magnolia trees along the north-eastern lot boundary were intended to provide canopy coverage at maturity. They were not proposed or considered as a method for screening views from the building towards the adjoining property.

Unauthorised Works

This development application has been submitted as a result of occupancy permit inspections that were undertaken by the City in May 2022. At these inspections it was identified that the external privacy screening had not been installed to the ground floor and first floor north-east elevation, and the magnolia trees had not been installed along the north eastern lot boundary, as shown in the approved plans.

The City also received complaints in May 2022 expressing concern that no privacy screening had been installed to the north-eastern elevation, as had been shown in the approved plans.

In September 2022 an opaque film was applied to a portion of the first floor windows. This screening is consistent with the extent of screening shown on the approved plans and is visually impermeable. The opaque film applied to the windows on the first floor satisfies Condition 11 of the 14 April 2020 development approval and does not form part of this application.

The subject development application for approval of the unauthorised works was lodged with the City in February 2023.

The applicant has advised that they do not wish to install the screening on the ground floor because of the impact on the internal amenity and outlook of the office and have instead proposed the bamboo planting to screen views of the adjoining property.

The City's Development Compliance Enforcement Policy allows for the consideration of an unauthorised development to continue to operate during the development application assessment process. The City's Compliance team liaised with the occupants of the subject site to ensure that the blinds to offices that would have been screened by the external privacy screen were always closed. This ensured the protection of the privacy of the adjoining property while the application was assessed.

The processing timeframe of this application is reflective of the complexities associated with unauthorised development and liaising with the applicant to consider alternative screening outcomes. In accordance with Clause 75(1)(c) of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations), a longer period to determine the application has been arranged with the applicant.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2) 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	Use Permissibility/ Acceptable Development Standard	Previously approved	Requires further Discretion
Land Use	✓		
Street Setback	✓		
Front Fence		✓	
Building Height	✓		
Building Setbacks/Boundary Wall		✓	
Building Orientation	✓		
Landscaping			✓
Privacy			✓
Public Domain Interface	✓		
Pedestrian Access and Entries	✓		
Parking & Access	✓		
Bicycle Facilities	✓		
Façade Design		✓	
Adaptive Reuse	✓		
Environmentally Sustainable Design	✓		

Detailed Assessment

The planning elements that do not satisfy the acceptable outcomes and require the discretion of Council are as follows:

Landscaping	
Acceptable Outcomes Standard	Proposal
Built Form Policy Volume 3 Clause 1.5 <u>Canopy Cover</u> 80 percent (48.2 square metres) of the north-east lot boundary setback area at ground level to be provided as canopy cover. The office building is set back 3 metres from the north-east lot boundary.	<u>Canopy Cover</u> Nil canopy cover provided to the north-east lot boundary setback.
Privacy	
Acceptable Outcomes Standard	Proposal
Built Form Policy Volume 3 Clause 1.6 The Built Form Policy does not provide an acceptable outcome for visual privacy. An assessment against the element objective is required.	The north-eastern elevation of the ground floor is proposed to be screened with bamboo which is planted to the north-eastern boundary.

The above elements of the proposal do not meet the specified acceptable outcome standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the Planning Regulations for a period of 14 days. Consultation was undertaken from 10 August 2023 to 23 August 2023.

The method of consultation included a notice on the City's website and 31 letters mailed to owners and occupiers of the dwellings within the adjoining property at No. 117 Lake Street as shown in **Attachment 1** in accordance with the City's Community and Stakeholder Engagement Policy. Consultation letters were only sent to dwellings at No. 117 Lake Street because it is the only property which would have the potential to be adversely affected by the removal of the privacy screening to the north-eastern elevation.

At the conclusion of consultation, the City received six submissions, all of which objected to the proposal.

Concerns raised in the submissions are summarised as follows:

- The amenity of the adjoining property would be negatively affected by overlooking into the shared garden, private courtyards and unit windows, particularly the master bedroom windows on the first floor.
- The use of vegetative screening is inadequate to provide privacy and screening because it is not 'visually impermeable' in accordance with deemed-to-comply standards of the R Codes and will not reach a sufficient height to provide privacy for all units.
- Express concern about the ongoing maintenance of the bamboo, including in the event of changes in ownership or adverse weather events.
- The existing office building is close to the lot boundary which creates an imposing view from No. 117 Lake Street.

A summary of submissions received during the consultation period along with Administration's responses to submissions is provided in **Attachment 4**. The applicant's response to the submissions received are provided as **Attachment 5**.

Following consultation, amended plans were received on 9 November 2023, included as **Attachment 2**. These amended plans are consistent with those received on 7 February 2023 which were advertised. These plans were updated to include a north-eastern elevation plan showing the obscure film screening to the first floor. The final set of plans did not alter any built form outcome or propose new departures or greater to the planning framework. For this reason, further community consultation on these plans was not required as per the standards of the City's Community and Stakeholder Engagement Policy. Those that made a submission have been notified of the changes.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the City's DRP Chairperson for comment on the modifications to the landscaping. The referral related to the development plans dated 7 February 2023. Comments were requested on the impact of the proposed removal of the external screening and the changes to the landscaping.

The proposed landscaping quality was supported by the DRP Chairperson and their comments are summarised as follows:

- The proposed additional trees in the Newcastle Street front carpark area are supported.
- Although not canopy cover, the use of bamboo to the north-eastern setback still provides a soft buffer to the adjoining property. Bamboo can grow quite tall meaning this can still generate a level of shading to the office.

LEGAL/POLICY:

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- City of Vincent Local Planning Scheme No. 2.
- Community and Stakeholder Engagement Policy.
- Policy No. 7.1.1 – Built Form Policy.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Planning Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2 [Clause 67\(2\)](#) of the Deemed Provisions in the Planning Regulations and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration that are relevant to this application relate to the compatibility of the development with its setting including the relationship of the proposal with development on adjoining land, amenity, consistency with local planning policies, submissions received about the application and advice from the DRP.

Unauthorised Development

Schedule 2, [Clause 65](#) of the Planning Regulations provides the ability for development applications to be made for development that has already been carried out. In accordance with Clause 68, the application can be approved, approved with conditions, or refused. In accordance with the *Planning and Development Regulations 2009* the application fee for development applications for existing unauthorised developments is three-times the standard fee.

In accordance with Section 164 of the *Planning and Development Act 2005*, the approval of a development application for unauthorised development does not apply retrospectively. This means that the approval sought would not apply to the period during which the development has been in existence without approval.

Delegation to Determine Applications:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to applications which have received more than five objections during the community consultation period. The application received six objections during the community consultation period.

RISK MANAGEMENT IMPLICATIONS:

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:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

The City's Built Form Policy includes environmentally sustainable design provisions. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019 - 2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

An Environmentally Sustainable Development assessment was provided as part of the previous development approvals for the subject site. There are limitations to influence whole of life environmental impact of the entire development on the site through this application. This is because the scope of the application is limited to changes to landscaping and the removal on an external screening device. Due to the limited scope of the development application, an updated environmentally sustainable development assessment was not requested to be provided.

PUBLIC HEALTH IMPLICATIONS:

This report has no impact on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The bamboo along the north-eastern lot boundary screens views from the ground floor of the office towards the adjoining property. This reduces the real and perceived impact of overlooking to the adjoining property. An updated condition of approval is proposed to be imposed to ensure the ongoing maintenance of the bamboo or provision of alternative screening.
- The application results in an overall increase of canopy cover on the site by 16.4 square metres through the addition of two Honey Locust trees to the Newcastle Street elevation of the site. The additional trees to this area would positively contribute to the Newcastle Street streetscape and the City's urban tree canopy.

A detailed assessment against the discretionary aspects of the application is set out below.

Visual Privacy

The Built Form Policy does not provide acceptable outcomes or deemed-to-comply standards relating to visual privacy from commercial developments and assessment is required against the [element objective](#).

In assessing the acceptability of the proposal, it is useful to consider the standards of the R Codes. This is because the adjoining property to the north at No. 117 Lake Street is a residential property and the R Codes provide an accepted baseline for the protection of privacy to residential properties.

The R Codes provide a deemed-to-comply standard for screening devices to be a minimum of 1.6 metres in height, at least 75 percent obscure, permanently fixed and made of durable material to restrict view in the direction of overlooking to an adjoining property.

The R Codes Explanatory Guidelines [note](#) that landscaping can provide an effective screen for the control of overlooking while also enhancing the development and residential amenity. Any development approval would then be subject to a condition to ensure the vegetation was retained for the life of the development.

The development satisfies the [element objective](#) of the Built Form Policy relating to visual privacy for the following reasons:

- Site Context: The north-east elevation of the building includes floor-to-ceiling windows and is used as an office which is occupied during business hours. Directly to the north-east of the subject site is an area of open space at No. 117 Lake Street that is used as a landscaped communal garden, with private outdoor living areas along the western side. The units associated with these private outdoor living areas include major openings in their south-east elevations as shown in Figure 2, below.

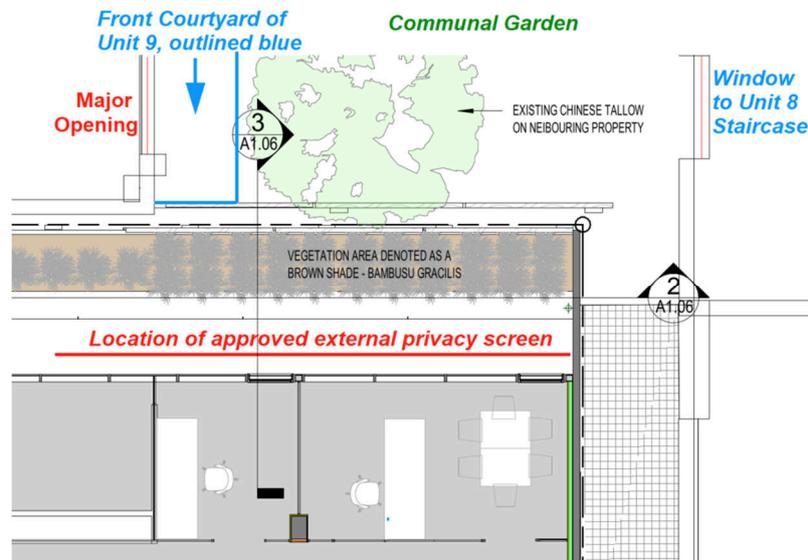


Figure 2: Ground floor plan of No. 276 Newcastle Street showing context of proposed bamboo landscaping screening

- Bamboo planting to ground floor restricts views:** On the ground floor the external privacy screen has been replaced with bamboo planting in the garden bed along the north-eastern lot boundary. The applicant has advised that this was to improve the internal amenity and outlook of the office space. The bamboo was planted in April 2022 and now exceeds 1.6 metres in height above the finished floor level of the ground floor office. The bamboo provides effective screening of views from the ground floor of the subject site, towards No. 117 Lake Street as demonstrated in Figures 4, 5 and 6 below:

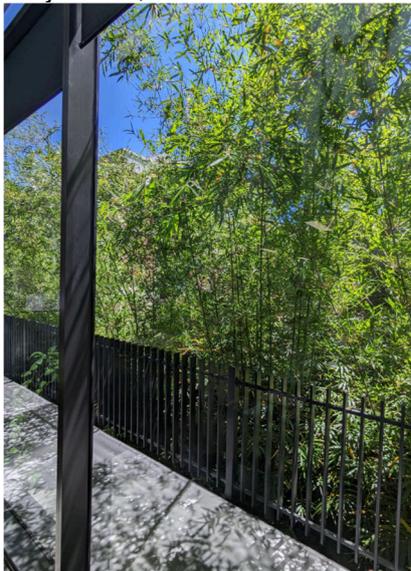


Figure 4: View from ground floor of No. 276 Newcastle Street looking north towards No. 117 Lake Street.



Figure 5: View from ground floor of No. 276 Newcastle Street looking north-east towards No. 117 Lake Street.

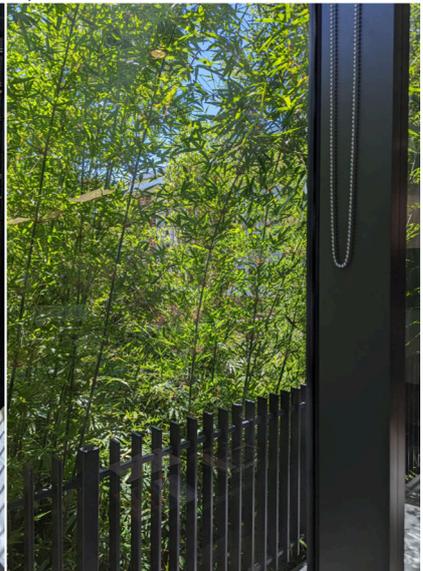


Figure 6: View from ground floor of No. 276 Newcastle Street looking east towards No. 117 Lake Street.

The City’s Parks team has confirmed that the bamboo will have sufficient space to grow and be maintained on an ongoing basis to provide screening. The variety of bamboo that has been installed (*bambus gracilis*) is evergreen and would provide screening throughout the year. It has a dense habit and typically grows to 6 to 8 metres in height. For these reasons, the bamboo is an appropriate screening measure.

- Updated Condition of Approval:** An updated condition of approval is included in the Administration recommendation to ensure that the bamboo is maintained to a minimum height of 1.6 metres above the ground level finished floor level of the office, at the expense of the owners/occupiers. In the event of the failure of the bamboo, the condition requires the installation of permanent privacy screening to ensure that the privacy of the adjoining property is maintained.

Landscaping

The approved plans included the provision of eight magnolia trees in the planter bed along the north-east lot boundary, as shown in Figure 1. These trees would have provided 37.2 square metres or 61.7 percent of the north-east lot boundary setback as canopy cover at maturity. The magnolia trees have been replaced with bamboo planting that extends along the entirety of the north-eastern planting bed.

The proposed development satisfies the [element objectives](#) of the Built Form Policy relating to landscaping for the following reasons:

- **Bamboo provides for greening of site:** The magnolia trees would have provided for greenery along the north-eastern elevation, which assists in breaking up the presentation of mass to No. 117 Lake Street. Due to the 1.9 metre setback of the eaves of the office building from the north-east lot boundary, the trees would not have been able to contribute more than 37.2 square metres of canopy cover. The City's Parks team has also advised that the magnolias may not have been successful in this location due to the space limitations. The provision of bamboo in lieu of the magnolia trees would continue to cover the garden bed with vegetation, would contribute to the urban greening of the subject site and would be consistent with the softening effect provided by the magnolia trees shown in the previously approved development plans. The City's Parks team has confirmed that the location of the bamboo would provide sufficient space, light and ventilation to allow it to be maintained on an ongoing basis. The vegetation is expected to continue to thicken as the bamboo grows to its mature 6 to 8 metres height.
- **Increase in Site Canopy Cover:** In accordance with the [definition](#) of Canopy Coverage in the Built Form Policy, as a grass species the bamboo would result in nil canopy coverage of the north-eastern lot boundary setback area. To offset the reduction in canopy cover resulting from the removal of magnolia trees from the north-eastern lot boundary, the application proposes the installation of two Honey Locust *Gleditsia tricanthos* trees to the Newcastle Street elevation of the site, within the car parking area. These trees would be in addition to the three existing trees within the car park and would provide an additional 54.5 square metres of canopy cover on the site. This would increase the canopy cover of the site at maturity to 165.4 square metres, or 18.7 percent of the site area and represents an overall increase in canopy cover of 17.3 square metres (2.0 percent of the total site area) compared with the existing development approval. The additional landscaping would make a positive contribution to the City's urban tree canopy and reduction in the urban heat island effect.
- **Increased Provision of Landscaping to the Car Park:** The additional trees to the car parking area would result in a ratio of one tree to every car bay and 77.7 percent of the car park area being provided as canopy cover at maturity. This is in excess of the minimum standard of one tree to every four bays and 60 percent canopy cover under the Built Form Policy. In addition to the 67.1 square metres of deep soil area provided on the subject site, 10.8 square metres of landscaping areas are provided within the Newcastle Street setback. These areas have a minimum width of 0.8 metres. The City's Parks team has confirmed that these landscaping areas are of sufficient size to support the proposed Honey Locust trees. They have also confirmed that the Honey Locust trees are an appropriate species for their location on-site. The additional landscaping within the Newcastle Street setback would further soften the appearance of the building as viewed from Newcastle Street and would contribute a sense of open space and landscape amenity to the Newcastle Street streetscape and was supported by the City's DRP Chairperson.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

-  PARKS AND RECREATION
-  R Restricted Public Access
-  PRIMARY REGIONAL ROADS RESERVATION
-  OTHER REGIONAL ROADS RESERVATION
-  RAILWAYS
-  PUBLIC PURPOSES
Particular use denoted as follows:
H Hospital
HS High School
TS Technical School
CP Car Park
U University
CG Commonwealth Government
SU Special Use
WSD Water Authority of Western Australia
P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

-  PUBLIC OPEN SPACE
-  R Restricted
-  PUBLIC PURPOSES
Particular use denoted as follows:
PS Primary School
CP Car Park
CU Civic Uses
HS High School
I Institute for the Deaf
W Water Supply Sewerage and Drainage
TS Technical School

CITY OF VINCENT SCHEME ZONES

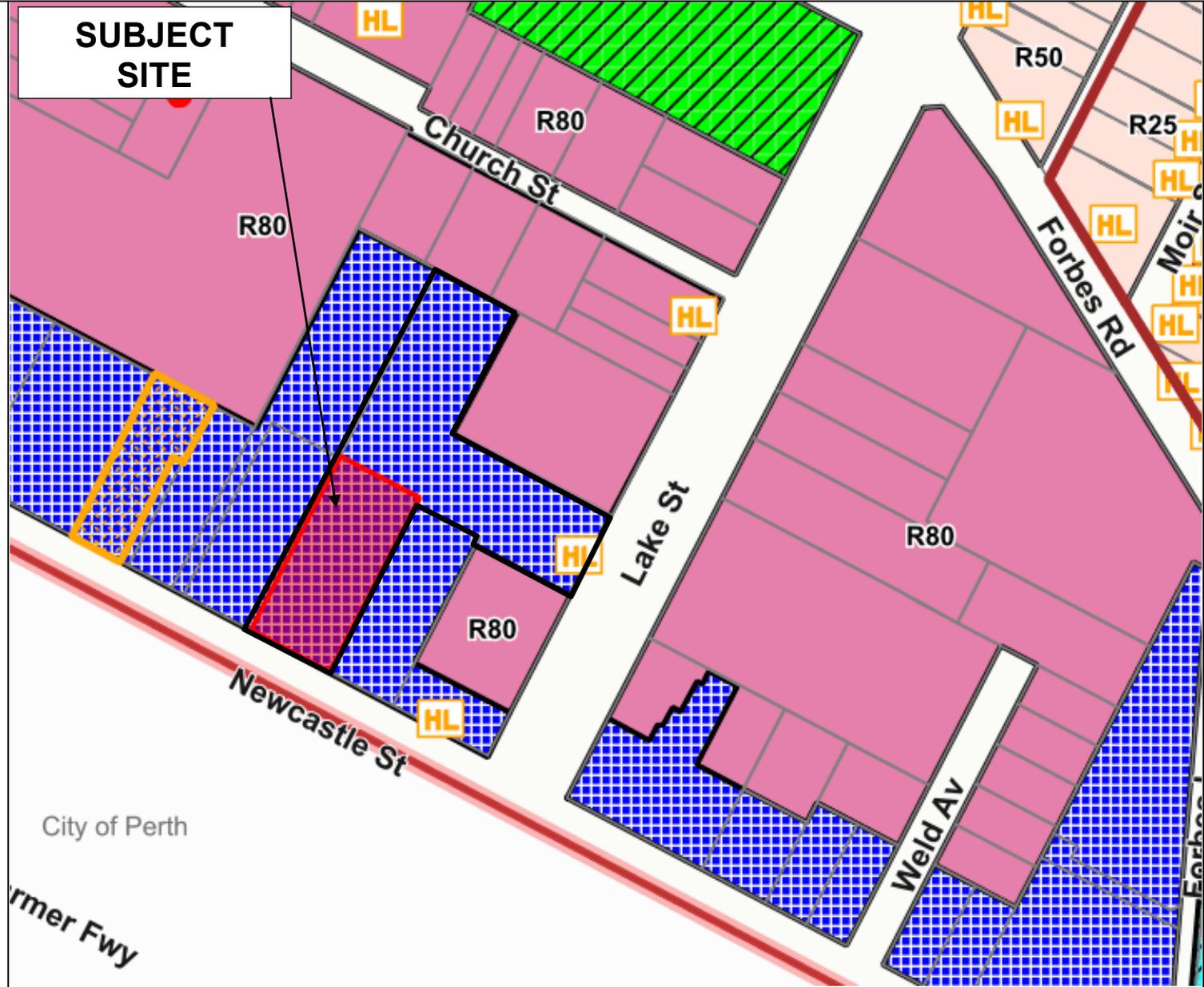
-  RESIDENTIAL
-  MIXED USE
-  COMMERCIAL
-  LOCAL CENTRE
-  DISTRICT CENTRE
-  REGIONAL CENTRE
-  SPECIAL USE
Particular use denoted as follows:
CP Car Park
CU Community Use
FC Function Centre
HC Hall and Non Residential Club
H Hotel
PW Place of Worship
S Service Station

ADDITIONAL USE

-  ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

-  CODE AREA BOUNDARY
-  SCHEME AREA BOUNDARY
-  DENSITY CODE

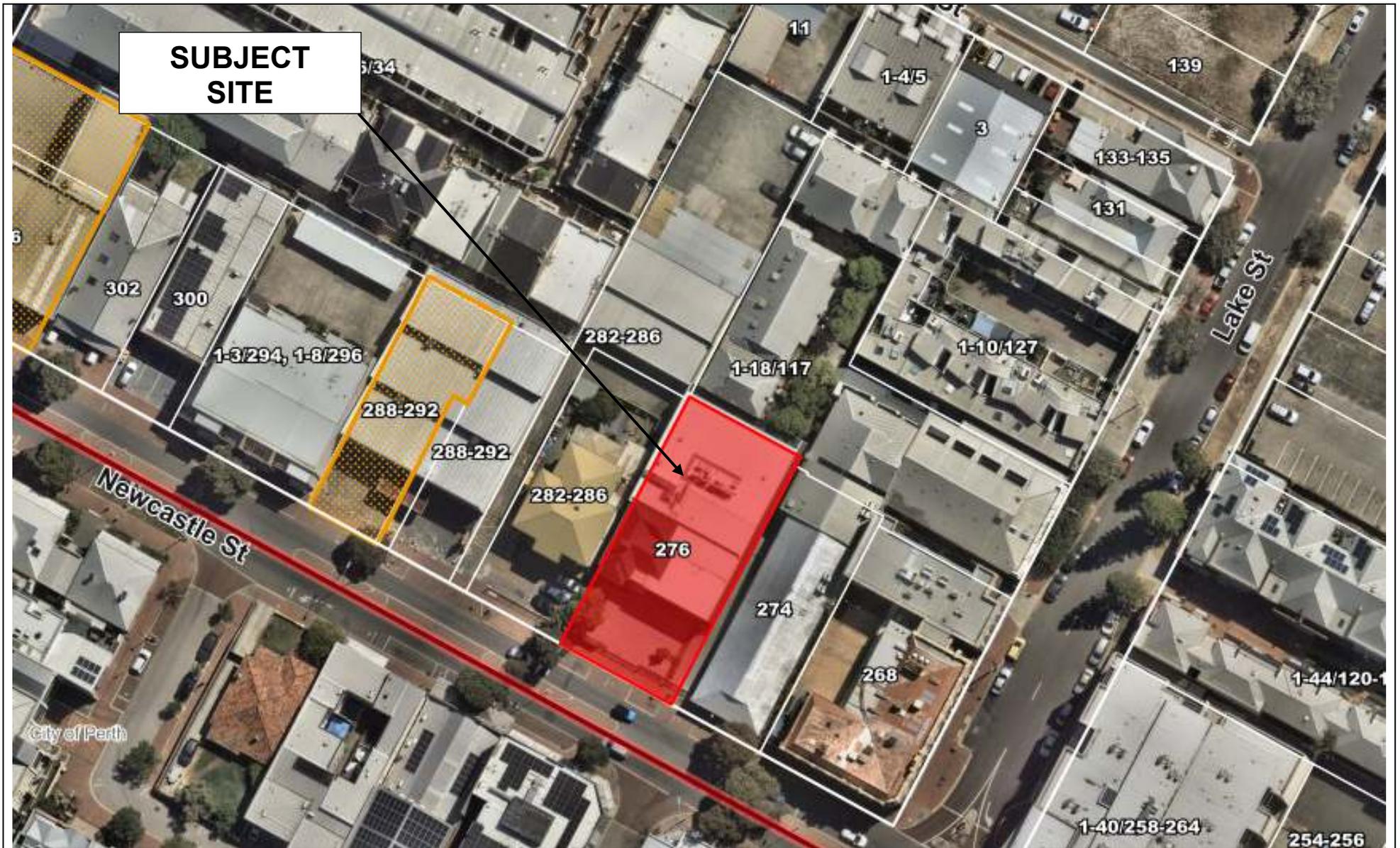


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Consultation and Location Map
No. 276 Newcastle Street, Perth

Extent of Consultation





**SUBJECT
SITE**

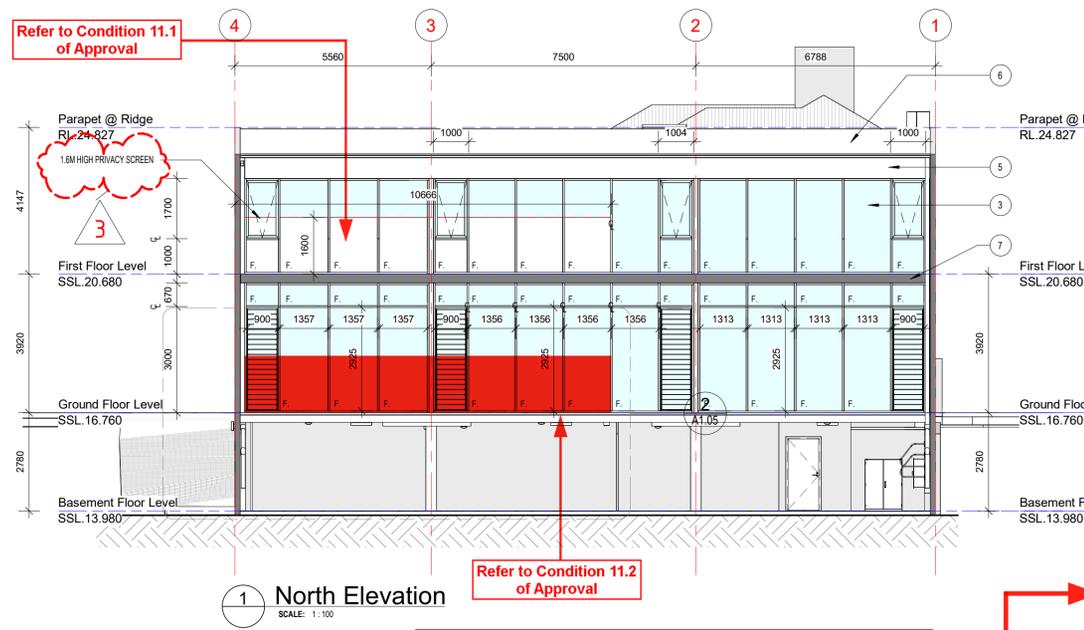


CITY OF VINCENT

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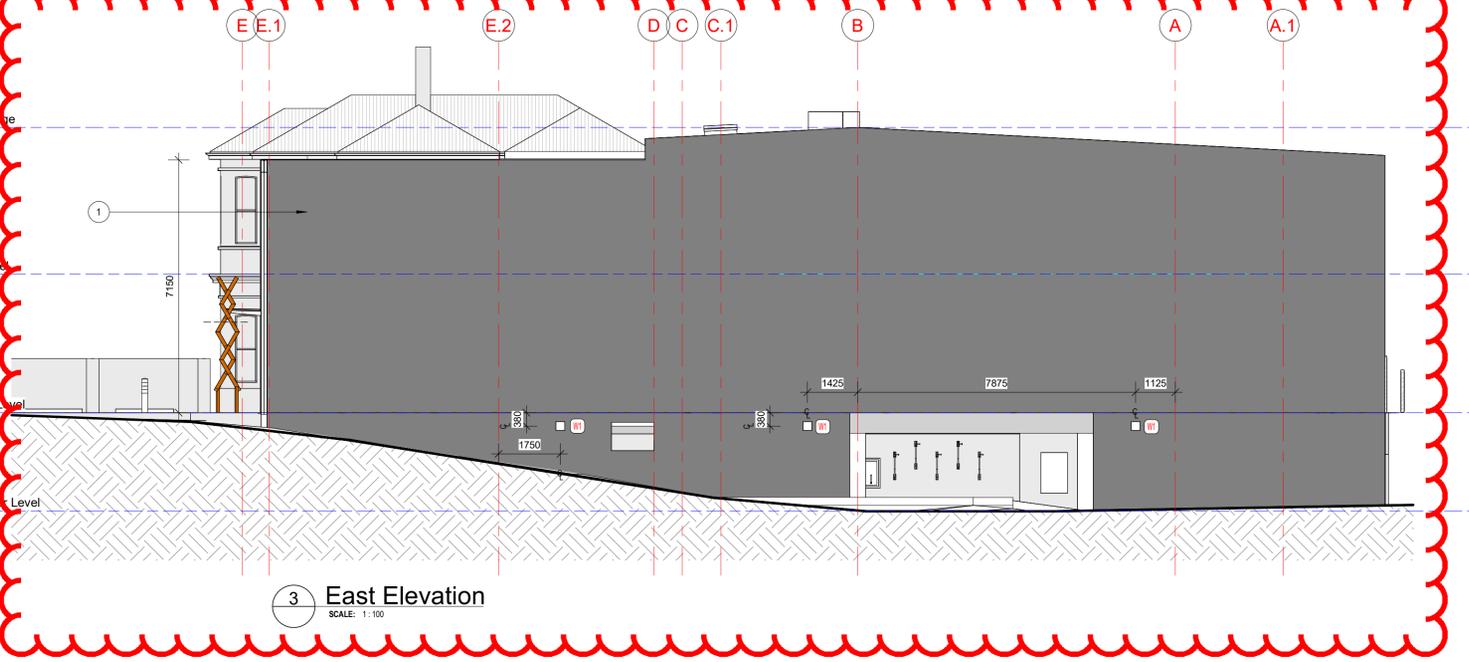
No. 276 Newcastle Street, Perth





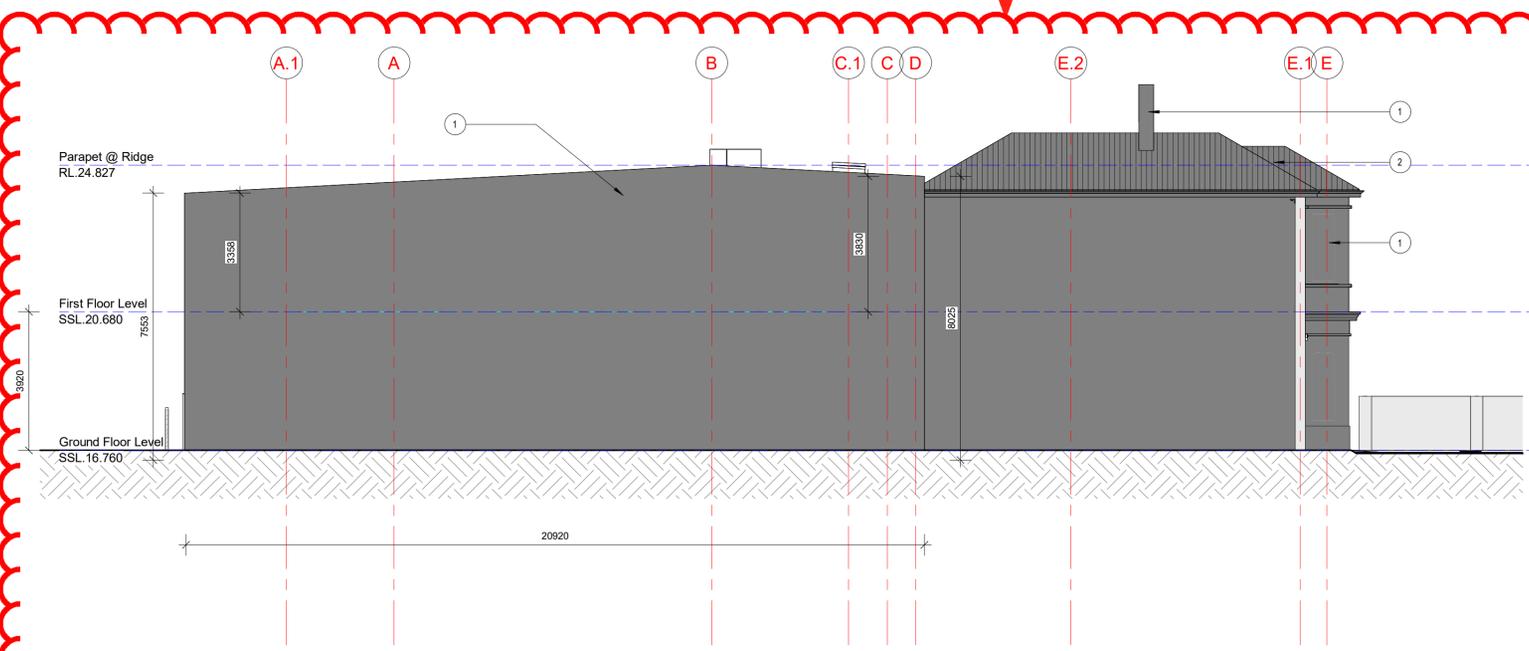
1 North Elevation
SCALE: 1:100

Refer to Condition 11.2 of Approval

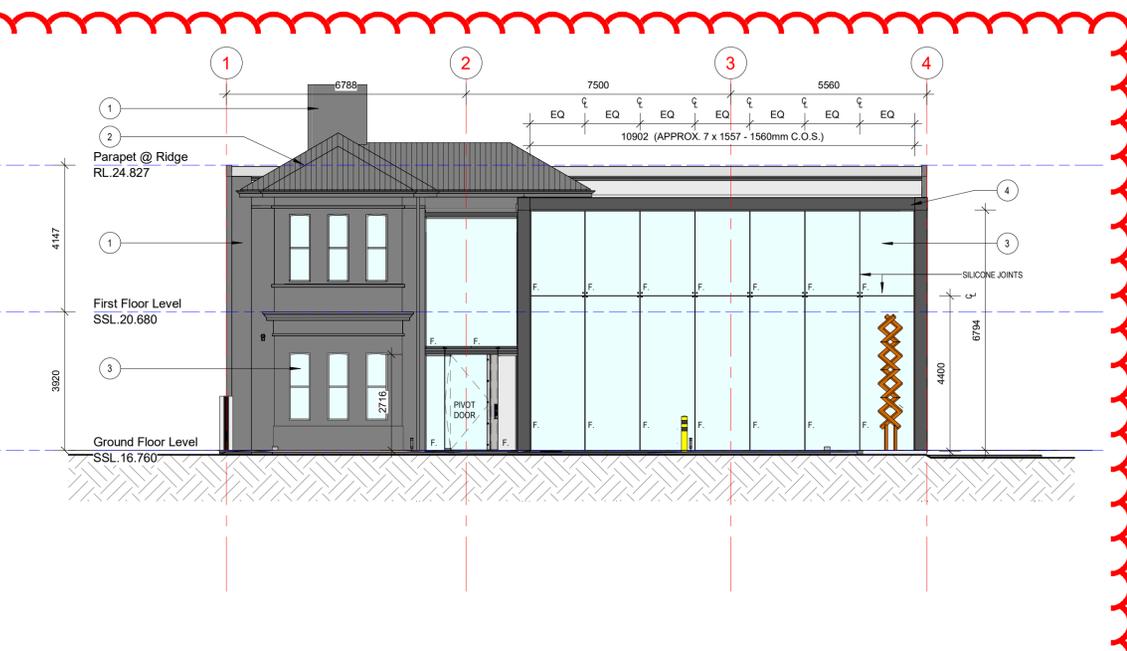


3 East Elevation
SCALE: 1:100

NOT PART OF THIS APPROVAL



4 West Elevation
SCALE: 1:100



2 South Elevation
SCALE: 1:100

ELEVATION COLOUR SCHEME	
NOTE NUMBER	NOTE TEXT
1	DULUX "MONUMENT" MATT
2	COLORBOND CUSTOM ORB "MONUMENT" MATT
3	CLEAR GLASS
4	DULUX - FERRADOR "NATURAL GREY"
5	DULUX "SURFMIST" MATT
6	COLORBOND KLIPOK 700 "SURFMIST" MATT
7	POWDER COAT DURATEC ZEUS "MONUMENT" MATT

Rev	Date	Description
3	08/11/2023	FIRST FLOOR PRIVACY FILM ADDED.
2	04/01/22	ISSUE FOR CONSTRUCTION
1	20/12/21	ISSUE FOR BUILDING PERMIT

PROJECT #: **9848**
CLIENT NAME: **276 Newcastle Street**

PROJECT ADDRESS:
**Showroom / Office Development
276-280 (Lot 63) Newcastle St., PERTH**

DESIGN DRAWINGS
ELEVATIONS

DATE: 9/11/2023 10:04:30 AM
SCALE: 1:100 SHEET SIZE: A1
SHEET #: **A2.01**

CITY OF VINCENT
RECEIVED
9 November 2023

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 274 & 276-280 Newcastle Street PERTH

Lot, Plan/Diagram: LOT: 63 & 65 D/P: 97776

Vol. No: 2189

Folio No: 883 & 885

Received on: 20 February 2020

Serial No: 5.2020.57.1

Description of proposed development: Office and Showroom (Amendment to Approved)

Plans dated: 25 March 2020

This application for development approval is approved subject to the following conditions:

- (1) This approval is for Office and Showroom as defined in the City of Vincent Local Planning Scheme No.2 and the subject land may not be used for any other use without the prior approval of the City.
- (2) Prior to occupation or use of the development, the owners of Lot 63 Newcastle Street, Perth must register an easement over the adjoining Lot 65 Newcastle Street, Perth, securing a reciprocal right of carriageway over the other lot in relation to the access way shown on the approved plans.
- (3) All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, 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.
- (4) Doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street; Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- (5) The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval.
- (6) The 'Life Cycle Assessment – DA Target Setting' report dated 11 June 2019 shall be amended to reflect the current proposal and validated by a Life Cycle Assessment Engineer and approved by the City, prior to the commencement of development, to the City's satisfaction.
- (7) In accordance with City of Vincent Policy 7.5.13 Percent for Art the application is required to make a public art contribution of \$18,000.00 being one percent of the \$1,800,000.00. In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

OR

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

- (8) 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 in conjunction with the above chosen option;

Option 1 – Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 – Prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount.

- (9) The owners of the subject land shall finish and maintain the surface of the boundary walls facing adjoining properties in a good and clean condition prior to the practical completion of the development and thereafter maintained to the satisfaction of the City. The finish of the walls are to be fully rendered or facebrick to the satisfaction of the City.
- (10) All landscape works shown in the approved plans 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.
- (11) Prior to occupancy or use of the development, the privacy screens shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City.
- (12) A minimum of seven (7) long term bike bays and one (1) short term bicycle bay shall be provided for within the development. Bicycle bays shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City.
- (13) The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and is to comply with the requirements of AS2890.1 prior to occupation or use of the development and thereafter to the satisfaction of the City.
- (14) No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where a driveway meets the road, unless the further approval of Council is obtained.
- (15) A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
 - Contact details of essential site personnel;
 - Construction operating hours;
 - Noise control and vibration management;
 - Dilapidation Reports of nearby properties;
 - Air, sand and dust management;
 - Stormwater and sediment control;
 - Soil excavation method;
 - Waste management and materials re-use;
 - Traffic and access management;
 - Parking arrangements for contractors and subcontractors;
 - Consultation plan with nearby properties; and
 - Compliance with AS4970-2009 relating to the protection of trees on the development site.
- (16) All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
- (17) The Parking Management Plan dated 17 September 2019 shall be implemented and the development carried out in accordance with the approved Parking Management Plan and approved plans to the satisfaction of the City.
- (18) A Waste Management Plan prepared to the satisfaction of the City shall be submitted approved by the City prior to the commencement of the development. Waste management for the development shall thereafter comply with the approved Waste Management Plan, to the satisfaction of the City.

ADVICE NOTES:

- (1) This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
- (2) No verge trees shall be REMOVED. The verge trees shall be RETAINED and PROTECTED from any damage including unauthorized pruning.
- (3) An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to commencement of all building/development works, and 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. An application for the refund of the bond must be made in writing. This bond is non-transferable.
- (4) 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. Permits are required for placement of any material within the road reserve.

- (5) With reference to Condition 9, 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.
- (6) With reference to Condition 16, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

Date of determination: - 14 April 2020

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: 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.
- Note 4: In relation to Note 1 a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact Karsen Reynolds on 08 9273 6033.

Signed:



Dated: 14 April 2020

MITCHELL HOAD
A/COORDINATOR PLANNING SERVICES
for and on behalf of the City of Vincent

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 274 & 276-280 Newcastle Street PERTH

Lot, Plan/Diagram: LOT: 63 & 65 D/P: 97776

Vol. No: 2189

Folio No: 883 & 885

Received on: 13 December 2021

Serial No: 5.2021.486.1

Description of proposed development: Office and Showroom (Amendment to Approved)

Plans dated: 13 December 2021

This application for development approval is approved subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2020.57.1 granted on 14 April 2020 continue to apply to this approval except as follows:

- 1.1 Condition 19 is added:

19. Signage

19.1 The proposed signage shall be wholly contained with the subject lot.

19.2 Illuminated signage shall:

- a) not cause a nuisance, by way of light spillage, to abutting sites;
- b) not comprise flashing, intermittent or running lights, or images that change more than once in any five minute period; and
- c) not interfere with or be likely to be confused with, traffic control signals.

- 1.2 Condition 20 is added:

20. Street Walls & Fences

The gate and fencing infill panels shall be visually permeable in accordance with the City's Policy No. 7.1.1 – Built Form, to the satisfaction of the City.

Date of determination: 10 January 2022

Signed:



MITCHELL HOAD
A/COORDINATOR PLANNING SERVICES
for and on behalf of the City of Vincent

CITY OF VINCENT
RECEIVED
13 December 2021

CITY OF VINCENT
DA No. 5.2021.486.1

10 January 2022

APPROVED
Refer to Decision Notice

A/Coordinator Planning Services

AMENDED DA APPLICATION ISSUE REV 6- DA No. 5.2019.340.1

CITY OF VINCENT REFERENCE.



PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, WESTERN AUSTRALIA, 6000

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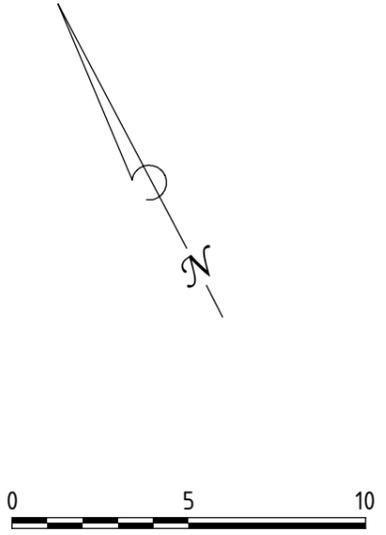
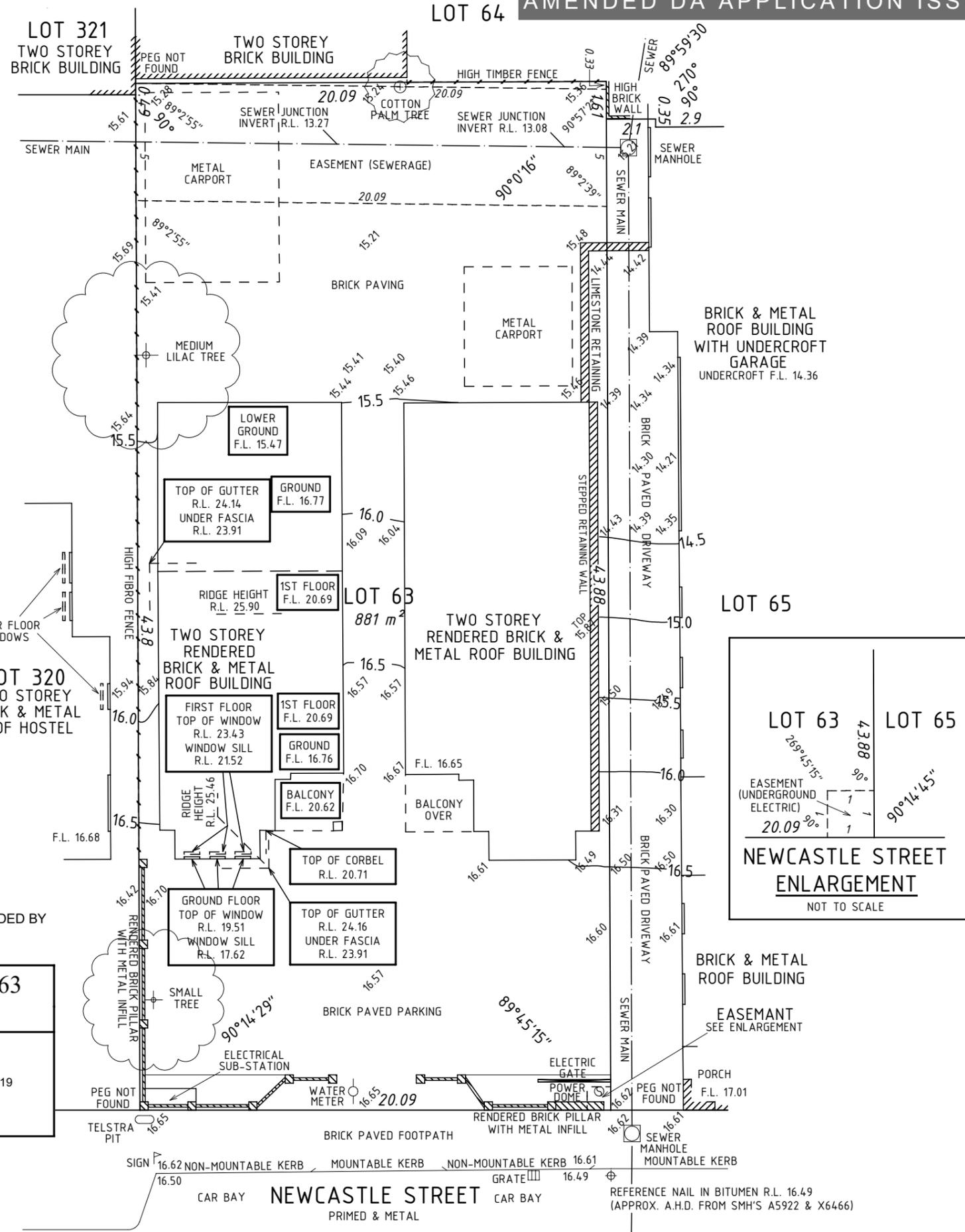
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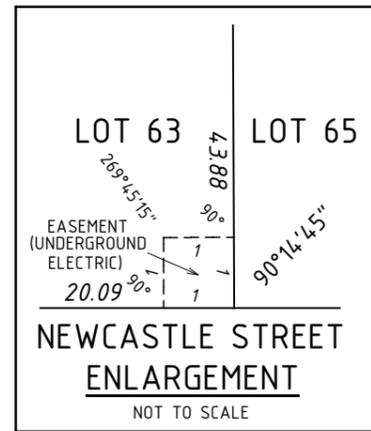
CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC.
THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY PEGS OR FENCES.
ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES & WALLS.
A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO UNDERTAKING ANY SITE WORKS OR CONSTRUCTION.
INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN.
CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDINGS.
CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY PLANS AND ARE SUBJECT TO FIELD SURVEY.

NOTE : WESTERN BUILDING LOCATION UPDATED AND ADDITIONAL LEVELS ADDED BY SURVEYING SOLUTIONS WA.
ORIGINAL CONTOUR SURVEY UNDERTAKEN BY OTHERS 30-4-2012

CONTOUR AND FEATURE SURVEY OF LOT 63
#276 - #280 NEWCASTLE STREET, PERTH

DIAGRAM : 97776	DRAFTED BY : GO
C/T : 2189-883	DATE : 18-09-2019
AUTHORITY : CITY OF VINCENT	CHECKED BY : DKM
TOTAL LOT AREA : 881 m ²	
SCALE : 1 : 200 @ A3	
SURVEY DATE : 18-09-2019	
JOB : 16510	

EXISTING SITE SURVEY - Layout
SCALE 1 : 200 @ A3



DA APPLICATION DRAWING LIST

No.	TITLE	REV
0	COVER SHEET	5
00	EXISTING SITE SURVEY	5
DA 1	UNDERCROFT FLOOR PLAN	5
DA 2	GROUND FLOOR PLAN	5
DA 3	FIRST FLOOR PLAN	5
DA 4	ELEVATIONS - FRONT & EAST SIDE	5
DA 5	ELEVATIONS - REAR & WEST SIDE	5
DA 6	SECTIONS - TYPICAL	5
DA 7	LANDSCAPE PLANS	5
DA 8	PARKING MANAGEMENT PLAN	5



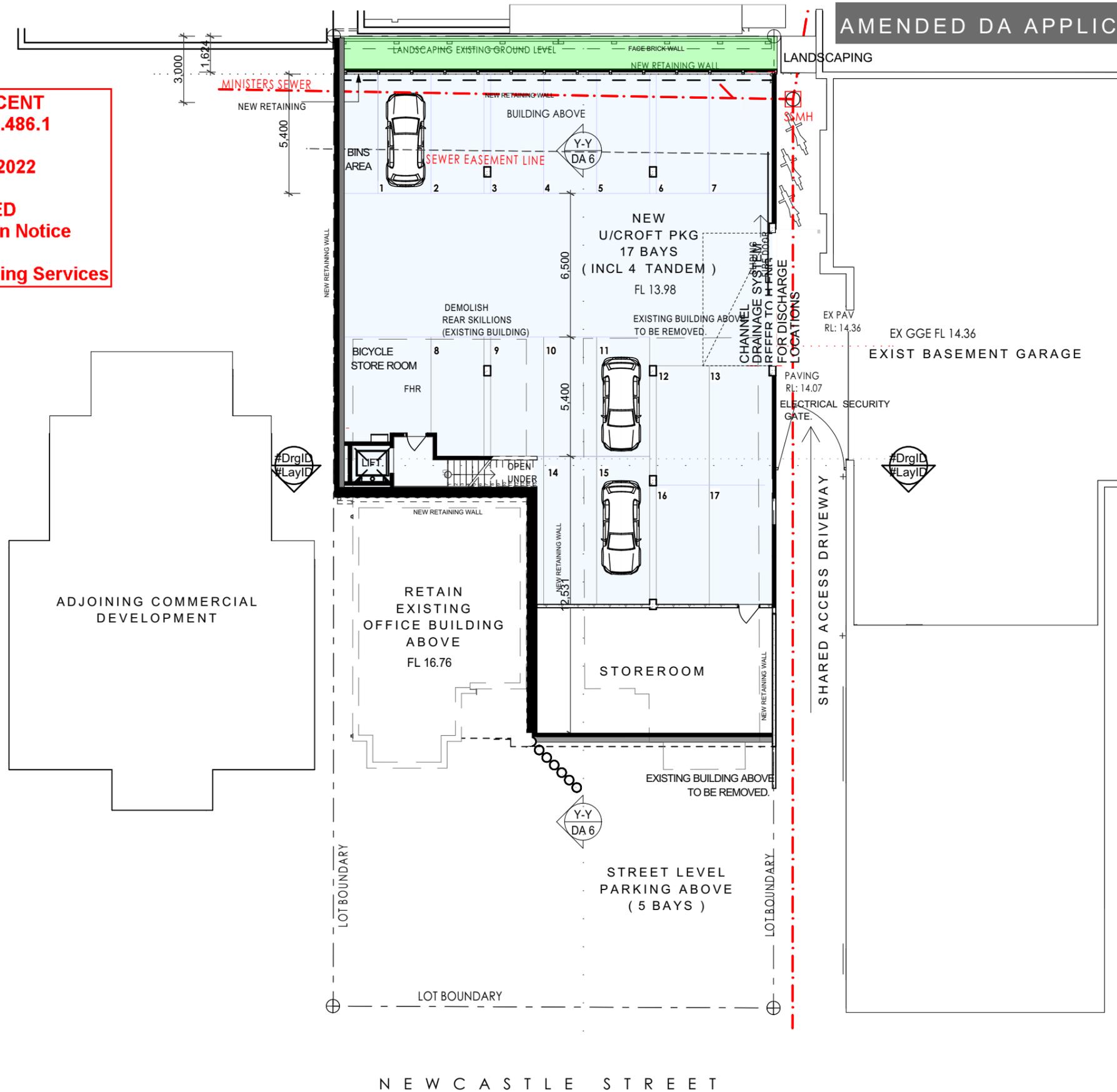
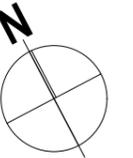
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DA No. 5.2021.486.1

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DA 1 - UNDERCROFT FLOOR PLAN

SCALE 1 :200 @ A3

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W A , 6000
WESTERN AUSTRALIA

DA APPLICATION ISSUE REV 6

12/12/2021

AMENDED DA APPLICATION ISSUE REV 6- DA No. 5.2019.340.1

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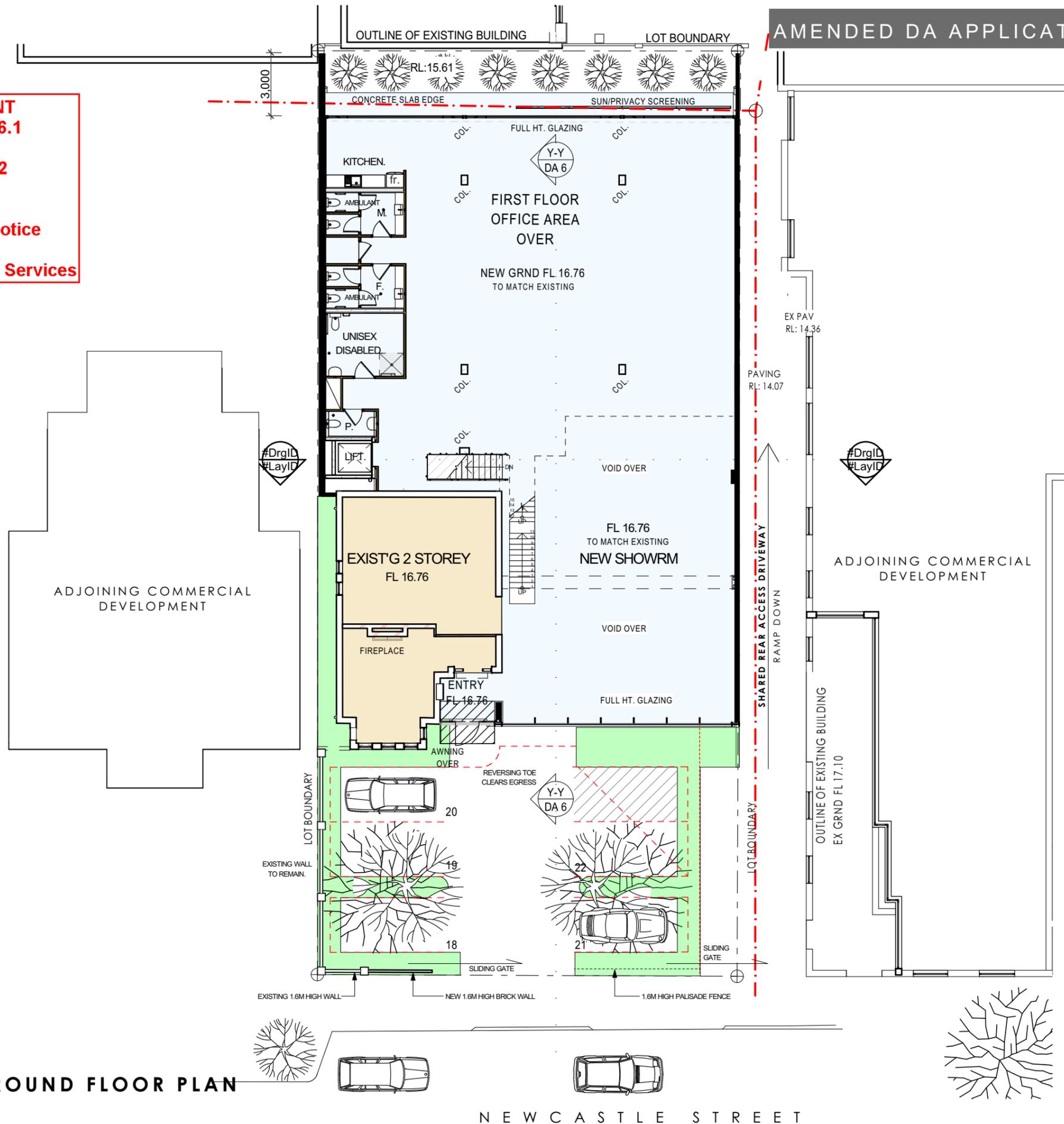
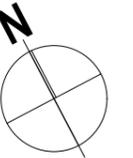
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SHOWROOM/OFFICE DA ANALYSIS

SITE AREA: 881 SQM
FRONTAGE: 20.09M
ZONE: ACTIVITY CORRIDOR

PROPOSED BLDG HEIGHTS:

FRONT - 7M NOM
REAR - 8.5M NOM

PROPOSED SETBACKS:

FRONT - NIL
SIDES - NIL
REAR - 3M

SHOWRM/OFFICE GLA: 972 SQM

NEW GF SHOWROOM 481.5 SQM
EXIST GF OFFICE 84 SQM
NEW MEZZ OFFICE 323 SQM
EXIST FF OFFICE 84 SQM

CAR PARKING REQ: 17 BAYS

SHOWROOM 1.8/100 SQM NLA
430 SQM NLA = 7.8 CAR BAYS
OFFICE 2.2/100 SQM NLA
421 SQM NLA = 9.2 CAR BAYS
TOTAL CALC = 17 CAR BAYS

CAR PARKING PROV: 22 BAYS

UNDERCROFT LEVEL 17 BAYS*
(* INCL 4 TANDEM BAYS)
STREET LEVEL 5 VISITOR BAYS**
(**INCL 1 U/A BAY)

BICYCLE PARKING REQ: 8 SPACES

SHOWROOM 1/100 SQM NLA
430 SQM NLA = 4.3 BIKE RACKS
OFFICE 0.8/100 SQM NLA
421 SQM NLA = 3.3 BIKE RACKS
TOTAL CALC = 7.6 BIKE RACKS

BICYCLE PARKING PROV: 8 SPACES

UNDERCROFT LEVEL 7 RACKS
(LONG TERM SECURED)
STREET LEVEL (1 x SHORT TEM)

DA 2 - GROUND FLOOR PLAN

SCALE 1 :200 @ A3

NEWCASTLE STREET

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W A , 6000
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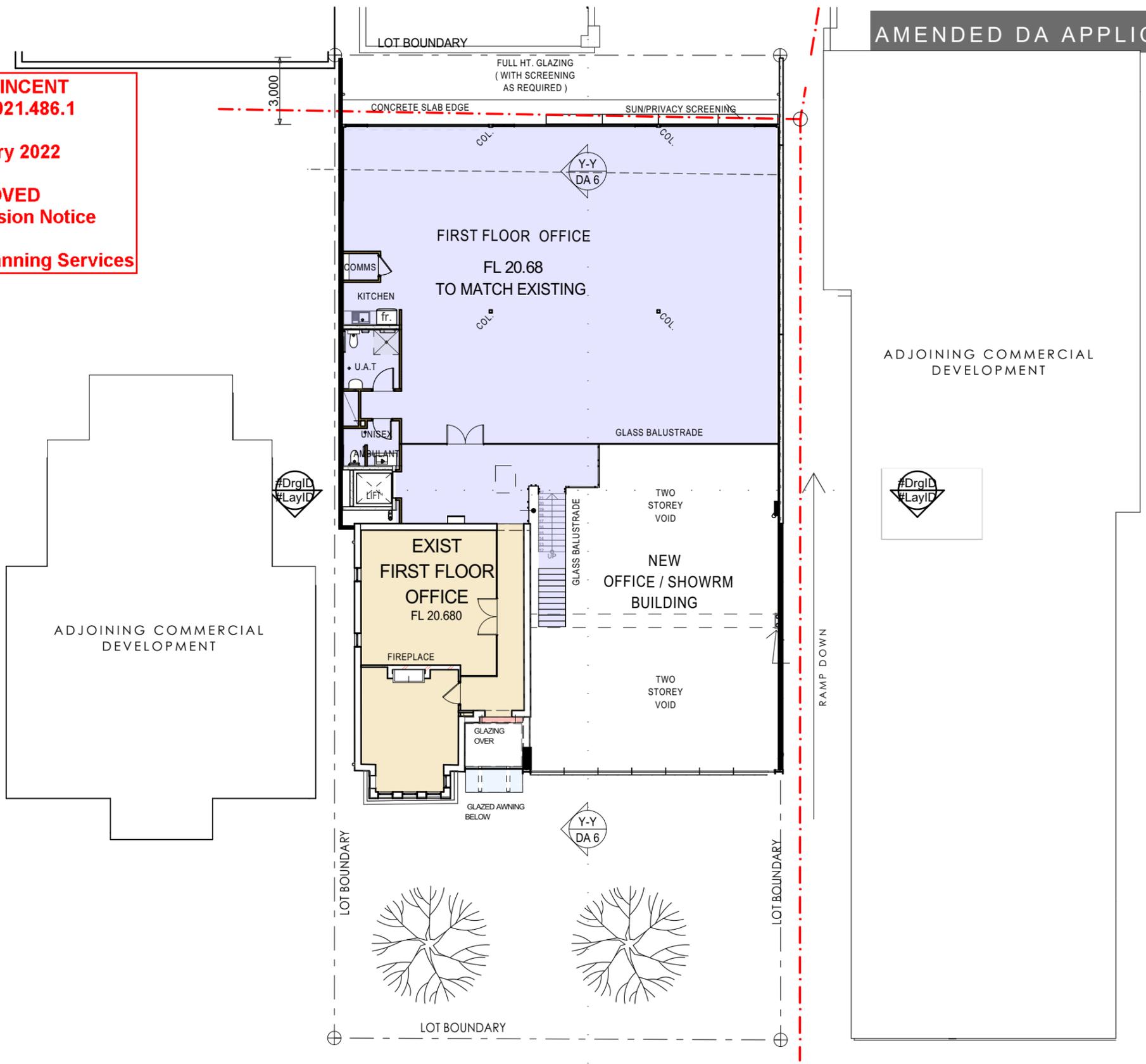
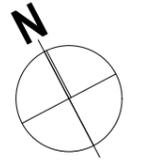
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NEWCASTLE STREET

DA 3 - FIRST FLOOR PLAN
SCALE 1 :200 @ A3



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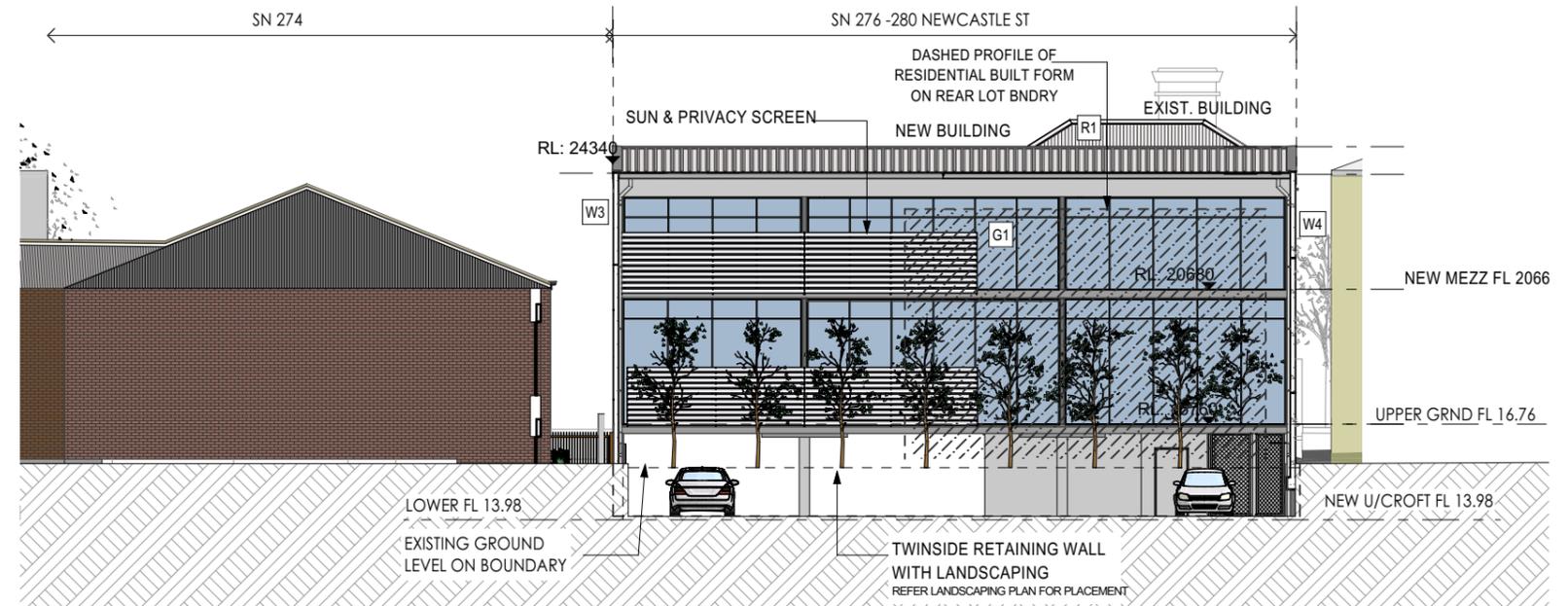
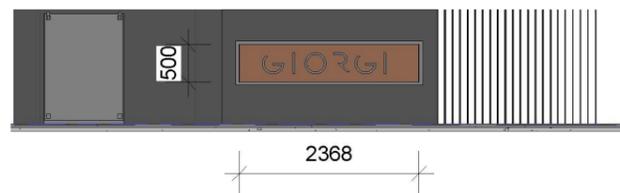
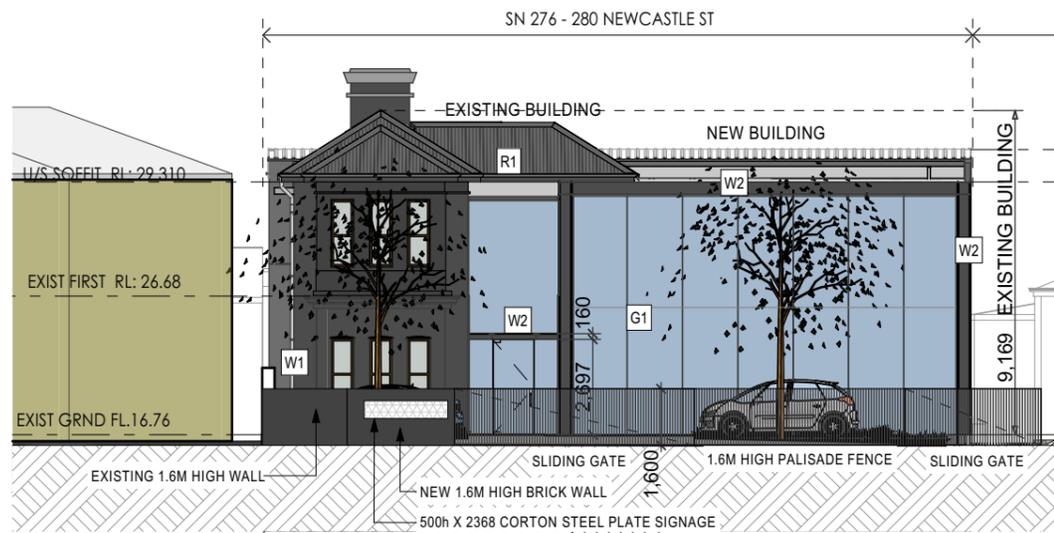
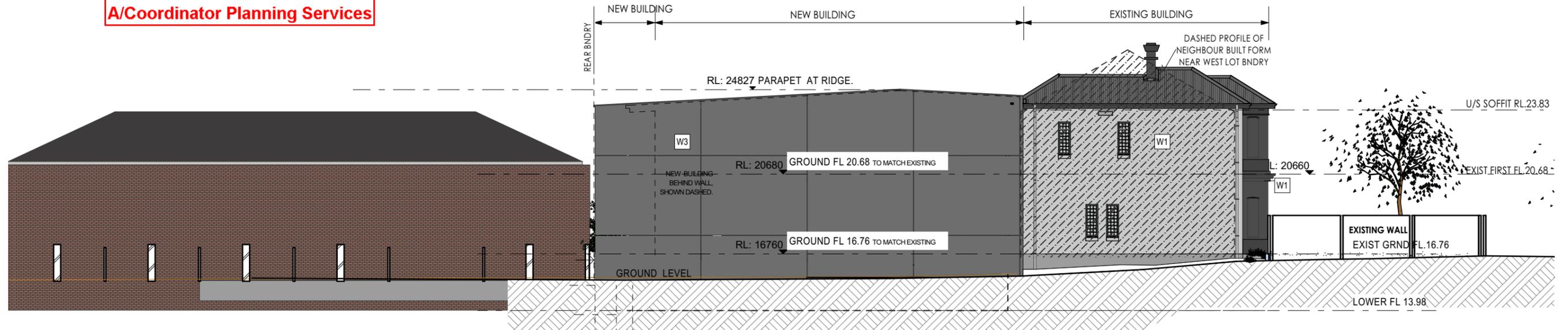
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AMENDED DA APPLICATION ISSUE REV 6- DA No. 5.2019.340.1

CITY OF VINCENT REFERENCE.



EXTERNAL FINISHES LEGEND

- W1: WALL TYPE 1, - DARK GREY RENDER, PAINTED
- W2: PAINTED STEEL, - DARK GREY
- W3: WALL TYPE 2, PAINTED - DARK GREY
- G1: GLAZING, FRAMELESS SHOWROOM GLASS - CLEAR
- R1: ROOF TYPE 1, CORRUGATED STEEL - DARK GREY

DA 5 - ELEVATIONS - REAR & WEST SIDE

SCALE 1 :200 @ A3

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W A , 6000
WESTERN AUSTRALIA

DA APPLICATION ISSUE REV 6

12/12/2021

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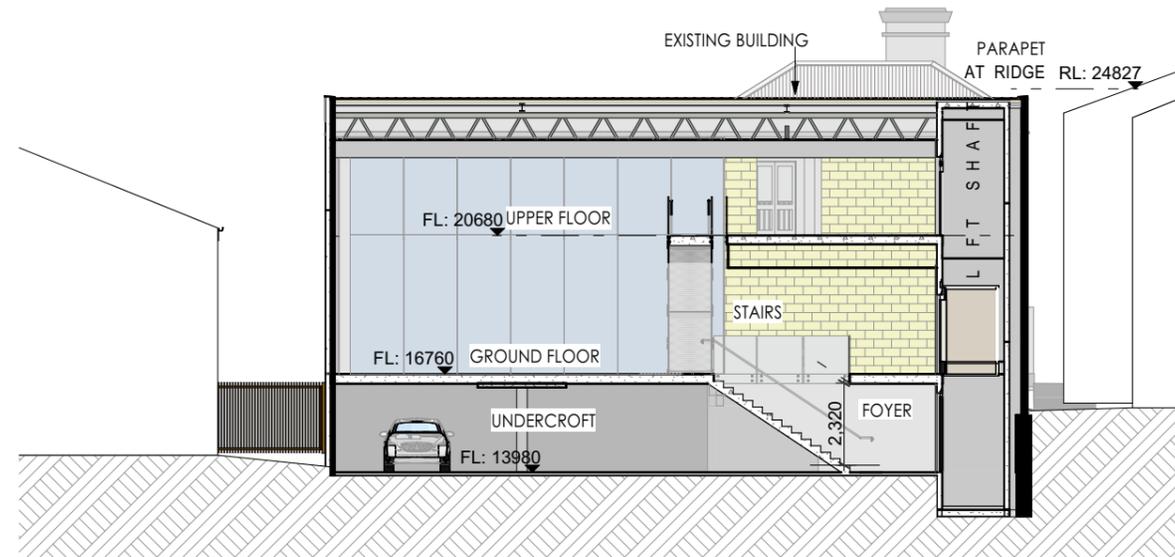
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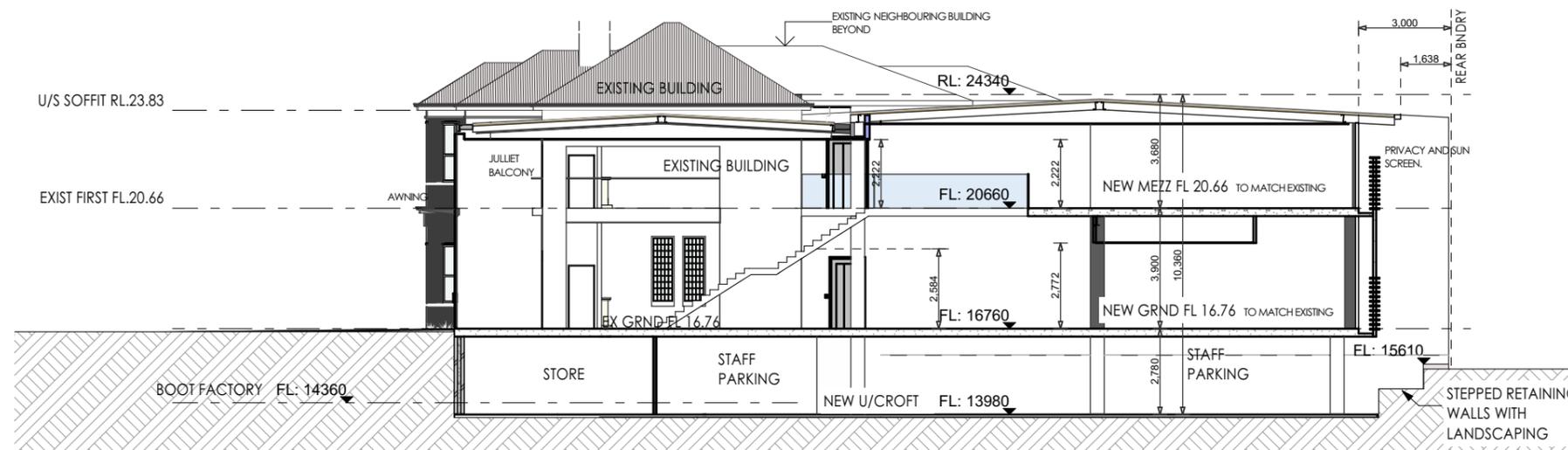
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(X-X) TYPICAL CROSS SECTION X-X



(Y-Y) TYPICAL CROSS SECTION X-X

DA 6 - SECTIONS - TYPICAL

SCALE 1 :200 @ A3

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W A , 6000
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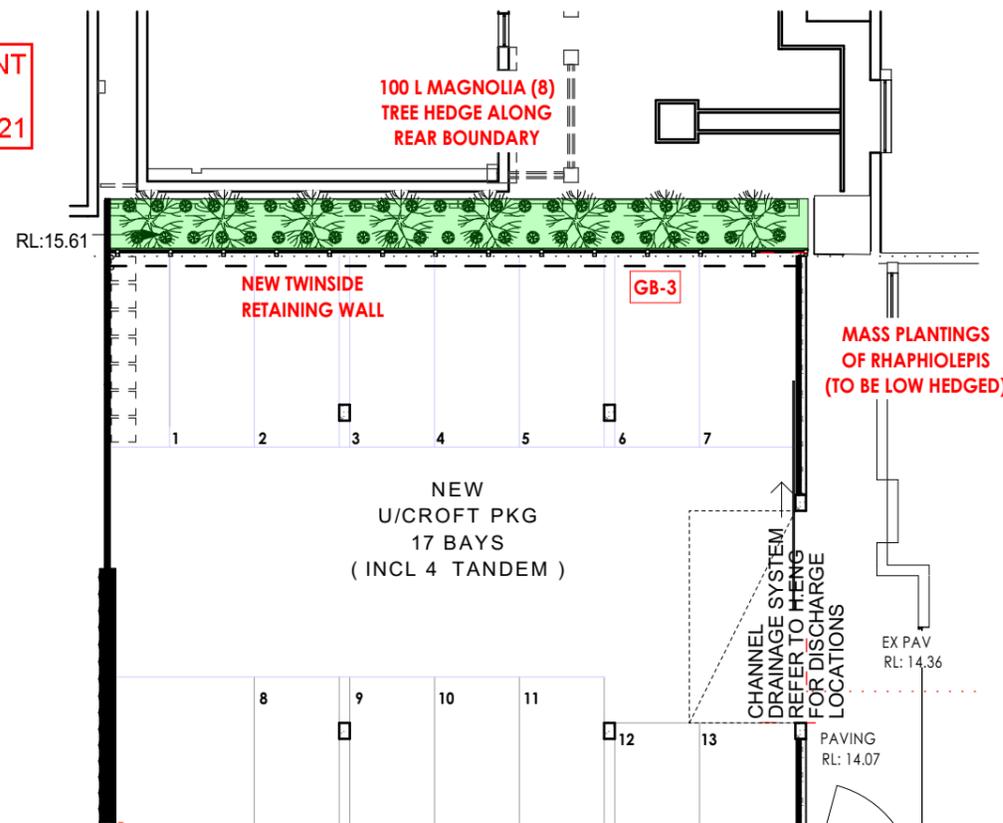
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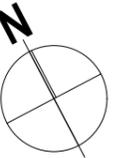


LANDSCAPE AREA ANALYSIS

Garden Bed 1:	40.30 sqm
Garden Bed 2:	35.07 sqm
Garden Bed 3:	31.16 sqm
Total GB Area:	106.53 sqm
Site Area:	881 sqm
Landscape %:	10%
= required	88.10 sq m
= PROVIDED	106.53 sq m OK

TREE CANOPY COVER

Front Carpark Area:	200 sqm
Rear Setback Area:	60 sqm
Total Cpk/Sbk Area:	260 sqm
2 x Jacaranda Canopy:	157 sqm
8 x Magnolia Canopies:	56 sqm
Total Canopy Area:	213 sqm
Canopy Cover %:	82%



LANDSCAPE LEGEND & NOTES

- New Trees
- Planting & Organic Mulch
- Grey Stone Paved Areas

TREES

Front Car Park: Mature Jacaranda (transplanted)
Rear Setback: 100L Magnolia Little Gem
Select, plant and stake trees as required.

GENERAL PLANTING

Planting density not be less than 2 plants per sqm (nominally spaced at 500mm apart).
Allow for mass plantings in designated garden beds on Landscape Plan, as follows:
Front Garden Beds: Rhapsiolepis Indica (white)
Front West Side: Murraya
Side Garden Bed: Rhapsiolepis Indica (white)
Rear Garden Beds: Rhapsiolepis Indica (white)
Actual plant selections and sizes, for each garden bed, shall be approved by the Architect, prior to ordering. Depending on availability at the time of ordering, approved substitutions may be made.

ORGANIC MULCH

All planted areas, and any areas shown as mulch only, shall be finished with a 75mm thick layer of approved wood chip mulch - pine bark mulch used.

SOIL PREPARATION

All top soil to planted areas shall be adequately prepared, using a proprietary blend of soil conditioner and good top soil, dug in to a depth of 300mm.

MAINTENANCE

All landscaped areas shall be maintained on a regular basis, by suitability competent persons. Maintenance includes (but is not limited to) weeding, pruning, mulching, fertilising & spraying for pests or disease.

RETIC LEGEND & NOTES

- RC Auto Retic Controller
- Main Reticulation Lines

GENERALLY

An automatic reticulation system shall be installed to the work areas, using approved components, to deliver mains water to all planted areas.

WATER SUPPLY

The water supply shall be pressure tested and the reticulation shall be sized and laid out as required to deliver adequate water to all planted areas.

PAVEMENT CROSSINGS

Instal 100mm diam pvc sleeves, where necessary, under paved areas, so as to provide access to isolated garden beds.

CONTROLLER

Supply and install an automatic main reticulation controller, from a reputable maker, sized to suit the requirements of this project.

The controller shall be fitted with integrated moisture sensors and capable of delivering a 7 day watering cycle in accordance with the State Govt Water Authority Rules & Regs.

The controller shall be properly set for all req purposes.

SOLENOID CONTROL VALVES

Instal electronically operated solenoid valves, as required, to control the water supply to each reticulation station.

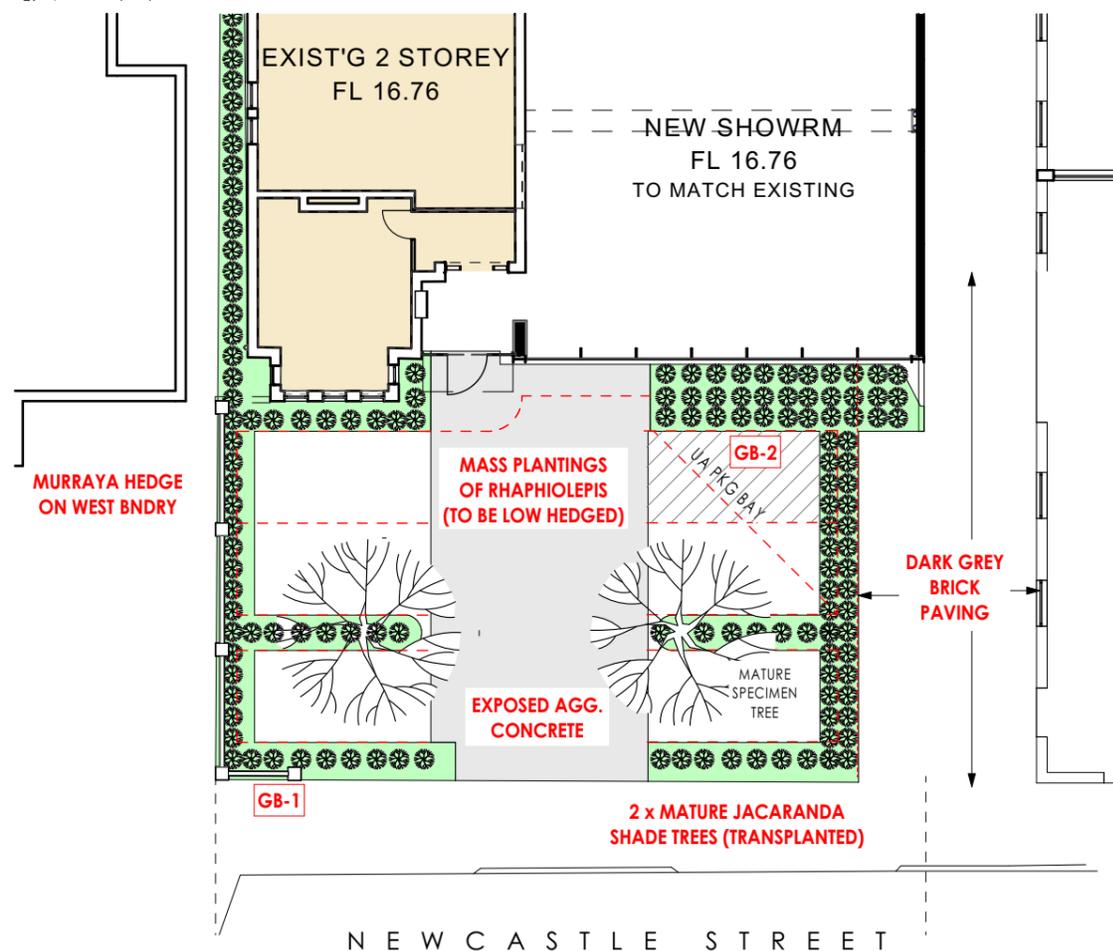
PIPING AND PVC FITTINGS

Generally use 25mm diam pvc main lines with 19mm poly branch lines, to suit the the overall reticulation layout.

SPRINKLERS, DRIPPERS & BUBBLERS

Use pop-up sprinklers and/or dripper tubes, from a reputable maker, located as necessary to provide an even delivery of water to all planted areas. Allow for 1 x bubbler per tree.

CITY OF VINCENT
DA No. 5.2021.486.1
10 January 2022
APPROVED
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DA 7 - LANDSCAPE PLANS

SCALE 1 :200 @ A3

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W A , 6000
WESTERN AUSTRALIA

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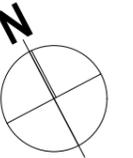
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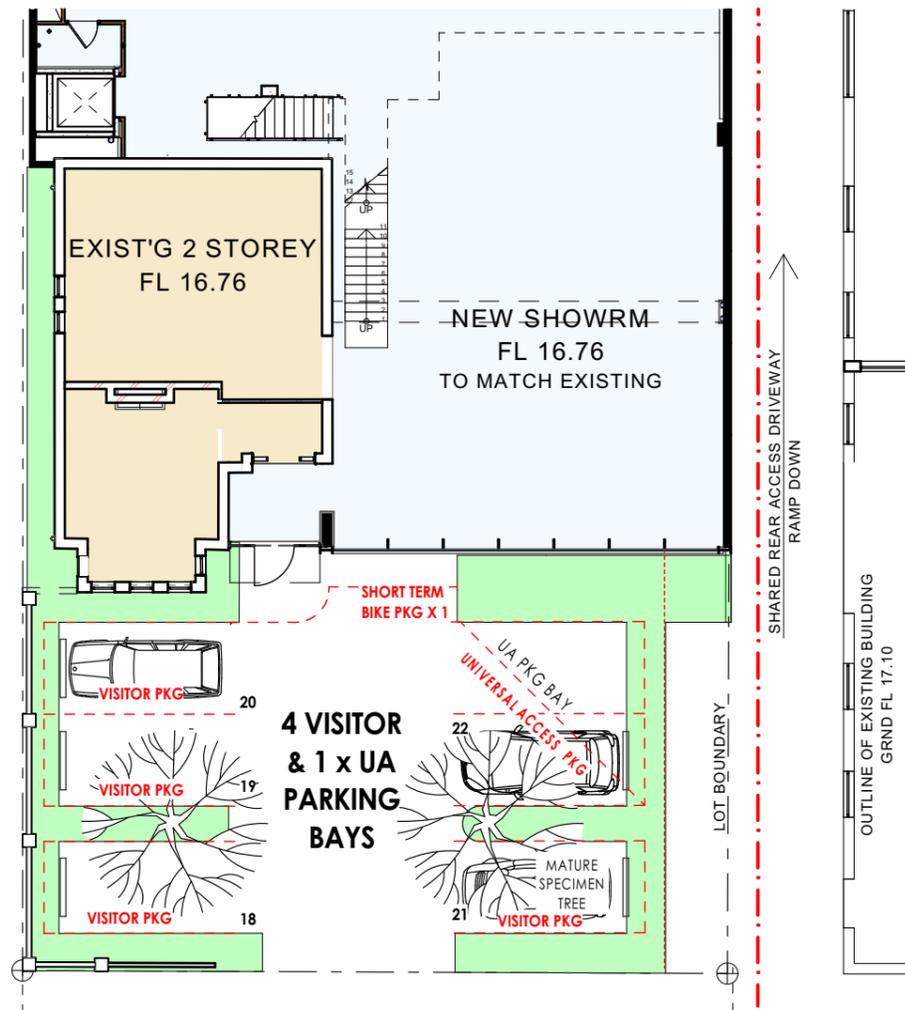
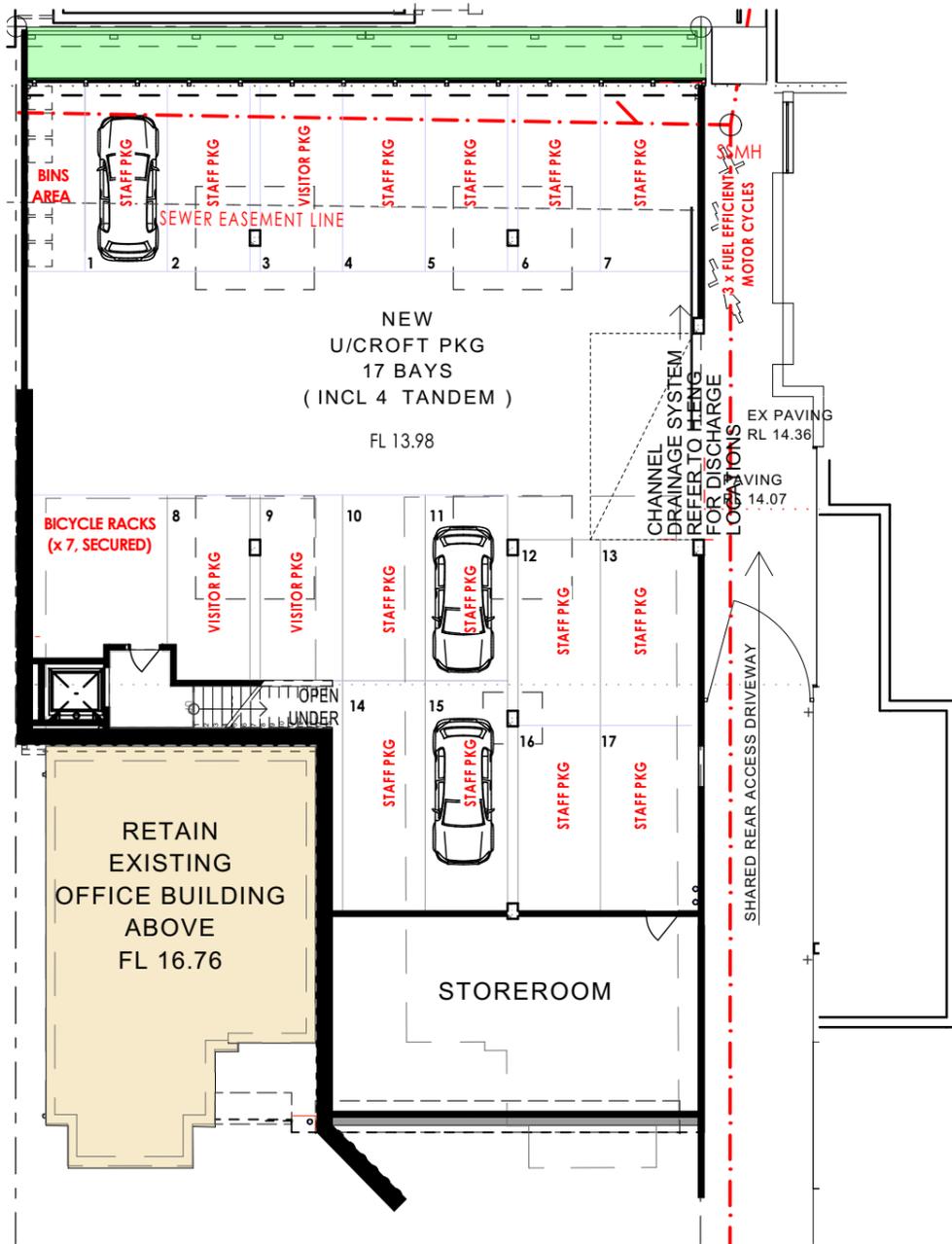


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DA No. 5.2021.486.1

10 January 2022

APPROVED
Refer to Decision Notice

A/Coordinator Planning Services



PARKING MANAGEMENT		ALTERNATIVE TRANSPORT	
GENERALLY			
This is a Showroom & Office development, which requires a total of 17 car parking bays and 8 bicycle parking spaces, calculated as follows.			
ON SITE CAR PKG REQUIRED			
CARS	17		
Showroom 1.8/100 sqm NLA			
430 sqm NLA = 7.8 car bays			
Office 2.2/100 sqm NLA			
421 sqm NLA = 9.2 car bays			
Total car bays req = 17			
BICYCLES (LONG TERM)	7		
Showroom 1/100 sqm NLA			
430 sqm NLA = 4.3 bike spaces			
Office 0.8/100 sqm NLA			
421 sqm NLA = 3.3 bike spaces			
Total bike spaces req = 7.6			
BICYCLES (SHORT TERM)	1		
ON SITE CAR PKG PROVIDED			
A total of 22 car parking bays, 3 motor cycle bays & 8 bicycle spaces have been provided. 5 car bays are located at Street Level & the balance at Undercroft Level.			
ON SITE CAR PKG ALLOCATION			
It is currently proposed that the development will be occupied by a single tenant and the 22 car bays will be allocated on the following basis.			
Visitors (8), bay numbers 8,9 & 3, 18 to 22			
Staff (14), bay numbers 1,2, & 4 to 7 & 10 to 17 (inclusive)			
Motor Cycles (3), ROW			
Universal Access (1), bay number 22			
TANDEM PARKING			
There are 4 tandem car parking bays included in the 18 bays provided at Undercroft Level. All tandem bays are allocated to staff use only.			
ALLOCATION MANAGEMENT			
The tenant will be responsible for allocating the staff car parking bays.			
OPERATIONAL MANAGEMENT			
All car parking bays will be numbered and signposted to indicate how they are to be used. It will be the tenant's responsibility to manage the day to day use of the parking bays.			
LOCATION		PUBLIC TRANSPORT	
276 Newcastle Street is located within 1km of the Perth Railway Station and the Perth Bus Port. There is a CAT bus service within 100m, on Aberdeen St, and Public Parking Stations within 250m.		Train and bus services are very accessible and very frequent during normal business hours.	
PUBLIC TRANSPORT		PEDESTRIAN ACCESS	
		Pedestrian access is available by footpath along both sides of Newcastle Street, the adjoining road network of Northbridge and the broader Perth Central Business District.	
CYCLING PROVISIONS		CYCLING PROVISIONS	
Metropolitan cycle paths follow both the railway and the freeway, which are easily accessible by road from the subject property.		7 secured long term bicycle parking spaces will be provided within the development, at the undercroft level, for staff use.	
End of trip facilities will be provided and space for a change room and lockers.		1 short term bicycle parking space will be provided at street level.	
PUBLIC PARKING		PUBLIC PARKING	
On street 2 hour paid parking is available on Newcastle Street and adjoining streets. Based on observation, we estimate 100 on street car parking spaces within 100 metres of the subject property.		Off street paid parking is accessible nearby, in the form of City of Perth public parking stations. Based on information from the City of Perth website, we estimate there are some 1,000 paid off street parking bays available within 250 metres and 750 metres of the development.	

NEWCASTLE STREET

DA 8 - PARKING MANAGEMENT PLAN

SCALE 1 :200 @ A3

PROPOSED SHOWROOM/OFFICE, ALTERATIONS & ADDITIONS

276 - 280 (LOT 63) NEWCASTLE STREET, PERTH, W.A., 6000
WESTERN AUSTRALIA

DA APPLICATION ISSUE REV 6

12/12/2021

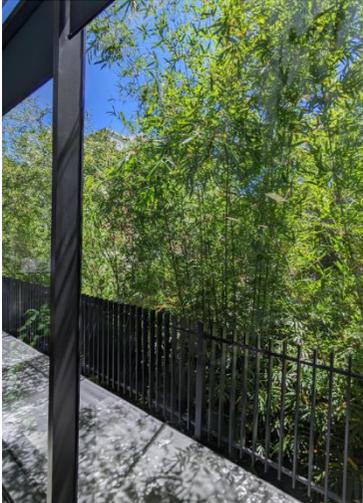
AMENDED DA APPLICATION ISSUE REV 6- DA No. 5.2019.340.1

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Summary of Submissions:

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

Comments Received in Objection:	Administration Comment:
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none">Visual privacy has not been sufficiently provided for by obscure glazing and sparse planting along adjoining boundary.	<ul style="list-style-type: none">The first floor of the subject site has been screened to a height of 1.6 metres with an obscure film applied to the windows on the first floor. This screening is consistent with Condition 11 of the development approval. The screening minimises direct overlooking of the adjoining property as shown in the image below. <p>The bamboo within the garden bed along the north eastern lot boundary screens views from the ground floor towards No. 117 Lake Street as shown in the image below. The City's Parks team have confirmed that the bamboo would have sufficient space to grow and be maintained on an ongoing basis to provide screening.</p> <div data-bbox="1106 639 1469 1142"></div> <p><i>Left: Views from Ground Floor of No. 276 Newcastle Street looking north.</i></p> <div data-bbox="1480 794 2011 1142"></div> <p><i>Below: Views from first floor of No. 276 Newcastle Street looking north east.</i></p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The proposal to use vegetative screening is inadequate to provide privacy and screening because it provides insufficient coverage. It is not 'visually impermeable' in accordance with the R Codes and cannot be guaranteed to be maintained in the future. The bamboo will take 3-5 years for full growth. It may not reach adequate height to provide screening. During this time residents will have no privacy for their living room and bedrooms. The orientation of the office building allows clear vision into the living areas of the residents of the Boot Factory. The amenity of the adjoining property is negatively affected by lack of privacy into the shared garden, private courtyard and units, particularly major openings to bedroom windows on first floor. The lack of privacy would restrict use of the shared areas. Blinds to living room and bedroom would need to be kept closed to ensure that people cannot see the adjoining unit. This makes me feel uncomfortable residing in my property. 	<ul style="list-style-type: none"> While the R Codes provide useful standards to consider the acceptability of the application, the application is required to be assessed against the element objective of the City's Policy No. 7.1.1 – Built Form. This is because it is a commercial development and is not assessed against the R Codes. <p>As shown in the image above, the bamboo screens the views from the ground floor of the subject site. While it is not possible to do a percentage analysis of the level of coverage provided by the bamboo, it prevents clear views of the adjoining property.</p> <p>A condition of approval is included in the Administration recommendation requiring the ongoing maintenance of the bamboo to a minimum height of 1.6 metres above the finished floor level of the ground floor of the subject site. This height is consistent with the height of privacy screening under the deemed-to-comply standards of the R Codes as well as the previous development approval.</p> <ul style="list-style-type: none"> Bamboo is a fast-growing plant. The bamboo was planted in April 2022 and as shown in the image above currently provides a high level of screening and has reached a height of more than 1.6 metres above the finished floor level of the ground floor office. <p>In the event of damage or failure of the bamboo the Administration condition provides for the installation of privacy screening to 1.6 metres above the ground floor finished floor level, consistent with the existing development approval.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Express concern if building ownership or tenancy changes, will the landscaping be sufficiently upkept. Query who will be responsible for paying for maintenance of trees or bamboo should it grow over onto 117 Lake Street. 	<ul style="list-style-type: none"> The provision of the landscaping and its ongoing maintenance would be secured via a condition of approval. Conditions of approval run with the land and would continue to apply in the event of a change of building ownership. The ongoing maintenance of the landscaping at No. 276 Newcastle Street would be the responsibility of the owner/occupier. Overhanging branches/vegetation are a civil matter to be resolved between the property owners. In the event a tree is unsafe or a danger to another property, the City may be able to issue a notice under the <i>Local Government Act 1995</i>.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> Query what contingency plans would be in-place for any weather or other natural phenomenon that damages the plantings, noting that if replacement is required, replanting would take years to result in an acceptable screening. Bamboo is not resistant to weather elements; will break down over time. Query if the landscaping has small/non-invasive root systems to not threaten the dividing fence integrity or have other issues. 	<ul style="list-style-type: none"> Refer to comments above regarding proposed condition of approval. Bamboo is a fast growing plant and in the event of damage from weather events, it would quickly grow to repair any damage. The administration recommendation includes a condition of approval requiring the ongoing maintenance of the bamboo by the owner/occupier to a height of 1.6 metres above the finished floor level of the ground floor of the subject site. In the event the plants fail, the condition provides that alternative screening can be installed to ensure the ongoing privacy of the adjoining property. While the bamboo is an organic material, as a living plant it would continue to grow and renew over time to replace any areas of damage. The City's Parks team have advised that the bamboo has a clumping rhizome habit for its roots and are generally not invasive or wide spreading. This means that they are generally an appropriate species to plant along a boundary.
<p><u>Impact of Lot Boundary Setback</u></p> <ul style="list-style-type: none"> The closeness of the subject building to our boundary already creates an imposing view and potentially devalues our properties as a result. There has been no consideration to the owners of the adjoining property with the approved original DA and this further requested amendment is yet another lack of such consideration for the sole benefit of the owner of the subject building. The existing building did not satisfy the acceptable development outcomes of the City's Built Form Policy because of its proximity to the northeast lot boundary. It was approved subject to the provision of a privacy screen to be attached to the outside of the building. The building has been occupied for over a year now and this condition has not been satisfied. 	<ul style="list-style-type: none"> At the time of the original development approval the 'Acceptable Outcome' for lot boundary setback from the Boot Factory was 4 metres. It is noted that under the current Built Form Policy, the acceptable outcome setback for the first, second and third storeys is nil. Please note that property values are not a valid planning consideration. <p>The bamboo along the north eastern lot boundary assists in softening the appearance of the development by breaking up the presentation of mass to the Boot Factory. The City's Parks team have confirmed that the location of the bamboo would provide sufficient space, light and ventilation to allow it to be maintained on an ongoing basis to provide screening of views from the office.</p> <p>The development has been occupied since May 2022. Since that time the City's Compliance team have worked with the building occupants to ensure that blinds to the north eastern windows were down at all times while this matter was considered.</p>
<p><u>Other</u></p> <p>The owners of the subject site have benefit by increasing the size of the property to the detriment of the adjoining property and yet are trying to reduce their costs of complying with the original approval with a much cheaper, inferior, and inadequate alternative.</p>	<p>The changes from the approved plans are required to be considered on their own merits against the provisions of the planning framework. Any change in value of the works does not form a consideration of the application. For the reasons outlined above the landscaping is an acceptable screening device.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

Summary of Submissions:

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

Comments Received in Objection:	Applicant Comment:
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Visual privacy has not been sufficiently provided for by obscure glazing and sparse planting along adjoining boundary. The proposal to use vegetative screening is inadequate to provide privacy and screening because it provides insufficient coverage. It is not 'visually impermeable' in accordance with the R Codes and cannot be guaranteed to be maintained in the future. The bamboo will take 3-5 years for full growth. It may not reach adequate height to provide screening. During this time residents will have no privacy for their living room and bedrooms. The orientation of the office building allows clear vision into the living areas of the residents of the Boot Factory. The amenity of the adjoining property is negatively affected by lack of privacy into the shared garden, private courtyard and units, particularly major openings to bedroom windows on first floor. The lack of privacy would restrict use of the shared areas. Blinds to living room and bedroom would need to be kept closed to ensure that people cannot see the adjoining unit. This makes me feel uncomfortable residing in my property. 	<ul style="list-style-type: none"> The obscure glazing to the first floor does address the issue from there. The sparse planting is no longer sparse, but thick and lush and will only get better. We have a gardening contractor who carries out all our projects work. They will always maintain the Bamboo to a satisfactory level. The R-Codes only refer to Visual Impermeable where a private outdoor space is located. This is not the case in this instance. The Bamboo has actually grown quicker than this and is already at a very good screening density. Height isn't an issue as the building is only 6m high and even 8m would be more than required. If living areas are on the ground floor (we don't have a plan of what windows belong to which rooms) – then the living areas cannot be seen from the offices. The same applies to the shared garden and courtyard as the offices cannot see into them either. The master bedroom of one of the units is the issue to be resolved.
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Express concern if building ownership or tenancy changes, will the landscaping be sufficiently upkept. Query who will be responsible for paying for maintenance of trees or bamboo should it grow over onto 117 Lake Street. Query what contingency plans would be in-place for any weather or other natural phenomenon that damages the plantings, noting that if replacement is required, replanting would take years to result in an acceptable screening. Bamboo is not resistant to weather elements; will break down over time. Query if the landscaping has small/non-invasive root systems to not threaten the dividing fence integrity or have other issues. 	<ul style="list-style-type: none"> Giorgi started business in 1994 and has been very successful. With the family business finally coming back to this property, being a family property that they have owned for over 50, it is very unlikely that we will move now. We will maintain the Bamboo from over hanging. Bamboo is very hardy and regenerative. If any weather did affect it, it would not take very long to come good again. This species of Bamboo does not have an invasive root system. Bamboo is also very hardy, being able to tolerate cyclones, temporary flooding and short-term drought.
<p><u>Impact of Lot Boundary Setback</u></p> <ul style="list-style-type: none"> The closeness of the subject building to our boundary already creates an imposing view and potentially devalues our properties as a result. There has been no consideration to the owners of the adjoining property 	<ul style="list-style-type: none"> By seeking approval to use Bamboo as a screen, the additional benefit to overlooking is that it provides a screen that hides the building from view.

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p>with the approved original DA and this further requested amendment is yet another lack of such consideration for the sole benefit of the owner of the subject building.</p> <ul style="list-style-type: none"> The existing building did not satisfy the acceptable development outcomes of the City's Built Form Policy because of its proximity to the northeast lot boundary. It was approved subject to the provision of a privacy screen to be attached to the outside of the building. The building has been occupied for over a year now and this condition has not been satisfied. 	<ul style="list-style-type: none"> We are seeking an alternative solution to the issue of overlooking via this DA.
<p><u>Other</u> The owners of the subject site have benefit by increasing the size of the property to the detriment of the adjoining property and yet are trying to reduce their costs of complying with the original approval with a much cheaper, inferior, and inadequate alternative.</p>	<p>The decision to propose an alternative 'green' solution should be seen as a thoughtful benefit to all. This is not a cost issue, We believe that the Bamboo will provide the best solution to all parties. The benefits of Biophilic Design are well documented and is neither inferior nor inadequate but rather calming and results in very good screening.</p>

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